

Attachment C: Ecology Recommended Changes - Tacoma Shoreline Master Program, Ordinance No. 28034. The following changes are recommended to clarify elements of the City's SMP locally adopted 11/29/2011:

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; striketrough = deletions)	RATIONALE
1	1.1 Introduction Page 4	Initial Procedures	Revise first paragraph: If you intend to develop or use lands adjacent to a shoreline of the state...first determine which shoreline district and shoreline environment designation applies to your site. Then check TSMP 2.3 to determine if your proposal is exempt from a shoreline permit. If not, Then refer to Table 9-2 to see if the proposed use is allowed outright, allowed as a conditional use or prohibited. <u>Then check TSMP 2.3 to determine if your proposal is exempt from a shoreline permit.</u> Then refer to the policies and shoreline district regulations in TSMP Chapters 6 through 9...	Suggested revisions help clarify that all activities, whether exempt from a shoreline permit or not, must comply with the policies and regulations of the SMP. A prohibited use or activity can't be allowed through an exemption.
2	2.3.3 Exemptions Listed Page 13		1. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred and eighteen <u>six thousand four hundred and sixteen</u> dollars (\$5,718.00 <u>6,416.00</u>), if such development does not materially interfere...	Suggested language is consistent with the threshold increase implemented by the Office of Financial Management and effective September 15, 2012.
3	2.3.5 Shoreline Variance Page 17		5. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(bc), or within any wetland....	Typographical error
4	2.5 (B)(3) Nonconforming structures Page 33		<u>In addition to 3.a above,</u> Minor expansions, up to ten (10) percent of the total square footage of the structure, may be permitted when necessary to provide public access, to facilitate environmental restoration, or to meet building safety codes. The applicant shall record notice on Title.	Revision helps clarify the relationship to 3.a of the same section.
5	3.6.2 Flood Prevention page 38	Code references	Manage flood protection in accordance with the City's current flood hazard regulations, including Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and Chapter 12.08 and the Surface Water Management Manual of the TMC for general and specific flood hazard protections.	General references will preclude inconsistencies if the specific references change in the future.
6	4.1 Shoreline Jurisdiction Page 43		Per the SMA (RCW 90.58.030), t The shoreline area to be regulated under the City of Tacoma's TSMP includes all "shorelines of statewide significance", "shorelines of the state" and their adjacent "shorelands" (defined as the upland area within 200 feet of the OHWM), as well as any associated wetlands. "Associated wetlands" means those wetlands that are in proximity to and either influence or are influenced by tidal waters or	Suggested language will help improve clarity

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			<p>lake or streams subject to the SMA (WAC 173-22-030(1)). <u>Water bodies in Tacoma regulated under the SMA and this Program include the marine shorelines of Puget Sound and Commencement Bay, the Puyallup River, Hylebos Creek, and Wapato Lake.</u></p> <p>So as to avoid any duplication of regulation between the TSMP and TMC 13.11 Critical Areas, associated wetlands and their buffers shall be regulated solely under the TSMP; where the buffer of an unassociated wetland is determined to overlap shoreline jurisdiction, that portion of the buffer that is within shoreline jurisdiction shall be regulated solely under the TSMP, whereas the area outside shoreline jurisdiction shall be regulated by TMC 13.11.</p> <p>The City’s shoreline jurisdiction is also required to include, at a minimum, the floodway and contiguous areas of the 100-year floodplain landward 200 feet from such floodways (RCW 90.58.030(f)). Under SMA (RCW 90.58.030(f)(i) and (ii)), the City may determine that portion of the 100-year floodplain to be included in its master program provided the minimum required extent, noted in RCW 90.58.030(f) is included. The City may also include those critical areas buffers regulated under TMC 13.11, that are located landward of the minimum shoreline extent required under SMA.</p> <p>For the purposes of this Program, shoreline jurisdiction shall include designated floodways and the minimum 100-year floodplain, as outlined above, that are is within 200 feet of the designated floodway. Areas of the 100-year floodplain that are landward beyond 200 feet from the floodway are not included in the shoreline jurisdiction and are not regulated by this Program.</p> <p>Water bodies in Tacoma regulated under the SMA and this Program include the marine shorelines of Puget Sound and Commencement Bay, the Puyallup River, and Wapato Lake. Portions of Hylebos Creek in the City are also regulated under this Program. The Puyallup River and marine areas waterward of extreme low tide are designated as “shorelines of statewide significance.” Wapato Lake and marine areas landward of extreme low tide are designated as “shorelines of the state.” For non-SMA streams, only that portion of the stream that is located within shoreline jurisdiction shall be regulated by this Program.</p> <p>For other critical areas that occur within shoreline jurisdiction, such as geologically hazardous areas, only that portion of the critical area and its buffer that is within 200’ of the ordinary high water mark (OHWM) of a marine or freshwater shoreline shall be regulated by this Program. That portion of the critical area that occurs outside 200’ of</p>	

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			the OHWM shall be regulated by TMC 13.11. To avoid dual regulatory coverage of a critical area by the TSMP and TMC 13.11 Critical Areas, TMC 13.11 shall not apply to any portion of a critical area and/or its buffer that is within the jurisdiction of this Program.	
7	5.3 Shoreline Environment Designations Page 48		3. <u>Shoreline</u> Residential	Suggested language consistent with the term used in Section 5.5.3
8	Figure 5-1 Shoreline environment Designations Map Page 49	Map legend	Add color coding for the SEDs to the map legend.	Suggested change to improve clarity
9	5.5.6 Downtown Waterfront page 57		(A)(7) – Encourage a mix of uses, including water-oriented industrial uses and commercial uses.	Revision suggested by the City to eliminate redundant language.
10	5.5.6 Downtown Waterfront Page 57		(A)(8) – Encourage <u>high density residential development</u> uses on the west side of the Thea Foss Waterway and in that area of the east side of the Foss Waterway south of 11th Street.	City suggested revision due to revised District boundaries for the S-8. The exception on the east side is no longer needed.
11	5.5.6 Downtown Waterfront page 58	East Foss	(D) (1)(b) ii. Encourage residential uses only.	City suggested revision. Due to revised District boundaries this policy is no longer needed.
12	6.1 Shoreline Use page 61		Shoreline uses refer to specific common uses and types of development (e.g. residential recreation, commercial, industrial, etc.) that may occur in the City's shoreline jurisdiction. Shoreline areas are a limited ecological and economic resource and are the setting for multiple competing uses. The purpose of this section is to establish preferred shoreline uses. These preferences are employed in deciding what uses should be allowed in shorelines and resolving use conflicts. Consistent with the Act and Guidelines, preferred <u>uses</u> include, in order of preference....	Typographical error
13	6.1.2 Shoreline Use - Regulations Page 63	Non-water-oriented uses	11. Non-water-oriented uses shall not occupy <u>more than 25% of the</u> portion of the ground floor of a mixed-use structure that fronts on or is adjacent to the shoreline, except where specifically authorized in this Program.	City requested revision to ensure internal consistency with standards for the S-8.
14	6.1.2 Shoreline Use - Regulations Page 63	Parking	12. Only parking on the landward side of the ground floor of a shoreline mixed-use structure is permitted. Where a mixed-use development is separated from the shoreline by a separate property, public right-of-way (excluding public access features), or existing	City requested revision to clarify that this regulation applies more broadly and is not limited just to mixed-use structures.

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			structure, or existing use, parking may be allowed anywhere around the building provided that it does not interfere with the normal operation of adjacent or nearby water-oriented uses.	
15	6.1.2 Shoreline Use - Regulations Page 63		13. Except where otherwise authorized in this Program, in no case may residential uses within a shoreline mixed-use structure <u>are not permitted to occupy the ground floor.</u>	City requested revision
16	6.2.2 Site Planning – Regulations Page 64		Add new regulation: <u>10. New development, including newly created parcels, shall be designed and located so as to prevent the need for future shoreline stabilization.</u> 1112- Accessory uses that do not require a shoreline location shall be sited away from the shoreline and upland of the principal <u>primary</u> use.	Suggested language to improve implementation of this requirement. City suggested change to improve consistency of terminology within the SMP.
17	6.4 Marine Shorelines and Critical Areas Protections Page 68	Intent	The Shoreline Management Act (SMA) mandates the preservation of the ecological functions of the shoreline by preventing impacts that would harm the fragile shorelines of the state. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources (WAC 173-26-201(2)(C)). The SMA also mandates that local master programs include goals, policies and actions for the restoration of impaired shoreline ecological functions to achieve overall improvements in shoreline ecological functions over time (WAC 173-26-201(f)).	Delete references.
18	6.4.2 General Regulations page 72	Innovative mitigation	(C)(3)(c)(ii) – 6 th bullet: Voluntary restoration projects initiated between 2006 and the adoption of this program when they comply with Section D Mitigation Plan Requirements. <u>If this option is used, the relief provisions set forth in RCW 90.58.580 do not apply.</u>	Suggested language clarifies that the statutory relief provisions are only available for restoration projects and are not triggered by mitigation actions.
19	6.4.2 General Regulations page 73	Fee-in-lieu mitigation	(C)(4) Fee-in-lieu a. In cases where mitigation pursuant to this section (TSMP 6.4) is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Land Use Administrator <u>Director</u> may approve a payment of a fee-in-lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan. <u>Approval of the in-lieu fee option is subject to the development and adoption of a formal City in-lieu fee program and mitigation site or the City's formal participation in an approved in-lieu fee program, and consistent with the</u>	Language suggested by Tacoma in response to comment from Citizens for a Healthy Bay (Comment # 51)

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			<p><u>criteria in b and c below.</u></p> <p>....</p> <p>c. <u>Any</u> off-site mitigation, including expenditures associated with an adopted in-lieu fee program, would have to <u>shall</u> be consistent with the goals and objectives of the Shoreline Restoration Plan.</p>	
20	6.4.3 Marine Shorelines Page 77	Table 6-1	(B)(3) – Table 6-1: Add S-6/7 to the 4 th line in the column titled Marine Habitat Area: S-5, S-6, <u>S-6/7</u> , S-7	Typographical error
21	6.4.5 Wetlands Page 87	Mitigation Ratios	I. (1) The ratios contained within Table 6-4 <u>6-5</u> shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.	Typographical error
22	6.4.5 Wetlands Page 88	Table 6-5 Mitigation ratios	Re-establishment or Creation of All Category IV wetlands: Correct the ratio 5:1 to <u>1.5:1</u>	Typographical error
23	6.4.6 Streams and Riparian Areas Page 93	Stream mitigation requirements	<p>(I) Stream Mitigation Requirements</p> <p>1. Where a riparian wetland exists, all proposed alterations in the buffer of a stream shall be in accordance with the standards for the applicable wetland category.</p> <p><u>2. Compensatory mitigation shall be provided at a 3:1 ratio for each impacted function and shall be provided as close as possible to the ordinary high water mark.</u></p> <p>2.3.</p> <p>3.4.</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 52)
24	7.4 Boating Facilities Page 126	Overwater residential uses	7.4.2 (A) <u>4. Residential uses and structures within a marina or other boating facility located over or in water, including garages, accessory buildings, house barges and floating homes, are prohibited. Live-aboard vessels are permitted only when in compliance with the standards in Chapter 7.4.2 (K) below.</u>	Language suggested by the City to improve consistency with residential development policies and standards.
25	7.4 Boating Facilities Page 128	Water quality impacts from live-Aboards	<p>F. Waste Disposal at Boating Facilities</p> <p>1. Marinas shall provide pump out, holding, and/or treatment facilities for sewage <u>and</u></p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 64)

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			grey-water contained on boats or vessels. These facilities shall be low-cost or free, visible, and readily accessible by marina patrons. The responsibility for providing adequate facilities for the collection of vessel sewage, <u>grey-water</u> and solid waste is that of the marina operator.	
26	7.4 Boating Facilities Page 129-130	Residential uses	<p>K. Live-Aboards</p> <p>1. <u>Vessels used as a place of residence are prohibited except when located within a marina, where authorized by the marina operator, and when the vessel is licensed and designed primarily for recreational or commercial navigation. The following are the minimum requirements to qualify as a live-aboard vessel:</u></p> <p style="padding-left: 20px;">a. <u>The vessel has:</u></p> <p style="padding-left: 40px;">1) <u>Steerage and self-propulsion;</u></p> <p style="padding-left: 40px;">2) <u>Decks fore and aft for line handling;</u></p> <p style="padding-left: 40px;">3) <u>Symmetric embarkation stations to allow boarding from both sides; and</u></p> <p style="padding-left: 40px;">4) <u>Symmetric mooring hardware; and</u></p> <p style="padding-left: 40px;">5) <u>Detachable utilities.</u></p> <p style="padding-left: 20px;">b. <u>The delivery voyage from place of purchase to moorage location was made without assistance and the vessel is capable of navigating in open water without assistance;</u></p> <p style="padding-left: 20px;">c. <u>The superstructure or deckhouse is constructed on neither a barge nor a float.</u></p> <p style="padding-left: 20px;">d. <u>The hull design must meet U.S. Coast Guard standards for floatation, safety equipment, and fuel, electrical, and ventilation systems.</u></p>	Language suggested by Tacoma to clarify distinctions between live-aboards, house barges and floating homes.
27	7.4 Boating Facilities Page 129-130	Residential uses and water quality impacts from live-aboards	<p>K. Live-Aboards</p> <p>12.</p> <p>23. No more than twenty (20) percent of the slips at a marina shall be occupied by live-aboard vessels. Any marina with live-aboard vessels shall require:</p> <p style="padding-left: 20px;">a. That all live-aboard vessels are connected to utilities that provide sewage <u>and grey-water</u> conveyance to an approved disposal facility; or</p> <p style="padding-left: 20px;">b. That marina operators or live-aboards are contracted with a private pump-out service company that has the capacity to adequately dispose of live-aboard</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 65) related to the impact of residential uses and the discharge of grey water

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			<p>vessel sewage and grey-water; or</p> <p>c. That a portable pump-out facility is readily available to live-aboard vessel owners¹;</p> <p>d. That all live-aboard vessels shall have access to utilities that provide potable water;</p> <p>e. That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition.</p> <p>34. Marinas with live-aboard vessels shall only be permitted where compatible with the surrounding area and where adequate sanitary sewer facilities exist (as listed in TSMP Section 7.4.32(K)(1)(a), (b), and (c) above) within the marina and on the live-aboard vessel.</p>	Typographical error
28	7.7.1 Recreational Development Page 139	Policies	<p>B. “S-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District</p> <p><u>1. Recreational uses should be consistent with the management policies for the Natural Shoreline Environment Designation.</u></p> <p>1.2. Recreational uses should not require structural modification of the shoreline.</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 79) regarding natural environment use limits.
29	7.7.2 Recreational Development Page 140	Regulations	<p>C. “S-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District</p> <p><u>1. Recreational uses shall be designed, located, and developed in accordance with the management policies for the Natural Shoreline Environment Designation.</u></p> <p>1.2. Recreational uses shall not require structural modification of the shoreline.</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 79) regarding natural environment use limits.
30	7.8.1 Residential Development Page 141	Overwater residential policy	8. New residential development <u>and uses located</u> overwater <u>or in-water</u> , including <u>accessory buildings, house barges</u> , and floating homes should be prohibited.	Revisions are suggested to improve consistency within the SMP and to clarify that overwater residential use is disfavored.
31	7.8.2 Residential Development Page 142		<p>A. General Regulations</p> <p>3. Residential <u>uses and structures development located</u> over or in-water, including garages, accessory buildings, house barges houseboats and floating homes, are</p>	Revisions are suggested to improve consistency with definitions and cross reference with Chapter 7.4 Boating Facilities.

¹ These requirements are in addition to the requirement that all marinas provide portable, floating, or stationary facilities for the disposal of sanitary waste as stated above.

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			prohibited. <u>Live-aboard vessels are permitted when in compliance with the standards in Chapter 7.4.</u>	
32	7.10 Parking Facilities Page 144	CPTED	7.10.1 (6) contains the term CPTED. Add Definition to Chapter 10: <u>Crime Prevention Through Environmental Design: CPTED is an approach to planning and development that reduces opportunities for crime and liability and risk to the property owner. CPTED is part of a comprehensive approach to crime prevention. By emphasizing modifications to the physical environment it can reduce liability, and complement community-based policing and social programs that address some of the root causes of criminal behavior.</u>	To clarify the meaning of CPTED, the City is suggesting the acronym be defined in Chapter 10.
33	7.10 Parking Page 144	Policies	7.10.1 Policies 3. Parking for permitted uses should be <u>located</u> in a structure <u>when feasible</u> . 5. Where surface parking is developed within the shoreline jurisdiction, Low Impact Development techniques should be implemented <u>to the greatest extent feasible</u> .	Language revisions requested by the City for consistency with other code provisions.
34	7.10 Parking Page 144	Regulations	7.10.2 <u>A. General Regulations</u> 1. Parking as a primary or stand-alone use is prohibited. 2. Parking facilities are not required for new uses and development, but when parking is provided it should be provided in accordance with the dimensional standards in TMC 13.06 unless otherwise specified in this Chapter. Requirements shall be a condition of a Shoreline Management Substantial Development Permit when not specifically set forth in TMC 13.06. 3. Parking for a permitted use or activity shall not be permitted between the development and the adjacent shoreline. 43. Parking, loading and unloading zones shall be located outside of required buffers except when it is an inherent element of a water-oriented use and is	Language revisions requested by the City to correct typographical errors, remove redundant language, clarify requirements and identify regulations that are location specific.

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			<p>necessary for the operation of the primary use.</p> <p>5. Parking, loading and unloading zones shall be located on the street/landward side of the structure, unless the same are incorporated within a structure.</p> <p>6. Where parking areas are located adjacent to a required buffer the parking area shall be setback from the required buffer an additional 15 feet for installation of landscape screening.</p> <p>74. Parking areas shall be landscaped in accordance with the standards in TMC 13.06.</p> <p>85. Parking areas shall contain lighting not exceeding 20 feet in height, except in the “S-7” Schuster Parkway, “S-9” Puyallup River, and “S-10” Port Industrial Shoreline District.</p> <p>96. Required landscaping, as specified in 7.109.2(69) above, shall include a mix of native trees and shrubs that effectively screen headlights from vehicles to the abutting buffer area. Gaps in screening are permitted to allow access to viewing areas or public areas where applicable.</p> <p>107. Parking facilities shall provide a safe and signed pedestrian entry point to an established or proposed shoreline trail / walkway or viewing area for physical and visual access to the shoreline.</p> <p>11. Subsurface parking is allowed under view/access corridors, provided the structure is designed to optimize public access and views of the water. Public access over subsurface parking structures shall be designed to minimize grade discontinuation and meet the requirements for ADA accessibility.</p> <p>12 Subsurface parking should be located outside of any critical area and/or marine buffers.</p> <p>138. Above-grade structured parking shall not be allowed as a visible use on the waterward side of any building.</p> <p>149. <u>Surface P</u>arking facilities shall locate as far from the ordinary high water</p>	

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			<p>mark or critical area buffer as is feasible.</p> <p>15<u>10</u>. Public parking on public street ends that are within shorelines but outside of required buffers is permitted.</p> <p>16<u>11</u>. Angled street parking shall be prohibited where it conflicts with public transportation.</p> <p>17<u>12</u>. For developments which include public access features, one parking space for each 20 parking spaces provided shall be set aside and appropriately marked for public use only, except as specified in TSMP 9.9<u>10</u>.2 for the western side of <u>the</u> Thea Foss Waterway.</p> <p>18<u>13</u>. Parking areas for public water access areas shall be connected to the water by access paths.</p>	
35	7.10.2 Parking	Thea Foss Waterway	<p>B. <u>“S-8” Thea Foss Waterway Shoreline District</u></p> <p><u>1. Subsurface parking is allowed under view/access corridors, and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street, provided the structure is designed to optimize public access and views of the water.</u></p> <p><u>2. Public access over subsurface parking structures shall be designed to minimize grade discontinuation and meet the requirements for ADA accessibility.</u></p> <p><u>3. Loading and unloading zones and access to structured parking may be provided in designated view/access corridors; provided, that the applicant can demonstrate that no alternative is reasonably available, that public access along Dock Street and through the view/access corridor is unimpeded, and that the minimum area necessary is used.</u></p>	City requested revisions to create new subsection specific to the S-8 Thea Foss Waterway Shoreline District and move Foss specific parking regulations.
36	7.11 Transportation Pages 146 and 148	S-8 District title	<p>7.11.1(B) “S-8” Thea Foss <u>Waterway</u> Shoreline District</p> <p>7.11.2(D) “S-8” Thea Foss <u>Waterway</u> Shoreline District</p>	Typographical errors
37	7.12 Solid Waste Disposal Page 149		7.12.2(4) No person shall dump or discharge oil, spirits, in flammable liquid, or contaminated bilge water....	Suggested edit to improve clarity. Inflammable and flammable are synonyms but the term “flammable” is more frequently

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				used.
38	7.13.2 Utilities Page 151		A. General Regulations 1. Utility development shall, through coordination with local government agencies <u>and utility providers, allow provide</u> for compatible, multiple uses of sites and rights-of-way.	Revision suggested by Tacoma in response to a comment from Pierce Co Public Works and Utilities (comment #75)
39	7.13 Utilities Page 153	Public access regulation	E. Public Access 1. When feasible, <u>primary</u> utility development shall include public access to the shorelines, trail systems, and other forms of recreation, provided such uses will not unduly interfere with utility operations, or endanger the public health, safety and welfare.	Revision suggested by Tacoma in response to a comment from Pierce Co Public Works and Utilities (comment #55)
40	8.1 General Shoreline Modification Policies Page 155		Add new policy #7: <u>7. Shoreline modifications that provide transportation and utility services accessory to a primary use shall mitigate the common impacts of those facilities.</u> 78.	Addition suggested by Tacoma in response to a comment from Futurewise (comment # 77)
41	8.3 Fill and Excavation, Dredging and Dredge Material Disposal Page 161		Replace all instances of “landfill” with “fill”	The change is suggested to ensure consistent use of terms and to improve consistency with WAC 173-26-231(3)(c) and within the SMP including the definitions chapter.
42	8.4 Clearing and Grading Page 164	Regulations	8.4.2(3)(b) All clearing and grading activities shall be conducted in compliance with the shall protect shoreline critical areas and their buffers consistent with TSMP 6.4;	Typographical error
43	9.1 S-1A Western Slope South S(HI) Page 173	District Boundary description	B. District Boundary Description. The S-1a Shoreline District....at the end of the 1600 block of Wilton Road, and including that area <u>upland</u> 200’ from the ordinary high water mark...	Typographical error
44	9.6 S-5 Point Defiance Conservancy Pages 177-178		C. Map of District. Refer to Figure 9-6 below for a map of the S-5 Point Defiance – <u>Conservancy</u> district boundaries. E. District-Specific Development Standards....and uses in the S-5 Point Defiance – <u>Conservancy</u> Shoreline District shall comply....	Typographical errors
45	9.10 S-8 Thea Foss Waterway (DW) Page 183		D.1(b) To respond to short-term market conditions, mixed-use developments shall be permitted....A new mixed-use structure adjacent to Dock Street or the esplanade may be permitted under this provision so long as the development standards in <u>Table 9-2 and TSMP Section 9.10</u> are met.	Suggested language corrects an oversight.

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46	9.10.2 West Side of the Waterway Page 183		<p>1. Area Regulations</p> <p>a. Due to the significant public ownership on the west side of the Waterway, the areas bounded by Dock Street, designated public access/view corridors between Dock Street and the Waterway, and shoreline edge areas designated for public use and access, are termed “development sites.” <u>The development sites are defined and depicted in the Foss Waterway Master Redevelopment Strategy.</u></p> <p>b. The Foss Waterway Development Authority (FWDA) shall administer development of publicly-owned properties...The required design review shall utilize the design guidelines and other requirements found in the The Foss-Tacoma Waterfront Design Guidelines and shall include consideration of view impacts, as further described <u>in Chapter 6.7</u> below. The findings and/or comments...</p>	<p>Addition requested by the City to clarify where the development sites are defined.</p> <p>Clarifying language suggested by the City.</p>
47	Table 9-1 Foss Waterway Building Envelope Standards Table, page 186		<p>In Row 1, columns 2 and 3, replace “Puget Sound Freight Building” with “Seaport Building”</p> <p>Correct reference in Column 2 under Alt. 2: See Section 13.10.110.G.1.g. <u>9.10.2(6)</u> below, for additional standards for Alternative 2</p>	Suggested language uses the updated name and corrects a typographical error
48	9.10.2 West Side of the Waterway Page 187		<p>3. Site Coverage Restrictions....</p> <p>a. From grade to 50 feet in height: 100 percent coverage of development site permitted (subsurface parking may extend under adjacent public access/view corridors if conforming to Section 13.10.110(G)(3)(b)(h) <u>7.10.2</u> and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street.)</p>	Typographical error
49	9.10.2 West Side of the Waterway Page 187		5. Reduction of the required modulations...may be authorized in conjunction with the issuance of a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit when all of the following are satisfied..	City requests deletion to improve readability
50	9.10.2 Foss Waterway Page 188	Public access view corridors	(6) Alternative 2 Development Option. As noted in the building envelope standards Table 9-1 in Subsection G.1.c, above, within the area between the center of the public access/view corridor between Development Site 11 and the Puget Sound Freight <u>Seaport</u> Building and the center of the secondary public access.....	Typographical errors
51	9.15 S-13 Marine Waters of the State (A) page 195	District –Specific Use Regulations	<p>D.1 (h) New overwater structures shall comply with the provisions in TSMP Section 7.3.</p> <p>D .1 (h) Improvement or modifications to residential or non-water-oriented commercial uses on existing overwater structures shall be permitted; provided, that the</p>	Delete redundant regulation and correct typographical error.

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			modifications...and are consistent with the standards in Chapter 2.5 and 5.5 .	
52	Table 9-2 Use and Modification Table Page 199	Essential Public Facilities	Insert a new line above Educational, Cultural and Scientific titled: <u>Essential Public Facilities</u> Add the following language in the row: <u>Essential Public Facilities will be reviewed and permitted as the closest use described in the use table under the normal use categories with the determination to be made by the Administrator.</u>	Addition suggested by Tacoma in response to a comment from Futurewise (comment # 81)
53	Table 9-2 Use and Modification Table Pages 199-203		See Exhibit 1	The size of the table and the numerous changes made it simpler to create Exhibit 1 which shows all required and recommended changes in underline/strikeout. The rationale for each change is noted in the comments section of the document. All but two changes are recommended changes. (Required changes are discussed in Items 9 and 10 of Attachment B)
54	Chapter 10 Definitions Page 205	Appurtenance	(6) "Appurtenance, normal" is a structure or use that is necessarily connected to a primary development and is located landward of the ordinary high water mark. Normal appurtenances include, but are not limited to, utilities, septic tanks and drainfields, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark, as well as driveways, walkways, and fences upon which the primary use is dependent. <u>An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Driveways, walkways, and fences upon which the primary use is dependent.</u>	This definition is expansive and inconsistent with WAC 173-27-040(2)(g). It is also inconsistent with "appurtenance" as defined on page 223 under "Single Family Residence". Suggested deletion.
55	Chapter 10 Definitions Page 206	Barge	<u>Barge means a low draft, flat-bottomed boat or vessel used chiefly for the transport of goods and materials. Basic barges have uncovered (open) tops and are either pushed or towed. A "house barge" is a barge that has been converted or constructed for residential</u>	City request to add definition for cross-reference with the use of the term "House Barge"

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			<u>use with living quarters.</u>	
56	Chapter 10 Definitions Page 206	Bulkhead	(19) Bulkhead A “bulkhead” is a solid, open pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective wall resistant to water and wave action. A “normal protective” bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing upland structure or use and appurtenant structures from loss or damage by erosion.	Deletion is suggested because “normal protective bulkhead” is defined on page 216 in definition #108. Also, definition #19 is more expansive and thus inconsistent with WAC 173-27-040(2)(c).
57	Chapter 10 Definitions Page 209	Exempt	(47) “Exempt” developments are those set forth in Section 5.7.4 <u>2.3</u> (Exemptions from Substantial Development Permit) of this Program....	Citation correction
58	Chapter 10 Definitions Page 210	Floating Home	(55) Floating Home “A “floating home” is <u>any vessel or any building constructed on a float, hull or barge, which is used whole or in part as a dwelling residence and not a vessel, and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by lack of adequate self-propulsion to operate as a vessel. A vessel shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. (See also “live-aboard vessel”)</u>	City request to revise the definition of “floating home” to include any in-water vessel, float or barge which is used as a residence will help to clarify the permit process and code requirements.
59	Chapter 10 Definitions	FLUPSY	Add the following definition: <u>“FLUPSY” is an acronym for a floating upweller system used for aquaculture seed nurseries.</u>	The definition is necessary in order to understand allowances in the Aquaculture section
60	Chapter 10 Definitions Page 212	Houseboat	72. Houseboat “Houseboat” means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities for facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.	City requested deletion. The definition for houseboat is not clearly distinguishable from the definition for live-aboard vessel.
61	Chapter 10 Definitions	Land Use Administrator	78. Land use Administrator <u>Director</u>	Revision requested by the City consistent with recent Tacoma Municipal Code changes and

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	Page 213		The “Land Use Administrator <u>Director</u> ” or “Administrator” refers to the Director of the <u>Planning and Development Services Department</u> is the City Land Use Administrator or his/her designee.	departmental reorganization.
62	Chapter 10 Definitions Page 213	Live-aboard vessel	<p>80. A “Live-aboard vessel” is a <u>licensed</u> vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than 15 nights in a one-month period shall be considered a residence. <u>A vessel shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. The following are the minimum requirements to qualify as a live-aboard vessel:</u></p> <p>a. The vessel has:</p> <ol style="list-style-type: none"> <u>1) Steerage and self-propulsion;</u> <u>2) Decks fore and aft for line handling;</u> <u>3) Symmetric embarkation stations to allow boarding from both sides;</u> <u>4) Symmetric mooring hardware; and</u> <u>5) Detachable utilities.</u> <p>b. <u>The delivery voyage from place of purchase to moorage location was made without assistance and the vessel is capable of navigating in open water without assistance;</u></p> <p>c. <u>The superstructure or deckhouse is constructed on neither a barge nor a float.</u></p> <p>d. <u>The hull design must meet U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems.</u></p>	Definition revisions suggested by the City to clarify residential uses in marinas.
63	Chapter 10 Definitions Page 214	Mean Higher High Water	92. “Mean Higher High Water” is the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands. For Tacoma, 11.80 feet above Mean Lower Low Water shall constitute the line of Mean Higher High Water, in those cases where the line of	The elevation of mean higher high water is periodically adjusted by NOAA and is based on a 19-year tidal datum epoch.

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			Ordinary High Water cannot be determined or established.	
64	Chapter 10 Definitions Page 217	Parking	113. Parking “ Principal <u>Primary</u> use parking” is parking which is the principal use on the property and is not accessory to another use.	Revision suggested by the City
65	Chapter 10 Definitions Page 220	Shorelands/Shoreland Areas	(141) “Shoreland” or “shoreland areas” are <u>means</u> those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; of Puget Sound, Commencement Bay, Thea Foss Waterway, Middle Tacoma Waterway Municipal Code City Clerk’s Office 13-283 (Revised 08/2009), St. Paul Waterway, Puyallup Waterway and the Puyallup River (including Clear Creek), Milwaukee Waterway, Sitcum Waterway, Blair Waterway (including Wapato Creek), Hylebos Waterway (including Hylebos Creek), Wapato Lake, Titlow Lagoon, floodways and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act.	Recommend deletion of the list of waterbodies from the definition. These are all mapped in Figure 5-1 and the waterways are all considered part of Commencement Bay/Puget Sound.
66	Chapter 10 Definitions Page 221	Shoreline Stabilization	Replace definition with definition from Chapter 8.2: <u>Shore stabilization works include actions taken to stabilize the shoreline, addressing erosion impacts to property and improvements caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.</u> <u>Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization. Structural methods can be “hard” or “soft. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These are static structures traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach.</u> <u>Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization methods also often result in vegetation removal and</u>	

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			<p><u>damage to near-shore habitat and shoreline corridors. The following methods of shoreline stabilization are organized from “soft” to “hard”. The use of “soft” methods is the preferred “best practices” choice (if non-structural methods cannot be used or are insufficient) when considering shoreline stabilization measures.</u></p> <p><u>"Soft"</u></p> <p><u>Vegetation enhancement;</u></p> <p><u>Upland drainage control;</u></p> <p><u>Bioengineering/biotechnical measures;</u></p> <p><u>Beach enhancement;</u></p> <p><u>Anchor trees; and</u></p> <p><u>Gravel enhancement.</u></p> <p><u>"Hard"</u></p> <p><u>Rock revetments;</u></p> <p><u>Gabions;</u></p> <p><u>Groins;</u></p> <p><u>Retaining walls and bluff walls;</u></p> <p><u>Bulkheads; and</u></p> <p><u>Seawalls.</u></p> <p><u>What constitutes normal repair and maintenance? As applied to shoreline stabilization, "normal repair" and "normal maintenance" include the patching, sealing, or refinishing of existing structures and the replenishment of sand or other material that has been washed away if part of a previous authorized activity. Normal maintenance and normal</u></p>	

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			<p><u>repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant ecological impact is not considered normal maintenance and repair.</u></p> <p>What constitutes replacement? As applied to shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function when an existing structure can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures are considered new structures under this Master Program.</p> <p>In addition, repairs that exceed a certain threshold are also effectively “replacement,” providing a meaningful opportunity for the project applicant to consider and implement softer solutions to an existing hard structural stabilization. The following are thresholds for considering a repair to be effectively replacement: 1) when any repair is being conducted along more than 50 percent of the shoreline stabilization on the subject property, or 2) when repair is being conducted along more than 25 feet of shoreline stabilization when that repair work includes removal and replacement of the stabilization measure’s foundation material. Exemptions if the relevant exemption criteria are met; however, the replacement provisions of these regulations will apply.</p>	
67	Chapter 10 Definitions Page 221	Shorelines	(148) Shorelines “Shorelines” are all of the water areas of the City, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes. Within the City of Tacoma, “shorelines” include: (1) Wapato Lake, (2) Titlow Lagoon, and (3) those areas of Puget Sound and those areas within the manmade waterways of Commencement Bay lying landward from the line of extreme low tide.	Suggest deletion of extra language. The list is incomplete and the shorelines of the state in Tacoma are identified in Section 4.1 and mapped in Figure 5-1
68	Chapter 10 Definitions Pages 221-222	Shorelines of Statewide Significance	(149) ...Within the City of Tacoma, the Puyallup River is the only river which has been designated as having a shorelines of statewide significance. Because the Puyallup River within the City has been diked, the shorelines of statewide significance include the shoreline area on both sides of the river landward 200 feet from the ordinary high water mark. When dikes are located beyond 200 feet of the ordinary high water mark, the wetlands will be that area lying between the dike and the ordinary high water mark.	Revision is suggested to simplify the definition.

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			Puget Sound lying seaward from the line of extreme low tide. Within manmade waterways in Commencement Bay, shorelines of statewide significance include the area lying seaward from the line of extreme low tide. In some waterways, where extensive bulkheading has taken place, the line of extreme low tide may only mean a difference in water depth within the channel. In those situations, the shoreline of statewide significance is taken from the water line at extreme low tide seaward.	
69	Chapter 10 Definitions Pages 224	Substantial Development	(166) A “substantial development” is any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen <u>six thousand four hundred and sixteen</u> dollars (\$ 5,718-6,416), or as adjusted.....	Suggested language is consistent with the threshold increase implemented by the Office of Financial Management and effective September 15, 2012.
70	Chapter 10 Definitions Pages 225	Uses and Development Activities	{176} Uses and Development Activities “Uses and development activities” include the following uses and development activities as defined in the Final Guidelines of the Department of Ecology (WAC 173026-060), RCW 90.58.030, and the adopted Master Program for the City of Tacoma: Tacoma Municipal Code City Clerk’s Office 13-285 (Revised 08/2009)	Suggest deleting the definition.
71	Global Change		Replace “Building and Land Use Services Division” with “Planning and Development Services Department”	Global change requested by the City consistent with recent Tacoma Municipal Code changes and departmental reorganization.
72	Global Change		Replace “Land Use Administrator” with “Director”	Global change throughout the document requested by the City consistent with recent Tacoma Municipal Code changes and departmental reorganization.
73	Global Change		Replace “Murray Morgan Bridge” with “11 th Street Bridge”.	Suggested change improves consistency within the SMP.
74	Global Change		Replace “Thea Foss Waterway Design Guidelines” with “Tacoma Waterfront Design Guidelines.”	Global change requested by the City to refer to the updated design guidelines.