



To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **Recommendation – Tideflats and Industrial Land Use Amendments**
Meeting Date: April 7, 2021
Memo Date: March 31, 2021

Action Requested:

Forward the *Findings of Fact and Recommendations Report* and Exhibits to the City Council.

Discussion:

At the March 17 Planning Commission meeting, the Commission reviewed public comment and testimony and provided direction to staff on modifications to the public review draft in response to this testimony. The Planning Commission postponed a final recommendation at staff behest, to provide time to update exhibits and to conduct a meeting with the Port of Tacoma, as requested by Port staff.

At the next meeting on April 7 2021, staff will present a short list of final proposed modifications to the exhibits based on the discussion with the Port of Tacoma and then request a final recommendation from the Planning Commission. These proposed modifications are identified in the Discussion Outline and have been denoted in Exhibit A in green track changes. The Discussion Outline provides a summary of modifications made to the Exhibits resulting from prior Commission direction as well as additional information requested by the Commission.

Tentatively, next steps for the proposed amendments include the following dates and actions:

- April 27 – City Council Study Session and Public Hearing
- May 4 – City Council Study Session
- May 11 – First Reading of Ordinance
- May 18 – Final Reading of Ordinance

Project Summary:

On October 20, 2020 the City Council approved Amended Ordinance No. 28696, which approved a 6-month extension of the Tideflats Interim Regulations and also directed the Planning Commission and staff to begin a process to develop new recommendations for a non-interim ordinance to replace the interim regulations.

This project will review land use regulations in the Port of Tacoma Manufacturing and Industrial Center and Industrial Zoning Districts City-wide to address the following issues:

- Public notification requirements for permits and land use amendments;
- Conversion of industrial lands to non-industrial uses;
- Encroachment of residential developments on industrial lands;
- Siting of potentially high risk/high impact heavy industrial uses.

The process will result, at a minimum, in proposed amendments to the Tacoma Municipal Code, Title 19 Shoreline Master Program and Title 13 Land Use Regulatory Code, and will be conducted in accordance with the procedural requirements of the State Shoreline Management Act, Growth Management Act, State Environmental Policy Act, and Tacoma Municipal Code.



Prior Actions:

On March 17, 2021, the Planning Commission reviewed draft exhibits and proposed modifications in response to public comment and testimony and provided staff with direction to prepare final exhibits. In addition, the Planning Commission postponed a final recommendation until April 7, 2021 in response to a request from staff to provide for a meeting with the Port of Tacoma prior to forwarding recommendations to the City Council.

On March 3, 2021, the Planning Commission conducted a public hearing on the proposed amendments, at which 34 people testified. Written comments were accepted through March 8, 2021. The Commission received 70 written comments.

On February 3, 2021, the Planning Commission reviewed data, policies, and proposed development standards for fossil fuel production facilities and renewable fuel production facilities, and set a public hearing for March 3, 2021.

On January 20, 2021, the Planning Commission reviewed key data and findings related to Issue 4 Siting of Potentially High Risk/High Impact Heavy Industrial Uses, and reviewed regulatory options for 1. Mining and Quarrying, 2. Smelting, 3. Coal Facilities, and 4. Chemical Manufacturing.

On January 13, 2021, the Planning Commission conducted a listening session with panelists representing environment and health, neighborhoods, and port/labor/industry perspectives.

On January 6, 2021, the Planning Commission reviewed proposed regulatory options for 1. Permit Notification, 2. Conversion of Industrial Lands, and 3. Residential Encroachment.

On December 2, 2020, the Planning Commission conducted a public scoping hearing and accepted written comments on the draft scope of work. Following the hearing, the Commission discussed the public testimony and approved modifications to the scope of work.

On November 18, 2020, the Planning Commission reviewed Amended Ordinance No. 28696 and a Draft Scope of Work for the Non-interim Industrial Land Use Regulations and set a public scoping hearing for December 2, 2020. The Commission modified the scope of work to include additional potential engagement opportunities.

On October 4, 2017, the Planning Commission forwarded a Findings and Recommendations Report to the City Council, in response to Resolution No. 39723, suggesting that interim regulations were warranted. In support of these deliberations the Commission had conducted a public hearing, at which 81 people testified, and reviewed over 200 written comments.

On May 9, 2017, the City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port/Tideflats area. In addition, the resolution requested the Planning Commission consider the need for interim regulations in the Tideflats area while the subarea planning process is under way.

Staff Contacts:

- Stephen Atkinson, satkinson@cityoftacoma.org

Attachments:

1. Discussion Outline
2. Comments and Responses Summary
3. Letter of Recommendation and Findings of Fact and Recommendations
4. Exhibits – Title 13 and Title 19 Proposed Amendments

c. Peter Huffman, Director

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Prior Direction (March 17, 2021): Incorporated into Exhibits

See attachment for summary of public comments and staff responses.

1. Permit and land use notification:
 - a. Improved consistent terminology.
 - b. Clarified public notice vs. notice of application.
 - c. Addressed gap in applicability of expanded notice.
 - d. Addressed concern with duplication of public meetings.
 - e. Clarified that costs are primarily borne by the City with some surcharge for applicants and the public meeting and notice are conducted by City staff, not applicant.
2. Conversion of Industrial Lands
 - a. Modified the conditional use criteria for clarity and consistency with other notification requirements
 - b. Clarified applicability to parks and open spaces.
3. Residential Encroachment:
 - a. Map: Excluded property to the east of BPA power lines.
 - b. Shifted to maximum density
 - c. PRD eligibility based on one unit per acre density (see additional information on the PRD Ordinance below).
4. Siting of Heavy Industrial Uses:
 - a. Updated conditional use criteria for chemical manufacturing, high impact uses, and renewable fuel facilities.
 - b. Removed allowance for “Renewable Fuel Facility – Major” to convert to a “Fossil Fuel Facility – Major.”
 - c. Clarify that no expansions to storage or refining is permitted through maintenance and repair activities.

Additional Modifications for Planning Commission Consideration:

- a. Threshold to determine when a conditional use permit is required for a “Renewable Fuel Facility – Major” (See Pages 7 and 72 in the attached Exhibit A).
 - Comment: Industry representatives have expressed concern that the Public Review Draft implies that the proposed conditional use criteria for “Renewable Fuel Facilities – Major” will be applied to existing facilities that are shifting their fuel mix to respond to customer needs, rather than expanding fuel refining and storage, and that additional permitting for fuel changes within existing facilities may stifle incremental, near term changes that result in environmental benefits.
 - Staff Response: Staff concurs that the threshold for the CUP is unclear and could be improved. The suggested modification would make it clear that changes to fueling within an existing facility would not require a conditional use. Expansion of existing storage or refining baseline for renewable fuel production would be subject to the proposed CUP and new criteria. This would allow greater flexibility for an existing use

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within the established storage and refining baseline currently in place, while ensuring that expansion beyond that baseline is fully vetted as part of the permit review.

- b. Conditional use requirements for normal maintenance and repair (See page 71 and 72 of Exhibit A).
- Comment: Requiring a conditional use permit for normal maintenance and repair is too onerous and likely to stifle investments in existing facilities that may have a positive impact.
 - Staff response: Staff concurs. This is related to the comment above in that existing businesses would like the flexibility to make normal repairs, modifications, and replacements without a conditional use permit. The conditional use permit was proposed as a mechanism to monitor and enforce limits on expansion. However, as an alternative, staff proposes defining the baseline refining and storage capacity based on the best available data from the Department of Ecology and Energy Information Administration, as well as local permitting. These data sources are updated and reported regularly and can be used to monitor existing uses for compliance with limits on expansion. As a result, staff recommends that normal maintenance and repair be allowed without a conditional use permit so long as it does not result in an increase beyond the established baseline.
- c. Refinements based on input from Port of Tacoma.
- Permit and land use notice: Include map of notification areas; Clarify that duplicate public meetings are not required for expanded notice (See page 25-27 of Exhibit A).
 - Residential encroachment: Include design standards for the overlay district that address noise and light impacts (See page 70 of Exhibit A).
 - Clarify that expanded notice does not include duplicate public meetings (See page 27 of Exhibit A).
 - General: Ensure consistent terminology (throughout).

Follow up information – no further modifications proposed.

1. Planned Residential Developments

Proposal: The current maximum density proposed for the Port of Tacoma Transition Overlay District would preclude the use of the density bonuses in the PRD Ordinance which are based on the density of the underlying zone. The staff proposal would allow the use of the density bonus but with a base density calculation of one unit per acre, rather than the density of the R-2 Base Zone (8.7 units per acre). The following is a brief summary of key elements of the PRD Ordinance (TMC 13.06.070.C).

- What is it: An Overlay Zone that allows use and density flexibility for sites of at least one acre in size.
- How is it created: The PRD Overlay is established via Hearing Examiner recommendation and approved by City Council.

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- Purpose: Provides development flexibility for enhanced public benefits, such as open space retention, sustainability features, and pedestrian design. Density bonuses are offered for provision of affordable housing.
- Dwelling types allowed: An R-2 PRD allows townhouses that would otherwise be prohibited in the R-2 District. Some limited use flexibility (can incorporate day care facilities, recreation).
- Allowed density: Allows an outright density of 1.25 times the density allowed in the base zone.
- Density bonus:
 - a. A 50% density bonus is permitted for the inclusion of affordable housing.
 - b. An additional 25% density bonus is permitted for projects meeting specific sustainability certifications.
 - c. For the Port of Tacoma Overlay, this would allow densities of up to a maximum of 2 units per acre if all bonus programs were utilized.

2. Chemical Manufacturing

At the March 17 meeting of the Planning Commission, a question was asked about how staff would review a specific chemical manufacturing use. The following is a brief summary of key questions to determine applicability of the definition and permit paths.

- Is the use basic chemical manufacturing, or manufacturing products from chemical feedstock? Example: Basic chemical manufacturing includes manufacturing plastics. However, industries that manufacture end-products, such as bumpers, from plastic feedstocks are not considered chemical manufacturing.
 - If basic chemical manufacturing then use category would apply.
- What district is the Chemical Manufacturing use located?
 - PMI, M-2, or S-10
- Are the materials being manufactured hazardous?
 - Refer to the Washington State Fire Code to determine.
- Will the use send or receive product via vessel or locate facilities in the shoreline jurisdiction?
 - If yes, then shoreline criteria apply
- If the project is a conditional use, determine proximity to large concentrations of people, sensitive uses, or planned residential areas.
 - HUD uses a one-mile radius to evaluate impacts from high-risk facilities. However, the area of review will be dependent on the nature of the chemicals, volume of the chemicals, site location, number of storage or processing facilities, and mode of transport.

3. Acceptable Separation Distances

Public comments from industries located in the Tideflats have expressed concerns regarding the uncertainty of conditional use permits and that requiring conditional use permits for renewable fuels could potentially hamper innovation. From a staff perspective, a conditional use is a

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pathway for approval in circumstances where multiple variables and site context preclude a more uniform approach. One of the factors discussed with the Planning Commission relates to the potential off-site impacts of fossil fuel, chemical manufacturing, and renewable fuel production on the use of HUD funds for affordable housing and community facilities, such as parks and recreation. There is a very real possibility that the continued growth of these uses, without a conditional use permit, could have adverse impacts on the City's ability to invest HUD funds within the Downtown Regional Growth Center, including the station areas for Sounder and Light Rail service.

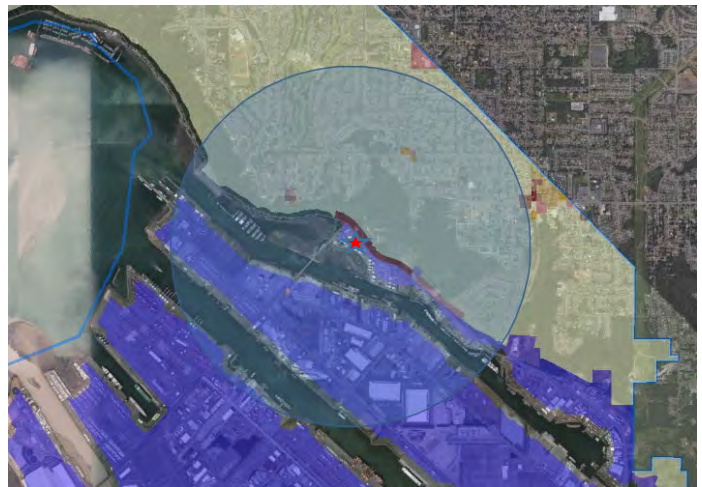
When siting a project with HUD funds, the City (or other governments, including City of Fife and the Puyallup Tribe of Indians) must evaluate at least a one mile radius to identify high risk facilities and then use the HUD Acceptable Separation Distance methodology to determine a buffer distance and/or mitigation measures that must be taken to safely site the project. The result is that these high risk uses can potentially prevent projects or add significant cost and uncertainty to siting projects in areas already planned for high density, transit oriented housing and mixed-use.

The following are two examples of what these one-mile study areas look like in practice. These one-mile areas are not to be taken as areas where HUD funds would be prohibited, but rather areas in which new projects would be required to conduct a safety review and determine appropriate buffers and mitigation to protect both people and structures.

1. Hypothetical project location in North Downtown. One-mile study area includes two oil storage and processing facilities located on the East Foss.



2. One-mile area around Seaport Sound Terminal. This perspective shows locations in NE Tacoma where investment of HUD funds would be required to evaluate ASD.



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The staff recommendation to utilize a conditional use permitting process is based on a balanced approach to both provide a pathway for these uses within the Tideflats area while considering the broader community needs for safety and additional housing and community investment.

Additional information:

- <https://www.hud.gov/sites/documents/HUD-GUIDEBOOK.PDF>
- <https://development.ohio.gov/files/cs/Environmental%20Review%20Jennifer%20Miller%201%20of%205%20ASTs%2011%2020%202014.pdf>

4. Conditional Use Major and Minor Modifications

Uses that are currently allowed but become conditional uses would be considered as vested conditional uses. If such uses proposed an expansion to the existing facility, the expansion would be subject to Minor and Major Modification procedures for conditional uses as described in TMC 13.05.130. If the proposal is a Minor Modification, no additional Land Use permitting is necessary and review can occur through other associated permitting. The following applies to a Minor Modification:

1. The modification will result in a change of use that is permitted outright in the current zoning classification.
2. The modification will not add more than a 10% increase in square footage to the site or approved structures.
3. If a modification in a special condition of approval imposed upon the original permit is requested, the proposed change does not modify the intent of the original condition.
4. The modification will not increase the overall impervious surface area of the site by more than 25%.
5. The modification is unlikely to result in a notable increase in or any new significant adverse effects on adjacent properties or the environment.
6. Any additions or expansions approved through a series of minor modifications that cumulatively exceed the requirements of this section shall be reviewed as a major modification.

A major modification would be required to meet the proposed conditional use permit criteria for chemical manufacturing or high impact uses. However, the conditional use review would only consider the proposed expansions, not the existing facilities that are unchanged. So for example, if a chlorine storage and processing facility becomes a conditional use and subsequently proposes to expand an office building, add a new bathroom, and implement new stormwater facilities, the permit review would only consider the impacts of these specific improvements.



Staff Responses to General Comments/Questions

Tideflats and Industrial Land Use Regulations

General Questions

A. Question: How do the proposed amendments affect existing uses?

Response: The proposed amendments have been drafted to limit impacts to existing uses and to provide for continued investment in these facilities. However, it is likely that impacts to these existing uses will vary. For example, prohibited uses that become non-conforming maintain non-conforming use rights, which include the following:

- Nonconforming uses may continue current operations and perform normal maintenance and repair activities;
- Nonconforming uses may rebuild and re-establish the use in the event of a natural disaster or fire or other such calamity;
- The nonconforming use may change to another use permitted in the zoning district, or another nonconforming use;
- The nonconforming use may expand subject to limits, including limits on off-site impacts, operating hours, and only if the expansion will not result in greater than 10% increase in trip generation or a 10% increase in the required parking.
- Nonconforming uses may exceed these limitations through a conditional use permit and demonstrating consistency with conditional use criteria.

Uses that are currently allowed but become conditional uses would be considered as vested conditional uses. If such uses proposed an expansion to the existing facility, the expansion would be subject to Minor and Major Modification procedures for conditional uses as described in TMC 13.05.130. If the proposal is a Minor Modification, no additional Land Use permitting is necessary and review can occur through other associated permitting. The following applies to a Minor Modification:

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4. The modification will not increase the overall impervious surface area of the site by more than 25%.
5. The modification is unlikely to result in a notable increase in or any new significant adverse effects on adjacent properties or the environment.
6. Any additions or expansions approved through a series of minor modifications that cumulatively exceed the requirements of this section shall be reviewed as a major modification.

Existing Major Fossil Fuel Facilities are considered permitted uses but the proposed amendments include specific limitations on expansion. These limitations prohibit specific facility expansions that would increase the throughput capacity of the existing facility while allowing broad non-capacity improvements to occur without special permitting or procedural requirements.

B. Question: What are the economic impacts of the proposed amendments?

Response: The economic impacts are likely varied. Insofar as the proposed regulations prohibit or limit any uses in the subject areas, certain opportunities for employment growth will be limited. For example, schools and hospitals would be prohibited due to incompatibility with industrial activity in the Tidelands even though these uses generally support living wages and high employment densities. However, the proposal also prohibits uses that are generally characterized by low employment densities, such as golf courses, that would diminish land available for more productive economic uses. These impacts apply to industrial uses as well. For example, some industrial uses, such as fossil fuel production facilities, support living wage jobs, yet also have low employment densities, while other uses, such as automobile storage areas, have low employment densities but are priority uses as they directly support container shipping and international trade. Furthermore, the proposed amendments were developed to avoid and minimize impacts to existing uses that may result in job losses. For example, fossil fuel production facilities are considered permitted, not non-conforming uses, and are allowed to continue investing in non-capacity enhancements to maintain the viability of existing operations. Finally, the allowance for Renewable Fuel Production recognizes that market changes and new renewable fuel standards at the federal and state level create new economic opportunities that City is poised to capitalize on. For example, given the City's plentiful supply of clean electricity and multi-modal transportation access in the Tidelands, hydrogen fuel production could be a potential area for economic growth that also supports the City's environmental goals.

The Tidelands area supports a wide variety of businesses and economic activity, most of which are not directly impacted by the proposed amendments. Per the City's most recent data, the transportation and wholesaling sub-sectors are highly concentrated in the Port of Tacoma MIC. Employment in the transportation subsector is likely fueled by Port of Tacoma marine cargo operations as well as private businesses involved in general freight trucking, coastal freight transportation, pipeline transportation, general warehousing, and storage, among others. The wholesaling subsector is made up of a diverse array of private firms wholesaling motor vehicle parts, lumber, construction equipment, professional and industrial supplies, hardware, fresh fruit, and groceries, etc. Warehousing, while low in total employment, has been the fastest growing sector in the Tidelands. Other sub-sectors highly concentrated in the MIC include wood, petroleum, and chemical manufacturing as well as metal and equipment manufacturing. Firms in the metal and equipment subsector include such businesses as boat and shipbuilding firms, firms related to iron foundries and metal manufacturing, and firms manufacturing motor vehicle parts, among others. These sub-sectors are also among the slowest growing subsectors in Pierce County over the last several years.

C. Question: Do the proposed amendments constitute a "taking" of private property?

Response: Please see the attached Memorandum from Steve Victor, Deputy City Attorney.

D. Question: What are the likely environmental impacts of the proposed amendments?

Response: The City of Tacoma as lead agency has made a preliminary determination that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of an environmental checklist and other information on file with the lead agency. This information is available to the public upon request. This Preliminary Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. The City is currently reviewing and considering three comment letters that were submitted on the DNS.

The proposed amendments would limit certain industrial activities in the Port of Tacoma, require conditional use permits to evaluate potentially high impact uses, and maintain appropriate transitions to buffer industrial activities and adjacent residential areas. As a result, the proposed amendments would likely reduce the potential for long-term and cumulative impacts to the environment and public health as compared to the baseline ordinance. The proposed amendments would not retroactively apply to existing uses, which could continue operations as legally permitted.

New permit applications would still be subject to project level environmental review. Furthermore, the City, in partnership with the Puyallup Tribe of Indians, Port of Tacoma, Pierce County, and City of Fife, is developing a Subarea Plan for the Tldeflats area that will include an area-wide Environmental Impact Statement.

E. Question: Will limiting housing development in NE Tacoma impact Tacoma’s housing capacity and ability to meet adopted growth targets?

Response: The 2014 Pierce County Buildable Lands report identifies City targets to accommodate 127,000 new residents by 2040, approximately 55,000 new housing units. While the proposed amendments would reduce the potential for new housing units along the hillside, based on the findings of the Buildable Lands Report, the City has sufficient capacity to meet housing targets in the Downtown and Tacoma Mall Regional Growth Centers, Mixed-use Centers and other areas of the City. The proposed amendments would not jeopardize the City’s ability to meet housing targets. During the past decade the City has implemented multiple initiatives to facilitate increased housing production and has begun to see an increase in housing production, particularly in multi-family housing downtown and in the mixed-use centers. In addition, the City is currently considering broader housing amendments that could facilitate missing middle housing in more areas of the City.

F. Question: How do the proposed amendments affect and respond to the City’s equity goals and policies?

Response: The City has adopted a policy to review all legislation for impacts to health, equity and sustainability. In support of this, all legislation is required to evaluate how the legislation will reduce racial and other inequities, disparities, or discrimination to under-represented communities as well as to identify the positive impacts on equity, equality, diversity or inclusion, if any. This proposed legislation will:

- **Public Health:** Support the City’s long-term goals to improve air quality and reduce greenhouse gas emissions – emissions that disproportionately impact black and indigenous communities and people of color. The proposals limit and provide greater

oversight of uses that are of a higher risk for explosion, discharge, and exposure of employees and community members to hazardous materials. Further, the proposed amendments would provide additional protection and oversight of uses that pose higher risks to adversely effect shoreline resources, fisheries, and other ecological functions. Transition area standards would maintain a greater separation of residences from port/industrial uses limiting exposure of new residents to off-site impacts from the port/industrial activity.

- **Employment:** The proposal prohibits or limits specific non-industrial and industrial uses in the area based on adopted use priorities in the Growth Management Act, Shoreline Management Act, Vision 2040, and the One Tacoma Comprehensive Plan. The restriction of these uses do impact potential future job growth in order to maintain sufficient land area to allow for the growth of priority uses. Priority uses in the area, including container shipping and compatible industries, provide career pathways that do not require college degrees. Provisions allowing for renewable fuel production enable the City to respond to a growing market for renewable energy and fuel production that can provide economic opportunities that are also consistent with the City’s environmental goals. Furthermore, the proposed amendments recognize that multiple economic activities and livelihoods are based on renewable marine, riverine, and estuarine resources that would enjoy heightened protections as a result of the proposed amendments.
- **Consideration of Impacts to the Puyallup Tribe of Indians:** The proposed amendments give particular attention to the potential impacts of new heavy industrial use and development, particularly renewable fuel, fossil fuel, coal facilities, and chemical manufacturing, on the Puyallup Tribe of Indians and Tribal Trust Lands. The proposal would add consultation with the Puyallup Tribe as part of the conditional use permit for specific types of uses and require mitigation for uses that may detrimentally impact Tribal lands and planned housing or community projects. In addition, the proposal gives consideration to Treaty fishing rights and the preservation of fish and wildlife habitat to sustain salmon and shellfish harvest.

G. Question: Can the City regulate throughput of fuels at existing facilities absent any development activity or improvement?

Response: Exclusive authority to regulate transportation of fuels in Washington, including through pipelines, is vested in the Washington Utilities and Transportation Commission. Exclusive authority to regulate the dispensing of fuels is vested in the Washington State Department of Agriculture. While cities and counties are involved in permitting fuel related facilities, there is no existing State statute that authorizes local governments to regulate the operating throughput of fuels at facilities.

H. Question: Why isn’t the Planning Commission considering broader potential amendments for the Tidelands and South Tacoma? Such as regulating metal recycling, revising land use allowances in the South Tacoma Groundwater Protection District, creating an overlay district for the Port of Tacoma MIC, or addressing incompatible land use in areas surrounding the MIC.

Response: In October of 2020, the City Council, as part of Amended Ordinance No. 28696, directed the Planning Commission to consider non-interim regulations and to return a recommendation to the City Council by April of 2021 for Council consideration. The Ordinance adopted by the City Council provided guidance on the scope of work, requesting 1. That the Planning Commission consider

only those issues identified in the Interim Regulations, and 2. That the review consider only those specific uses affected by the Interim Regulations. Following this Council action, the Planning Commission conducted a public scoping period, accepting public comments on the draft scope of work. On December 2, 2020, following a public scoping hearing, the Commission amended the draft scope and approved a final scope of work closely following City Council guidance. The proposed amendments address the issues identified in the scope of work. Staff understands that other issues, uses, or zoning amendments have been requested for inclusion in the proposed amendments and that the proposed amendments do not address the full extent of community concerns. While many of these requests fall outside the approved scope of work for this process, they may be considered as part of the Tideflats Subarea Plan. Additional information on how to participate in the Tideflats Subarea Planning process at www.cityoftacoma.org/tideflatsplan.

I. Question: Does this proposal impact the South Tacoma Superfund site?

Response: The following is a summary of a response provided by Jeremy Jenning, EPA Remedial Project Manager, provided to the City via email: Some of the M-2 zoned land at the South Tacoma MIC is co-located with the South Tacoma Field Operable Unit of the Commencement Bay – South Tacoma Channel Superfund Site. Activities in these areas must not impair the integrity of the remedial actions implemented and be consistent with all applicable Superfund restrictions. However, nothing prohibits the City from adopting regulations that are more restrictive than those prohibitions.

While the remedial actions at the Superfund site have been implemented, most of the soils were remediated to levels safe for industrial/commercial uses, not residential users. As such, Environmental Covenants have been attached to property deeds in this area. The covenants require, among other things, that there be no residential use except as approved by EPA and that EPA be contacted prior to any excavation of the soils. For your information, I have attached a copy of the covenant and a map showing the area addressed.

In my cursory review of the information posted on the Tideflats Interim Regulations website, I have not identified any specific concerns relative to the Superfund Site.

J. How does this process affect the Subarea Plan and is the City still committed to completing the Subarea Plan?

Response: The City of Tacoma remains committed to completing the Subarea Plan and conducting that work in collaboration with the Port of Tacoma, Puyallup Tribe of Indians, Pierce County, and City of Fife in accordance with the Interlocal Agreement and approved Work Plan. The Subarea Plan, however, has been related to the Interim Regulations from the beginning. The Interim Regulations were adopted in 2017 to maintain baseline conditions and prevent vesting of certain development activity while the City was in the process of developing a Subarea Plan. Due to delays to the Subarea Plan process, and subsequent impacts from the COVID-19 pandemic, the City Council initiated this non-interim process to provide greater certainty to businesses as well as interested and potentially impacted community members, while the Subarea Plan process proceeds. At this time the expectation is that the Subarea Plan will require 2-3 more years until approval. At the same time, interim regulations are required by State law to be re-authorized through a City Council legislative process every 6-months, and this extension process has been creating heightened uncertainty around business and investment in the Port and industrial lands.

Furthermore, while the Subarea Plan is a forward looking process with a 20 year plan horizon that may result in goal, policy, or program modifications, the non-interim regulations are focused on resolving current inconsistencies between existing policies and land use and development regulations. These are fundamentally different tasks. The consideration of non-interim regulations does not constrain the scope of work or issues to be considered as part of the Subarea Plan. The Subarea Plan will include community visioning, environmental scoping, and significant community input throughout its development and adoption.

K. Why isn't the City taking more time to consider these amendments, and can the City consider limiting future consideration of these issues (i.e. no two bites at the apple)?

Response: The timeline for the Planning Commission's deliberations and recommendation was provided for by the City Council in order to ensure that the Council could consider an updated recommendation prior to the expiration of the interim regulations on June 2, 2021. The process and scope of work were developed with the understanding that the Commission would be tasked with making a recommendation prior to April of 2021. These issues will likely be further discussed and considered as part of the Subarea Plan process over the next 2-3 years.

Neither the Commission nor the City Council can prevent future City Council's from considering amendments to Comprehensive Plan or Land Use Regulatory Code. In the near term, any amendments approved by the City Council can be revisited as part of the Subarea Plan. In addition, the City maintains an ongoing Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code process in which zoning and land use regulations can be modified based on new information, changing community needs, new legislative mandates, best available science, case law, or changing or unanticipated community impacts from development activity. Following the development of the Subarea Plan it is expected that the Plan and implementing regulations will be periodically reviewed and amended as necessary.

Topic 1: Permit and Land Use Notifications

Supports expanded notice	CHB, JF	
Concern with duplicate meeting, unclear how "center" will be measured, expanded notice unnecessary and burdensome.	BM	See response to Port comments below.
Requests expanded notice beyond 2500'	JF	Comment noted. Staff does use other notification methods to expand the reach of public notice and input above and beyond the direct mailing.
Port of Tacoma Technical Comments: <ul style="list-style-type: none"> Avoid confusion between "Notice of Application and "public notice" 	EJ	

<ul style="list-style-type: none"> • Unclear how “residents” will be identified for public notices. • Public meeting requirements are unclear – are these duplicative of other hearings or comment periods? • Designated projects that trigger the expanded notice are undefined. • Propose amendments to public notice language to improve consistency and remove duplicate references. • For notice areas measured from the “center” how are the centers defined? 		<ul style="list-style-type: none"> • Staff concurs and recommends clarifying language to distinguish the “notice of application” from the “public notice.” • “Residents” will be replaced with “occupants.” Occupant lists are an approved US Post addressing method. • Public meeting provisions are in addition to the public hearing and comment period, but serve a different purpose. The purpose of the meeting is to provide information on the project application, permitting process, and opportunities for comment. The meetings are staff led. Current codes allow the option of holding a public meeting, the proposed amendments would simply make it a requirement as part of the expanded notice provisions, rather than making a decision on a case by case basis. • Staff concurs that public notice language can be improved and simplified. • The term “center” refers to the Manufacturing and Industrial Centers adopted within the City of Tacoma Comprehensive Plan. Staff recommends including a map of the center and notification distances for clarity.
Topic 2: Conversion of Industrial Lands		
Supports the preservation of industrial lands and proposed non-industrial use restrictions.	WR, BM, NTNC	Support noted.
Accommodate park and recreation and shoreline access, access to restoration sites	NTNC, STC, CHB	Comment noted. Staff has recommended clarifications to improve the applicability of the proposed amendments to shoreline access and recreation.

Proposal prohibits the kind of non-industrial uses STNC would like to see in South Tacoma	STNC	Comment noted. For clarification, the proposed amendments do not affect non-industrial uses in the South Tacoma MIC.
Proposed amendments affect permitted uses surrounding the future Portland Avenue light rail station. Sound Transit encourages further consideration of appropriate uses in the vicinity of this station.	ST	Comment noted. The proposed amendments would make residential uses a conditional use in this area of the MIC to ensure that new residential development mitigates impacts to industrial activity.
<p>Port of Tacoma Technical Comments:</p> <ul style="list-style-type: none"> Consider adopting an Overlay District for the Port of Tacoma M/IC. Consider minor amendments to conditional use criteria for consistency with other notice procedures, including the Land Claims Settlement. 	EJ	<ul style="list-style-type: none"> Staff acknowledges that an overlay district may be an appropriate methodology for addressing specific land uses or development standards unique to the Port of Tacoma. However, the Port of Tacoma MIC does have a base zone that accomplishes much of what an overlay would achieve. Second, staff recommends that the creation of an overlay district is more appropriate within the context of the Subarea Plan. Staff concurs that some clarifications are warranted to ensure that the term “consult” is not redundant and that this purpose of this criteria is clear.
Topic 3: Residential Encroachment on the Port of Tacoma		
New residential encroachment should be regulated and discouraged.	JP1, RL, CHB, JF, NTNC, KP	Comment noted.
Concerns about loss of development potential to undeveloped single-family properties.	RH, SAR, PW, CBRE	See the attached memorandum from Deputy City Attorney Steve Victor.
Remove this topic from non-interim regulations.	SAR	Staff does not recommend removing this topic as it was within the scope of work requested by the City Council.
Remove Heiberg property from proposed overlay.	SAR, RH	Request noted.
Fine tune regulations – the minimum lot size is a blunt tool. Instead bolster the notice on title, allow clustering.		Staff concurs and recommends modifying the proposal to a maximum density rather than minimum lot size and to allow

		the use of density bonuses through the Planned Residential Development code.
Consider removing parcel 0321361040 and 0421312077	CBRE	Staff recommends removing parcel 0421312077 due to the current condition of the site, BPA transmission lines and easement.
Support removing area NW of 33 rd Street NE from proposal	JS	Support noted.
<p>Port of Tacoma Technical Comments:</p> <ul style="list-style-type: none"> • Consider expanding the Overlay District to additional areas adjacent to the Port of Tacoma MIC, including the Foss Waterway and Dome Districts. • Ensure consistent terminology. • Minimum lot sizes may have unintended consequences that are contrary to the intent. • New subdivisions should be required to incorporate specific measures to minimize impacts, including noise mitigation. • The Port recommends specific revisions to notice on title. 	EJ	<ul style="list-style-type: none"> • Staff does not recommend a modification to the Public Review Draft, but acknowledges that land uses in these areas warrant inclusion in the Subarea Planning process. • Staff concurs. • Staff concurs and recommends a shift to maximum density. • Staff concurs and recommends language specific to noise and light. • Staff concurs with the revisions to notice on title.
Topic 4: Siting of Potentially High Risk/High Impact		
Generally supports proposal, including prohibition on coal, smelting, mining, petrochemicals, explosives manufacturing, fertilizer manufacturing + Conditional Use for chemical manufacturing, renewable fuels, and limits on expansion of fossil fuels.	STC, JP2, DK, RL, CHB, RM, STNC, DB, VA, KA, BB, MB, CB, LB, DC, CC, TD, BJ, FK, RK, NM, KN, RN, JS1, VS, DV, CW, FP, EG1, JM, JB, JS2, JV, GC, FD, EG2, IM, JP2, JW, IA, JB, JG, SS, PW,	Comment noted.

	AK, RL, JF, WEC, NTNC, BJ2	
Generally opposed to amendments.	BM, WSPA, AT, EJ, WR	Comment noted.
Support conditional use pathway for renewable fuels and chemical manufacturing	BF	Comment noted.
<p>Address the following shortcomings in the code:</p> <ul style="list-style-type: none"> • Conversion of renewable fuel facilities to fossil fuel facilities • Replacement of tanks should not allow expansion • CUP criteria should address incarcerated people • Lower the volumetric threshold for fossil fuel storage • Mitigation should address full lifecycle emissions 	VA, KA, IA, BB, MB, JB, CB, STC, LB, DC, CC, TD, BJ, FK, RK, NM, KN, RN, JS1, VS, DV, CW, FP, EG2, JM, JB, JS2, JV, FD, WEC, JF, BJ2, RL, IM	Staff concurs and has recommended modifications to the first three comments. Staff does not recommend modifying the storage volume as the focus is on bulk storage and currently all but one of the identified fossil fuel production facilities is significantly greater than the one million gallon threshold. Staff further does not recommend full mitigation for lifecycle emissions impacts as this would only apply to renewable fuel production which is already required to demonstrate compliance with EPA approved pathways which are based on lifecycle GHG reductions.
<p>Proposed Eco-Industrial Park for South Tacoma MIC/STGPD:</p> <ul style="list-style-type: none"> • Prohibit metal recycling • No new above or below ground hazardous wastes • No new heavy industrial uses in South Tacoma • Promote a new eco-industrial park and green zone for South Tacoma 	HS	Comments noted. Proposals are outside the scope of this process.
Renewable fuel definition should be aligned with federal Renewable Fuels standard at 40CFR parts 79 and 80.	AT	The current definition cites the EPA approved pathways but with a baseline 50% lifecycle GHG reduction to be consistent with regional goals.
CUP criteria are too subjective and discretionary – eliminate criteria	AT	The public review draft does not allow for expansion of Fossil Fuel Facilities – Major. Conditional use criteria apply to renewable fuel production and certain chemical

		manufacturing uses. Staff does concur that with the more limited applicability to chemical and renewable fuel uses, the criteria can be simplified to some extent.
CUP for maintenance and repair is too onerous and could harm ability to conduct maintenance and repair activities.	AT	Staff concurs and recommends an approach to allow normal maintenance and repair while continuing to prohibit expansion of storage and refining for Fossil Fuel Facilities – Major.
Language regarding “increased capacity” is overly broad – refer to Whatcom County approach.	AT	Staff concurs that the term “capacity” is overly broad and recommends modifications to 1. Establish a baseline for current oil refining and storage, and 2. To allow normal maintenance and repair as well as other improvements that do not increase the current baseline.
Definitions should better differentiate between petrochemical manufacturing and other uses like oil refining, asphalt production, and other uses typically categorized in the NAICS 325 and 324.	AT	Staff concurs and recommends a clarification to the definitions to ensure that uses are not categorized under more than one use classification.
GHG emission requirements are overly restrictive	AT	Comment noted.
Concerned with impacts from industry on adjacent neighborhoods	CF	Comment noted.
Does not support CUP for renewable facilities/or for other uses	RL, EJ, AT	Comment noted.
Consider South Tacoma superfund site	VD	Comments and information noted.
Port of Tacoma Technical Comments: <ul style="list-style-type: none"> The Port disagrees with the use of Conditional Use Permits for chemical manufacturing, but suggests amendments to criteria language as well as amendments to streamline criteria and clarify role of the Hearing Examiner. Confusion regarding high risk/ high impact uses and associated definitions. 	EJ	<ul style="list-style-type: none"> Staff partly concurs and recommends some modifications to CUP criteria to include proposed language revisions as well as the deletion of specific criteria. Further amendments are proposed by staff to improve clarity and applicability. Staff concurs. The proposed use category is “High Impact Use” not “High Risk Use.” This will be

<ul style="list-style-type: none"> The Port recommends simply prohibiting new oil and liquefied fossil fuel facilities and relying on the non-conforming use standards already in place. 		<p>reviewed for consistent usage. The definition for the “High Impact Use” is recommended for revision to base the use category on Type H Occupancies in the Washington State Fire Code.</p> <ul style="list-style-type: none"> Staff does not recommend relying on non-conforming use provisions for the regulation of fossil fuel facilities. Non-conforming use provisions allow expansion of non-conforming uses up to specific thresholds of impact, but these thresholds are based on parking and trip generation. Fossil fuel facilities could significantly expand storage and refining without meeting these thresholds.
Topic 5: Legal		
Concerns about takings	RH, SA, PW, CBRE	See the attached memorandum from Deputy City Attorney Steve Victor.
Concerns about commerce clause/constitutional infringements	PW, WSPA, AT	Comment noted.
Concerns about legal precedence relating to other industries in the tide flats	WSPA, AT	Comment noted.
Concerns about negative impact to tideflats sub-area planning process.	WSPA, WR, BM, EJ	See the general response to topic J above.
Concerns about impact to Puyallup Tribe	JW, EG, DS, AK	Impact to the Puyallup Tribe of Indians have been considered as part of the Planning Commission process, documented in the findings, and will continue to be considered as part of project level review for permitted and conditional uses.
General Comments from Port of Tacoma		
A fully functioning and successful industrial area is vital to support our container port. The Tideflats needs to have	EJ	Comment noted. The proposed amendments are intended to limit certain uses found to be inconsistent with City

flexible zoning that allows for a mix of industrial uses absent confusing and restrictive permitting, such as conditional use permits.		policies or incompatible with the land use and development patterns, as well as environmental conditions, of the Tideflats and South Tacoma, while maintaining flexibility for economic development.
Public feedback from the community during our strategic planning process this past year has indicated that the number one priority is JOBS. Jobs that pay well and are accessible to people without a college degree are especially valued. Imposing use limitations and complicated permitting requirements on manufacturing jobs will result in fewer jobs in Tacoma.	EJ	Comment noted. The Planning Commission findings include data on employment and wages as well as noting the pathways to careers for individuals without a college degree. The City's current plans call for significant employment expansion within the Port of Tacoma MIC.
The City adopted the Container Port element in 2014 but has yet to implement those policies in the development regulations. Specifically, the code fails to recognize the Port MIC and does not address encroachment on the edges or limits on non-industrial uses. These issues sound familiar because they are the root of the interim regulations. The Port's January comments help improve consistency with the comprehensive plan, with such ideas as adopting similar protections for the Port MIC that have been granted to the regionally unrecognized South Tacoma MIC. We feel this is a small ask.	EJ	Staff concurs that policies in the Container Port Element, adopted in 2014, were not wholly implemented. Staff notes that this internal inconsistency was part of the basis for the 2017 Interim Regulations as well as a basis for the Commission's current review. Staff also notes that the current process is only a partial step toward resolving these internal inconsistencies and that additional review will be conducted as part of the Tideflats Subarea Plan.
We understand you are compelled to address fossil fuels and appreciate the recognition of a new definition for renewable fuels. We urge you to reconsider any restrictions to existing businesses that would limit their ability to provide or transition to cleaner/greener fuels and practices, such as requiring conditional use permits. Please also note that the exemption referred to by city staff at public meetings for vessel fueling and transmission of military fuels is unclear in the proposal.	EJ	Staff concurs that a more flexible approach for existing uses may be warranted. Staff is proposing an amendment that would allow existing fossil fuel uses to transition to renewable fuels without a conditional use permit so long as the transition is within the limits of the existing baseline refining and storage. For expansions beyond that established baseline a conditional use permit would continue to be required.

<p>The proposal would impose a conditional use permit for development of renewable fuel facilities which appear to be inconsistent with City and Port goals for carbon and greenhouse gas reduction and which fail to incentive the shift to cleaner fuels.</p>	<p>EJ</p>	<p>While staff concurs that a pathway for renewable fuels is necessary to respond to greenhouse gas reduction targets, the City must weigh these costs and benefits against the potential adverse impacts of locating such facilities in the Tideflats, given the environmental assets, hazards, emergency response limitations, and dense areas of employment and population surrounding the Port of Tacoma MIC. The staff recommendation to permit such uses as a conditional use is a means to evaluate, at a project and site level, the potential benefits and impacts of a proposal, and through that permit, to balance the different goals established in City policy. For example, siting such facilities in close proximity to Downtown can have a potential detrimental impact on the City’s use of HUD funds for affordable housing and community development. The CUP process is designed for such circumstances where the complexity of the use and context warrants a deeper project review.</p>
<p>The PRD impose substantial additional requirements on legally existing fossil fuel facilities beyond current non-conforming use limitations and permitting requirements found in City codes. T</p>	<p>EJ</p>	<p>Staff has recommended special use standards to limit expansion of fossil fuel facilities, rather than a reliance on non-conforming use standards. The City Council asked the Commission to consider limitations on existing uses. Non-conforming use standards are one mechanism to do so. However, in this case, the thresholds that are established to limit expansion of non-conforming uses do not provide substantial limitations on the facilities under review since the expansion of refining and storage facilities do not trigger parking quantity requirements or result in significant trip generation, which are two of the measures used in the non-conforming code. Instead, staff has proposed limitations based on the specific uses and potential adverse impacts of those uses.</p>

<p>Port of Tacoma requests:</p> <ul style="list-style-type: none"> • Consider expanding overlay zone to other areas adjacent to the MIC including Dome District and Foss Waterway. • Identifying M-1 and M-2 Zones as “buffers” is inconsistent with City policy. Buffers must extend outward from the MIC. • Conduct comprehensive land use review of non-industrial uses and consider a more expanded list of uses for prohibition in the MIC or for size restrictions. • The code does not recognize the MIC. Consider adopting an overlay zone similar to South Tacoma MIC. 	<p>EJ</p>	<p>Staff recommends no modifications to the proposal based on these comments and considers these requests to be outside the scope of this review. See response to “H” above.</p> <p>Further:</p> <ul style="list-style-type: none"> • The M-1 and M-2 zones within the MIC correspond to the area mapped in the Container Port Element as an “Industrial/Commercial Buffer.” The policies include buffering and transitions within the MIC as well as addressing encroachment outside the MIC. • While the TMC does not include a map of the MIC, the MIC boundary is established and recognized in the Comprehensive Plan, which was adopted by ordinance, and the Municipal Code includes a Port Maritime Industrial Zoning District (PMI) which was created for the purpose of serving the Port of Tacoma MIC. The South Tacoma MIC does not include any base zones unique to that MIC, which is a key difference between the two. • Staff does not recommend expanding the list of non-industrial uses affected under this ordinance for several reasons: <ul style="list-style-type: none"> ○ The uses identified by the Port were not affected by the Interim Regulations and were not expressly considered as part of this scope of work or public noticing. Including them now would preclude a full vetting and public noticing and constitute a significant expansion of the scope. ○ Further use restrictions at this time could have a detrimental impact on the viability of the Portland Ave Light Rail Station. Any additional land use modifications to this
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		<p>area should be considered as part of the Subarea Plan.</p> <ul style="list-style-type: none"> ○ In addition, expanding a buffer or limits on uses outside the MIC would potentially detrimentally impact the ability for the City to meet growth targets for the Downtown Regional Growth Center, particularly around the Dome District and Foss Waterway. Staff recommends that these issues be considered as part of the Subarea Plan rather than this non-interim process.

Initials	Name	Initials	Name	Initials	Name
VA	Virginia Alvord	JM	Julie Martinson	SS	Sandy Spears
KA	K Anderson	IM	Ian McCluskey	JV	Jordan Van Voast
BB	Brian Amundsen Barnkow	NM	Nakanee McCord	PW	Pete Weymiller
MB	Marian Berejikian	KN	Kristofer Nystrom	DB	David Bluhm
CB	Carolyn Blasdel	RN	Ranell Nystrom	ST	Sue Comis/Sound Transit
STC	Sustainable Tacoma Commission	JP1	JERALD R PISCHEL	WEC	Washington Environmental Council/Anna Doty
LB	Lark Brown	JP2	Jeanne Poirier	SC	Sierra Club/ Brett Johnson and Dorothy Walker
DC	Dennis Cline	JS1	Josef Sellers	WSPA	Western States Petroleum Association
CC	Carol Colleran	VS	Vladimir Shakov	AK	Anne Kroeker
GC	Geoff Corso	DV	Daniel Villa	RL	Russ and Janette Ladley
VD	Venus Dergan	JW	Jerry & Donny Webster	CHB	Citizens for a Healthy Bay/Melissa Malott and Erin Dilworth
FD	Felicity Devlin	LW	Lucinda & Donald Wingard	WR	WestRock/John Brandt
TD	Therese Dowd	CW	Chris Wooten	BM	Bruce Martin
SD	Shammai Durette	IA	Ingrid Archibald	RM	Roger Martin

NTNC	New Tacoma Neighborhood Council	JB	Jim Bernthal	CBRE	CBRE/Don Moody and Teresa Patton
CF	Colleen Faye	JG	Jim Barb Gregg	PSE	PSE
BF	Bryan Flint	EG1	Eddie Griffiths	RS	Ray Schuler
EG2	Erin Gubelman	EM	Mason, Evette	HS	Heidi Stephens
RH	Randy Heiberg	DK	David Kipnis	STNC	South Tacoma Neighborhood Council
BJ	Brett Johnson and Sorothy Walker	SAR	Samuel A. Rodabough	ST	Sheri Tonn
FK	Floyd Knodel	JS2	Joanna Schoettler	AT	Andrew Troske/Par Pacific
RK	Robb Krehbiel	DS	Diana Schooling	JF	Judy Ferguson
BJ2	Brett Johnson			EJ	Eric Johnson

**INTEROFFICE MEMORANDUM
CITY OF TACOMA**

TO: Stephen Atkinson, Principal Planner

FROM: Steve Victor, Deputy City Attorney

SUBJECT: Tide flats Non-Interim Regulations – RCW 36.70A.370 Takings Review

DATE: March 10, 2021

Per your request, provided below is a legal review of the draft Tide flats non-interim regulations in the context of RCW 36.70A.370 which requires local governments to implement a process to prevent proposed regulatory or administrative actions from resulting in an unconstitutional taking of private property. In performing my legal analysis, I follow the guidance of the Washington State Attorney General (“AGO”) set out in the AGO’s 2018 “Avoiding Unconstitutional Takings of Private Property” Memorandum.

In addition, I must emphasize the limitations of the legal review. The law of takings relies primarily on an analysis of three underlying factors: 1. The requirements of planning policies, including mandatory GMA policies and locally adopted policies; 2. Alternatives to proposed or adopted plans that may have less impact on private property, but still achieve the policy goals; 3. Economic impacts of the proposed or adopted plans. The effectiveness of this legal review is wholly dependent on the substantive data on the above-referenced factors that is included in the draft documents.

1. Does the Regulatory Action Result in a Permanent or Temporary Physical Occupation of Private Property?

This review noted no data in the draft regulations that indicated they would result in a permanent physical occupation of all or a portion of private property within the area of effect.

2. Does the Regulatory Action Deprive the Owner of All Economically Viable Uses of the Property?

This review noted no data in the draft regulations that indicated they would result in permanently eliminating all economically viable or beneficial uses of any private property within the area of effect.

3. Does the Regulatory Action Deny or Substantially Diminish a Fundamental Attribute of Property Ownership?

This review noted no data in the draft regulations that indicated they would result in denial of a property owner's ability to exercise a fundamental attribute of property ownership on any private property within the area of effect.

4. Does the Regulatory Action Require a Property Owner to Dedicate a Portion of Property, to Grant an Easement, or to Undertake Some Independent Financial Obligation?

This review noted no data in the draft regulations that indicated they would result in requiring a property owner to dedicate a portion of the property, to grant an easement, or to undertake some independent financial obligation within the area of effect.

5. Does the Regulatory Action Have a Severe Impact on the Landowner's Economic Interest?

The draft regulations will have an impact on the economic interests of the affected landowners, however, that impact may not result in a taking if some economically viable use of the property remains and the regulations are the least intrusive means to prevent a public harm.

Where there is less than a complete deprivation of all value, a court will evaluate whether a taking has occurred by considering the economic impact in relation to at least two other factors: (1) the extent to which the government's action impacts legitimate and long-standing expectations about the use of the property; and (2) the character of the government's actions—is there an important interest at stake and whether the government tended to use the least intrusive means to achieve that objective.

In evaluating impacts to legitimate and long-standing expectations about the use of the property, a court will evaluate the regulation's economic impact on the property as a whole, and not just on the portion of the property being regulated by assessing whether there is any profitable use of the remaining property available. The existence of some economically viable use of the property, even if the remaining use does not necessarily have to be the owner's planned use, a prior use, or the highest and best use of the property, will usually not be found to be a taking unless the regulation acts more to provide a public benefit than to prevent a public harm.

The question of whether the regulation is the least intrusive means to achieve the objective of preventing a public harm will also be evaluated by a court. The regulation should be clear as to the public harm it prevents and should be the least impactful means of preventing the public harm. If the harm is not clear or other regulatory approaches could have allowed more economic use of impacted property while still preventing the harm, a court could find a taking.



City of Tacoma
Planning Commission

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Alyssa Torrez

April 7, 2021

The Honorable Mayor and City Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402

RE: Tidel flats and Industrial Land Use Amendments

Honorable Mayor and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am forwarding our recommendations on the Proposed Tidel flats and Industrial Land Use Amendments, in response to Amended Ordinance No. 28696 from October 20, 2020. Enclosed is the "*Planning Commission's Findings and Recommendations Report, March 17, 2021*" that summarizes the proposed regulations, the public review process, and the Planning Commission's deliberations. If approved by the City Council, these amendments would replace Amended Ordinance No. 28470, otherwise known as the *Tidel flats Interim Regulations*.

In adopting Amended Ordinance No. 28696, and requesting the Planning Commission undertake this non-interim process, the City Council tasked the Commission with an aggressive timeline to consider issues of local, regional, and statewide importance. These past few months the Commission has gone beyond the call of duty to respond to Council direction and fulfill our obligation to provide a recommendation in such time that the Council can effectively make a decision prior to the expiration of the Interim Regulations. We are proud of the work that we accomplished, but also recognize that there is more work that can and should be done.

Within the short timeframe that the Planning Commission was given, the Commission and staff made significant efforts to ensure an inclusive and responsive engagement process:

- The Commission conducted two public hearings on this topic;
- Over 80,000 public notices were sent to taxpayers and occupants to encourage participation;
- 34 people testified at the March 3 public hearing and the Commission received 70 written comments.
- The Commission held a listening session with diverse interest groups to better understand their concerns and potential impacts of new regulations.
- Staff conducted an informational meeting and direct outreach to interest groups.

In response to public testimony, substantive amendments were made to the proposals that we are forwarding to the City Council. As always, community vetting helps to strengthen and sharpen the work we do.

During our deliberations, several key themes emerged that we particularly wish to bring to the attention of the City Council.

Equity: While the Commission heard diverse input from a variety of local, regional, and state parties, the impacts of these land use issues are not felt equally. Some impacted parties chose their circumstances; they had means and were able to choose where to live or locate; they are likely able to mitigate these impacts. However, the Puyallup Tribe of Indians and the Puyallup Reservation cannot be relocated; the Puyallup Tribe has been on these lands for time immemorial. As we open each meeting with a land acknowledgement, we affirm again today that we must give special deference and consideration to the Puyallup Tribe to ensure that Tribal members can inhabit their traditional lands without adverse impact to environmental or community health, or adverse impacts to their traditional practices. This consideration has been woven into the Commission's recommendations.

Greenhouse Gas Emissions and Climate Change: The Commission took seriously the Council's directive to consider near-term actions to respond to and mitigate the effects of climate change. However, we also understand that supply-side regulations are only a small part of the solution. To effect that broad change the City must continue making progress to curb fossil fuel demand, through effective land use and transportation planning, as well as through technological advancements, including the development of renewable fuels and electrification. We believe that these amendments support those goals.

Community Benefits and Impacts: In arriving at our recommendation we considered not only the adverse impacts of fossil fuel industries, coal, smelting, mining and quarrying, and other heavy industrial uses, we also considered the economic and community benefits of the City's industrial uses. Port/industrial uses provide career pathways that do not require a college education; the Tideflats supports over 10,000 direct jobs, as well as diverse businesses with wider economic contributions. Our recommendations would take a significant step towards protecting and preserving these economic assets while minimizing impacts to nearby communities. The challenge has been to balance that economic benefit with the use priorities and environmental goals of not only the One Tacoma Plan but of the Shoreline Management Act and Growth Management Act, and we believe we have made a strong step in that direction.

Uniqueness of the Tideflats: The Tideflats represent a unique port/industrial context. It is an area rich with history, culture, and human endeavor; it is an area that serves a wide variety of community interests and values; and it is an area with a wide variety of environmental assets to protect and risks to manage. It is this unique and particular context that framed our conversations and our recommendations. Many of the uses under review are uses that are necessary and productive. Our question was not whether these uses are inherently good or bad, beneficial or harmful, but whether they are consistent with our policies and compatible with the unique context and character of our City.

Community Concerns: This effort in no way diminishes the need for the Subarea Plan, but rather, has provided a clearer sense of the breadth and depth of community concern. A number of issues were brought to the Commission that were outside our scope of work, but which should be addressed either through the Subarea Plan or independent review:

1. Periodic review of the South Tacoma Groundwater Protection District;
2. Consideration of a Port of Tacoma Overlay District;
3. Addressing land use compatibility around the Sound Transit Portland Avenue Station;
4. The need for a State or Regional fuel standard and a clear pathway to meet GHG reduction targets.

Predictability: I will close with this, that ultimately, our community deserves predictability. Adopting non-interim regulations will remove the uncertainty that comes with repetitive extension processes and the possibility of periodic rule changes. Our recommendations would provide a pathway for renewable fuel projects that are otherwise prohibited by the Interim Regulations, but where our community wants yes or no answers, sometimes the best we can give is "maybe." The subarea plan remains the best course of action to comprehensively address land use issues associated with the future of the Port/Tideflats and to build greater cohesion between the governments, community interests, and industrial and business interests that rely on and use this finite space. In the meantime, all of our community interest groups will have to accept some amount of uncertainty and trust that the City will apply these codes with consistency, fairness, and transparency.

Respectfully,

ANNA PETERSEN, Chair
Tacoma Planning Commission
Enclosure



TIDEFLATS AND INDUSTRIAL LAND USE AMENDMENTS

TACOMA PLANNING COMMISSION
FINDINGS OF FACT AND RECOMMENDATIONS
APRIL 7, 2021

A. SUBJECT:

Tideflats and Industrial Land Use Amendments

B. SUMMARY OF PROPOSED AMENDMENTS:

The public review draft of the Tideflats Interim Regulations includes four general categories of potential amendments:

Topic 1: Expanded Notification for Heavy Industrial Permits and Land Use Amendments

Permit and land use notifications ensure that potentially impacted parties are aware of permit applications or other land use amendments and have an opportunity to participate in the review and decision-making process. Due to the size of the City's industrial areas in South Tacoma and the Tideflats, permit notification distances for direct mailing were found insufficient to notify potentially impacted communities of the projects under consideration.

- The proposed amendments address TMC 13.05 Land Use Permits and Procedures and TMC 13.02 Planning Commission.
- The amendments identify specific permit types that are subject to expanded notification: heavy industrial uses requiring SEPA determinations, conditional use permits, and all types of shoreline permits.
- Public hearing notice procedures would be amended to:
 - Extend notices to occupants as well as taxpayers;
 - Extend notification distances to 2500' of a Manufacturing and Industrial Center for certain heavy industrial permit applications within the Center;
 - Extend notification distances to 2500' of a subject property for all land use designation changes and area-wide zoning reclassifications;
 - Extend notification distances for designated Regional Growth Centers and Manufacturing and Industrial Centers to 2500' of the center boundary for land use designation changes and area-wide zoning reclassifications.
- Other proposed modifications would remove redundant language, address inconsistencies in the established code, and clarify differences between public notices and notices of application.

Topic 2: Incompatible Non-industrial Uses in the Port of Tacoma M/IC

Regional and local policy supports the retention of industrial lands and protection of such lands from incompatible non-industrial use. The current zoning allows for significant non-industrial uses to locate in the Port of Tacoma M/IC thereby potentially reducing the available land supply for industrial use and creating long-term conflicts with prioritized uses and activities.

The following code amendments are proposed:

- Implement use priorities consistent with the Shoreline Management Act and Container Port Element of the Comprehensive Plan;
- Structure allowed, conditional, and prohibited uses based on the defined Core Area (S-10 Shoreline District and the Port Maritime Industrial District (PMI)) and Commercial/Industrial Buffer Area (M-2 Heavy Industrial and M-1 Light Industrial Zones);
- Prohibit specific non-industrial uses that would have significant impacts on core container shipping activities or that would convert a significant industrial land area to non-industrial use, including Agriculture, Airports, Juvenile Community Facilities, Marijuana Retailers, High Intensity and Destination Park and Recreation facilities, Work Release Centers, and public and private General K-12 Educational Facilities;
- Establish a conditional use permit and criteria for additional specific non-industrial uses within the M-1 and M-2 Districts to ensure a site-specific review of the potential impacts on existing and planned industrial uses. Affected uses include dwellings in the M-1 district as well as cultural facilities, destination park and recreation facilities, and schools.

Topic 3: Residential Encroachment on the Port of Tacoma M/IC

In 2014, the City adopted a Container Port Element in the Comprehensive Plan, consistent with Growth Management Act requirements. The policies in the Container Port Element called for buffers to limit encroachment of incompatible land uses on the Port of Tacoma Manufacturing and Industrial, specifically identifying slopes and other topographical features as natural buffers to be maintained. However, zoning and land use regulations for this area in northeast Tacoma, were not amended to fully implement the adopted policies. Instead, the area remained zoned primarily for single-family residential dwellings, with overall housing density allowances reduced through the application of critical areas regulations.

The proposed amendments would establish a new Overlay District to limit residential encroachment on the Port of Tacoma Manufacturing and Industrial Center (Port M/IC). The proposal would apply the overlay to the hillside in NE Tacoma. In addition:

- The Overlay District would establish a maximum density for new development of one unit per acre.
- The Overlay District would require Notice on Title for any new residential unit construction identifying the proximity to an established industrial area.

Topic 4: Siting of Potential High Impact/High Risk Heavy Industrial Uses

Current zoning and land use regulations consolidate a broad spectrum of industrial use and activity within a single heavy industrial use category despite a diverse differentiation of potential impacts and risks associated with such uses. In addition, current regulations permit heavy industrial use outright within the M-2 Heavy Industrial District and PMI Port Maritime Industrial District without special use standards tailored to address the disparate potential impacts of use and activity that fall under this category. In recent years, the City has adopted new policies pertaining to use prioritization, climate change mitigation and adaptation, critical areas, and economic development, without conducting a broad review of use allowances within the City’s industrial zoning districts to ensure internal consistency with established policies. The following amendments are proposed to ensure greater internal consistency between the One Tacoma Plan (including the Shoreline Master Program) and implementing zoning and land use regulations.

The City's proposal addresses seven general use categories, all of which affect different zoning districts throughout the City:

- Mining and Quarrying: This use would be prohibited citywide.
- Smelters: This use would be prohibited citywide.
- Coal Facility: This use would be prohibited citywide.
- Chemical Manufacturing
 - Petrochemical, explosives, and fertilizer manufacturing would be prohibited citywide.
 - Chemical manufacturing of hazardous materials would require a conditional use permit in the PMI and M-2 Zones.
 - Chemical manufacturing would be prohibited in Shoreline Districts, except for water-dependent facilities.
- Fossil Fuel Facilities – Major: New facilities would be prohibited and existing facilities would be prohibited from improvements that would expand existing facility refining or storage above established baseline conditions. Non-capacity expansions would be subject to special use standards.
- Renewable Fuel Facilities - Major: These uses would be a conditional use in the PMI and M-2 districts subject to special use standards and conditional use criteria.
- High Impact Uses: These uses would be defined based on Fire Code Type-H hazardous occupancies, and would generally require a conditional use permit, with the exception of the PMI district, where they would be permitted outright.

C. FINDINGS OF FACT: BACKGROUND

1. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

2. Comprehensive Plan and Land Use Regulatory Code Amendments

The City of Tacoma periodically accepts applications to amend the Comprehensive Plan and Land Use Regulatory Code. As part of the 2017-2018 Comprehensive Plan and Land Use Regulatory Code Amendment Application period, the City received multiple applications/requests for zoning and land use process changes in the Tideflats Area, including the Northeast Tacoma Buffer Zone application, the implementation of the Container Port Element of the City's Comprehensive Plan, and the Director's Rule relating to Expanded Notification for Large Industrial Projects.

3. Consolidation of Applications

In response to the multiple amendment applications, on May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port Tideflats. In addition, the Resolution requested that the Planning Commission consolidate the various applications/requests into the scope of work for the Tideflats Subarea planning process, and consider the need for interim regulations in the Tideflats subarea while the subarea planning process is under way.

4. Planning Commission Review

In support of their deliberations, the Planning Commission conducted a public hearing, at which 81 people testified, and reviewed over 200 written comments.

5. Planning Commission Recommendation

The Planning Commission determined that interim regulations were warranted, and on October 4, 2017, the Commission forwarded its recommendation to the City Council for consideration.

6. City Council Amended Ordinance Adopted

Following its own public hearing, and substantial community input and deliberation, the City Council, on November 21, 2017, adopted the Tideflats Interim Regulations by Amended Ordinance No. 28470. The ordinance was amended to allow expansion of existing uses per established development regulations and permit procedures.

7. Extensions

The Interim Regulations were initially adopted for one-year, taking effect on December 2, 2017 and expiring on December 2, 2018. Following this initial period, the Council has taken the following actions to extend the interim regulations:

- November 13, 2018: Ordinance No. 28542 – 6-month Extension
- May 21, 2019: Ordinance No. 28582 – 6-month Extension
- November 12, 2019: Ordinance No. 28619 – 6-month Extension
- May 19, 2020: Ordinance No. 28671 – 6-month Extension
- October 20, 2020: Ordinance No. 28696 – 6-month Extension

8. Tideflats Subarea Plan

Amended Ordinance No. 28470, establishing the interim regulations, identified the Tideflats Subarea Plan as the initial path to develop permanent regulations to replace the interim ordinance. The initial schedule called for the plan to be recommended to the City Council within two years. Due to project delays, including potential long-term impacts of the COVID-19 pandemic on community outreach and engagement, the recommendation is unlikely to occur until 2023, which would be a full 6 years after the initial adoption of the interim regulations.

9. Uncertainty for Affected Business and Property Owners

Due to delays in the subarea planning effort resulting from the COVID-19 pandemic and seeking to provide predictable development regulations for community members and businesses affected by the interim regulations, the City's Tideflats Steering Committee representatives requested that the Steering Committee consider how the Interim Regulations issues could be addressed on an expedited schedule. The Steering Committee discussed potential pathways on July 9, 2020. Following that meeting, the staff leadership team reported to the Steering Committee a lack of

agreement and a recommendation to maintain the separation between the Subarea Plan and Interim Regulations.

10. Amended Ordinance No. 28696.

On October 20, 2020 the City Council approved Amended Ordinance No. 28696, which extended the Tideflats Interim Regulations an additional 6-months and also directed the Planning Commission and staff to begin a process to develop new recommendations for a non-interim ordinance to replace the interim regulations ahead of the completion of the subarea plan.

D. Findings of Fact: Planning Mandates

1. Planning Mandates and Guidelines

GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act, and that all proposed amendments, with certain limited exceptions, shall be considered concurrently so that the cumulative effect of the various changes can be ascertained. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:

- The State Growth Management Act (GMA);
- The State Environment Policy Act (SEPA);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2040* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County;
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations.

E. Findings of Fact: General Context for the Tideflats, South Tacoma, and Industrial Areas

1. Environment

a. Fish and Wildlife Habitat, Wetlands, and Streams

The Puyallup River, Hylebos Creek, and Wapato Creek flow through the study area within highly modified channels and armored banks. Estuarine wetlands and mudflats occur in a few isolated areas adjacent to the waterways and associated with Port of Tacoma restoration sites (USFWS 2020a; City of Tacoma 2020a). Freshwater wetlands are present in small, isolated areas within the built environment and comprise a very small percentage of the study area. According to the City of Tacoma's wetland inventory, less than 200 acres, or about 3.5% of the tideflats area supports known wetlands or areas with high probability (City of Tacoma 2020a). The inventory maps cover 40 small (<1 acre) known wetlands that are scattered throughout the area.

The Puyallup River supports several salmonid species including coastal cutthroat trout, bull trout, steelhead, Chinook (spring and fall) salmon, sockeye, coho, pink, and chum (WDFW 2020a; WDFW and NWIFC 2020). Wapato Creek and Hylebos Creeks support a smaller set of species including steelhead, coho, Chinook (fall), pink, and chum. Several of these fish species are federally listed under the Endangered Species Act (ESA), have designed critical habitat in the study area, and are also listed in Washington State by WDFW (Exhibit 5-4). The waterways are characterized by narrow intertidal and shallow subtidal margins around a relatively deep channel. These margins are important migratory routes for salmon, waterfowl, and shorebirds, and serve as rearing areas for juvenile and adult salmonids and their prey. Adult salmonids are typically found in Commencement Bay in August and November, except spring Chinook and steelhead, which are present during the winter and spring (City of Tacoma 2007). Juvenile Chinook salmon use the Commencement Bay nearshore and the waterways, particularly after the releases of hatchery fish in mid to late May (Kerwin 1999, as cited in City of Tacoma 2007).

Despite substantial modification of the Commencement Bay nearshore, WDFW has documented forage fish (i.e., surf smelt and sand lance) spawning at the west edge of the Middle Waterway, near the mouth of the Puyallup River, and along the upper intertidal zone of the sand-gravel beaches of the former Milwaukee Waterway, which is a small rectangular area located between the Puyallup River and Sitcum Waterway (WDFW 2020b). The WDFW surveys documented mostly surf smelt spawning at these locations with only a small area of sand lance spawning observed at the spit on the west side of the Puyallup River.

The Puyallup Tribe operates a robust program to maximize and optimize the shellfish harvest by protecting the habitats and populations of shellfish while also providing a safe environment for commercial, ceremonial, and subsistence fishing opportunities for Tribal members. The Tribe manages this fishery per their Revised Puyallup Tribal Shellfish Code (Chapter 12.12), and it includes crab (Dungeness, red rock, graceful), sea cucumber, geoduck, and spot prawn, among other species. Despite productive habitat for crab along edges of the waterways, there is no Tribal harvest within the Tideflats study area due to ship traffic associated with Port activities (Winfrey, pers. comm., 2020). The closest approved commercial harvest for shellfish is north of the study area between Browns Point and Dash Point. Recreational harvest of spot shrimp occurs near the barge rafts on the west side of Commencement Bay, and common squid are harvested from areas near Les Davis pier adjacent to Ruston Way (Winfrey, pers. comm., 2020). According to WDFW, documented shellfish resources include Dungeness crab and geoduck clams, although the Washington State Department of Health has closed all of Commencement Bay shoreline to shellfish harvesting due to a combination of marine biotoxins and pollution.

Marine mammals that have or may have occurred in Commencement Bay include Pacific harbor seal, California sea lion, and killer whale. Seal and sea lion haul-outs have been documented along Tacoma's marine shoreline on buoys, floats, and logbooms in northeast Commencement Bay (Jeffries et al. 2000, as cited in City of Tacoma 2007). In general, marine mammals are unlikely to use nearshore marine habitats in the study area due to shipping traffic.

Commencement Bay is located within the Pacific Flyway, a major north-south migratory corridor which extends from Mexico north into Canada and the state of Alaska. The marine waters along with the restored intertidal wetlands and riparian buffers associated with mitigation sites provide habitat for shorebirds, waterfowl, and upland birds to breed and overwinter. The WDFW Priority Habitats and Species (PHS) database online mapper also documents big brown bat, purple martin, bald eagle, great blue heron, and western pond turtle in the study area (WDFW 2020c). None of these species are listed under the federal ESA or have specific protections under state regulations.

Coyote and beaver are frequently found in the study area with the latter species requiring active management to maintain stream and ditch conveyance and reduce localized flooding issues.

b. South Tacoma Groundwater Protection District (from TMC 13.06)

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as 40 percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

It has been found and determined that a major cause of historical groundwater contamination in the South Tacoma aquifer system is from accidental or improper release of hazardous substances from spillage, leaks, or discharges from local industry. Due to the large number of potential sources of toxic and hazardous substances within the area which recharges the aquifer system and the possibility of further contamination, the City of Tacoma found that it was necessary and in the public interest to establish the South Tacoma Groundwater Protection District in 1988.

The South Tacoma Groundwater Protection District is an overlay zoning and land use control district specifically designed to prevent the degradation of groundwater in the South Tacoma aquifer system by controlling the handling, storage and disposal of hazardous substances by businesses. The overlay zoning district imposes additional restrictions on high impact land use development in order to protect public health and safety by preserving and maintaining the existing groundwater supply for current and potential users and to protect the City of Tacoma from costs which might be incurred if unsuitable high impact land uses were to reduce either the quality or quantity of this important public water supply source.

It is the intent of this chapter to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, properties that have stormwater infiltration facilities and properties that store hazardous substances meet appropriate performance standards, and those properties are properly maintained, inspected, and tested when necessary.

c. Seismic Hazards

The Seattle Fault Zone runs roughly east-west just south of downtown Seattle and runs roughly parallel to I-90. A fault is considered active when it has shown evidence of displacement within the last 11,600 years. An earthquake on the Seattle Fault poses substantial risk to the Puget Sound region. Deep quakes are the most common large earthquakes that have occurred in the Puget Sound region. Quakes larger than magnitude 6.0 occurred in 1909, 1939, 1946, 1949, 1965, and 2001 (PNSN 2020). However, shallow quakes can create more damage than deep quakes because of the proximity to the epicenter. Resulting damage from earthquakes depends on many factors including distance to epicenter, soil and bedrock properties, and the duration of shaking.

Basins containing thick deposits of unconsolidated materials can amplify earthquake waves and cause far more damage to structures than the same waves passing through bedrock. As noted above, the depth to bedrock in the study area is relatively deep at between 500 and 600 meters. In addition, the study area includes large areas of undocumented fill where the geotechnical engineering characteristics are unknown and thus may be susceptible to higher ground shaking hazards without either the use of engineered fill, specially designed foundation types, or use of deep foundation systems (e.g., pile supports).

D. Liquefaction

According to mapping compiled by the Washington State Department of Natural Resources (DNR), the entirety of the Port of Tacoma MIC is susceptible to liquefaction hazards (DNR 2003).

Liquefaction occurs where surface soils are primarily loose, granular in consistency, and located below the water table. Saturated loose soils that are generally within 50 feet of the ground surface are at most risk of liquefaction. Liquefaction is of particular concern because it has often been the cause of damage to structures during past earthquakes. The consequences of liquefaction include loss in the strength and settlement of the soil. The loss of strength can result in lateral spreading, bearing failures, or flotation of buried vaults and pipes. Typical of marshland and tidal areas, soils in low-lying areas near bodies of water can contain enough saturated sandy sediments that they are commonly susceptible to liquefaction.

e. Tsunami and Seiche Waves

Tsunami and seiche waves are possible secondary effects that can occur from seismic events or other large displacements of materials. Tsunamis, often incorrectly described as tidal waves, are sea waves usually caused by the displacement of the ocean floor. Typically generated by seismic or volcanic activity or by underwater landslides, a tsunami consists of a series of high-energy waves that radiate outward like pond ripples from the area where the generating event occurred. For the Puget Sound region, either a large subduction zone quake off the coast or along the Seattle or Tacoma Faults could produce a tsunami. In the case of a subduction zone quake, a tsunami would travel from the coast through the Strait of Juan de Fuca into Puget Sound, and then south. Numerical modeling of tsunamis generated by earthquakes on the Seattle Fault and the Tacoma Fault show that the City of Tacoma would be subjected to larger and more damaging tsunami waves from a Seattle Fault earthquake (USGS 2010). While the Seattle Fault is considerably more distant than the Tacoma Fault, the Seattle Fault traverses Puget Sound in much deeper water and can therefore displace more water, resulting in bigger tsunami waves.

Seiche waves consist of a series of standing waves of an enclosed body or partially enclosed body of water caused by earthquake shaking, similar to what could be described as sloshing action. Seiche waves can affect harbors, bays, lakes, rivers, and canals. Both Puget Sound and Lake Washington have experienced seiche waves in 1891, 1949, and 1964. The “sloshing” effect of a seiche event can damage facilities close to the water and could potentially be experienced within Commencement Bay.

The Washington Geological Survey’s tsunami hazards database maps inundation extents for a variety of earthquake scenarios, including a Cascadia Subduction Zone magnitude 9.0 scenario, and other scenarios that include modeled inundation extents for local crustal earthquakes on the Tacoma and Seattle Faults. The entire study area is located in an area that could be inundated in a tsunami event (Exhibit 3-4; DNR 2020a). According to a more detailed evaluation, with the modeled scenario of a 7.3 magnitude earthquake on the Seattle Fault (considered the worst-case credible event), the study area would experience inundation ranging from less than 0.5 meter (approximately 1.6 feet) up to as much as 5 meters (approximately 16 feet) (DGER 2009).

2. Emergency Response and Transportation

a. The Emergency Response Problem

The emergency response problem has two facets. First, the Tideflats has a mix of land uses and operations that have the potential for serious fire or EMS emergencies. Second, the emergency response times to the Tideflats have increased over the past several years. Each of these factors is summarized below.

b. Tideflats Land Use and Operations

Within the City of Tacoma, the Tideflats is the highest risk zone for Hazardous Material (HazMat) incidents. Within the area, there is resurgence in manufacturing, particularly on the Blair-Hylebos peninsula. Several of the proposals include operations with higher emergency risk potential. While potentially adding to the demand for fire services, these developments will help restore the economic and tax-generating base within the Tideflats. There are other key factors that heighten the emergency response needs within the Tideflats:

Geographic

- Location of incidents spread out through entire zone
- Marinas are in fairly remote locations so land response is longer; not quickly or easily accessible by water routes either
- Access to area limited by waterways, rail, vacated streets and closed bridges

Demographic

- Low residential population but a 1575-bed detention center and a 75-bed reentry facility and a high daytime worker population

Physical

- Mostly chemical releases and combustible/flammable liquid spills/leaks
- Large un-sprinkled buildings/yards with high fire load
- Private hydrants with limited water
- Presence of flammable liquid pipelines
- Abundant ignition sources

The past decade has seen an increase in the Tacoma Fire Departments (TFD) emergency response times to the Tideflats area due to a number of factors. Contributing factors for the response time deficiencies are listed below.

- Temporary blockage of certain roadways within the Port area by Tacoma Rail and other Port operations
- Roadway congestion resulting from local and regional traffic patterns
- Permanent vacation of a portion of Alexander Avenue north of SR509 and other recent street vacations
- Poor roadway surfaces within the Port that make travel difficult for fire apparatus
- Permanent closures of bridges and an increase in truck activity/congestion
- Closure and relocation of fire stations

c. 11th Street Bridge Closure

On July 18, 2014, the City of Tacoma, citing safety concerns, announced the closure of the East 11th Street Bridge, spanning the Puyallup River. This closure affected one of the primary

corridors connecting Downtown Tacoma and the Port of Tacoma. The Bridge is closed indefinitely.

3. Greenhouse Gas Reduction

a. Washington State

In 2008 the Washington State Legislature set limits on Washington's greenhouse gas emissions in state law.ⁱ The law requires the state to limit emissions to achieve the following reductions:

- By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels.
- By 2035, reduce overall emissions of greenhouse gases in the state to 25% below 1990 levels.
- By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to 50% below 1990 levels, or 70% below the state's expected emissions that year.

b. Puget Sound Clean Air Agency

In February 2017, the Puget Sound Clean Air Agency (PSCAA) adopted the following economy-wide greenhouse gas emission reduction targets for the four-county central Puget Sound region:

- By 2030, reduce overall greenhouse gas emissions in the region to 50% below 1990 levels.
- By 2050, reduce overall greenhouse gas emissions in the region to 80% below 1990 levels.

These targets are based on the most recent science regarding the level of emission reductions necessary to stabilize the climate. Since transportation is the largest single source of greenhouse gas emissions in the region, the agency identified candidate actions and strategies to reduce transportation-related emissions and support achievement of the targets. These include supporting the policies and strategies included in PSRC's Regional Transportation Plan and VISION 2040. Further, PSCAA candidate actions include accelerating zero emission vehicle adoption and pursuing a clean fuel standard, among other strategies

c. City of Tacoma Resolution No. 40509

This City Council resolution directed staff to develop an updated Environmental Action Plan to achieve the following, at a minimum:

- Aspirational goal for City operation to be carbon-neutral by 2050;
- A community goal to achieve an 80 percent GHG reduction by 2050;
- Develop a green economy plan element to attract and retain carbon-neutral and climate friendly businesses.

4. Climate Vulnerability and Sea Level Rise

The 2016 Tacoma Climate Change Resilience Study and the 2016 Climate Change Impact Assessment and Adaptation Options report (City of Tacoma, 2016; Puyallup Tribe of Indians, 2016) examined a number of climate drivers and potential future changes in the region including shifts in air temperature, precipitation patterns, flood events, temperature of local waterbodies, landslides, wind events, shifts in ocean chemistry, wildfires, and sea level rise (SLR). These studies examined impacts across environmental, social, and built systems, identifying potential next steps and

adaptation approaches to mitigate potential impacts. Key findings for the Tideflats area from these studies include the following:

a. Infrastructure

- Wastewater systems such as the Central Wastewater Treatment Plant, pump stations, and gravity conveyances could experience impacts due to higher sea levels and increased Puyallup River flooding.
- Surface water infrastructure that is tidally influenced will experience backwater effects as sea level rises and increased flow rates due to increased precipitation. Pump stations may experience impacts under conservative SLR projections for 2100.
- Puyallup River levees will be exposed to increased flooding due to hydrologic changes, SLR, and sediment deposition. Impacts largely dependent on current levee freeboard and condition.
- Transportation infrastructure throughout the Tideflats area is exposed to SLR, with low elevation roads being highly vulnerable.

b. Natural Systems

- Marine ecosystems and intertidal habitats, which exist in narrow elevation ranges and rely on complex nearshore processes, are likely to experience impacts due to increased frequency and duration of inundation caused by SLR.
- Puyallup River is likely to experience impacts due to increases in contributing basin size, hydrology, and sediment load with potentially limited adaptation options due to history of alteration.

5. Port of Tacoma Edges and Adjacent Neighborhoods

The study area is bound by I-705 and Dock Street on the west, I-5 on the south, 70th Avenue E and SR 99 on the east, and Marine View Drive and East 11th Street on the north. In addition to these transportation features, the study area is situated in a valley with steep slopes that separate it from uses in the east and west. The combination of transportation corridors and topography create strong edges that physically separate the study area adjacent neighborhoods.

a. Western Edge

The Thea Foss Waterway forms a physical separation between the study area and Downtown Tacoma on the west. A mix of uses including attractions such as the Museum of Glass, waterfront apartment and condominium buildings, and interspersed commercial uses, occupy the narrow strip of land between Dock Street and the shoreline on this western edge. North of the study area on Schuster Parkway is the Tacoma Export Marketing Company (TEMCO) Grain Terminal. The terminal is the nation's largest exporter of grain and second-largest exporter of flour.

The 11th Street bridge at the intersection of Dock Street and S 11th Street is a gateway feature to the study area. A boat ramp facility for the Puyallup Tribe is also located here.

To the southwest edge of the study area, beyond Puyallup Avenue and E 25th Street, are the parking areas and low-density development around the Tacoma Dome Station. The Tacoma Dome Station is a regional transportation facility where multiple transit routes and services converge, including Tacoma Link streetcar, Sounder commuter rail, and local and regional bus service. Just outside the study area on the southwest is the Emerald Queen Casino and Tribal

government uses. Within the study area, along the southern edge east of E 27th Street are ceremonial grounds for the Puyallup Tribe.

b. Southern Edge

On the southeastern edge the area between the study area and Interstate 5 (located within the city limits of Fife) is dominated by commercial uses oriented to the highway. Interspersed with these highway oriented commercial uses is a housing development for the Puyallup Tribe of Indians.

c. Eastern Edge

Marine View Dr. and SR 509 form the eastern edge of the study area. Julia's Gulch, a 60-acre site owned by the Port of Tacoma and managed by Metro Parks, borders the eastern edge of the study area. The site remains green through a stewardship agreement with the City of Tacoma, Schnitzer Steel Industries, and Forterra. View Point park, housing and forested areas are just outside the study area. Steep topography separates the study area from the development along this side of the study area.

6. Public Land Ownership in the Port of Tacoma MIC

a. Tribal Ownership

One element of the 1990 Land Settlement Agreement between the Puyallup Tribe of Indians and the Port of Tacoma, along with numerous other governments and private entities, was the return of close to 900 acres of land to the Tribe, including land on the Blair Waterway. This land on the Blair Waterway was envisioned by both the Port and the Tribe to be developed as an international marine terminal. In addition to these properties, parts of the Puyallup River within the study area are also owned by the Puyallup Tribe.

b. Port Ownership

The Port of Tacoma is a major landowner in the area. It operates and leases piers, docks, wharves, cargo handling equipment, and related upland facilities.

Major container and intermodal facilities that are located in the study area include deep water terminals for containerized, breakbulk, and bulk cargo and intermodal rail facilities. Some of the largest cargo terminals, especially the container terminals, are owned and leased by the Port of Tacoma, but there are also many private facilities that transfer cargo to and from ships and barges.

c. City-owned Land

A significant proportion of the land in the study area is publicly owned. For example, Fire Stations 6 and 18, future Fire Station No. 5 (under construction), and a training center are located within the study area. Changes to publicly owned facilities offer opportunities.

7. South Tacoma MIC Edges and Adjacent Neighborhoods

a. The northeast portion of the MIC abuts the Downtown Regional Growth Center at the intersection of Center Street and S Yakima Ave. Moving West, the MIC has a small open space/slope transition along the northern boundary until bifurcated by HWY 16, which creates an additional separation between the MIC and residential areas. To the South, the MIC is buffered by I-5 until it abuts the Tacoma Mall Regional Growth Center as it begins to turn south.

b. The central portion of the MIC has residential neighborhoods to the west, including the Oakland-Madrona business district and the Oakland High School. A significant portion of this area, bounded between South Madison and the railroad tracks and generally from S 37th Street to S 48th street includes largely vacant industrial areas, comprised of a superfund site from a former railyard and municipal airport.

c. The southern portion of the MIC is bounded by residential neighborhoods to the west and the South Tacoma Mixed Use Center to the east. South of 56th Street, the MIC immediately abuts the South End Recreation Area, including the STAR Center, Gray Middle School, and the South Tacoma Sounder Station. Finally, the MIC ends at S 74th Street, with general commercial areas to the immediate east and residential neighborhoods directly to the west without any zoning transitions.

8. Department of Housing and Urban Development Acceptable Separation Distances

The City of Tacoma utilizes funds from the Department of Housing and Urban development to provide affordable housing, emergency assistance, and to invest in community facilities and economic development. These programs include:

- Community Development Block Grant (CDBG) program
- HOME Investment Partnership Program (HOME)
- Neighborhood Stabilization Program II

However, HUD limits the use of these federal funds if the proposed project location is in close proximity to a high-risk facility. Regulation 24 CFR Part 51 Subpart C applies specifically to the petrochemical liquids and gases that could ignite and explode and that are stored in above-ground, stationary containers. The Acceptable Separation Distance Guidebook, as well as 24 CFR Part 51 Subpart C and the ASD assessment, are tools designed to determine whether a proposed HUD-assisted project site is too close to a facility with potentially hazardous stationary above-ground containers. The Guidebook is available at: <https://www.hud.gov/sites/documents/HUD-GUIDEBOOK.PDF>. This Guidebook, as well as 24 CFR Part 51 Subpart C and the ASD assessment, are tools designed to determine whether a proposed HUD-assisted project site is too close to a facility with potentially hazardous stationary above-ground containers. They are tools that also help environmental review professionals understand and implement the regulation 24 CFR Part 51 Subpart C

The siting of existing and potential new petrochemical and other high risk/high impact uses can, therefore, affect the ability of the City of Tacoma, City of Fife, and the Puyallup Tribe of Indians to use HUD funds, such as Community Development Block Grants, to support affordable housing or other community facilities in areas in proximity to these hazards. Given the close proximity of the City's heavy industrial zones to the Downtown Regional Growth Center, continued siting of these industrial facilities could have an adverse impact on the City's ability to site new affordable housing in Downtown and around the Sounder and Light Rail Stations.

G. Findings of Fact: Policy Review

1. Permit and Land Use Notification

The following is a summary of policies from the Growth Management Act, Shoreline Management Act, Multicounty Planning Policies (VISION 2040), and the One Tacoma Comprehensive Plan that have been considered as part of this review:

a. Growth Management Act

Goal (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

RCW 36.70A.140 Ensure Public Participation. “Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.”

b. Shoreline Management Act

“RCW 90.58.130 Involvement of all persons and entities having interest, means.

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.”

c. One Tacoma Comprehensive Plan

Policy AD–1.2 Ensure that community engagement opportunities are broadly accessible and incorporate a range of locations, times and formats, including accommodations that allow people with disabilities, people with childcare responsibilities, and people with first languages other than English to fully participate.

Policy AD–1.3 Provide broad and timely notification of public meetings and events through a variety of methods, including social media.

Policy AD–1.8 Evaluate community involvement processes on a regular basis, considering available data, feedback and lessons learned to determine whether any changes are needed to City practices in order to enhance future involvement efforts.

Policy AD–1.9 Utilize community members’ knowledge and input on policy priorities to update the Comprehensive Plan and ensure that it remains relevant and consistent with community needs.

2. Conversion of Industrial Lands in the Port of Tacoma MIC

The following is a summary of policies from the Growth Management Act, Shoreline Management Act, Multicounty Planning Policies (VISION 2040), and the One Tacoma Comprehensive Plan that have been used to guide this land use regulatory code review and determine consistency with applicable goals and policies.

a. Growth Management Act

This review is supported by Goal 5 of the Growth Management Act, which states: “Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.”

As a subset of this goal, the City of Tacoma is required to plan under RCW 36.70A.085 Port elements. This section outlines the following planning requirements:

“Port elements adopted under subsections (1) and (2) of this section must be developed collaboratively between the city and the applicable port, and must establish policies and programs that:

- *Define and protect the core areas of port and port-related industrial uses within the city;*
- *Provide reasonably efficient access to the core area through freight corridors within the city limits; and*
- *Identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.”*

In 2014 the City and Port worked collaboratively to develop and adopt goals and policies consistent with these requirements in the City’s One Tacoma Comprehensive Plan.

b. VISION 2040

The Tacoma Tideflats MIC is part of a regional system of manufacturing and industrial centers. The center framework is a key component of the Puget Sound Regional Council’s (PSRC) regional growth strategy and guides regional growth allocations, informs transit service planning, and represents priority areas for PSRC’s federal transportation funding.

PSRC designates two types of centers – Regional Growth Centers and Manufacturing/Industrial Centers. Regional Growth Centers are locations of more compact, pedestrian-oriented development with a mix of housing, jobs, retail, services, and other destinations. Manufacturing/Industrial Centers, on the other hand, are locations with a concentration of a diverse set of industrial and manufacturing jobs and/or key infrastructure assets; they are regional resources that create and sustains economic diversity and supports national and international trade.

c. One Tacoma Plan – Container Port Element

Policies in the One Tacoma Plan differentiate between a “Core Area” and an “Industrial/Commercial Buffer Area”. This differentiation suggests that distinct use allowances should be considered for consistency with these established policies. In general, the Core Area corresponds to the S-10 Shoreline District and the Port Maritime Industrial District (PMI), whereas the Buffer Area corresponds to M-2 Heavy Industrial and M-1 Light Industrial Zones.

Policy CP–1.1 Prioritize, protect and preserve existing and planned port uses, port-related container and industrial uses and rail-related uses. Uses should consist primarily of cargo port terminal, port-related container and industrial activity, compatible manufacturing, industrial-related office, cargo yard, warehousing, transportation facilities, and other similar uses.

Policy CP–1.2 Prohibit uses that would negatively affect the availability of land for the primary port and port-related cargo and industrial function of the Core Area. Encourage aggregation of industrial land for future development as cargo port terminals and supporting uses.

Policy CP–1.3 Clearly identify and prohibit uses that are entirely incompatible with the Core Area uses. Examples may include those that attract people to the area for non-industrial purposes or that would be incompatible with typical industrial area impacts (noise, truck movement, etc.). These may include residential, general retail, temporary lodging or other similar uses.

Policy CP–2.4 Recognizing the importance of industrial activity to the local and regional economy, industrial uses in the Industrial/Commercial Buffer area should be preserved and promoted. Industrial uses, including non-water related industry, is compatible with and can support maritime industrial uses in the Core Area, as well as contributing to the region’s economy as a whole.

Policy CP–2.5 While the Industrial/Commercial Buffer Area provides for a wider range of uses than the Core Area, incompatible uses that would be impacted by the potential noise, odor and visual character of industrial areas should continue to be prohibited. This may include residential or other sensitive uses.

d. One Tacoma Plan – Urban Form Chapter

Policy UF–8.1 Strive to capture 46% of Urban Pierce County’s employment growth by 2040.

Policy UF–8.2 Ensure that there is sufficient zoning and development capacity to accommodate the 2040 employment growth allocations.

Policy UF–8.3 Ensure an equitable distribution of employment throughout the City, with the highest concentration of job growth occurring in the Downtown Regional Growth Center.

e. One Tacoma Plan – Economic Development Chapter

As one of five designated Metropolitan Cities in the Puget Sound Regional Council’s (PSRC) VISION 2040, Tacoma is planning for 97,000 new jobs by 2040. The city has more than enough physical and land use zoning capacity to accommodate this growth, based on the most recent Buildable Lands report, but to work towards this target, Tacoma must strategically attract and grow businesses to increase the number of jobs in the city. Not only does the city have to grow its economic base generally, it must also deliberately channel this growth into the areas of Tacoma best suited to accommodate this increase.

Policy EC–3.1 Support efforts to attract, expand and retain large, medium and small businesses that offer high quality jobs, generate local tax revenue and/or provide needed goods or services to residents.

Policy EC–6.19 Provide industrial land and encourage investment in necessary services that support industrial business retention, growth and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing and a widely accessible base of living wage jobs, particularly for underserved and underrepresented people.

Policy EC–6.21 Protect and preserve sufficient land use capacity for water-dependent and related industrial uses within the city’s industrial shorelines.

Policy EC–6.21 Protect and preserve sufficient land use capacity for water-dependent and related industrial uses within the city’s industrial shorelines.

3. Residential Encroachment

The policies previously cited are also pertinent to this topic. In addition, the following policies from VISION 2040 and the Container Port Element of the One Tacoma Plan provide additional and more specific guidance.

a. VISION 2040

MPP-DP-53: Protect industrial lands from encroachment by incompatible uses and development on adjacent land.

MPP-Ec-19: Maximize the use of existing designated manufacturing and industrial centers by focusing appropriate types and amounts of employment growth in these areas and by protecting them from incompatible adjacent uses.

b. One Tacoma Plan - Container Port Element

Policy CP–1.4 Reduce the potential for land use conflicts between industrial development and surrounding nonindustrial uses by providing for adequate Industrial/Commercial Buffer areas, and clear public commitment to continuation of Port and port-related cargo and industrial uses in the designated Core Area.

Policy CP–2.2 In general, natural buffers, such as change in topography, vegetated areas and water bodies are preferred as a means to buffer and separate incompatible uses. The Industrial/Commercial Buffer Area designation is needed only where the existing geography does not provide an effective buffer. Ensure that unrelated uses in the Industrial/ Commercial Buffer Area are not allowed to gradually encroach on the Core Area boundary. The industrial/Commercial Buffer Area should remain of sufficient size to provide a long-term buffer for the Core Area.

Policy CP–2.3 Development standards for industrial and commercial activities in the Industrial/Commercial Buffer Area should ensure compatibility with the activity levels and physical character of adjacent less intensive community character.

c. Tacoma Plan – Environment and Watershed Health

Policy EN–1.22 Develop and maintain a prioritized list of natural resource types, target areas and/or properties desirable for public acquisition to support long-term natural resource

protection, and establish a process for coordinating acquisition with other programs including programs to maintain enough land for employment needs, programs to protect water quality and programs to reduce exposure to flooding hazards.

Policy EN-3.1 Ensure that the City achieves no-net-loss of ecological functions over time.

Policy EN-3.2 Evaluate the potential adverse impacts of proposed development on Tacoma's environmental assets, their functions and the ecosystem services they provide.

Policy EN-3.3 Require that developments avoid and minimize adverse impacts, to the maximum extent feasible, to existing natural resources, critical areas and shorelines through site design prior to providing mitigation to compensate for project impacts.

Policy EN-3.5 Discourage development on lands where such development would pose hazards to life, property or infrastructure, or where important ecological functions or environmental quality would be adversely affected: a. Floodways and 100-year floodplains b. Geologic hazard areas c. Wetlands d. Streams e. Fish and wildlife habitat conservation areas f. Aquifer recharge areas g. Shorelines

Policy EN-4.29 Ensure that plans and investments are consistent with and advance efforts to improve the quantity, quality and equitable distribution of Tacoma's urban forest: a. Strive to achieve a citywide tree canopy cover of 30 per cent by the Copper Beech at Wright Park year 2030 ("30-by-30")

Policy EN-4.13 Ensure that plans and investments are consistent with and advance efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by: a. Preventing habitat fragmentation b. Improving habitat quality c. Preserving or creating habitat areas as feasible on new development and redevelopment sites d. Creating and enhancing Open Space Corridors that allow fish and wildlife to safely access and move through and between habitat areas

d. One Tacoma Plan – Design and Development

Policy DD-9.2 Improve the interface between non-residential activities and residential areas, in areas where commercial or employment areas are adjacent to residential zoned land.

Policy DD-9.5 Protect non-industrial zoned parcels from the adverse impacts of activities on industrial zoned parcels.

Policy DD-9.6 Buffer between designated Manufacturing/Industrial Centers and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

Policy DD-9.7 Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality and noise impacts to building users and residents, particularly in areas near freeways, high traffic streets, and other sources of air pollution.

Policy DD-11.2 Limit development in or near areas prone to natural hazards where practicable, using the most current hazard and climate change-related information and maps.

4. Siting of Potentially High Risk/High Impact Heavy Industrial Uses

The policies previously cited are also pertinent to this topic. In addition, the following policies from the Shoreline Management Act, Shoreline Master Program, One Tacoma Plan and Resolution No. 40509 provide additional and more specific guidance.

a. Shoreline Management Act and Shoreline Master Program

(1) Purpose and Intent

“Consistent with the Shoreline Management Act, this Program is intended to:

Prevent the inherent harm of uncoordinated and piecemeal development of the state’s shoreline.

Implement the following laws or the applicable elements of the following:

- a. Shoreline Management Act: RCW 90.58;
- b. Shoreline Guidelines: WAC 173-26;
- c. Shoreline Management Permit and Enforcement procedures: WAC 173-27; and
- d. To achieve consistency with the following laws or the applicable elements of the following:
 - i. The Growth Management Act: RCW 36.70A;
 - ii. City of Tacoma Comprehensive Plan; and
 - iii. Chapter 13 of the City of Tacoma Municipal Code.

Guide the future development of shorelines in the City of Tacoma in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).

Promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Tacoma’s shorelines; and

Ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other

development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

(2) Shorelines of Statewide Significance

The statewide interest should be recognized and protected over the local interest in shorelines of statewide significance. To ensure that statewide interests are protected over local interests, the City shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies:

Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.

The Washington Departments of Fish and Wildlife and Ecology, the Puyallup Tribe, and other resource agencies should be consulted for development proposals that could affect anadromous fisheries.

The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternative sites are available.

Potential short term economic gains or convenience should be measured against potential long term and/or costly impairment of natural features.

Protection or enhancement of aesthetic values should be actively promoted in new or expanding development.

Resources and ecological systems of shorelines of statewide significance should be protected.

Those limited shorelines containing unique, scarce and/or sensitive resources should be protected to the maximum extent feasible.

Erosion and sedimentation from development sites should be controlled to minimize adverse impacts on ecosystem processes. If site conditions preclude effective erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be not be permitted.

Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.

Public and private developments should be encouraged to provide trails, viewpoints, water access points and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.

Development not requiring a waterside or shoreline location should be located upland so that lawful public enjoyment of shorelines is enhanced.

(3) Shoreline Land Use Policies

Encourage new water-dependent, water-related, and water-enjoyment uses in priority order.

Support the City Comprehensive Plan policies as they relate to the shoreline.

Discourage new non-water-oriented industrial uses from locating inside shoreline jurisdiction, in order to reserve adequate land supply to serve future water-dependent and water-related industrial uses.

Promote and encourage uses and facilities that require and take advantage of the deep water of Commencement Bay and the associated Waterways.

Support the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and ensure that container ports continue to function effectively alongside vibrant city waterfronts.

(4) Economic Policies

Encourage new economic uses that create family wage jobs and employment.

Ensure that only those new industries that are either water-dependent or water-related operate in the shoreline area.

Encourage economic development that has minimal adverse effects and mitigates unavoidable impacts upon shoreline ecological functions and processes and the built environment.

Support the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and ensure that container ports continue to function effectively alongside vibrant city waterfronts.

Encourage shoreline development that has a positive effect upon economic and social activities of value to the City and region.

(5) Flood Prevention and Flood Damage Minimization

Discourage development in floodplains, channel migration zones and coastal high hazard areas associated with the City's shorelines that would individually or cumulatively result in an increased risk of flood damage.

(6) Critical Areas and Marine Shoreline Protection

Maintain healthy, functioning ecosystems through the protection of ground and surface waters, marine shorelines, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species.

Prevent cumulative adverse impacts to water quality, streams, FWHCAs, geologic hazard areas, shoreline functions and processes, and wetlands over time.

Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Shoreline use and development should be carried out in a manner that achieves no net loss of ecological functions; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.

Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events.

Protect natural processes and functions of Tacoma's environmental assets (wetlands, streams, lakes, and marine shorelines) in anticipation of climate change impacts, including sea level rise.

(7) Port/Industrial Use Policies

Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.

Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.

b. One Tacoma Comprehensive Plan

The introduction to One Tacoma states an overarching goal to advance sustainable growth, including an overall reduction in greenhouse gas emissions.

(1) Environment and Watershed Health

Policy EN–1.3 Consider the impacts of climate change and the risks to the city’s environmental assets in all phases of planning, programming and investing.

Policy EN–1.9 Develop hazard mitigation plans that reduce exposure of Tacoma citizens to future disasters or hazards (e.g., flooding, earthquakes, winds).

Policy EN–1.12 Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil conservation organizations and community organizations and groups to maximize the benefits and cost-effectiveness of watershed environmental efforts and investments.

Policy EN–1.17 Assess and periodically review the best available science for managing critical areas and natural resources and utilize the development of plans and regulations while also taking into consideration Tacoma’s obligation to meet urban-level densities under the Growth Management Act.

Policy EN–1.26 Maintain, implement and periodically update a climate action plan and greenhouse gas inventory, and adjust greenhouse gas emission targets accordingly to ensure successful implementation and consistency with regional and state goals.

Policy EN–1.30 Promote community resilience through the development of climate change adaptation strategies. Strategies should be used by both the public and private sectors to help minimize the potential impacts of climate change on new and existing development and operations, include programs that encourage retrofitting of existing development and infrastructure to adapt to the effects of climate change.

Goal EN–3 Ensure that all Tacomans have access to clean air and water, can experience nature in their daily lives and benefit from development that is designed to lessen the impacts of natural hazards and environmental contamination and degradation, now and in the future.

Policy EN–3.1 Ensure that the City achieves no-net-loss of ecological functions over time.

Policy EN–3.2 Evaluate the potential adverse impacts of proposed development on Tacoma’s environmental assets, their functions and the ecosystem services they provide.

Policy EN–3.3 Require that developments avoid and minimize adverse impacts, to the maximum extent feasible, to existing natural resources, critical areas and shorelines through site design prior to providing mitigation to compensate for project impacts.

Policy EN–3.4 Encourage mitigation approaches when preservation is not feasible that maximize the intended ecosystem benefits. Require on-site or use of established approved mitigation banks versus off-site mitigation; unless off-site mitigation within the same watershed will improve mitigation effectiveness.

Goal EN–4 Achieve the greatest possible gain in environmental health City-wide over the next 25 years through proactive planning, investment and stewardship.

Policy EN–4.7 Ensure that plans and investments are consistent with, and advance, efforts to improve air quality and reduce exposure to air toxics, criteria pollutants and urban heat island effects. Consider air quality related health impacts on all Tacomans.

Policy EN–4.8 Achieve criteria air pollutant [particle pollution, ground-level ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead] reductions in both municipal operations and the community.

Policy EN–4.41 Support the reduction of Tacoma’s greenhouse gas emissions consistent with the City’s adopted targets.

(2) Use Priorities:

Policy CP–1.1 Prioritize, protect and preserve existing and planned port uses, port-related container and industrial uses and rail-related uses. Uses should consist primarily of cargo port terminal, port-related container and industrial activity, compatible manufacturing, industrial-related office, cargo yard, warehousing, transportation facilities, and other similar uses.

Policy CP–1.2 Prohibit uses that would negatively affect the availability of land for the primary port and port-related cargo and industrial function of the Core Area. Encourage aggregation of industrial land for future development as cargo port terminals and supporting uses.

(3) Economic Development and Industrial Land Supply:

Policy EC–6.19 Provide industrial land and encourage investment in necessary services that support industrial business retention, growth and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing and a widely accessible base of living wage jobs, particularly for underserved and underrepresented people.

Policy EC–6.21 Protect and preserve sufficient land use capacity for water-dependent and related industrial uses within the city’s industrial shorelines.

Policy EC–1.2 Ensure that there is sufficient zoning and development capacity to accommodate the 2040 employment growth allocations.

Policy EC–1.10 Leverage Tacoma’s industry sector strengths and assets to position Tacoma as a leader and innovator in the local, regional and state economy. Policy EC–1.11 Identify and regularly update Tacoma’s target industries to better leverage the city’s economic position within the region and to respond to strategic opportunities as they arise.

Policy EC–1.12 Actively seek investments to grow Tacoma’s presence in the following target industries: a. Bio-medical and medical b. Information technology and cyber security c. Professional services d. Industrial and manufacturing e. Tourism and hospitality f. Creative economy g. International trade h. Finance and Insurance

(4) Environment, Critical Areas, and Life Safety:

Policy DD–11.2 Limit development in or near areas prone to natural hazards where practicable, using the most current hazard and climate change-related information and maps.

Policy DD–11.3 Encourage development approaches that will enhance the ability of people, wildlife, natural systems, and property to withstand and recover from a natural disaster or other major disturbance

Policy EN–1.5 Protect the quantity, quality and function of high value environmental assets identified in the City’s natural resource inventories, including:

- Rivers, lakes, streams and associated riparian uplands
- Floodplains
- Riparian corridors
- Wetlands and buffers
- Groundwater
- Trees and urban forests
- Bays, estuaries and marshes
- Shorelines
- Native and other vegetation species and communities that provide habitat value
- Habitat complexes and corridors, rare and declining habitats such as wetlands, native oak and habitats that support special-status or at-risk plant and wildlife species
- Other natural resources as identified

Policy EN–1.6 Direct development activities away from critical natural features such as steep slope areas and unstable soils, wooded areas, shorelines, aquatic lands and other unique and high value natural areas when planning for growth.

Policy EN–1.26 Maintain, implement and periodically update a climate action plan and greenhouse gas inventory, and adjust greenhouse gas emission targets accordingly to ensure successful implementation and consistency with regional and state goals.

Policy EN–1.18 Evaluate climate data and consider climate risks in the development of regulations, plans and programs.

Policy EN–1.29 Protect processes and functions of Tacoma’s environmental assets (wetlands, streams, lakes) in anticipation of climate change impacts.

Policy EN–3.1 Ensure that the City achieves no-net-loss of ecological functions over time.

Policy EN–2.1 Minimize the risk of damage to life and property by establishing robust development standards that ensure avoidance and/or minimization of potential geologic hazards.

Policy EN–2.8 Regulate development in the 100-year floodplain to avoid substantial risk and damage to life, public and private property, infrastructure, and fish and wildlife habitat. Ensure these regulations, as a minimum, comply with state and federal requirements for floodplain regulations.

(5) Transitions and Off-Site Impacts:

Policy CP–1.6 In the Core Area, allow for localized impacts associated with industrial activities, including noise, odor and visual character, that are appropriate and expected in heavy industrial areas but would not be allowed in other parts of the city. Noise and odor may be associated with transportation and manufacturing facilities. Visual character may include outdoor storage, relatively large building mass and impervious surface area. While localized impacts are permitted, continue to require Core Area industrial uses to be developed in a manner that protects the environment and preserves public health and safety from a citywide and regional perspective.

Policy CP–1.4 Reduce the potential for land use conflicts between industrial development and surrounding nonindustrial uses by providing for adequate Industrial/Commercial Buffer areas, and clear public commitment to continuation of Port and port-related cargo and industrial uses in the designated Core Area.

Policy CP–2.3 Development standards for industrial and commercial activities in the Industrial/Commercial Buffer Area should ensure compatibility with the activity levels and physical character of adjacent less intensive community character.

Policy CP–2.6 Establish development or performance standards to allow for continued viability of the Industrial/Commercial Buffer Area, while protecting the livability of adjacent areas.

Policy DD–9.3 Use land use and other regulations to limit and mitigate impacts, such as odor, noise, glare, air pollutants, and vibration that the use or development of a site may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas.

Policy DD–9.5 Protect non-industrial zoned parcels from the adverse impacts of activities on industrial zoned parcels.

Policy DD–9.6 Buffer between designated Manufacturing/Industrial Centers and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

(6) Groundwater Protection

Policy EN–3.22 Protect and preserve the quantity and quality of Tacoma’s groundwater supply.

Policy EN–3.28 Protect the quality of groundwater used for public water supplies to ensure adequate sources of potable water for Tacoma and the region. Ensure that the level of protection provided corresponds with the potential for contaminating the municipal water supply aquifer.

c. Resolution 40509

[T]he City declares that our city, region, state, nation, civilization, humanity, and the natural world are experiencing a climate emergency, and the City Council hereby expresses its support for initiatives to foster a Citywide climate emergency mobilization effort to combat global warming that will result in the goal of a just transition to a carbon-neutral economy and accelerate adaptation and resilience strategies in preparation for intensifying climate impacts.

[T]he City Manager shall establish a method by which the quantity and type of fossil and bio-fuels produced, refined, stored in, and distributed through the City of Tacoma can be determined, and periodically reported. The City Manager should further establish a method to gather information on specific fossil fuel facilities in the City of Tacoma, including changes of ownership, mergers and acquisitions, investor presentations and reports, or any other public

information that may indicate a facility's interest or intent to expand in the future, taking into account broader market trends in oil and gas refining and export in the Pacific Northwest. If this method does not require the consideration of additional City Council legislation, the method will be implemented and the data furnished to the City Council on a periodic basis, depending on the frequency of availability of data.

H. Findings of Fact: Permit and Land Use Notification

1. Scale of Potential Impacts

The potential range of activities allowed under the heavy industrial use category in Title 13 and Title 19 entail a broad range of potential impacts that may affect communities within the designated industrial zoning districts and Manufacturing and Industrial Centers and also far exceeding the center boundaries. Air, water, and other climate impacts as well as potential light, noise, odor, and traffic, can extend beyond zoning and other jurisdictional boundaries.

2. Baseline Notification Procedures

The City's baseline notification procedure for permit applications typically include direct notice to taxpayers within 400' of the project site. In some cases notification distances are extended to 1000'. Similarly, notification for area-wide zoning reclassifications and Comprehensive Plan Future Land Use Amendments are typically sent to taxpayers within 1000' of the proposed amendment. In many cases, the permit notification distances within industrial lands have not been sufficient to notify the residents and occupants in adjacent neighborhoods.

3. Regional Importance of Designated Manufacturing and Industrial Centers

Tacoma's designated regional growth centers and manufacturing and industrial centers are of both local and regional import and have been established to support broad state Growth Management Act and Multicounty planning goals and policies.

4. Increased Community Interest in Planning and Development

As a result of the methanol plant proposal in the Port of Tacoma there has been increased demand for public notice and tools to inform interested parties of potential land use actions. In response, the City has developed online map tools, increased notification distances for specific types of projects, and conducted community capacity building to help Neighborhood Councils and other community groups learn how to participate in planning and permitting processes.

5. Errors and Inconsistencies

TMC 13.05 Land Use Permits and Procedures includes errors and inconsistencies pertaining to public notice distances that will be reconciled by the proposed amendments.

6. Equity Considerations

Existing notification requirements specify that notices should be provided to taxpayers of record. Excluding occupants omits residential, commercial, and industrial tenants who may likewise be impacted by potential use and development activity. Including occupants as part of the notification procedures will provide greater equity in public notice and public involvement in land use decisions.

I. Findings of Fact: Incompatible Land Uses in the Port of Tacoma MIC

1. Container Port Element

In 2014 the City of Tacoma, in collaboration with the Port of Tacoma, adopted the Container Port Element of the One Tacoma Comprehensive Plan, which established a designated Core Area and Industrial Commercial Buffer Area. The Core Area is generally comprised of the Port Maritime Industrial Zoning District and the S-10 Shoreline District, whereas the Industrial/Commercial Buffer area is comprised of the M-2 Heavy Industrial and M-1 Light Industrial Districts.

2. VISION 2040 Manufacturing and Industrial Centers

The Puget Sound Regional Council's VISION 2040 Multicounty Planning Policies and the City's One Tacoma Comprehensive Plan designate the Port/Tideflats as a Manufacturing/Industrial Center (MIC). These areas are focal points for targeted regional employment growth. The designation provides regional funding priority for major transportation projects (e.g., Port of Tacoma Road, Taylor Way, SR 167, and freight projects). Regional planning policies protect MICs from encroachment of incompatible land uses.

3. Regional Industrial Employment Forecasts

Puget Sound Regional Council forecasts show industrial jobs region-wide increasing from 305,100 jobs in 2012 to 389,000 jobs in 2040, an increase in 83,900 total jobs (<https://www.psrc.org/sites/default/files/industrialandsanalysisreport.pdf>).

4. Regional Industrial Land Supply

PSRC forecasts employment and land supply for the Tacoma-Puyallup industrial area. Exhibit 6.18 to the Industrial Lands Analysis identifies the total land area, vacant land area, and underutilized land area for each sub-regional industrial area. The analysis indicates that the Tacoma-Puyallup industrial area includes approximately 13% of the regional vacant industrial land supply and 15% of the underutilized land supply.

5. Regional Economic Contribution of Industrial Land

According to PSRC's Industrial Lands Analysis Report "(i)n 2012, total wages paid out by industrial activities on industrial lands summed to \$24.4 billion. Overall, the annual earnings from industrial jobs on industrial lands averaged \$80,000 in 2012. Wages associated with industrial jobs on industrial lands equaled 23.2% of all wages paid out across the region in 2012. By comparison, the average wage across the four-county central Puget Sound region in 2012 was \$59,700. Retail Trade, one of the largest segments of the regional work force, supported an average wage of \$36,300, while Finance and Insurance paid an average wage of \$86,900 (page E-9)."

6. Conversion of Industrial Lands

PSRC estimates that non-industrial employment on industrial lands will grow from 36% of total jobs on industrial lands in 2012 to 45% by 2040 (page E-10, Industrial Lands Analysis Report). PSRC forecasts for the Tacoma-Puyallup subarea show "higher growth in non-industrial jobs, with such jobs representing 70% of all jobs in the subarea (page 6-16)." The employment forecasts for 2040 suggest the existing land supply is sufficient to accommodate both the industrial and non-industrial employment forecasts, but that rising land values, proximity to nearby commercial centers, and other factors, will require some shift in management strategies due these non-industrial trends.

7. 2014 Pierce County Buildable Lands Analysis

The Pierce County Buildable Lands Analysis assesses the land capacity to absorb the VISION 2040 employment allocations. Appendix D to the report allocates 8% of the City's overall employment allocation to the Tideflats MIC, an estimate of 7,555 new jobs by 2040. The report identifies a total

land area of 3,912 acres within the Tideflats MIC and sufficient land capacity to absorb the allocated employment.

8. Non-industrial Uses in the Port/Tideflats

The Port Tideflats are predominantly zoned Port Maritime Industrial (PMI) and Heavy Industrial (M-2) zoning districts. Some areas to the periphery are zoned Light Industrial (M-1). Current policies support the retention and protection of manufacturing and industrial lands for manufacturing and industrial use, and to expand a diversified employment base in these areas. However, the City's current zoning districts allow expansive uses, including certain non-industrial uses that typically require a large land area to accommodate or would pose conflicts with existing and planning container shipping activities and that would detrimentally impact the long term viability of industry and prioritized container shipping activities in the area. These uses include:

- Golf Courses
- Schools (K-12)
- Juvenile Community Facilities
- Airports
- Agricultural uses (excluding marijuana production and processing)
- Destination Parks and Recreation (such as stadiums, arenas, museums, zoos, and aquariums).

9. Existing Land Uses and Employment Makeup

The study area includes 3,963 acres (parcel acres) spread across 752 parcels with a diverse range of uses. The majority (34%) of uses are industrial activities. Manufacturing (16%), warehousing (15%) and transportation (4%) are also significant proportions of the overall land use acreage in the study area (parcel acres). These activities together account for roughly 70% of the land use in the study area. These acreages reflect the presence of the Port of Tacoma, container and intermodal facilities, and a range of maritime, transportation, manufacturing, construction, utilities, and industrial service uses. Specific uses include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair.

Similar to other industrial areas in the region, however, a number of non-industrial activities that have similar needs around outdoor storage, and distance from residential areas, are also located in the study area. These include uses related to services (6%), construction (6%), utilities (5%) and commercial (2%) activities. Services, retail and commercial uses include food services, auto and other repair services, and other similar uses that serve employees in the area as well as residents in the city.

Utilities uses include three substations owned by Tacoma Public Utilities, a substation owned by Bonneville Power Administration, a wastewater treatment plant operated by the City of Tacoma, and property operated by the Tacoma Fire Department. These existing utilities facilities are part of the infrastructure serving the Port of Tacoma. Current uses in the PMI, Shoreline Districts, and M-2 are predominantly industrial uses and activities. The majority of current non-industrial activity is within the M-1 Light Industrial District adjacent to Downtown in along Puyallup Avenue.

10. Use and Employment Trends

Industrial jobs in the Port of Tacoma MIC account for 9% of all industrial jobs in the County. In comparison, the Frederickson MIC accounted for about 4% of all industrial jobs in the County as of 2010 while the Sumner-Pacific MIC accounted for about 14% of all industrial jobs in the County as of 2015.

Sub-sectors with both high concentration of jobs and relatively high employment growth in the Port of Tacoma MIC include transportation, warehousing, and wholesaling – all sub-sectors associated with the WTU sector. The transportation (6.7 location quotient) and wholesaling (3.9 location quotient) sub-sectors are highly concentrated in the Port of Tacoma MIC. Employment in the transportation subsector is likely fueled by Port of Tacoma marine cargo operations as well as private businesses involved in general freight trucking, coastal freight transportation, pipeline transportation, general warehousing, and storage, among others. The wholesaling subsector is made up of a diverse array of private firms wholesaling motor vehicle parts, lumber, construction equipment, professional and industrial supplies, hardware, fresh fruit, and groceries, etc.

Other sub-sectors highly concentrated in the MIC include wood, petroleum, and chemical manufacturing (7.2 location quotient) as well as metal and equipment manufacturing (3.1 location quotient). Firms in the metal and equipment subsector include such businesses as boat and shipbuilding firms, firms related to iron foundries and metal manufacturing, and firms manufacturing motor vehicle parts, among others. These sub-sectors are also among the slowest growing subsectors in Pierce County over the last several years.

11. Wages

According to the American Community Survey 5-Year estimates from 2014-2018: In the City of Tacoma, manufacturing employment median annual earnings are \$46,802; Transportation, warehousing, and utilities median annual earnings are \$41,726; Wholesale Trade median annual earnings; and Construction median annual earnings are \$42,893.

12. Equity Considerations

Industrial jobs can be a significant source of employment for people without high educational attainment levels. A large portion of Tacoma's population experiences barriers to employment due to lower education levels, less specialized or technical skillsets, language barriers, or lack of transportation or mobility. Only about 39% of Tacoma's population that is 25 years and above have a college degree.

Occupations in production, transportation, and material moving as well as natural resources, construction, and maintenance are a strong source of employment for the employed civilian workforce without college degrees.

For workers without a college degree and/or lower skilled workers, industrial jobs can typically provide higher wages, better benefits, and better opportunities for career advancement and skill development compared with other employment opportunities. For some workers in the region, these industrial jobs are a pathway to economic advancement.

J. Findings of Fact: Residential Encroachment on the Port of Tacoma MIC

1. Container Port Element

The City of Tacoma adopted the Container Port Element in 2014, which included specific policies to protect the Port of Tacoma MIC from residential encroachment and incompatible land uses.

2. Buildable Lands

In 2014 Pierce County completed the countywide Buildable Lands Report, which identified significant areas of buildable land along the hillside in NE Tacoma.

3. Zoning

The City's zoning along the hillside is predominantly R-2 Single Family Dwelling District, which allows minimum lot sizes of 5,000 square feet for an overall allowed density of 8.7 units per acre.

4. Critical Areas

The hillside is generally designated as a critical area with steep slopes, fish and wildlife habitat, wetlands, and streams. However, gaps in critical area regulations left much of the slope unprotected and out of compliance with best available science for the regulation of critical areas.

5. Critical Area Updates

During the interim period, the City updated critical area standards citywide to address gaps in regulations for biodiversity corridors and landslide hazard areas. These updates applied to the hillside in NE Tacoma and were generally intended to preserve critical fish and wildlife habitat and to protect life and safety. These updates did not expressly consider policies pertaining to encroachment on industrial lands.

6. Recent Development

Prior to the adoption of the interim regulations, the City received multiple applications for platting and subdivision along the hillside and an increase in inquiries relating to potential residential developments.

7. Public Health, Safety, and Nuisance Impacts to Surrounding Neighborhoods and Employees

Some industrial and manufacturing uses carry a higher probability of health and safety concerns, or a higher risk of nuisance impacts to adjacent uses. These risks may vary considerably depending on the type of use, the location, and the building and operational design and management. The City has received complaints pertaining to traffic impacts, air emissions, odor, noise, water consumption, and lighting from industrial activity. Many of the complaints directed at port/industrial uses have been generated by residential areas that have been constructed recently and within close proximity to the Tideflats.

8. Equity Considerations

Maintaining an appropriate transition area between port/industrial uses and residential areas promotes the long-term viability of industrial and manufacturing uses and therefore career pathways for individuals without a college degree. Likewise, the transition supports the livability of areas around the port industrial area and avoids public health impacts on nearby populations.

K. Findings of Fact: Siting of Potentially High Risk/High Impact Heavy Industrial Uses

1. Mining and Quarrying

- a. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction. The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity.
- b. Typical on-site and off-site impacts of mining and quarrying operations include the following: increased traffic, noise, odor, clearing, grading, stormwater runoff, light impacts, as well as impacts to tree canopy, biodiversity corridors and other established critical areas.
- c. Mining and quarrying uses have historically been permitted along Marine View Drive. The City permitted a mining and quarrying operation in 2017 prior to the interim regulations taking effect.
- d. The Washington State Growth Management Act (RCW 36.70A) specifically addresses the protection of natural resource lands (Goal 8).
- e. Growth Management Act policies recognize inherent incompatibility between natural resource uses and urban densities of surrounding development and suggest that areas surrounding natural resource uses should have standards in place to limit encroachment of incompatible uses. Allowing new mining and quarrying uses would therefore impact not only the direct land supply for housing and other economic uses, but potentially impact allowable densities in surrounding areas.
- f. Cities planning under GMA were required to designate and protect such lands prior to the development of the first Comprehensive Plans. Upon adoption of the Comprehensive Plan, such use allowances and development regulations that protect mineral resource lands may be amended for consistency with Comprehensive Plan policies.
- g. The City of Tacoma is designated as a Metropolitan City in VISION 2040, and is expected to accommodate significant population and employment growth (127,000 new residents and 97,000 new jobs).
- h. Given expected low employment densities and the large land area typically required by mining and quarrying operations, allowing expansion of such uses would have a detrimental impact on the City's ability to meet employment and housing targets as established in multicounty planning policies, countywide planning policies, and the One Tacoma Plan.
- i. Proposed amendments would avoid and minimize impacts to existing mining operations by allowing the continuation of existing uses as legally permitted and subject to established standards for surface mining in the Tacoma Municipal Code.

2. Smelting

- a. Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base metals. NAICS classifications define the following types of smelting:
- (1) Primary Smelting and Refining of Copper. This industry comprises establishments primarily engaged in (1) smelting copper ore and/or (2) the primary refining of copper by electrolytic methods or other processes. Establishments in this industry make primary copper and copper-based alloys, such as brass and bronze, from ore or concentrates. NAICS

Code 331411.

(2) Alumina Refining and Primary Aluminum Production. This industry comprises establishments primarily engaged in one or more of the following: (1) refining alumina (i.e., aluminum oxide) generally from bauxite; (2) making aluminum from alumina; and/or (3) making aluminum from alumina and rolling, drawing, extruding, or casting the aluminum they make into primary forms. establishments in this industry may make primary aluminum or aluminum-based alloys from alumina. NAICS Code 331313

(3) Nonferrous Metal (except Aluminum) Smelting and Refining. This industry comprises establishments primarily engaged in (1) smelting ores into nonferrous metals and/or (2) the primary refining of nonferrous metals (except aluminum) by electrolytic methods or other processes. NAICS Code 331410.

b. According to the Department of Ecology (<https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Tacoma-smelter#:~:text=For%20almost%20100%20years%2C%20the,a%20result%20of%20this%20pollution>): “For almost 100 years, the Asarco Company operated a copper smelter in Tacoma. Air pollution from the smelter settled on the surface soil of more than 1,000 square miles of the Puget Sound basin. Arsenic, lead, and other heavy metals are still in the soil as a result of this pollution.”

c. The history of smelting in the Puget Sound Region and Washington State has left a legacy of environmental contamination and human health impact that has persisted long after these specific uses closed down. The cost of cleanup has posed a significant barrier to economic revitalization. These facilities include:

- Reynolds Metals, Longview WA., \$28 million cleanup agreement finalized in 2019.
- Asarco Smelter, Everett, WA., cleanup was conducted between 1999-2007, and later resumed as a result of a declaration of bankruptcy, at the cost of \$54 million.
- Asarco Smelter, Tacoma, WA., in 2009 the Department of Ecology received a \$94.6 million settlement for clean up costs associated with the smelter plume.

d. In addition, smelters have historically been a primary source of airborne lead that have had detrimental human health impacts, particularly to children. The Department of Ecology documents health impacts of lead and arsenic here: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Dirt-Alert-program/Health-effects-of-arsenic-and-lead>.

e. Long after site remediation, yard cleanups continue throughout Tacoma and Puget Sound to remediate the impacts of these facilities.

f. Smelters are also a significant contributor of greenhouse gas emissions and are monitored by the EPA. (<https://www.epa.gov/ghgreporting/ghgrp-metals>). According to the EPA, the Alcoa smelter near Bellingham contributes over 1 million metric tons of CO₂e annually and the Kaiser Aluminum facility in Eastern Washington contributes 128,000 metric tons annually.

g. Smelting is an extremely resource intensive use, consuming massive amounts of power and water. In addition, smelting facilities generally require a significant land area (180 acres for a proposed site in Eastern WA, the Asarco Smelter in Tacoma was 67 acres). Principal impacts include wastewater and slag, air emissions, particularly emissions that contribute to acid rain, chemical spill and discharge, explosion and fire risks.

h. While there are no known/licensed smelting operations in Tacoma today, recent demand for solar panels has increased the need for silica smelting. A silicon smelting facility was proposed in Eastern Washington (<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Industrial-facilities-permits/PacWest-Silicon-project>) and later withdrawn during the environmental scoping phase.

3. Coal Facilities

a. Associated Impacts: Increased cancer risks to nearby communities, traffic congestion, increased vessel traffic, rail impacts, impacts to fish and wildlife (mercury and PAHs), air quality (emissions and particulate matter), impacts to Treaty fishing rights.

b. Likelihood of Development: In the past decade, multiple projects have been proposed for major coal terminals throughout the Pacific Northwest due to the declining use of coal for energy production in the United States and overseas demand for coal. These project include:

- Millennium Bulk Terminals, Longview WA (2018): Permits denied by the Department of Ecology due to unavoidable and irreparable harm.
- Grays Harbor Coal Export Facility (2012): RailAmerica canceled plans for the facility citing other economic uses for the site that would provide more jobs, tax revenues, and business for the port.
- Gateway Pacific Terminal, Cherry Point, near Ferndale WA (2017): The permits were denied by the Army Corps of Engineers, determining that the project would impact legally-protected treaty fishing rights of the Lummi Nation. In 2017, Pacific International Terminals withdrew the environmental impact statement.

These permit applications have demonstrated significant, unavoidable impacts to public health, environmental resources, greenhouse gas emissions, and treaty protected fishing rights resulting from the storage and transport of coal.

c. According to the Energy Information Administration, U.S. coal production and consumption has been declining since 2008, while coal exports have been increasing over that same time frame.

d. A U.S. Geologic Survey estimated that coal export proposals in the Northwest could see an 18-30 times increase in coal train traffic through the Columbia River Gorge National Scenic Area. Based on USGS studies each train car can lose up to 500 pounds of coal dust in a single trip and that the average coal includes 120 cars, resulting in an estimated loss of ~60,000 lbs of coal dust lost per train. (https://www.usgs.gov/centers/or-water/science/ecosystem-effects-increased-coal-transport-across-pacific-northwest?qt-science_center_objects=0#qt-science_center_objects).

e. Current rail infrastructure transports coal from the Powder River Basin through the Columbia River Gorge, then north through the Puget Sound to Bellingham.

f. Rail facilities in Tacoma traverse areas with significant shoreline natural resources, residential communities, recreational areas, Downtown, and the Port of Tacoma.

g. The Port of Tacoma includes deep water access, multimodal transportation facilities including rail access, and significant vacant and underutilized lands that make the area attractive for the bulk storage and transshipment of coal.

h. Based on USGS findings, coal dust exposes fish and wildlife and human communities to the following contaminants:

- Particulate matter, PAHs (polycyclic aromatic hydrocarbons), Mercury, Chromium, Selenium, Lead, Arsenic
- Leading to nervous system damage, impaired reproduction, cardiovascular issues, urinary tract and lung cancers.

i. While coal facilities have been frequently proposed for siting in harbor areas with shoreline and rail access, and may support water-dependent activities, the land supply and low employment densities are inconsistent with goals to expand employment and access to living wage jobs.

j. On December 10, 2019 the Tacoma City Council adopted Resolution No. 40509 declaring a climate emergency and declaring “support for initiatives to foster a Citywide climate emergency mobilization effort to combat global warming that will result in the goal of a just transition to a carbon-neutral economy and accelerate adaptation and resilience strategies in preparation for intensifying climate impacts.”

4. Chemical Manufacturing

a. The breadth of chemicals and chemical processes in this category span a broad range of potential impacts and associated risks. Chemical production is also a key component of broader industrial and manufacturing processes.

b. Determining specific risks, impacts, and vulnerabilities is dependent on the location, specific chemical processes, and amount of chemicals stored and processed, as well as the character of nearby areas. In general, these can include: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater and waste products, and air quality emissions including greenhouse gases.

c. In addition, due to the vulnerabilities of the area, risk of spill and discharge is a factor that could compound the impacts of other natural disasters.

d. Transport by rail or vessel introduces risk of spill during transfer and transport.

e. Chemicals span varying degrees of toxicity to plants and wildlife.

f. Some chemicals may pose a fire or explosion danger, but not pose any toxicity or air emissions impacts.

g. The City has multiple existing chemical wholesale and distribution facilities. Prior to the Interim Regulations a methanol plant was proposed within the Tideflats that is within the chemical manufacturing use category. The industry is growing nationally with some evidence of potential expansion into Tacoma.

5. Major Fossil Fuel Facilities and Renewable Fuel Production Facilities

a. 1975 Energy Policy and Conservation Act

In 2015, as part of an omnibus budget bill, the U.S. Congress lifted the ban on the export of crude oil that had been in place since the 1975 Energy Policy and Conservation Act was adopted. The ban was lifted with the purpose of expanding new markets for the distribution of crude oil resulting from the increased production associated with shale fracking. This ban did not apply to other refined oil products, including gasoline.

b. There are approximately six major fossil fuel facilities currently located within the Tideflats with a current storage and production capacity of:

- 5,185,000 barrels of storage capacity within the Tideflats
- 46,700 barrel per day refining and production capacity

c. *There are six existing facilities located in Tacoma Tideflats*

- Seaport Sound Terminal (TARGA) Facility Description: “SeaPort Sound Terminal provides bulk liquid storage of petroleum, petroleum products, and renewable fuels. It is accessible by water, rail, pipeline, and truck and offers on-water diesel, a five-lane truck rack, oily water treatment, transmix, specialty blending, and rail car logistics. The Facility ... is two distinct parcels separated by the Hylebos Waterway. The main Facility is a 33-acre loading terminal with 52 aboveground storage tanks (ASTs), a 5-lane truck loading rack, an 800-ft tug and vessel fueling pier, and old un-used refining equipment. The topography is relatively flat. Each tank storing petroleum products is surrounded by secondary containment, and drainage is controlled by valves and piping with ultimate discharge to the Hylebos Waterway to the southwest. The second parcel is a 6-acre rail offload area with 36 rail spots located on the southwest side of the Hylebos Waterway. A pipeline under the Hylebos Waterway sediment transports fuel from the rail offload area to the terminal.”
- U.S. Oil and Refining Facility Description: “U.S. Oil & Refining Co.'s (USOR) Tacoma Refinery (NAICS Code 32411) is a continuous processing plant with 42,000 barrels (bbl) per day crude oil charge rate capacity. Products produced at the refinery include gasoline, jet fuel, diesel fuel, marine fuel oils, gas oils (intermediate product), as well as emulsified, medium curing and road asphalts. The refinery has storage capacity for approximately 2.8 million barrels of crude oil and refined products.
- Conoco-Phillips Facility Description: “The Tacoma Terminal is a 24-hr bulk storage and distribution terminal for finished products. Petroleum products (gasoline and mid-distillates) and additives are delivered to, stored at, and distributed from the terminal. Products are received by pipeline and barge, and distributed by tank trucks. The majority of the petroleum product is received through the Olympic Pipeline, with an average receipt range of 1,500-2,000 bph. Ethanol and gasoline additives are received at the terminal by tank trucks.”
- NuStar Facility Description: NuStar Tacoma produces gasolines, aviation fuels, diesel, ethanol, and fuel oils. There are 15 tanks with capacity for 377,000 barrels of storage. The facility is located at the north entrance to the Foss Waterway is served by barge, pipeline, rail, truck, and vessel.
- Puget Sound Energy LNG Facility Facility Description: “The facility would chill natural gas to produce approximately 250,000 gallons of liquefied natural gas (LNG) daily for use as a reduced-emissions fuel for marine vessels and land-based vehicles, as well as for utility peak shaving during periods of high demand. A single eight-million gallon, non-pressurized full-containment LNG storage tank consisting of an inner nickel-steel tank and an outer concrete tank with interstitial insulation, would be located on the site. The facility would also include infrastructure for loading marine vessels with LNG from a new fueling platform and mooring dolphins to be installed on the Blair Waterway.”
- Pacific Functional Fluids Facility Description: “This plant is primarily a storage/distribution facility, but also has blending/compounding capabilities. Non hazardous products stored at this

plant include bio-diesel fuels; lubrication oils, Propylene Glycol, aircraft de-icing fluids, runway de-icing fluids, along with various chemical and oil blend additives. Hazardous products stored at this facility on a daily basis are Acetic Acid, Potassium Hydroxide (KOH), drums of gasoline, diesel fuel, small amounts of various solvents, and propane for fuel. Pacific Functional Fluids tank transport vehicles are occasionally parked in the containment area of the facility loaded with Jet Fuels, lubricating oils, and/or deicing fluids for delivery the next day.”

d. Seaport Sound Terminal has applied for multiple permits during the interim period, including:

- December 2016 – Seaport Sound Terminal was permitted for piling replacement and pier modifications that resulted in an expansion of overwater coverage. This shoreline permit was approved prior to the Interim Regulations.
- November 2019 – Seaport Sound Terminal was permitted for four new rail spurs on the Taylor Way property that expanded the number of rail car unloading stations onsite from 36 to 68.
- July 2020 – Seaport Sound Terminal has applied for permits to demolish existing refinery equipment and replace it with new storage tanks. The proposal would result in a net increase of 166,000 barrels of bulk fuel storage onsite.

f. The University of Washington’s Climate Impacts Group published State of Knowledge:

According to the University of Washington’s Climate Impacts Group: Climate Change in Puget Sound in 2015, describing expected impacts from climate change in the Puget Sound region. Changes are expected to include temperature, precipitation, sea level, and ocean acidification. These changes will affect snowpack and streamflow, landslides, flooding, species and habitat, forests and agriculture. A few examples of impacts the region can expect to experience include:

- Decreased snowpack and increased winter stream flows
- Increased landslides, erosion and sediment transport during fall, winter and spring
- Increased extent and frequency of flooding and storm surge
- Negative effects on salmon from warmer streams, ocean acidification, lower summer streamflow, and higher winter streamflow
- Changes in forest tree species and increased large wildfires
- Changes to agriculture including increased pests, heat stress, flood risk, and growing season and decreased summer water availability
- Changes in coastal habitats, including increased salt marshes and erosion and decreased freshwater marshes
- More frequent and severe harmful algal blooms

The impacts listed above will, in turn, have many effects on people and communities. Hazards such as floods, wildfires, and heat waves will have impacts on the built environment, including transportation, energy, drinking water, stormwater, and wastewater systems. An increase in heat waves and flooding, poor air and water quality, and increased allergens and spread of diseases will harm human health. Communities of color, indigenous people, and people with lower incomes are at higher risk due to greater exposure to hazards and often have fewer resources to respond to those hazards. Tribes are particularly vulnerable due to impacts on the forest, coastal and marine ecosystems on which they rely.

g. According to the City of Tacoma’s 2019 Greenhouse Gas Inventory:

- 60% of Energy and 30% of GHG emissions from industrial sources
- 18% of energy and 40% of GHG emissions from transportation
- The City has reduced overall emissions by 25% from 1990 levels but has underperformed in meeting the adopted targets.
- A Business As Usual scenario is likely to result in a reduction of 5% in energy consumption and 11% emissions reductions by 2050, continuing to underperform adopted targets.
- The Petroleum Refineries Sector is the third largest greenhouse gas (GHG) emitting industrial sector among stationary sources behind Power Plants and Petroleum and Natural Gas Systems.
- The Petroleum Refineries Sector is the second highest ranked sector in terms of GHG emissions per facility, with an average of 1.22 million metric tons of carbon dioxide equivalent (MMT CO₂e), behind only the Power Plant Sector.
https://www.epa.gov/sites/production/files/2016-11/documents/refineries_2013_112516.pdf

h. Facility level emission in City of Tacoma

- U.S. Oil (Par Pacific) accounts for 146,587 metric tons CO₂e per year, as of 2020, per EPA
<https://www.epa.gov/ghgreporting/ghgrp-refineries>

i. Oil Rail Accidents

The following is a summary of recent oil train accidents:

- A fatal incident in Lac-Mégantic, Quebec, Canada, resulted in the loss of forty-seven lives and buildings and required evacuation of 1,000 residents.
- In November 2013, a derailment of a unit train in Aliceville, Alabama, caused a crude oil spill when tank cars ruptured and caught fire.
- Galveston Bay, Texas, recently experienced a maritime collision that emptied more than 150,000 gallons of crude oil into the bay, and the Columbia River would almost certainly be used as a major shipping channel for any new crude petroleum facilities in Vancouver.
- In December 2013, a derailment of a BNSF unit train carrying crude oil caused a spill and explosion causing the evacuation of most of Casselton, North Dakota.
- In January 2014, a freight train carrying crude oil in the province of New Brunswick, Canada, derailed causing a spill and fire resulting in the evacuation of 45 homes in a 1.25-mile radius surrounding the crash.
- In April 2014, a freight train transporting crude oil in Lynchburg, Virginia, derailed causing a spill and fire and resulted in the evacuation of a portion of the downtown area and a spill into the James River.
- In May 9, 2014, a train carrying crude oil derailed near La Salle, Colorado, resulting in a spill.
- On July 24, 2014 a BNSF oil train that was traveling only 5 mph derailed in Seattle, Washington which indicates that derailments are possible even at very slow speeds.

- January 31, 2015, Philadelphia, Pennsylvania: Eleven cars containing crude oil derailed around 3 a.m. The cars stayed upright, and there were no leaks and no injuries.
- February 14, 2015, Gladwick, Ontario: Twenty-nine cars derailed, 19 tank cars were breached, and approximately 450,000 gallons of crude oil leaked. The resulting fire burned for five days.
- February 16, 2015, Mount Carbon, West Virginia: In total, 27 tank cars derailed, resulting in a fire that damaged two dozen railcars. Approximately 362,000 gallons of crude oil leaked from the cars. Crude oil flowed into the Kanawha River and contaminated the nearby soil.
- March 5, 2015, Galena, Illinois: Twenty-one tank cars carrying Bakken crude oil derailed, and 10 tank cars were breached, releasing more than 125,000 gallons of crude oil and causing a fire that burned for more than two days.
- March 7, 2015, Gogoma, Ontario: Thirty-nine tank cars derailed, releasing approximately 680,000 gallons of crude oil to the environment. Some of the leaked crude oil ignited, and some entered the Makami River. The train was traveling at 43 mph, which increased the severity of the derailment.
- June 3, 2016, Mosier, Oregon: A train carrying Bakken crude oil from Newtown, North Dakota, to Tacoma, Washington, was traveling at 24 mph before it derailed. A total of 16 tank cars derailed, three of which caught fire, as approximately 50,000 gallons of crude oil leaked.
- June 22, 2018, Doon, Iowa: A train that originated from Alberta and included 98 tank cars loaded with 2.4 million gallons of crude oil was traveling at 48 mph when it derailed. Thirty-five DOT-117 tank cars went off the tracks, 10 of which were breached in the incident, releasing about 160,000 gallons of crude oil. Some of the released crude oil entered the Little Rock River.
- December 9, 2019, Guernsey, Saskatchewan: Of the 33 oil tank cars that derailed, 20 were breached and spilled nearly 400,000 gallons of oil. The resulting fire burned for 24 hours. Five to ten acres were directly affected by the derailment and spill.
- February 6, 2020, Guernsey, Saskatchewan: Thirty-two tank cars derailed, with the amount of crude oil spilled still to be determined. Several cars caught fire, and while there were no injuries, 85 people were evacuated as a safety precaution. The relatively high speed of the train (42 mph) when it braked and derailed likely contributed to the scale of the disaster.
- December 22, 2020, Custer, Washington: A train traveling from North Dakota derailed in Whatcom County. Three of the 10 cars that derailed leaked crude oil and caught fire. The fires burned on the ground for over two hours, while the fires in the railcars burned for eight hours. Nearly 29,000 gallons of crude oil was spilled.

L. Findings of Fact: Public Notification and Involvement

1. Public Hearing Notification Process:

- Public Hearing.* A public hearing was set for March 3, 2021 at 5:30 pm. Public comments were accepted through March 8 at 5:00 pm.

- b. *Informational Meeting.* An Informational Session was scheduled on February 25, 2021 from 4:00 – 6:30 pm for citizens to learn more about the proposed amendments and the legislative process.
- c. *Listening Session.* The Planning Commission conducted a listening session on January 13, 2021 with a variety of interested parties representing neighborhood perspectives, health and environmental perspectives, and business, industry and labor perspectives on the Tideflats and South Tacoma.
- d. *Public Hearing Notice:*
- A notice announcing the public hearing and the informational meeting was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribe of Indians, adjacent jurisdictions, Tideflats stakeholders and other known stakeholders and interested entities. The notice was mailed to over 40,000 taxpayers and occupants within 2500 feet of the boundaries of the South Tacoma and Port of Tacoma Manufacturing and Industrial Districts as well as other zoning districts that allow heavy industrial uses, and within 1000' of the boundary for the proposed residential use restrictions along Marine View Drive.
 - A legal notice was placed in the Tacoma Daily Index on February 24th and March 2 advertising the SEPA DNS and public hearing.
 - A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was sent to the State Department of Commerce (per RCW 36.70A.106), and Joint Base Lewis-McChord (per RCW 36.70A.530(4)). Finally, the proposal was submitted to the Department of Ecology SEPA Register (per the requirements of RCW 43.21.C and WAC 197-10) on February 18, 2021. A request for consultation was sent to the Puyallup Tribe of Indians on February 19, 2021. These notices were sent more than 60 days prior to the Council’s scheduled action in May, 2021, so that their comments, if any, can be addressed in a timely manner during the Planning Commission and City Council review process.
 - Public review documents were posted to the City of Tacoma’s website at www.cityoftacoma.org/tideflatsinterim.

M. FINDINGS OF FACT: RESPONSE TO PUBLIC TESTIMONY

1. Public Comments.

The Planning Commission received 70 written comments and 34 people testified at the public hearing. Full compilation of comments submitted to the Planning Commission in March 17, 2021 agenda packet. A summary of staff responses to comments was provided to the Planning Commission for review on April 7, 2021. The following is a summary of comments pertaining to each topic:

a. Permit Notification.

- General concerns expressed regarding the impact of expanded notification on business and permitting;
- General support for providing for community input in permitting;
- Requesting clarification on thresholds for expanded notices;

- Requesting clearer distinction between public notice and notice of application;
 - General edits suggested.
 - Comments on consistency with consultation processes in Land Claims Settlement.
- b. Conversion of Industrial Lands.
- Requests to clarify conditional use permit procedures;
 - Requests to consider broader applicability to uses not within scope of work and areas potentially outside the MIC;
 - Requests to consider size limitations for additional use categories not within scope of work.
- c. Residential Encroachment.
- Request to maintain full applicability and more restrictive standards;
 - Request to clarify or add more specificity to standards;
 - Request to consider minimum density rather than minimum lot size;
 - Request to consider map amendments;
 - Request to consider more flexibility for top of slope properties;
 - Request to consider reasonable use of private property.
- d. Siting of Heavy Industrial Uses.
- General opposition as well as support expressed for proposals;
 - Questions raised regarding impact to subarea plan and concern with timeframe;
 - Request to apply standard nonconforming use allowances to existing uses;
 - Request to allow chemical and renewable fuel production as outright permitted;
 - Request to consider minor amendments for clarity;
 - Request to modify definitions to improve predictability or limit unintended consequences;
 - Concern that proposals may have detrimental impacts on environmental goals;
 - Requests to consider modifications to conditional use criteria.

2. Response to Public Comments

In response to public comments, the Planning Commission made the following modifications to the proposal:

- a. Permit Notification.
- Clarified the applicability of the expanded public notice;
 - Improved the distinction between public notice and notice of application;
 - Eliminated redundant language;
 - Improved consistency in the use of “occupant” rather than “resident.”

b. Conversion of Industrial Lands.

- Modified the proposal to clarify conditional use criteria.

c. Residential Encroachment.

- Modified the boundary of the Overlay District to remove properties to the Southeast of the BPA power lines;
- Modified development standards to address noise and light impacts;
- Modified the proposal to be based on a maximum density rather than minimum lot size;
- Modified the proposal to allow use of PRD bonuses based on a one unit per acre density.

d. Siting of Heavy Industrial Uses.

- Modified the definition of High Impact Uses to be based on Type-H Hazardous Occupancy in the Washington State Fire Code;
- Modified the special use standards for Fossil Fuel Facilities and Renewable Fuel Facilities to prohibit a Renewable Fuel Facility to convert to a Fossil Fuel Facility;
- Modified the special use standards for Fossil Fuel Facilities and Renewable Fuel Facilities to allow normal maintenance and repair without a conditional use permit;
- Modified definitions to improve predictability and to address concerns over unintended applicability to TAGRO operations;
- Modified conditional use criteria for chemical manufacturing, high impact uses, and renewable fuel facilities to improve consistency of criteria, clarify applicability of criteria, and to streamline criteria;

N. Findings of Fact: Planning Commission Review

1. Planning Commission Records.

Planning Commission agendas, minutes, handouts, and presentations are available at www.cityoftacoma.org/tideflatsinterim and at http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/

2. Public Scoping Hearing.

On December 2, 2020 the Commission conducted a public hearing on the draft scope of work and finalized the scope of work with amendments based on public testimony received.

3. Discussion.

On January 6, 2021, the Planning Commission reviewed proposed regulatory options for 1. Permit Notification, 2. Conversion of Industrial Lands, and 3. Residential Encroachment.

4. Listening Session.

On January 13, 2021, the Planning Commission conducted a listening session with panelists representing environment and health, neighborhoods, and port/labor/industry perspectives.

5. Discussion.

On January 20, 2021, the Planning Commission reviewed key data and findings related to Issue 4 Siting of Potentially High Risk/High Impact Heavy Industrial Uses, and reviewed regulatory options for 1. Mining and Quarrying, 2. Smelting, 3. Coal Facilities, and 4. Chemical Manufacturing.

6. Public Review Document.

On February 3, 2021, the Planning Commission reviewed key data and findings related to Topic 4 Siting of Potentially High Risk/High Impact Heavy Industrial Uses, and considered regulatory options for use 5: Oil and other liquefied and gaseous fossil fuel uses. The Commission finalized and released the public review document for public comment.

7. Public Hearing and Comment Period.

On March 3, 2021 the Commission conducted a public hearing on the proposed amendments and accepted public comments through 5:00 PM on March 8, 2021.

8. Review of Comments.

On March 17, 2021, the Commission reviewed public testimony and comments and discussed potential modifications to the draft proposals in response to public testimony received.

9. Recommendation.

On April 7, 2021, the Commission reviewed the modified the public review document and approved the Findings of Fact and Recommendations Report and Exhibits and forwarded the recommendation to the City Council for consideration.

O. Findings of Fact: SEPA Review

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) on the Tideflats and Industrial Land Use Amendment was issued on February 19, 2021 (SEPA File Number LU21-0035), based upon a review of an environmental checklist. The DNS and the environmental checklist were included in the Public Review Document. Three comments were received by the deadline of March 8, 2021.

P. CONCLUSIONS:

1. Comprehensive Plan Consistency

The Planning Commission concludes that the proposed amendments are consistent with the goals and policies of the One Tacoma Comprehensive Plan, including the Shoreline Master Program and Container Port Element, and appropriately balance economic, environmental, and public health goals.

2. General Use Priorities

The Planning Commission concludes that the policies of the One Tacoma Plan, including the Shoreline Master Program policies, identify the following use priorities for the Tideflats area:

- Generally, within the S-10 Shoreline District, use preferences are for water-dependent industrial uses, followed by water-related industrial uses.
- Within the Core Area of the Manufacturing and Industrial Center, use preference is given to container shipping facilities and ancillary uses, and compatible industrial and manufacturing activities.

- Within the Buffer Area, policies support greater use flexibility, but with restrictions on sensitive uses.
- Policies discourage incompatible land uses that would detrimentally impact the long-term viability of container shipping.
- Uses within the South Tacoma Groundwater Protection District must be consistent with the goals and policies to ensure a healthy supply of drinking water for City residents.

3. Existing Conditions

The Planning Commission concludes that the City of Tacoma industrial lands, including the established Manufacturing and Industrial Centers, are unique in their context, including the close proximity of dense urban residential and commercial neighborhoods, the prevalence of environmental hazards and assets, including fish and wildlife habitat and aquifer recharge areas, the co-location with the Puyallup Tribe of Indians and established Treaty Rights, a prevalence of vacant and underutilized lands that support new use and investment, public access and recreation facilities including facilities that support water access, and the presence of a world class container port with deep water access; and that this particular context demands a more thoughtful, nuanced, and sensitive approach to land use regulation.

4. Internal Consistency

The Planning Commission concludes that the proposed amendments would improve the internal consistency between the City's established goals and policies of the One Tacoma Plan and Shoreline Master Program, and the implementing regulations.

5. Economic Flexibility

The Planning Commission concludes that the proposed amendments, while restricting certain uses, maintains appropriate flexibility for economic development and to respond to emerging markets, consistent with the requirements of the Growth Management Act.

6. General Health, Welfare, and Safety

The Planning Commission concludes that the proposed amendments would promote the general health, welfare, and safety of residents, and visitors.

7. Permit and Land Use Notifications

- a. The Planning Commission concludes that the City's manufacturing and industrial lands, shorelines, and designated regional growth centers are of local, regional, and statewide importance and as such demand broad and inclusive community engagement in decision-making processes that affect the long-term viability of such areas.
- b. The Planning Commission concludes that the existing notification procedures are inadequate to appropriately notify potentially impacted and interested parties of land use actions and permit applications relating to heavy industrial uses, as well as amendments to the Comprehensive Plan Future Land Use Map and areawide zoning classifications, including permits and amendments to shoreline zoning districts.
- c. The Planning Commission concludes that excluding occupants from land use and permit notification procedures is inequitable and excludes a significant population of residents and businesses that are potentially impacted by these decisions.

- d. The Planning Commission concludes that the proposed amendments are consistent with the Growth Management Act, Shoreline Management Act and the One Tacoma Comprehensive Plan.

8. Conversion of Industrial Lands

- a. The Planning Commission concludes that the proposed amendments would limit incompatible land uses in the Port of Tacoma Manufacturing and Industrial Center, retain land use flexibility for industrial uses, and preserving sufficient land area for core industrial land uses, functions, and employment.
- b. The Planning Commission concludes that the proposed amendments are consistent with the Growth Management Act and the City's goals and policies in the Container Port Element of the One Tacoma Plan.

9. Residential Encroachment

- a. The Planning Commission concludes that ongoing residential development along the hillside in NE Tacoma poses a long-term threat to the viability of the Port of Tacoma MIC.
- b. The Planning Commission concludes that the proposed amendments would limit residential encroachment on the Port of Tacoma MIC while still providing reasonable use of residential properties in this area.
- c. The Planning Commission concludes that the proposed amendments are consistent with the Growth Management Act and the Container Port Element of the One Tacoma Plan.

10. Siting of Potential High-Risk/High-Impact Heavy Industrial Uses

a. Mining and Quarrying

The Planning Commission concludes that:

- Mining and quarrying, as a natural resource based use, is inconsistent with established target industries that support the City's employment goals, specifically:
Policy EC-1.12 Actively seek investments to grow Tacoma's presence in the following target industries: a. Bio-medical and medical b. Information technology and cyber security c. Professional services d. Industrial and manufacturing e. Tourism and hospitality f. Creative economy g. International trade h. Finance and Insurance
- Mining and quarrying uses are inconsistent with established use preferences for the Port of Tacoma MIC and would detrimentally impact the available land supply for primary port/container related uses.
- Prohibiting mining and quarrying uses support the maintenance of an appropriate transition between between designated manufacturing and industrial centers and adjacent neighborhoods.
- Mining and quarrying uses are inconsistent with the goals and policies for designated Regional Growth Centers and Mixed-use Centers as described in Table 3 of the One Tacoma Plan and the policies of the Urban Form Element.
- Mining and quarrying uses are inconsistent with the goals and policies for designated for Park and Open Space lands as described in Table 3 of the One Tacoma Plan and the

policies of the Urban Form Element, Design and Development Element, and Environment and Watershed Health Element.

- Mining and quarrying uses are inconsistent with the goals and policies for designated Major Institutional Campus areas as described in Table 3 of the One Tacoma Plan and the Urban Form Element.
- Mining and quarrying uses are inconsistent with the goals and policies for designated single family and multifamily areas as described in Table 3 of the One Tacoma Plan, and including the City's design and development goals expressed in the Design and Development Element and Residential Pattern Area policies in the Urban Form Element.

b. Smelting

The Planning Commission concludes that:

- Smelting uses are incompatible with established use preferences for the Port of Tacoma MIC as described in the Container Port Element of the One Tacoma Plan and would detrimentally impact the available land supply for primary port/container related uses.
- Smelting uses are not a priority water-dependent or water-related industrial use according to the City's Shoreline Master Program and should not be located within a shoreline environment.
- Smelting uses are incompatible with maintaining a high quality of life and a healthy environment for adjacent neighborhoods and commercial areas and should not be permitted within close proximity to urban-residential areas.
- Prohibiting smelters supports the City's policies to protect and preserve core functions of the container port, to protect adjacent neighborhoods and non-industrial areas from the impacts of heavy industrial uses, and will protect and preserve the South Tacoma groundwater that is used as a potable water source for Tacoma residents.
- Allowing smelting activities within the South Tacoma Groundwater Protection District and within the Port of Tacoma Tidelands would likely result in adverse and cumulative groundwater impacts that are inconsistent with established policies.
- Introducing smelters into the City of Tacoma would detrimentally impact the City's Greenhouse Gas Emissions inventory and ability to meet greenhouse gas reduction targets.
- In sum, the Planning Commission concludes that, given the particular context and location of the City's industrial districts, the potential adverse and long-term impacts of smelting operations locating within the City of Tacoma's industrial areas outweigh the economic benefits associated with those uses.

c. Coal Facilities

The Planning Commission concludes that:

- Coal facilities are incompatible with established use preferences for the Port of Tacoma MIC as described in the Container Port Element of the One Tacoma Plan and would detrimentally impact the available land supply for primary port/container related uses.

- Coal facilities are incompatible with maintaining a high quality of life and a healthy environment for adjacent neighborhoods and commercial areas and should not be permitted within close proximity to urban-residential areas.
- That coal facilities would cause unavoidable, adverse and long-term impacts to critical areas as well as communities through which coal is transported.
- The introduction and expansion of coal facilities into Tacoma would be contrary to the stated goals of Resolution No. 40509, to transition to a zero carbon economy.
- That coal facilities would inhibit the City's ability to meet established employment targets by requiring significant industrial land area and providing a low employment density.
- That introducing coal facilities into Tacoma would counteract the City's ability to meet adopted greenhouse gas reduction targets.
- The Planning Commission concludes that, given the particular context and location of the City's industrial districts, rail facilities, and deepwater access, the potential adverse and long-term impacts of coal facilities locating within the City of Tacoma's industrial areas outweigh the economic benefits associated with those uses.
- Finally, the Planning Commission concludes that coal facilities are broadly inconsistent with the policies of the One Tacoma Plan and the City's Shoreline Master Program.

d. Chemical Manufacturing

The Planning Commission concludes that:

- Chemical manufacturing, processing, and wholesale distribution is an essential component of broader manufacturing and industrial processes and result in downstream direct-to customer retail and supply.
- Chemical manufacturing, processing, and wholesale distribution pose significant and varied environmental impacts and risks to life/safety of workers and residents that are dependent on a variety of factors, such as facility location, the types of chemicals and chemical processes, handling and storage, modes of transportation, and volume of materials.
- Based on the potential impacts, these uses deserve a more careful project by project review through conditional use permit procedures to ensure an appropriate balance of economic activity and the protection of the public health, welfare and safety.
- These uses are not water-dependent and do not require a shoreline location to store or process bulk chemicals, and as such, the primary storage and processing facilities should be located outside of shoreline jurisdiction.
- The regulation of High Impact Uses that trigger a Type-H occupancy will ensure the compatibility of residential development, mixed-use and industrial activity in areas where industry and residential/commercial uses are jointly allowed, such as the Downtown Regional Growth Center and M-1 Light Industrial Districts.

e. Major Fossil Fuel Facilities and Renewable Fuel Facilities

The Planning Commission concludes that:

- Continued expansion of major fossil fuel facilities in the City of Tacoma would increase the risk of a catastrophic spill or derailment, and that the increased risk of incident is not borne only by Tacoma but as well by any jurisdiction through which these fuels are transported.
- Continued expansion of major fossil fuel facilities in the near-term will circumvent the long-term public interest in mitigating the impacts of climate change and promoting a transition to clean, renewable fuels.
- That the shift from crude oil import by vessel to import by rail has reduced the reliance of these facilities on marine vessel transport, and hence on shoreline locations, and that there is a public interest in limiting overall vessel shipment through the waters of Puget Sound.
- That the continued siting of such facilities in Tacoma's Tidelands further risks the compounding impact of a spill, fire, or other exposure resulting from a natural disaster.
- That the land area required by such facilities and the low employment densities conflict with long-term interest in maintaining and expanding container shipping and uses which provide greater employment densities.
- That expansion of such facilities will result in greater demand for rail transport which detrimentally impacts the availability of rail for the transport of core container cargo.
- That continued expansion of such uses may detrimentally affect salmonid populations and thereby, the Treaty Rights of the Puyallup Tribe of Indians.
- The proposed amendments would recognize and allow for the ongoing maintenance, repair, and environmental improvement of existing facilities to ensure a period of market transition from fossil fuels to renewable fuels.
- The expansion of existing facilities would increase emergency service demands in an areas with existing emergency service challenges, including the current closure of the 11th Street Viaduct.
- The proposed allowance for renewable fuel development will support the City's long-term compliance with greenhouse gas emission targets.
- The use of a conditional use permit for renewable fuel facilities will provide a process for review to ensure that the siting of such facilities do not result in adverse impacts to fish and wildlife habitat, increase the risk of accident or exposure in areas adjacent to concentrations of workers and residents, and avoid detrimental impacts to Tribal Trust Lands and planned residential developments.

Q. RECOMMENDATIONS:

1. The Planning Commission recommends that the City Council adopt the amendments to Title 13 Land Use Regulatory Code and Title 19 Shoreline Master Program as proposed.
2. Furthermore, in response to public comment and testimony, the Planning Commission recommends the following:
 - a. Tidelands Subarea Plan process should consider issues raised by the Port of Tacoma concerning the establishment of a Port of Tacoma Overlay District, land use compatibility along the Thea Foss Waterway and the shared boundary between South Downtown and the

Port of Tacoma MIC. The Subarea Plan should consider the long-term land area needs for the Port of Tacoma to support container shipping and a method to better understand and determine land use compatibility along these edge areas.

- b. The planned Portland Avenue Light Rail Station is located within the Port of Tacoma MIC and requires a comprehensive land use evaluation as part of the Subarea Plan to determine an appropriate balance of use, design, and development standards to ensure that the City can maximize the return on that investment in a way that is still consistent with policies to protect and preserve core functions of the Port of Tacoma MIC.
- c. The South Tacoma Groundwater Protection District should be periodically reviewed and updated to ensure the effectiveness of current standards and to consider any necessary modifications. The Planning Commission has heard significant concerns raised about the compatibility of industry with the South Tacoma Groundwater Protection District as well as between the industrial areas and residential neighborhoods. These concerns should be evaluated as part of a separate planning effort.

R. EXHIBITS:

- A. Proposed Amendments to Title 13, Land Use Regulatory Code.
- B. Proposed Amendments to Title 19, Shoreline Master Program.



Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~. Amendments previously reviewed by the Planning Commission are in **RED** and those that are proposed are in **GREEN**.

TITLE 13

LAND USE REGULATORY CODE

Chapters:

Chapter 13.01	Definitions	2
Chapter 13.02	Planning Commission.....	8
Chapter 13.03	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.04	Platting and Subdivisions	Error! Bookmark not defined.
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Chapter 13.06	Zoning	29
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Chapter 13.07	Landmarks and Historic Special Review Districts	Error! Bookmark not defined.
Chapter 13.08	Current Use Assessment.....	Error! Bookmark not defined.
Chapter 13.09	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.10	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.11	Critical Areas Preservation.....	Error! Bookmark not defined.
Chapter 13.12	Environmental Code	Error! Bookmark not defined.
Chapter 13.13	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.14	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.15	Commute Trip Reduction	Error! Bookmark not defined.
Chapter 13.16	Concurrency Management System.....	Error! Bookmark not defined.
Chapter 13.17	Mixed-Use Center Development.....	Error! Bookmark not defined.
Chapter 13.18	Affordable Housing Inclusionary Development Areas	Error! Bookmark not defined.

CHAPTER 13.01 DEFINITIONS

Sections:

13.01.010	Purpose.
13.01.020	Planning Commission Definitions.
13.01.040	Platting and Subdivisions Definitions.
13.01.050	Land Use Permits and Procedures Definitions.
13.01.060	Zoning Definitions.
13.01.070	Landmarks and Historic Special Review Districts Definitions.
13.01.090	South Tacoma Groundwater Protection District Definitions.
13.01.100	Shoreline Master Program Definitions.
13.01.110	Critical Areas Preservation Definitions.
13.01.120	Environmental Code Definitions.
13.01.150	Commute Trip Reduction Definitions.
13.01.160	Concurrency Management System Definitions.
13.01.170	Mixed-Use Center Development Definitions.

13.01.010 Purpose.

For the purposes of this title, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years. For the purpose of each indicated chapter, certain words and terms are defined as follows.

(Ord. 28613 Ex. G; passed Sept. 24, 2019)

13.01.060 Zoning Definitions.¹

For the purposes of Chapter 13.06, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

* * *

13.01.060.C

“Caliper.” Diameter of a tree’s trunk or stem measured at a point 6 inches above finish grade if the resulting measurement is up to and including 4 inches. If the resulting measurement is more than 4 inches the point of measurement shall be relocated to 12 inches above finish grade.

“Camouflaged (wireless communication facility).” A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or screened from view.

“Canopy (or marquee).” An ornamental roof-like structure unenclosed on one or more sides and normally used for pedestrian protection and convenience and/or signage.

“Car washing facility.” A building or portion thereof containing facilities for washing automobiles, either manually or using a fully automatic washing process, requiring no personnel for the conduct of the operation except as is necessary for the collection of money and the maintenance of the facility.

¹ Code Reviser’s note: Previously codified as 13.06.700 (Definitions and illustrations); relocated to 13.01.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

“Carnival.” A temporary and often traveling establishment at which a combination of attractions or exhibitions, such as rides, shows, displays, eating concessions, and gaming booths, are provided for the purpose of amusement and entertainment.

“Catering services.” Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

“Cell site.” A tract or parcel of land that contains wireless communication facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless communication facilities.

“Cemetery and internment services.” Property used for the interring of the dead. This property may include support facilities, such as funeral homes and/or chapels.

“Chemical Manufacturing.” The production, processing, and wholesale distribution of chemicals and allied products, including:

1. “Production and processing:” Establishments primarily engaged in the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups.

2. “Wholesaling:” Establishments primarily engaged in the merchant wholesale distribution of chemicals and allied products (except agricultural and medicinal chemicals, paints and varnishes, fireworks, and plastics materials and basic forms and shapes).

3. “Petrochemical Manufacturing:” Establishments primarily engaged in (1) manufacturing acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbons, (2) manufacturing cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons, and/or (3) manufacturing methyl alcohol (methanol) from natural gas, coal, or other petroleum based feedstock.

4. “Explosives Manufacturing:” Establishments primarily engaged in manufacturing explosives.

5. “Fertilizer Manufacturing:” Establishments primarily engaged in one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and (3) formulating and preparing pesticides and other agricultural chemicals.

These use classifications exclude uses that are otherwise defined herein as “Fossil Fuel Facilities – Major”, or “Renewable Fuel Facilities – Major.”

“Clean construction/demolition/land-clearing (CDL) wastes.” CDL wastes are solid wastes produced from construction, remodeling, demolition, or land-clearing operations that have been source separated so that the material is principally composed of asphalt, concrete, brick, or other forms of masonry; non-chemically treated wood (i.e., creosote, paint, preservatives); land-clearing wastes; or other materials approved by the Tacoma-Pierce County Health Department. Yard wastes (i.e., leaves, grass, prunings, and sod), plaster (sheet rock or plasterboard), or any materials other than wood that are likely to produce gases or a leachate during the decomposition process and asbestos wastes are specifically excluded from this definition of clean CDL wastes, unless otherwise approved by the Tacoma-Pierce County Health Department.

“Climate-adapted Plant Species.” Climate adapted plants include both native and non-native plant species which are able to thrive in the local climate and soil conditions of the City of Tacoma. The two most authoritative references on climate adaptation for plants are the USDA Plant Hardiness Zones and the Sunset Climate Zones.

“Coal facilities.”

- Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power, or for wholesale distribution.
- Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

“Collocation.” The use of a wireless communication facility or cell site by more than one wireless communication provider.

“Commercial parking facility.” Lots offering parking to the public, which are not designed for or directly associated with another use. This is distinguished from parking that is provided as part of and accessory to another use, which shall be considered part of the use it serves. This classification includes commuter parking facilities (park & rides), general public parking lots, and similar facilities.

* * *

“Floor Area Ratio (FAR).” The amount of floor area within a building as a multiple of the lot area. Right-of-way that has had its air rights vacated shall be considered as lot area for calculating FAR. For the purposes of calculating allowable FAR within the downtown area, floor area shall exclude the following areas when calculating the maximum FAR:

1. Spaces below grade;
2. Space used for retail uses or restaurants that front the sidewalk; and
3. Space devoted to special features.
4. Area used for parking.
5. Mechanical equipment, elevators, and stair shafts.
6. Exterior decks, balconies, and corridors open to the air.

“Floor Area Ratio – Single-family Small Lots.” The ratio of the total floor area of a single-family house to the lot area upon which it is built, not including basements and accessory structures.

“Food and beverage sales.” Retail sales of food and beverages for off-site preparation and consumption. Typical uses include supermarkets, groceries, liquor stores, bakeries, and delicatessens.

“Fossil fuels.” Fossil fuel includes coal, petroleum, crude oil, natural gas, oil shales, bitumens, tar sands, propane, butane, and heavy oils. All contain carbon and were formed as a result of geologic processes acting on the remains of organic matter. Renewable fuels are not fossil fuels.

“Fossil-Fuel Refinery.” A facility that converts crude oil and other liquids into petroleum products including but not limited to gasoline, distillates such as diesel fuel and heating oil, jet fuel, petrochemical feedstocks, waxes, lubricating oils, and asphalt. Activities that support refineries include but are not limited to: bulk storage, manufacturing, or processing of fossil fuels or by-products. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

“Fossil Fuel Facility – Major.” This definition includes the following facilities:

- Fossil fuel refinery;
- Terminals engaged in the bulk movement of fossil fuels (excluding railyards and marine fueling facilities);
- Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (i.e., liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (i.e., pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.
- Bulk storage and processing of one type of fossil fuel, or a combination of multiple types of fossil fuels, in excess of one million gallons.

“Foster home.” A dwelling that is licensed by the state for foster care, which is used as living quarters for a family that includes one or more children or adults who are placed by a licensed child or adult placement agency and who are not related to the owner or occupant thereof by blood, marriage, or legal adoption, but are under their supervision and care.

“Foundation.” The supporting part of a wall or structure, usually below ground level and including footings, used as a means of transferring building loads to the soil below. For the purpose of calculating height, the foundation shall only be that portion supporting the walls of the main building.

“Frontage.” All property fronting on one side of a street and measured along the street line, between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary.

“Frontage, building.” The frontage of a building is the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line.

“Frontage (for the purposes of the sign regulations).”

1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.

2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.

“Frontage road.” A roadway contiguous to and generally paralleling a state of Washington limited access highway, so designed as to intercept, collect, and distribute traffic desiring to cross, enter, or leave such facility and to furnish access to abutting property.

“Frontage, street.” The street frontage is the length of the front lot line, or in the case of a corner lot, the front lot line plus the corner side lot line.

“Funeral home.” Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead, except that crematories are prohibited.

“Fueling station.” Establishments engaged in the retail sale of gas or diesel fuel, lubricants, parts, and accessories, and/or rapid charging of electric vehicles. This classification includes customary incidental activities when performed in conjunction with the sale of fuel, such as vehicle maintenance and repair, vehicle washing, and electric vehicle battery swap-out, but excludes body and fender work or repair of heavy trucks or vehicles.

13.01.060.G

“Gable.” The triangular end of an exterior wall above the eaves.

“Garage, private.” An accessory building, detached or part of the main building, for the parking or storage of automobiles belonging to the occupants of the premises.

“Genus” (pl. genera). A group of plants within a family that is morphologically similar and contains one or more species.

“Glare.” Unwanted light that causes eyestrain, discomfort, nuisance, or adversely affects a visual task.

“Golf course.” A facility providing a private or public golf recreation area that is designed for executive or regulation play, generally consisting of tees, greens, fairways, and hazards, along with customary golf support facilities, such as a clubhouse, restrooms, locker rooms, related retail sales, and eating and drinking. This use does not include standalone miniature golf courses or driving ranges (see “Commercial recreation and entertainment”), but may include those as accessory components of the overall golf course facility.

“Government offices.” Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

“Grade.” The elevation of the ground surface around a building.

“Greenhouse gas emissions.” Gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

“Greenhouse gas emissions – Facility emissions.” Means greenhouse gas emissions associated with fossil fuel refineries, processing, or fossil fuel transshipment facilities based upon the refining and processing of fossil fuels located within the Port of Tacoma Manufacturing and Industrial Center.

“Greenhouse gas emissions – Lifecycle emissions.” The aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

“Green roof.” See Vegetated roof.

“Grocery store, full service.” A grocery store that sells a broad range of food products that typically include fresh meats, canned and prepared foods, fresh fish, fresh eggs, fresh produce, fresh dairy products, frozen foods, and baked goods.

“Groundcover.” Low and dense growing plants that cover the ground in place of turf, planted for ornamental purposes or to prevent soil erosion. Turf lawn and mulch do not count as groundcover.

“Group housing.” A residential facility designed to serve as the primary residence for individuals, which has shared living quarters without separate bathroom and/or kitchen facilities for each unit. This classification includes uses such as convents and monasteries but does not include uses that are otherwise classified as special needs housing or student housing.

13.01.060.H

“Hazard Tree.” As defined by the Pacific Northwest Chapter of the International Society of Arboriculture, a hazard tree, or a hazardous component, exists when the sum of the risk factors assessed equals or exceeds a predetermined threshold of risk. Below that threshold, the tree (or component parts) is not considered to be a hazard.

“Hazardous substance.” Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, which exhibits any of the characteristics or criteria of hazardous waste.

“Hazardous waste.” All dangerous and extremely hazardous waste as defined in RCW 70.105.010.

“Hazardous waste storage.” The holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

“Hazardous waste treatment.” The physical, chemical, and biological processing of dangerous waste to make such waste not dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

“Hazardous waste treatment and storage (off-site).” Facilities which treat and store hazardous wastes from generators on properties other than those on which the off-site facilities are located.

“Hazardous waste treatment and storage (on-site).” Facilities which treat and store hazardous wastes generated on the same, geographically contiguous, or bordering property.

“Hearing Examiner.” The Hearing Examiner as established by Chapter 1.23 of the Tacoma Municipal Code.

“Heliport.” An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

“High Impact Use.” Means any Type-H Occupancy when the primary use classification is allowed in the base zone, excluding uses otherwise classified as “Chemical Manufacturing, Processing, and Wholesaling,” “Fossil Fuel Facility – Major”, or “Renewable Fuel Facility – Major.”

“Home occupation.” A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

“Hospitals.” Medical facilities, licensed by the Department of Health Services, the Committee on Accreditation of Rehabilitation Facilities, the Department of Aging, or other similar organizations, for the provision of surgery, rehabilitation and physical care, acute psychiatric care, chemical dependency, and substance abuse on an out-patient basis, including ancillary nursing, training, and administrative facilities. Such facilities are generally licensed by the state under the provisions of RCW 70.41.

“Hotel or Motel.” A building or group of buildings in which lodging or lodging and meals are provided for transient or semi-permanent guests, or both, for compensation, and in which there are ten or more guest rooms.

* * *

“Microbrewery/winery.” An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., “taproom.” This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

“Mining and Quarrying.” The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction as well as surface mining as defined in TMC 13.01.060.S.

“Mixed-rate housing.” Includes both affordable and market-rate housing units in the same housing or mixed-use development.

“Mobile home/trailer court” or “mobile home park.” Any real property which is rented or held out for rent to others for the placement of two or more mobile homes/trailers for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

* * *

“Religious assembly.” Facilities where persons regularly assemble for religious worship, such as churches, temples, and synagogues, that are maintained and controlled by a religious body, together with their customary accessory buildings and uses, such as incidental religious education, but not including private schools.

“Renewable Fuel.” Fuels that are synthesized from renewable energy sources, such as wind and solar, those approved by the US Environmental Protection Agency (EPA) Renewable Fuels Standard Program and hydrogen fuels (when produced with renewable processes), that result in a lifecycle greenhouse gas emission reduction of at least 50% or more under the Federal Clean Air Act, until such time as a state renewable fuel standard is adopted. Upon adoption of a state or regional standard, the standard most directly scaled to Tacoma will be used to define the use classification. Renewable fuels shall not include products produced from palm oil or other feedstocks that cannot be proven to reduce greenhouse gas emissions utilizing accepted methods of the Washington State Department of Ecology or US EPA.

“Renewable Fuel Facilities - Major.”

This use classification applies to the following:

- A Renewable Fuel Refinery: a facility that processes or produces renewable fuels.
- Shipment and Trasshipment facilities: the process of off-loading of fuel materials, refined or unrefined, refinery feedstocks, products or by products, from one transportation facility and loading it onto another transportation facility for the purposes of transporting such products into or out of the City of Tacoma. Examples of transportation facilities include ship, truck, or freight car.
- Bulk storage of one type of renewable fuel, or a combination of multiple types of renewable fuels, in excess of one million gallons.

For existing “Fossil Fuel Facilities – Major” or “Renewable Fuel Facilities – Major” this use definition only applies when new facilities are proposed that would exceed the established storage or refining baseline.

“Repair services.” Establishments providing repair services for personal items and small equipment, such as appliance and office machine repair or building maintenance services. This classification excludes maintenance and repair of vehicles, including lawnmowers (see “vehicle service and repair”). Repair and storage (including display and sales) shall be located entirely within the building.

* * *

“Sign, warning.” Any sign which is intended to warn persons of prohibited activities such as “no hunting” and “no dumping.”

“Sign, window.” A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

“Smelting.” Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base metals. This use category includes all smelting activities identified in NAICS codes 331411, 331313, and 331410.

“Special needs housing.” A broad term that includes adult family homes, confidential shelters, emergency and transitional housing, extended care facilities, continuing care retirement communities, intermediate care facilities, residential chemical dependency treatment facilities, residential care facilities for youth, retirement homes, and staff residential homes.

13.01.090 South Tacoma Groundwater Protection District Definitions.¹

For the purpose of Chapter 13.06, Section 13.06.070.D, South Tacoma Groundwater Protection District, the following words and terms are defined as follows:

13.01.090.A

“Abandoned tank” means an aboveground storage tank, underground storage tank, or other container used for storage of hazardous substances left unused for more than one year, without being substantially emptied or permanently altered structurally to prevent reuse.

* * *

13.01.090.G

“General Guidance and Performance Standards” means the TPCHD’s most recent publication of the technical standards document “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District.”

“Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

13.01.090.H

“Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged, including without exception:

1. Those materials that exhibit any of the physical, chemical or biological properties described in Department of Ecology’s 173-303-082 WAC, 173-303-090 WAC, or 173-303-100 WAC as may be amended from time to time; and
2. Those materials set forth in the General Guidance and Performance Standards hereinafter referred to;
3. Petroleum products and by-products, including crude oil or any fraction thereof such as gasoline, diesel, and waste oil which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and
4. Any substance or category of substances meeting the definition of a hazardous substance under Chapter 173-340 WAC as may be amended from time to time.

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

“High-impact use” means a business establishment that is considered to be hazardous and/or noxious due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses or establishments possess certain characteristics, which pose a substantial or potential threat or risk to the quality of the ground and surface waters within the South Tacoma Groundwater Protection District.

CHAPTER 13.02 PLANNING COMMISSION

Sections:

- | | |
|-----------|---------------------------------------|
| 13.02.010 | Creation – Appointment. |
| 13.02.015 | Establishment of advisory committees. |
| 13.02.016 | <i>Repealed.</i> |
| 13.02.020 | Meetings – Officers – Records. |
| 13.02.030 | Expenditures – Budget. |
| 13.02.040 | Duties and responsibilities. |
| 13.02.043 | <i>Repealed.</i> |
| 13.02.050 | Quorum. |
| 13.02.053 | <i>Repealed.</i> |
| 13.02.057 | <i>Repealed.</i> |
| 13.02.060 | Comprehensive Plan. |

¹ Code Reviser’s note: Previously codified as 13.09.040 (Definitions); relocated 13.01.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

13.02.070 Comprehensive Plan amendment procedures.¹

A. Adoption and amendment by ordinance.

* * *

G. Planning Commission review.

1. The Department will present the proposed amendment along with analysis conducted pursuant to Section 13.02.070.F to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.
2. In formulating its recommendations to the City Council concerning adoption or amendment of the Comprehensive Plan, the Planning Commission shall provide public notice and conduct at least one public hearing.
3. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.
4. Planning Commission public hearings for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.
5. For land use designation changes, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within and within ~~2500400~~ feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.
6. After a public hearing, the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration.

H. Findings and recommendations.

1. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:
 - a. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
 - b. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.
2. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

I. City Council public hearing and action.

1. At least one City Council public hearing on adoption or amendment of the Comprehensive Plan shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.05.070.J.
2. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan prior to adoption by the City Council, and must transmit copies of the adopted plan and any amendment after City Council action.

¹ Code Reviser's note: Previously codified as 13.02.045 (Adoption and amendment procedures); relocated to 13.02.070 per Ord. 28613 Ex. G.

J. Amendments considered under emergency situation.

The Planning Commission and the City Council may consider amendments to the Comprehensive Plan at any time as a result of an emergency situation. Emergency situations include situations involving official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation, or address the absence of adequate and available public facilities or services as provided for in Chapter 13.16 of the Tacoma Municipal Code, decisions by the Growth Management Hearings Board or the State or Federal Courts, or actions of a State Agency or Office or the State Legislature, affecting Tacoma will be reviewed by the Planning Commission with advice from the City Attorney's Office to determine if an appropriate "emergency" exists, necessitating an emergency Comprehensive Plan amendment.

(Ord. 28725 Ex. A; passed Dec. 8, 2020; Code Reviser's note: Previously codified as 13.02.045 (Adoption and amendment procedures); relocated to 13.02.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28376 Ex. E; passed Aug. 16, 2016; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 8; passed Dec. 16, 2003; Ord. 26899 § 1; passed Dec. 11, 2001; Ord. 26386 § 30; passed Mar. 23, 1999; Ord. 25850 § 4; passed Mar. 12, 1996; Ord. 25696 § 5; passed Apr. 25, 1995; Ord. 25360 § 1; passed Aug. 31, 1993; Ord. 24942 § 5; passed Jul. 2, 1991; Ord. 21883 § 1; passed Nov. 13, 1979; Ord. 20266 § 6; passed Dec. 17, 1974)

CHAPTER 13.05
LAND USE PERMITS AND PROCEDURES ¹

Sections:

13.05.010	Land use permits.
13.05.020	Application requirements for land use permits.
13.05.030	Zoning and land use regulatory code amendments.
13.05.040	Historic preservation land use decisions.
13.05.050	Development regulation agreements.
13.05.060	Residential infill pilot program.
13.05.070	Notice process.
13.05.080	Director decision making authority.
13.05.090	Decision of the director.
13.05.100	Appeals of administrative decisions.
13.05.105	<i>Repealed.</i>
13.05.110	Applications considered by the Hearing Examiner.
13.05.120	Expiration of permits.
13.05.130	Modification/revision to permits.
13.05.140	Director approval authority.
13.05.150	Enforcement.

13.05.010 Land Use Permits.

A. Conditional Use Permits.²

1. Purpose.

In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit. These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in this Chapter and the applicable criteria outlined below.

2. General Criteria.

Unless otherwise excepted, all conditional use permit applications shall be subject to the following criteria:

- a. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.
- b. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plan, and applicable ordinances of the City of Tacoma.
- c. For proposals that affect properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the use shall be compatible and consistent with applicable historic preservation standards, and goals, objectives and guidelines of the historic or conservation districts. Proposed actions or alterations inconsistent with historic standards or guidelines as determined by the Landmarks Commission are a basis for denial.

¹ Code Reviser's note: Section 13.05.005 (Definitions), was repealed and relocated to the new Chapter 13.01 per Ord. 28613 Ex. G. See 13.01.050.

² Code Reviser's note: Previously codified as 13.06.640 (Conditional use permit); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28611 Ex. B; passed Sept. 24, 2019: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28429 Ex. B; passed May 9, 2017: Ord. 28376 Exs. D, E; passed Aug. 16, 2016: Ord. 28336 Exs. B, C; passed Dec. 1, 2015: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27539 § 19; passed Oct. 31, 2006: Ord. 27432 § 17; passed Nov. 15, 2005: Ord. 27296 § 28; passed Nov. 16, 2004: Ord. 27245 § 21; passed Jun. 22, 2004: Ord. 27079 § 49; passed Apr. 29, 2003: Ord. 26966 § 22; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002.

d. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional property use:

(1) The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.

(2) Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.

(3) The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.

* * *

17. Surface Mining.¹

In addition to the General Criteria, the applicant shall submit plans and other necessary information justifying the proposed use or uses as follows:

a. Plans for surface mining shall consist of a topographic map showing ten-foot contours, with cross-sections to show the topography of the property and its relation to streets, alleys, and surrounding property, and a map showing the extent of the proposed surface mining and the finished contours of the ground after the removal of the material and replacement of topsoil has been completed.

b. The plans shall be reviewed by the Department of Public Works, and the Department of Environmental Services which shall advise the Director regarding the effect of the intended surface mining upon streets and alleys, either existing or contemplated, and adjoining properties.

c. The Director, before issuing a conditional use permit, shall make a finding whether the proposed surface mining will interfere with logical future development of the tract for building or other purposes in accordance with the Comprehensive Plan.

d. Surface Mining is also subject to the standards in 13.06.080.O.

* * *

23. Chemical Manufacturing, Processing, and Wholesale Distribution

In addition to the general conditional use criteria, Chemical manufacturing, processing, and wholesale distribution must demonstrate the following when a conditional use permit is required:

a. Consultation:

- Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma-Pierce County Health Department, Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.

b. Public health and safety:

- The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee-dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
- The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.

¹ Code Reviser's note: Relocated from Subsection 13.06.540.B. per Ord. 28613 Ex. G.

- The applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

c. Emergency services and risk management:

- The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;
- Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
- Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
- Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.

d. Shoreline Resources and Shorelines of Statewide Significance.

For uses within the shoreline, with a shoreline facility, or that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

- There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
- All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.

24. High Impact Uses

In addition to the general conditional use criteria, the following apply:

a. The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.

b. The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying these criteria the City shall consider impacts to Trust Lands of the Puyallup Tribe of Indians, employee-dense businesses in the Tideflats, as well as detention/correctional facilities and people detained within those facilities:

- A management plan may be required. The Hearings Examiner may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, and other factors may be required;
- The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and
- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

25. Renewable Fuel Facilities - Major.

In addition to the general conditional use criteria, Renewable Fuel Facilities must demonstrate the following when a conditional use permit is required:

a. Consultation:

- Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma-Pierce County Health Department, City of Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.

b. Public health and safety:

- The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee-dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
- The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt and utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- The Applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.
- The proposed facility shall meet a minimum 50% reduction in lifecycle GHG per Clean Air Act at the time of occupancy and 80% reduction by 2050;

c. Emergency services and risk management:

- The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;
- Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
- Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
- Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.

d. Shoreline Resources and Shorelines of Statewide Significance.

For uses within the shoreline, with a shoreline facility, or that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

- There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
- All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and

sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.

26. Non-Industrial Uses in the Port of Tacoma Manufacturing and Industrial Center

In addition to the general conditional use criteria in TMC 13.05.010.A, non-industrial conditional uses in the Port of Tacoma Manufacturing and Industrial Center shall meet the following criteria. In considering conditional use permit applications, the City will consult with the Puyallup Tribe of Indians and Port of Tacoma to determine potential off-site impacts on port/industrial facilities and operations, and to identify appropriate mitigation measures.

- a. The location will not significantly interfere with container shipping facilities. Mitigation may be required to avoid and minimize disruptions to nearby industrial activity.
- b. The location is buffered from potentially high-impact industrial facilities.
- c. The use will incorporate design elements to reduce impact on employees and customers from adjacent or nearby industrial activities.

B. Variances.¹

* * *

6. Application for an area-wide zoning reclassification.

a. A proposed area-wide zoning reclassification may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.

b. Area-wide zoning reclassifications initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations.

c. Application fees shall be as established by City Council action.

d. The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission.

e. The application shall include, but not be limited to, the following:

(1) Project summary:

- A description of the proposed amendment;
- The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
- A description, along with maps if applicable, of the area of applicability and the surrounding areas, including identification of affected parcels, ownership, current land uses, site characteristics, and natural features;
- The proposed amendatory language, if applicable.

(2) Background.

- Appropriate history and context for the proposed amendment, such as prior permits or rezones, concomitant zoning agreements, enforcement actions, or changes in use.

(3) Policy review.

¹ Code Reviser's note: Previously codified as 13.06.645 (Variances); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27079 § 50; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002.

- Identify and cite any applicable policies of the Comprehensive Plan that provide support for the proposed amendment;

(4) Objectives.

(a) Describe how the proposed amendment achieves the following objectives, where applicable:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations.
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services.
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern.
- Enhance the quality of the neighborhood.

(5) Community outreach.

- A description of any community outreach and response to the proposed amendment;

(6) Supplemental information.

(a) Supplemental information as requested by the Department, which may include, but is not limited to:

- completion of an environmental checklist,
- wetland delineation study,
- visual analysis, or
- other studies.

f. Pre-Application meeting.

(1) The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

7. Assessment of proposed amendments.

a. The Department shall docket all amendment requests upon submittal of a complete application, to ensure that all requests receive due consideration and are available for review by the public.

b. The Department will provide the Planning Commission with an Assessment Report for the proposed amendment applications that includes, at a minimum:

- Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
- Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
- A preliminary staff review of the application submittal;
- Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant; and
- Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

c. The Planning Commission will review this assessment and make its decision as to:

- whether or not the application is complete, and if not, what information is needed to make it complete;
- whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
- whether or not the application will be considered, and if so, in which amendment cycle.

d. The Planning Commission shall make determinations concerning proposed Comprehensive Plan amendments within 120 days of the close of the application period.

e. The Planning Commission shall make determinations concerning proposed zoning and regulatory code amendments that do not require concurrent Comprehensive Plan amendments within 120 days of receiving an application.

8. Analysis of proposed amendments.

a. Upon completing the assessment and receiving an affirmative determination from the Planning Commission to accept the application, the proposed amendment will be analyzed by the Department.

b. The Department shall provide the Commission with a staff analysis report, which will include, as appropriate:

(1) A staff analysis of the application in accordance with the elements described in 13.05.030.B.6;

(2) An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;

(3) An analysis of the amendment options identified in the assessment report; and

(4) An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

9. Planning Commission Review.

a. The Department will present the proposed amendment along with analysis conducted pursuant to this Section to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.

b. In formulating its recommendations to the City Council concerning a proposed area-wide zoning reclassification, the Planning Commission shall provide public notice and conduct at least one public hearing.

c. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.

d. For area-wide zoning reclassifications, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants within, and within 2500~~400~~-feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

e. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan.

10. Planning Commission findings and recommendations.

a. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:

- Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
- Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

b. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

11. City Council public hearing and action.

a. At least one City Council public hearing on the proposed area-wide zoning reclassification shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.05.070.

b. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan prior to adoption by the City Council, and must transmit copies of the adopted plan and any amendment after City Council action.

C. Site Specific Zoning Reclassifications.¹

a. Application submittal.

Application for rezone of property shall be submitted to Planning and Development Services. The application shall be processed in accordance with the provisions of Chapter 13.05. Final action on the application shall take place within 180 days of submission.

b. Criteria for rezone of property.

An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:

(1) That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the Comprehensive Plan.

(2) That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the Comprehensive Plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.

(3) That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.

(4) That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.

(5) That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.

D. Amendments to the land use regulations.²

1. The Planning Commission may, from time to time, recommend to the City Council amendments or supplements to the land use regulations in order to implement the goals and policies of the Comprehensive Plan. Procedures for amendments or supplements to the land use regulations shall be the same as those specified for development regulations in subsection 13.05.030.B.

E. Moratoria and interim zoning.³

1. Moratoria and/or interim zoning controls adopted by ordinance of the City Council may be considered either as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under existing zoning and development regulations. Those empowered to submit a request for a moratorium or interim zoning shall be the same as in Section 13.02.030.B. Those empowered may petition the City Council or Planning Commission, in writing, to request moratoria or interim zoning, including the specific geographic location and describing what circumstances contribute to an emergency situation or the need for protective measures.

2. Moratoria or interim zoning may be initiated by either the Planning Commission or the City Council by means of determination at a public meeting that such action may be warranted. Where an emergency exists, prior public notice may be limited to the information contained in the public meeting agenda. City Council-initiated moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to action; provided, that where an emergency is found to exist by the City Council, it may act immediately and prior to the formulation of Planning Commission findings of fact and recommendation. The City Council shall hold a public hearing within at least 60 days of

¹ Code Reviser's note: Previously codified as 13.06.650 (Application for rezone of property); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Exs. B, C; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27079 § 51; passed Apr. 29, 2003; Ord. 26947 § 54; passed Apr. 23, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

² Code Reviser's note: Previously codified as 13.06.655 (Amendments to the zoning regulations); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27079 § 52; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

³ Code Reviser's note: Previously codified as 13.02.055 (Moratoria and interim zoning); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 11; passed Dec. 16, 2003.

adopting any moratorium or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt findings of fact justifying the adoption of any moratorium or interim zoning before, or immediately after, the public hearing.

3. As part of its findings of fact and recommendation, the Planning Commission shall address the appropriate duration and scope for the moratorium or interim zoning controls and note if a study, either underway or proposed, is expected to develop a permanent solution and the time period by which that study would be concluded. Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period. Moratoria or interim zoning may be renewed for an unlimited number of six-month intervals following their imposition; provided, that prior to each renewal, a public hearing is held by the City Council and findings of fact are made which support the renewal.

(Ord. 28725 Ex. A; passed Dec. 8, 2020; Code Reviser's note: Subsections were previously codified as 13.02.053 (Area-wide zoning reclassifications), 13.02.055 (Moratoria and interim zoning), 13.06.650 (Application for rezone of property), and 13.06.655 (Amendments to the zoning regulations); all were relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See prior legislation in footnotes.)

(Code Reviser's note: Director Decision Making Authority (previously codified as 13.05.030), was relocated to 13.05.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019; see 13.05.080 for prior legislation.)

* * *

13.05.070 Notice process.¹

A. Purpose.

The purpose of this section is to provide notice requirements for land use applications.

B. Administrative Determination.

1. A public notice of application is not required for Administrative Determinations. Examples of Administrative Determinations are minor variances, reasonable accommodation requests, review of non-conforming rights, zoning verification requests, and information requests.
2. Determinations of the Director shall be mailed to the applicant and the property owner (if different than the applicant) by first class mail and/or electronic mail.
3. At the discretion of the Director, notice of the Determination and/or summary of Determination may be provided to other qualified or interested parties.

C. Process I – Minor Land Use Decisions.

1. A public notice of application shall be provided, and a notice of application published, within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E. Examples of minor land use decisions are variances, Conditional Use Major Modifications, temporary shelters, wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.
2. Public notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); and the Puyallup Tribe of Indians; ~~Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. ; and to~~ Notice shall also be mailed by first-class mail to occupants and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H.
3. Parties receiving public notice of application shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department. ~~The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days~~

¹ Code Reviser's note: Previously codified as 13.05.020 (Notice process); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

~~of the mailing of such notice, or who requests receipt of a copy of the decision.~~

4. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.

~~(a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.~~

~~(b) A notice of decision shall be mailed by first-class mail to: all recipients of the initial public notice, as described above, owners of property and/or taxpayers of record as indicated by the Pierce County Assessor/Treasurer's records within the distance identified in Section 13.05.020.H; neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; and the Puyallup Indian Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988.~~

~~5. A neighborhood or community organization shall be qualified to receive notice under this section upon a finding that the organization:~~

~~(a) has filed a request for a notification with the City Clerk in the form prescribed by rule, specifying the names and addresses of its representatives for the receipt of notice and its officers and directors;~~

~~(b) includes within its boundaries land within the jurisdiction of the permit authority;~~

~~(c) allows full participating membership to allow property owners/residents within its boundaries;~~

~~6. More than one neighborhood or community organization may represent the same area.~~

~~7. It shall be the duty of the neighborhood group to advise the City Clerk's office in writing of changes in its boundaries, or changes in the names and addresses of the officers and representatives for receipt of notice.~~

~~58.~~ A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and how additional information can be obtained.

D. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, Site Approvals.

1. A public notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E.

2. Public notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations consistent with the requirements set forth for Process I land use permits; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); and the Puyallup Tribe of Indians~~Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method.~~ and to Notice shall also be mailed by first-class mail to occupants and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all occupants and owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. from the boundary of the PRD District.

3. Parties receiving public notice of application shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.070.G. ~~The notice shall~~

~~indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 30 days of the mailing of such notice, or who requests receipt of a copy of the decision.~~

4. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection H of this section.

6. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.

(a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.

(b) A notice of decision shall be mailed by first-class mail to: all recipients of the initial public notice, as described above, owners of property and/or taxpayers of record as indicated by the Pierce County Assessor/Treasurer's records within the distance identified in Section 13.05.020.H; neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; and the Puyallup Indian Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988.

E. Process III – Decisions Requiring a Public Hearing.

1. A public notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.C.

2. Public notice of application, including the information identified in Section 13.05.070.F, shall be mailed by first-class mail to the applicant, property owner (if different than the applicant), neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); Puyallup Indian Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. ~~and to~~ Notice shall also be mailed by first-class mail to residents and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to residents occupants and all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H from the boundary of the PRD District.

3. The notified parties shall be allowed 21 days from the date of mailing to comment on the pre-threshold environmental determination under provisions of Chapter 13.12, after which time the responsible official for SEPA shall make a final determination. Those parties who comment on the environmental information shall receive notice of the environmental determination. If an appeal of the determination is filed, it will be considered by the Hearing Examiner at the public hearing on the proposal.

4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection H of this section.

F. Content of Public Notice and Notice of Application.

1. At a minimum, the Public Notice shall contain the following elements:

a. A clear statement that a full Notice of Application as described below is available, and how to access that Notice;

b. A project description, including type of permit requested, proponent, location, and vicinity map;

c. Preliminary environmental determination (or exemption);

d. Project contact information, including comment method and deadline and, as applicable, the following:

i. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);

ii. A provision which advises that a “public meeting” may be requested by any party entitled to notice.

2. The Notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal, per the requirements of RCW 36.70B.110. The notice shall be made available, at a minimum, in the project’s online permit file, and by any other methods deemed appropriate:

a. Date of application;

b. Date of notice of completion for the application;

c. Date of the notice of application;

d. Description of the proposed project action;

e. List of permits included in the application;

f. List of studies requested;

g. Other permits which may be required;

h. A list of existing environmental documents used to evaluate the proposed project(s) and where they can be reviewed;

i. Public comment period (not less than 14 nor more than 30 days), statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;

j. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);

k. Statement of preliminary determination of development regulations that will be used for project mitigation and of consistency;

l. A provision which advises that a “public meeting” may be requested by any party entitled to notice;

m. Notice that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.

n. Any other information determined appropriate, e.g., preliminary environmental determination, applicant’s analysis of code/policy applicability to project.

G. Public Comment Provisions.

Parties receiving public notice of application shall be given the opportunity to comment in writing to the department. A “public meeting” to obtain information, as defined in Section 13.01.050, may be held on applications which require public notification under Process II, and Conditional Use Major Modifications, when:

1. The Director determines that the proposed project is of broad public significance; or

2. The neighborhood council pursuant to TMC 1.45 or the neighborhood business district pursuant to TMC 1.47 in the area of the proposed project requests a “public meeting”; or

3. The owners of five or more parcels entitled to notice for the application make a written request for a meeting; or

4. The applicant has requested a “public meeting.”

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the “public meeting” shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has

determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

The comment period for permit type is identified in Section 13.05.070.H. When a proposal requires an environmental determination under Chapter 13.12, the notice shall include the time within which comments will be accepted prior to making a threshold determination of environmental significance or non-significance.

H. Notice and Comment Period for Specified Permit Applications.

Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years ³
Binding site plan	Required	No	No	No	No	Director	No	No	5 years ³
Environmental SEPA DNS* (see TMC 13.05.070.I)	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS)* (see TMC 13.05.070.I)	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years
Open space classification	Required	400 feet	No	Yes	2	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	1000 feet	Yes	Yes	21 days SEPA ²	Hearing Examiner	Yes	Final Plat	5 years ⁶
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA ²	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance* (see TMC 13.05.070.I)	Required	400 feet	No	Yes	30 days ⁵	Director	No ¹	No	2 years/ maximum ⁶
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years ³
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Required	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use* (see TMC 13.05.070.I)	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
Conditional use, correctional facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years
Temporary Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet ⁷	No	No	14 days	Director	No ¹	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No ¹	No	5 years
Wetland/Stream/FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years*
Wetland/Stream/FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years*
Wetland/Stream/FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.110.C).

- 1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.
- 2 Comment on land use permit proposal allowed from date of notice to hearing.
- 3 Must be recorded with the Pierce County Auditor within five years.
- 4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- 5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- 6 Refer to Section 13.05.120 for preliminary plat expiration dates.
- 7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

I. Expanded Notification for Heavy Industrial Permits.

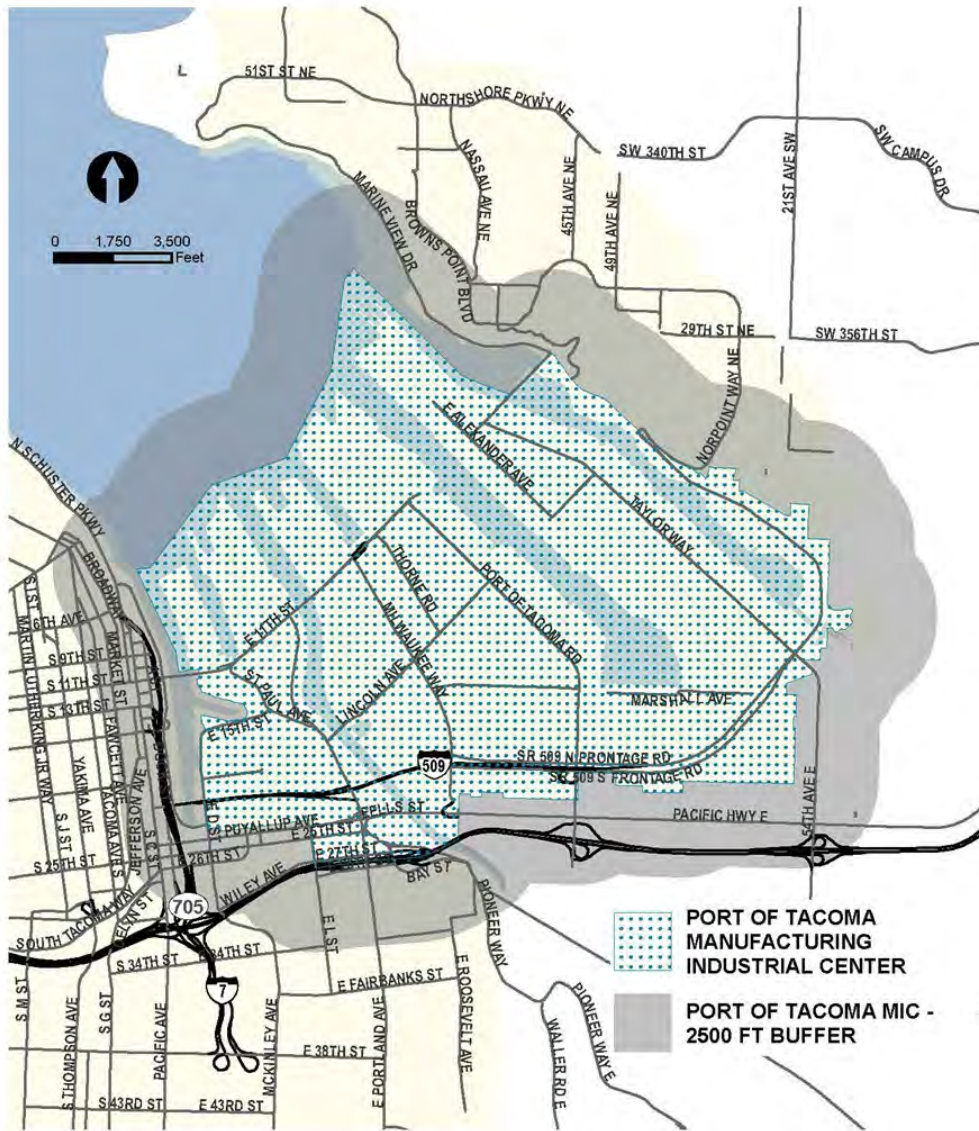
1. Applicability. The following expanded notification standards apply to all uses classified as "heavy industry."

2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.

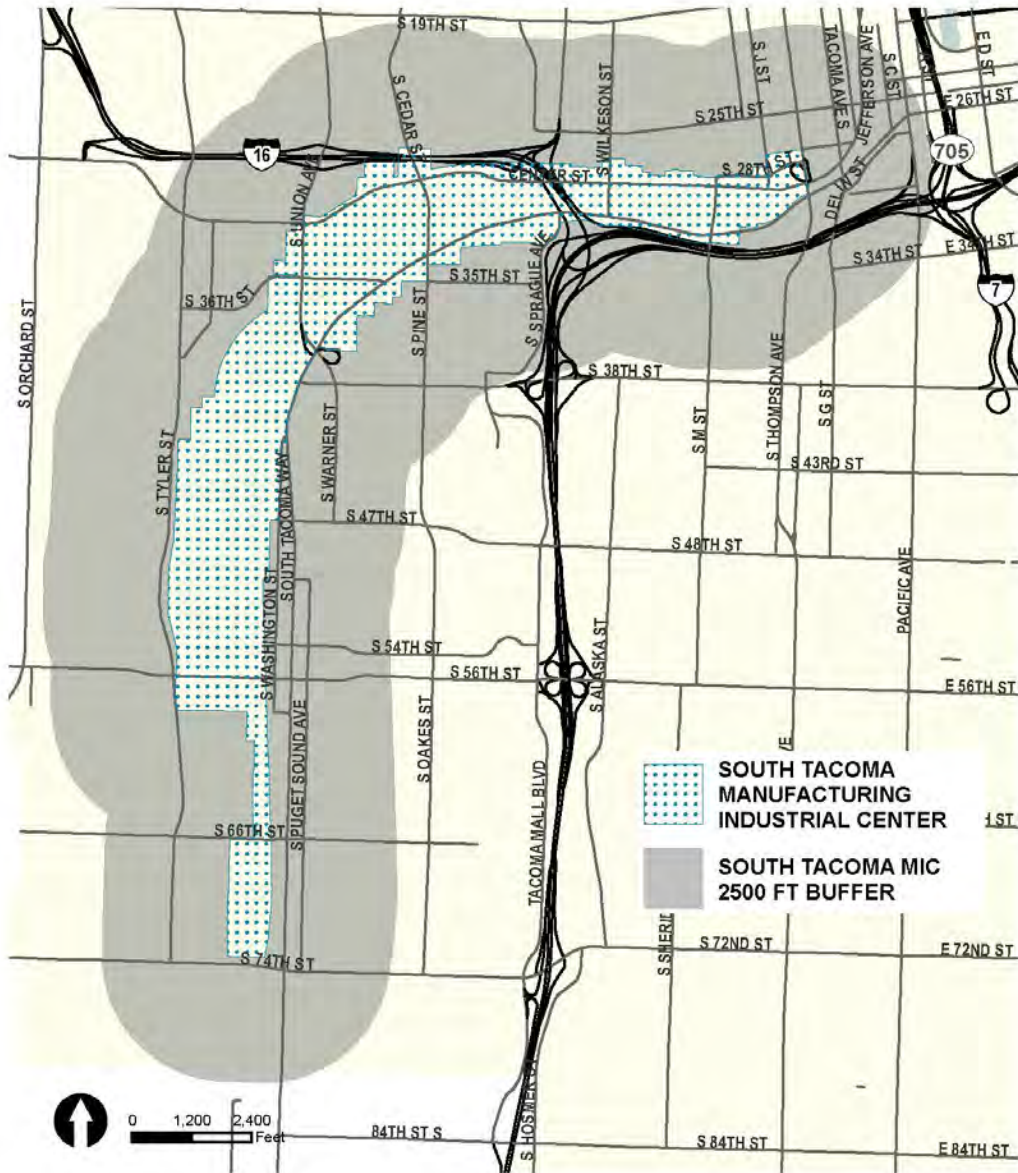
3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.

4. Notification distance.

(a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) will be 2,500 feet from the boundaries of that center, as depicted in the following map:



(b) Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District will be 2,500 feet from the boundaries of the Overlay District as depicted in the following map:



(c) Notification distance for a qualifying industrial project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.

5. Upon determination of a Complete Application, the City will hold a public community meeting to provide notification to the community that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

(a) For projects with an associated land use permit and public notice, this meeting will take place approximately two weeks after the start of the public notice period. Public notice will be extended to 30 days in the rare case that the TMC-required notice period is not already 30 days.

(b) For projects not associated with a land use permit, the meeting will take place after determination that a SEPA application is complete, but prior to issuance of a preliminary SEPA determination. The meeting will include a proposed SEPA timeline, including issuance of the preliminary determination, opportunity for comment, and the appeal process for this type of SEPA determination.

(c) This required public meeting is in lieu of the optional public meeting in Subsection F above.

6. Upon determination of a Complete Application, the City will post the permit package and all relevant studies under “public notices” on www.tacomapermits.org.

7. Additional notification may be done as necessary (i.e., social media posts or separate project web pages) or as appropriate for the project type.

J. Notice for public hearings.¹

1. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to TMC 1.45, neighborhood business districts pursuant to TMC 1.47, and other individuals or organizations identified by the Department as either affected or likely to be interested.

2. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within ~~2500+000~~ 2500 feet of the subject area.

3. For land use designation amendments, area-wide zoning reclassifications, or center boundary modifications affecting a designated regional growth center or manufacturing and industrial center, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers and occupants within, and within 2500 feet, of the designated center.

43. For a proposed amendment to the Comprehensive Plan land use designations or area-wide zoning classifications within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted in the affected area at least 14 calendar days prior to the Planning Commission public hearing. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the proposed amendment. The applicant shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition. The sign shall contain, at a minimum, the name of the applicant, a description and location of the proposed amendment, and where additional information may be obtained.

54. The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Subsections were previously codified as Section 13.02.057 (Notice for public hearing) and Section 13.05.020 (Notice process); both were relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

(Prior legislation for 13.02.057: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 12; passed Dec. 16, 2003)

(Prior legislation for 13.05.020: Ord. 28613 Ex. D; passed Sept. 24, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28511 Ex. A; passed May 15, 2018: Ord. 28498 Ex. B; passed Apr. 10, 2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Ex. A; passed Nov. 21, 2017: Ord. 28460 Ex. A; passed Oct. 17, 2017: Ord. 28429 Ex. A; passed May 9, 2017: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28216 Ex. B; passed Apr. 22, 2014: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 28050 Ex. B; passed Feb. 14, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27771 Ex. B; passed Dec. 9, 2008: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27631 Ex. A; passed Jul. 10, 2007: Ord. 27431 § 6; passed Nov. 15, 2005: Ord. 27245 § 2; passed Jun. 22, 2004: Ord. 27158 § 1; passed Nov. 4, 2003: Ord. 26195 § 1; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

¹ Code Reviser’s note: Previously codified as 13.02.057 (Notice for public hearings); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

CHAPTER 13.06
ZONING ¹

Sections:

- 13.06.010 General Provisions.
- 13.06.020 Residential Districts.
- 13.06.030 Commercial Districts.
- 13.06.040 Mixed-Use Center Districts.
- 13.06.050 Downtown.
- 13.06.060 Industrial Districts.
- 13.06.070 Overlay Districts.
- 13.06.080 Special Use Standards.
- 13.06.090 Site Development Standards.
- 13.06.100 Building Design Standards.

* * *

13.06.020 Residential Districts.²

* * *

E. District use restrictions.

1. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.
2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.
3. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
N = Prohibited use in this district.

4. District use table. (see next page for table)

¹ Code Reviser's note: Various sections were reorganized, relocated, or renumbered per Ord. 28613 Ex. G; passed Sept. 24, 2019. In addition, previously repealed sections were removed from the body of Chapter 13.06. See footnotes for relocated and renumbered Section references; see end of this Chapter for a list of previously repealed sections and prior legislation.

² Code Reviser's note: Previously codified as 13.06.100 (Residential Districts); relocated to 13.06.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1, 3}
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.020.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N
Adult retail and entertainment	N	N	N	N	N	N	N	N	
Agricultural uses	CU	CU	CU	CU	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Buildings shall not be permitted in connection with such use, except greenhouses having total floor area not in excess of 600 square feet. Livestock is not allowed.
Airports	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	N	N	N	N	N	N	N	
Animal sales and service	N	N	N	N	N	N	N	N	
Assembly facility	N	N	N	N	N	CU	CU	CU	
Brewpub	N	N	N	N	N	N	N	N	
Building materials and services	N	N	N	N	N	N	N	N	
Business support services	N	N	N	N	N	N	N	N	
Carnival	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.080.P.
Cemetery/internment services	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.05.010.A.
<u>Chemical manufacturing, processing, and wholesaling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Coal facilities</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Commercial parking facility	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.090.C.

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1, 3}
Commercial recreation and entertainment	N	N	N	N	N	N	N	N	
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.080.Q.
Confidential Shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Correctional facility	N	N	N	N	N	N	N	N	
Craft Production	N	N	N	N	N	N	N	N	Prohibited except as provided for in Section 13.06.020.E
Cultural institution	N	N	N	N	N	N	N	N	
Day care, family	P	P	P	P	P	P	P	P	Must be licensed by the State of Washington.
Day care center	CU	CU	CU	CU	CU	P/CU	P	P	Subject to additional requirements contained in Section 13.06.080.E. For R-4-L, day care centers with an enrollment limited to 50 or fewer children or adults are permitted, while day care centers for more than 50 children or adults may be allowed subject to the approval of a conditional use permit.
Detention facilities	N	N	N	N	N	N	N	N	Side yards shall be provided as specified in Section 13.06.602.
Detoxification center	CU	CU	CU	CU	CU	CU	CU	CU	
Drive-through with any use	N	N	N	N	N	N	N	N	
Dwelling, single-family detached	P	P	P	P	P	P	P	P	No lot shall contain more than one dwelling unless specifically approved to do so through a Planned Residential District, Cottage Housing or other City review process.

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1,3}
Dwelling, two-family	N	CU ²	P/CU	P/CU	P	P	P	P	<p>In the R-2SRD and HMR-SRD districts, two-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD/HMR-SRD or only upon issuance of a conditional use permit.</p> <p>In R-2 Districts, two-family development may be considered under the Residential Infill Pilot Program (see Section 13.05.060), but requires issuance of a conditional use permit.</p> <p>Subject to additional requirements contained in Section 13.06.100.</p>
Dwelling, three-family	N	N	P/CU	P/CU	P	P	P	P	<p>In the R-2SRD and HMR-SRD districts, three-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD or HMR-SRD. New three-family dwellings are permitted only upon issuance of a conditional use permit.</p> <p>For R-3, three-family dwellings are permitted, provided existing single- or two-family dwellings shall not be enlarged, altered, extended, or occupied as a three-family dwelling, unless the entire building is made to comply with all zoning standards applicable to new buildings; and, further provided such existing structures shall not be enlarged or extended, unless such enlargement, extension, or alteration is made to conform to the height, area, and parking regulations of this district.</p> <p>Subject to additional requirements contained in Section 13.06.100.</p>
Dwelling, multiple-family	N	N	N	P/N	CU ²	P	P	P	<p>In the HMR-SRD district, only multiple-family dwellings lawfully in existence on December 31, 2005 are permitted. Such multiple-family dwellings may continue and may be changed, repaired, and replaced, or otherwise modified, provided, however, that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling on December 31, 2005.</p> <p>In R-3 Districts multiple-family development may be considered under the Residential Infill Pilot Program (see Section 13.05.060), but requires issuance of a conditional use permit.</p>

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Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1, 3}
Dwelling, townhouse	N	CU ²	CU	CU	P	P	P	P	Subject to additional requirements contained in Section 13.06.020.G. In R-2, R-2SRD and HMR-SRD Districts townhouse development requires issuance of a conditional use permit. In R-2, townhouses also require review under the Residential Infill Pilot Program (see Section 13.05.060).
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	ADUs are only allowed in association with single-family development. Subject to additional requirements contained in Section 13.06.080.A.
Dwelling, Cottage Housing	CU2	CU2	CU2	N	CU2	CU2	CU2	CU2	Cottage Housing developments require the issuance of a Conditional Use Permit and are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.060.
Eating and drinking	N	N	N	N	N	N	N	P	For R-5, minor eating and drinking establishments are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities, are designed primarily to serve on-site residents, and are consistent with a restaurant use per Section 13.01.060.
Emergency and transitional housing	N	N	N	N	N	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.N.
Extended care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Foster home	P	P	P	P	P	P	P	P	
Fueling station	N	N	N	N	N	N	N	N	
Funeral home	N	N	N	N	N	N	N	N	
Golf course	P	P	P	P	P	P	P	P	

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Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1,3}
Group housing	P	P	P	P	P	P	P	P	In the R-1, R-2, R-2SRD, and HMR-SRD districts, group housing is limited to 6 or fewer unrelated adults. In the R-3 district, group housing is limited to 15 or fewer unrelated adults. In the R-4-L, R-4 and R-5 districts, there is no limit to the allowed number residents in a group housing facility.
Heliport	CU	CU	CU	CU	CU	CU	CU	CU	
<u>High Impact Use*</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>*This use category applies only to uses that are otherwise permitted but are determined to be a Type H occupancy per Washington State Fire Code. See conditional use criteria in TMC 13.05.010.A.24.</u>
Home occupation	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.F.
Hospital	N	N	N	N	N	CU	CU	CU	
Hotel/motel	N	N	N	N	N	N	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	N	N	N	N	
Intermediate care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Juvenile community facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.H.
Live/Work	N	N	N	N	N	N	N	N	
<u>Fossil fuel facility - major</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Marijuana processor	N	N	N	N	N	N	N	N	
Marijuana producer	N	N	N	N	N	N	N	N	
Marijuana retailer	N	N	N	N	N	N	N	N	
Microbrewery/winery	N	N	N	N	N	N	N	N	
<u>Surface mining-Mining and quarrying</u>	<u>CUN</u>	<u>CUN</u>	<u>CUN</u>	<u>CUN</u>	<u>CUN</u>	<u>CUN</u>	<u>CUN</u>	<u>CUN</u>	<u>Existing surface mines considered permitted as conditional use. sSubject to additional requirements contained in Section 13.06.080.O.</u>

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1, 3}
Mobile home/trailer court	N	N	N	N	N	CU	N	N	Subject to additional requirements contained in Section 13.06.090.B.
Nursery	N	N	N	N	N	N	N	N	
Office	N	N	N	N	N	N	N	N	
Parks, recreation and open space	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	Parks, recreation and open space uses are permitted outright. However, the following parks and recreation features and facilities require a Conditional Use Permit: Destination facilities High-intensity recreation facilities High-intensity lighting Development of more than 20 off-street parking spaces Parks, recreation and open space uses are subject to the requirements of Section 13.06.080.L, where the above features are defined.
Passenger terminal	N	N	N	N	N	N	N	N	
Personal services	N	N	N	N	N	N	N	P	For R-5, minor personal service uses, such as beauty parlors and instructional services, are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities and are designed primarily to serve on-site residents.
Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19*)	N	N	N	N	N	N	N	N	
Public safety and public service facilities	CU	CU	CU	CU	CU	CU	CU	CU	Unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit.
Religious assembly	CU	CU	CU	CU	CU	CU	CU	CU	
Repair services	N	N	N	N	N	N	N	N	

* Code reviser’s note: Title 13.10 was repealed and a new Title 19, entitled “Shoreline Master Program”, was enacted per Ordinance No. 28612.

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1,3}
<u>Renewable fuel facility - Major</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Research and development industry	N	N	N	N	N	N	N	N	
Residential care facility for youth	N	N	N	N	P	P	P	P	Subject to additional requirements contained in 13.06.080.N.
Residential chemical dependency facility	N	N	N	N	N	P	P	P	Subject to additional requirements contained in 13.06.080.N.
Retail	N	N	N	N	N	N	N	P	For R-5, minor retail businesses such as drug stores and newsstands are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities and are designed primarily to serve on-site residents.
Retirement home	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
School, public or private	CU	CU	CU	CU	CU	CU	CU	CU	
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to additional requirements contained in Section 13.06.080.P.
Self-storage	N	N	N	N	N	N	N	N	
Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
Short-term rental (3-9 guest rooms)	N	N	N	N	CU	CU	CU	CU	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
Short-term rental (entire dwelling)	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.M and 13.06.080.
<u>Smelting</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Staffed residential home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Student housing	CU	CU	CU	CU	CU	CU	CU	CU	

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1, 3}
Surface mining	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.O.
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.080.P
Theater	N	N	N	N	N	N	N	N	
Transportation/freight terminal	N	N	N	N	N	N	N	N	
Urban Horticulture	N	N	N	N	N	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	
Vehicle rental and sales	N	N	N	N	N	N	N	N	
Vehicle service and repair	N	N	N	N	N	N	N	N	
Vehicle service and repair, industrial	N	N	N	N	N	N	N	N	
Vehicle storage	N	N	N	N	N	N	N	N	
Warehouse, storage	N	N	N	N	N	N	N	N	
Wholesale or distribution	N	N	N	N	N	N	N	N	
Wireless communication facility	CU	CU	CU	N	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.Q and the time limitations set forth in Chapter 13.05, Table G.
Work/Live	N	N	N	N	N	N	N	N	
Work release center	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.080.R.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1,3}
<p>Footnotes:</p> <p>¹ For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.05.010.A for additional details, limitations and requirements.</p> <p>² Certain land uses, including two-family, townhouse, and cottage housing in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.060.</p> <p>³ Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.</p>									

* * *

13.06.030 Commercial Districts.¹

* * *

E. District use restrictions.

1. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in this section are prohibited, unless permitted via Section 13.05.080.

2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.

[See next page for table.]

¹ Code Reviser's note: Previously codified as 13.06.200 (Commercial Districts); relocated to 13.06.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
N	=	Prohibited use in this district.

4. District use table.

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.080.B.
Agricultural uses	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Livestock is not allowed.
Airport	CU	CU	CU	CU	
Ambulance services	N	P	P	P	
Animal sales and service	N	P	P	N	Must be conducted entirely within an enclosed building.
Assembly facility	CU	P	P	P	
Brewpub	N	N	P	N	2,400 barrel annual brewpub production maximum, equivalent volume wine limit.
Building materials and services	N	N	P	N	
Business support services	N	P	P	P	
Carnival	TU	TU	TU	TU	Subject to Section 13.06.080.P.
Cemetery/internment services	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit.
<u>Chemical manufacturing, processing and wholesale distribution</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Coal facilities</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Commercial parking facility	P	P	P	P	
Commercial recreation and entertainment	N	N	P	P	
Communication facility	N	N	P	P	
Confidential shelter	P	P	P	P	See Section 13.06.080.N. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	See Section 13.06.080.N.
Correctional facility	N	N	N	N	

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3,4} (also see footnotes at bottom of table)
Craft Production	CU	P	P	P	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.090.E. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	
Day care, family	P	P	P	P	
Day care center	P	P	P	P	Subject to regulations set forth in Section 13.06.080.E.
Detention facility	N	N	N	N	
Detoxification center	N	N	N	N	
Drive-through with any use	N	N	P	N	Prohibited in any commercial district combined with a VSD View-Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area). Subject to the requirements of TMC 13.06.090.A.
Dwelling, single-family detached	P	P	P	P	Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
Dwelling, two-family	P	P	P	P	Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
Dwelling, three-family	P	P	P	P	Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
Dwelling, multiple-family	P	P	P	P	
Dwelling, townhouse	P	P	P	P	
Dwelling, accessory (ADU)	P	P	P	P	ADUs are only allowed in association with single-family development. Subject to additional requirements contained in 13.06.080.A.

Tacoma Municipal Code

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Eating and drinking	N	P/CU	P	P*/CU*	In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Chapter 13.01 for the definitions of restaurants and drinking establishments. In the C-2 district, live entertainment is limited to that consistent with either a Class “B” or Class “C” Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class “C” cabaret license as designated in Section 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District, and PDB Districts
Emergency and transitional housing	CU	CU	P	CU	See Section 13.06.080.N.
Extended care facility	P	P	P	P	See Section 13.06.080.N.
Foster home	P	P	P	P	
Fueling station	N	P	P	N	
Funeral home	P	P	P	N	
Golf course	P	P	P	P	
Group housing	P	P	P	P	
Heliport	N	N	N	N	
<u>High impact uses*</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>*This use category applies only to uses that are otherwise permitted but are determined to be a Type H occupancy per Washington State Fire Code. See conditional use criteria in TMC 13.05.010.A.24.</u>
Home occupation	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.F
Hospital	N	CU	CU	N	
Hotel/motel	N	N	P	P	
Industry, heavy	N	N	N	N	
Industry, light	N	N	N	N	
Intermediate care facility	P	P	P	P	See Section 13.06.080.N.
Juvenile community facility	N	N	N	N	Prohibited except as provided for in Section 13.06.080.H.
Live/Work	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.080.I.
<u>Fossil fuel facility - major</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Marijuana processor, producer, and researcher	N	N	N	N	

Tacoma Municipal Code

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Marijuana retailer	N	P	P	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See additional requirements contained in Section 13.06.080.J.
Microbrewery/winery	N	N	N	N	
Surface mining -Mining and quarrying	CUN	CUN	CUN	CUN	Existing surface mines are permitted as conditional uses, subject to See specific requirements in Section 13.06.080.O.
Mobile home/trailer court	N	N	CU	N	
Nursery	N	N	P	N	
Office	P	P	P	P	*Limited to 7,000 square feet of floor area, per business, in the JBLM Airport Compatibility Overlay District.
Parks, recreation and open space	P	P	P	P	Subject to the requirements of Section 13.06.080.L.
Passenger terminal	N	N	P	N	
Personal services	N	P	P	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.
Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19 ¹)	N	N	N	N	
Public safety and public service facilities	P	P	P	P	
Religious assembly	P	P	P	P	
Repair services	N	P	P	N	Must be contained within a building with no outdoor storage. Engine repair, see Vehicle Repair.
Research and development industry	N	N	N	P	
Residential care facility for youth	P	P	P	P	See Section 13.06.080.N. See definition for bed limit.
Residential chemical dependency treatment facility	P	P	P	P	See Section 13.06.080.N.
Retail	N	P	P/CU~	P*	~A conditional use permit is required for retail uses exceeding 45,000 square feet within the C-2 District. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District, and PDB Districts.
Retirement home	P	P	P	P	See Section 13.06.080.N.
Renewable fuel Facility - Major	N	N	N	N	
School, public or private	P	P	P	P	
Seasonal sales	TU	TU	TU	TU	Subject to Section 13.06.080.P.

¹ Code reviser’s note: Title 13.10 was repealed and a new Title 19, entitled “Shoreline Master Program”, was enacted per Ordinance No. 28612.

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Self-storage	N	N	P	P	Any other use of the facility shall be consistent with this section. See specific requirements in Section 13.06.090.J.
Short-term rental (1-2 guest rooms)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
Short-term rental (3-9 guest rooms)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
Short-term rental (entire dwelling)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
<u>Smelting</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Staffed residential home	P	P	P	P	See Section 13.06.080.N. See definition for bed limit.
Student housing	P	P	P	P	
<u>Surface mining</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>See specific requirements in Section 13.06.080.O.</u>
Temporary uses	TU	TU	TU	TU	Subject to Section 13.06.080.P.
Theater	N	P	P	N	Movie theaters are limited to 4 screens. This does not include adult entertainment.
Transportation/freight terminal	N	N	P	P	
Urban Horticulture	N	N	N	N	
Utilities	CU	CU	CU	CU	
Vehicle rental and sales	N	N	P	N	Prohibited in any commercial district combined with a VSD View-Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area).
Vehicle service and repair	N	P*	P	N	*In the C-1 District, car washes are allowed with a limit of 2 washing bays. Washing bays shall be enclosed on at least 2 sides and covered with a roof. No water shall spray or drain off-site. Subject to development standards contained in Section 13.06.080.S. Prohibited in any commercial district combined with a VSD View Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area).
Vehicle service and repair, industrial	N	N	N	N	
Vehicle storage	N	N	N	N	
Warehouse, storage	N	N	N	N	
Wholesale or distribution	N	N	N	P	
Wireless communication facility	P / CU	P / CU	P / CU	P / CU	Wireless communication facilities are also subject to Section 13.06.080.Q.
Work/Live	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080.I.
Work release center	N	N	N	N	Prohibited except as provided for in Section 13.06.080.R.

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	

Footnotes:

1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30th Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and offices.
2. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.05.010.A for additional details, limitations and requirements.
3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.
4. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.

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13.06.040 Mixed-Use Center Districts.¹

* * *

E. District use restrictions.

1. Use requirements.

The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.

2. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
TU	=	Temporary use consistent with Section 13.06.080.P.
N	=	Prohibited use in this district.

¹ Code Reviser’s note: Previously codified as Section 13.06.300 (Mixed-Use Center Districts); relocated to 13.06.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. ² Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.080.B.
Agricultural uses	N	N	N	N	N	N	N	N	
Airport	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	CU	CU	N	P	P	N	N	
Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX. ²
Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Building materials and services	N	P	CU	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. ²
Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Offices must be located at building fronts on designated pedestrian streets in NCX.
Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.080.P.
Cemetery/ internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit.
<u>Chemical manufacturing, processing, and wholesale distribution</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Coal facilities</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets. ² Stand-alone surface commercial parking lots are prohibited in the UCX District.
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets. ²
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX, and NCX. ² Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX, and NCX. ² Prohibited in Commercial-only area of the UCX District.
Correctional facility	N	N	N	N	N	N	N	N	
Craft Production	P	P	P	P	P	N	N	N	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.090.E. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	P	N	N	N	
Day care, family	P	P	P	P	N	P	P	P	
Day care center	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. ¹
Detention facility	N	N	N	N	N	N	N	N	
Detoxification center	N	N	N	N	CU	CU	N	N	
Drive-through with any use	P	P	P	N	P	P*	N	N	* In the HMX District, drive-throughs are only allowed for hospitals and associated medical uses. All drive-throughs are subject to the requirements of TMC 13.06.090.A.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Dwelling, single-family detached	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
Dwelling, two-family	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
Dwelling, three-family	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² In the NRX District, multiple-family dwellings lawfully in existence on August 31, 2009, the time of reclassification to this district, shall be considered permitted uses; said multiple-family dwellings may continue and may be changed, repaired, replaced or otherwise modified, provided, however that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling at the time of reclassification to this district. Prohibited in Commercial-only area of the UCX District.
Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	ADUs are only allowed in association with single-family development. Prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.080.A for specific Accessory Dwelling Unit (ADU) Standards. Prohibited in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Eating and drinking	P	P	P	P	P	P*	N	N	Outdoor seating is permitted with a 12-seat maximum in RCX. In RCX live entertainment is limited to that consistent with a Class “C” Cabaret license, as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with either a Class “B” or Class “C” Cabaret license, as designated in Chapter 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
Emergency and transitional housing	CU	P	P	CU	N	CU	CU	CU	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Extended care facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Foster home	P	P	P	P	P	P	P	P	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Fueling station	N	P	P	N	P	N	N	N	Prohibited along frontage of designated pedestrian streets within the UCX and CCX Districts. ² Fueling station pump islands, stacking lanes and parking areas shall be located at the side or rear of the building.
Funeral home	P	P	P	N	P	P	N	N	
Golf course	N	N	N	N	N	N	N	N	
Group housing	P	P	P	P	P	P	P	P	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Heliport	N	N	N	N	CU	CU	N	N	
<u>High impact uses*</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>*This use category applies only to uses that are otherwise permitted but are determined to be a Type H occupancy per Washington State Fire Code. See conditional use criteria in TMC 13.05.010.A.24.</u>

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Section 13.06.080.F.
Hospital	N	CU	CU	N	P	P	N	N	
Hotel/motel	P	P	P	N	P	P	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.080.H for additional information about size limitations and permitting requirements. Prohibited in Commercial-only area of the UCX District.
Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.080.I. Prohibited in Commercial-only area of the UCX District.
Marijuana processor, producer, and researcher	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.080.J
Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.080.J
Microbrewery/ winery	N	N	CU	N	P	N	N	N	Microbreweries shall be limited to 15,000 barrels per year of beer, ale, or other malt beverages, as determined by the filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Surface mining Mining and quarrying	CU	CU	CU	CU	CU	CU	CU	N	
Mobile home/trailer court	N	N	N	N	N	N	N	N	

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Nursery	P	P	P	N	P	N	N	N	
Office	P	P	P	P	P	P	N	N	Not subject to RCX residential requirement for properties fronting the west side of South Pine Street between South 40th Street and South 47th Street. ¹
Parks, recreation and open space	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement. ¹ Subject to the requirements of Section 13.06.080.L.
Passenger terminal	P	P	P	N	P	N	N	N	
Personal services	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District.
Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19*)	N	N	N	N	N	N	N	N	
Public safety and public service facilities	P	P	P	P	P	P	P	CU	In the NRX District, unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. Not subject to RCX residential requirement. ¹
Religious assembly	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. ¹
<u>Renewable fuel facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Repair services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited.
Research and development industry	N	N	CU	N	P	N	N	N	
Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In CCX, NCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.

* Code reviser’s note: Title 13.10 was repealed and a new Title 19, entitled “Shoreline Master Program”, was enacted per Ordinance No. 28612.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Retail	P	P/CU~	P/CU~	P	P/CU~	P*	N	N	~ A conditional use permit is required for retail uses exceeding 45,000 square feet. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
Retirement home	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
School, public or private	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. ¹
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.080.P.
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.090.J. Prohibited at street level along frontage of designated core pedestrian streets. ²
Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts. ² Subject to additional requirements contained in Section 13.06.80.M and 13.06.080.A. Prohibited in Commercial-only area of the UCX District.
Short-term rental (3-9 guest rooms)	P	P	P	CU	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX and HMX Districts. ² Subject to additional requirements contained in Section 13.06.13.06.080.M and 13.06.080.A. Prohibited in Commercial-only area of the UCX District.
Short-term rental (entire dwelling)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts. ² Subject to additional requirements contained in Section 13.06.13.06.080.M and 13.06.080.A. Prohibited in Commercial-only area of the UCX District.
<u>Smelting</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts. ² Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts. ² Prohibited in Commercial-only area of the UCX District.
Surface mining	CU	CU	CU	CU	CU	CU	CU	N	
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.080.P.
Theater	P	P	P	N	P	N	N	N	Theaters only permitted up to 4 screens in NCX and CCX. Theaters only permitted up to 6 screens in CIX.
Transportation/ freight terminal	P	P	CU	N	P	P	N	N	Prohibited at street level along frontage of designated core pedestrian streets. ²
Urban Horticulture	N	N	N	N	P	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	Prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to RCX residential requirement. ¹
Vehicle rental and sales	N*	P	P	N	P	N	N	N	In CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² *Use permitted in the South Tacoma Way Neighborhood Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	CU	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. Subject to development standards contained in Section 13.06.080.S. Prohibited along frontage of designated core pedestrian streets. ² *Use permitted in the South Tacoma Way Neighborhood Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.
Vehicle service and repair, industrial	N	N	CU	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.080.S. Prohibited at street level along frontage of designated core pedestrian streets. ²

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.080.S. Prohibited at street level along frontage of designated pedestrian streets. ²
Warehouse, storage	N	N	CU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets. ²
Wholesale or distribution	N	N	CU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets. ²
Work/Live	P	P	P	P	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080.I. Prohibited in Commercial-only area of the UCX District.
Wireless communication facility	P / CU	P / CU	P / CU	P / CU	P / CU	P / CU	P / CU	P / CU	Wireless communication facilities are also subject to Section 13.06.080.Q.
Work release center	N	N	CU	N	CU	N	N	N	Permitted with no more than 15 residents in the UCX and no more than 25 residents in the CIX, subject to a Conditional Use Permit and the development regulations found in Section 13.06.080.R.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	

Footnotes:

1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.
2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site’s street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.010.D. for the list of designated pedestrian and core pedestrian streets.
3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit.
4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.
5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.090.C.

* * *

13.06.050 Downtown.¹

* * *

C. Downtown Districts and uses.²

1. Downtown Commercial Core District (DCC).

This district is intended to focus high rise office buildings and hotels, street level shops, theaters, and various public services into a compact, walkable area, with a high level of transit service.

2. Downtown Mixed-Use District (DMU).

This district is intended to contain a high concentration of educational, cultural, and governmental services, together with commercial services and uses.

3. Downtown Residential District (DR).

This district contains a predominance of mid-rise, higher density, urban residential development, together with places of employment and retail services.

4. Warehouse/Residential District (WR).

This district is intended to consist principally of a mixture of industrial activities and residential buildings in which occupants maintain a business involving industrial activities.

D. Primary pedestrian streets designated.

1. Within the Downtown, the “primary pedestrian streets” designated in 13.06.010.D are considered key streets in the intended development and utilization of the area due to pedestrian use, traffic volumes, transit connections, and/or visibility. The streetscape and adjacent development on these streets should be designed to support pedestrian activity throughout the day. They are designated for use with certain provisions in the Downtown zoning regulations, including setbacks and design requirements.

E. District use restrictions.³

1. Downtown Commercial Core District (DCC).

a. Preferred – retail, office, hotel, cultural, governmental.

b. Allowable – residential, educational, light industrial located entirely within a building.

c. Prohibited – industrial uses not located entirely within a building and automobile service stations/gasoline dispensing facilities other than those noted in Section 13.06.050.E.7.

2. Downtown Mixed-Use District (DMU).

a. Preferred – governmental, educational, office, residential, cultural.

b. Allowable – retail, residential, light industrial located entirely within a building.

c. Prohibited – light industrial uses not located entirely within a building, and automobile service stations/gasoline dispensing facilities, in addition to those noted in Section 13.06.050.E.7.

3. Downtown Residential District (DR).

¹ Code Reviser’s note: Previously codified as 13.06A (various sections); relocated to 13.06.050 per Ord. 28613 Ex. G.

² Code Reviser’s note: Previously codified as 13.06A.040 (Downtown Districts and uses); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 27995 Ex. G; passed Jun. 14, 2011; Ord. 26947 § 55; passed Apr. 23, 2002; Ord. 26733 § 5; passed Nov. 14, 2000; Ord. 26605 § 4; passed Mar. 28, 2000; Ord. 26556 § 5; passed Dec. 14, 1999.

³ Code Reviser’s note: Previously codified as 13.06A.050 (Additional use regulations); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28491 Ex. A; passed Feb. 20, 2018; Ord. 28361 Ex. B; passed May 24, 2016; Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28230 Ex. E; passed Jul. 22, 2014; Ord. 28182 Ex. A; passed Nov. 5, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 28088 Ex. B; passed Sept. 25, 2012; Ord. 27539 § 21; passed Oct. 31, 2006; Ord. 27245 § 23; passed Jun. 22, 2004; Ord. 26556 § 28; passed Dec. 14, 1999.

- a. Preferred – residential.
- b. Allowable – retail, office, educational.
- c. Prohibited - industrial, other than those noted in Section 13.06.050.E.7.
- 4. Warehouse/Residential District (WR).
 - a. Preferred – light industrial located entirely in a building, residential.
 - b. Allowable – retail, educational, office, governmental.
 - c. Prohibited uses can be found in Section 13.06.050.E.7.
- 5. University of Washington, Tacoma Campus: Management of landscaping, street trees, parking (including ADA parking), telecommunications, street design (including pedestrian streets), ground floor uses, streetscape design, light and glare, storm drainage, signage, etc., shall all be addressed on a campus-wide basis. Please refer to the Campus Master Plan.
- 6. Use Categories.
 - a. Preferred. Preferred uses are expected to be the predominant use in each district.
 - b. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
 - c. Prohibited. Prohibited uses are disallowed uses (no administrative variances).
 - d. Conditional. Conditional uses may be allowed if specific criteria can be met.
- 7. The following uses are conditional in all of the above districts:
 - a. High Impact Uses. See conditional use criteria in TMC 13.05.010.A.24 for uses classified as a Type – H Occupancy.
- 8. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:
 - a. Adult retail and entertainment.
 - b. Heliports.
 - c. Work release facilities.
 - d. Correctional and detention facilities.
 - e. Billboards
 - f. Drive-throughs not located entirely within a building.
- 98. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.080.N.
- 109. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.080.I.
- 1149. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher and marijuana retailer).
Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.080.J. Marijuana producers, marijuana processors, and marijuana researchers shall be prohibited in all downtown districts.
- 12. Heavy industrial uses.
- 13. Mining and quarrying.

* * *

13.06.060 Industrial Districts.¹**A. Applicability.**

The following tables compose the land use regulations for all districts of Section 13.06.060. All portions of Section 13.06.060 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

B. Purpose.

The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City's Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

C. Districts established.

M-1	Light Industrial District
M-2	Heavy Industrial District
PMI	Port Maritime & Industrial District

1. M-1 Light Industrial District.

This district is intended ~~to provide areas for light manufacturing, warehousing, and a limited mix of commercial or civic uses that are complementary and not detrimental to either existing or proposed industrial uses, or neighboring commercial or residential districts, as a buffer between heavy industrial uses and less intensive commercial and/or residential uses.~~ M-1 districts may be established in new areas of the City ~~and is an appropriate zone to apply as a transition between the industrial operations therein and the existing activities and character of the community in which the district is located.~~ ~~However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.~~ Light Industrial.

2. M-2 Heavy Industrial District.

This district is intended to allow ~~most heavy industrial and manufacturing~~ uses that can reasonably be accommodated without adverse impacts on the public's health, welfare, or safety. The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated ~~for Heavy Industrial medium and high intensity uses.~~

3. PMI Port Maritime & Industrial District.

This district is intended to ~~implement the use priorities of the Container Port Element of the Comprehensive Plan, specifically pertaining to the Core Maritime Industrial Area, and to protect the long-term function and viability of the area. These use priorities include: Cargo port terminal, port-related container and industrial activity, compatible manufacturing, industrial-related office, cargo yard, warehousing, transportation facilities and other similar uses. allow all industrial uses and uses that are not permitted in other districts, barring uses that are prohibited by City Charter.~~

The Port of Tacoma facilities, facilities that support the Port's operations, and other public and private maritime and industrial activities make up a majority of the uses in this district. This area is characterized by proximity to deepwater berthing; sufficient backup land between the berths and public right-of-ways; 24-hour operations to accommodate regional and international shipping and distribution schedules; raw materials processing and manufacturing; uses which rely on the deep water berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads.

The PMI District is further characterized by heavy truck traffic and higher levels of noise and odors than found in other districts. The uses are primarily marine and industrial related, and include shipping terminals, which may often include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including

¹ Code Reviser's note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair. Retail and support uses primarily serve the area’s employees.

Expansion beyond current PMI District boundaries should be considered carefully, as such expansion may decrease the distance between incompatible uses.

Expansion should only be considered contiguous to the existing PMI District. This classification is only appropriate inside Comprehensive Plan areas designated for high intensity uses.

D. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity. Refer to 13.06.010.D for Pedestrian Street Designations.

E. District use restrictions.

The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.

1. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.
2. Within the South Tacoma Manufacturing and Industrial Center (M/IC), the land use and development standards of this section are modified as specified in TMC 13.06.070.B, which shall prevail in the case of any conflict.
3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.05.010.A.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
N	=	Prohibited use in this district.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Agriculture and Natural Resources				
Agricultural uses	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.
Mining and quarrying Surface mining	P*/N	P*/N	P*/N	*Surface mines, legally permitted at the time of adoption of this ordinance, are permitted, subject to standards in Section 13.06.080.O.
Urban horticulture	P	P	P	
Residential Uses				
Dwelling Types				
Dwelling, accessory (ADU)	P/ CU*/N ~	N	N	Subject to additional requirements contained in 13.06.150. ~Not permitted within the South Tacoma M/IC Overlay District. *Conditional use in the Port of Tacoma M/IC.
Dwelling, single-family detached	P/ CU**/ N*~	N*	N*	In M-1 districts, single-, two- and three-family and townhouse dwellings are prohibited, except for residential uses in existence on December 31, 2008, the effective date of adoption of this provision.

	Dwelling, two-family	P/ <u>CU**</u> / N*~	N*~	N*~	In M-1 districts, new multi-family residential dwellings are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.
	Dwelling, three-family	P/ <u>CU**</u> / N*~	N*~	N*~	*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
	Dwelling, multiple-family	P/ <u>CU**</u> / N*~	N*~	N*~	~Not permitted within the South Tacoma M/IC Overlay District except for quarters for caretakers and watchpersons and temporary worker housing, as noted above.
	Dwelling, townhouse	P/ <u>CU**</u> / N*~	N*~	N*~	<u>**Conditional use in the Port of Tacoma M/IC.</u>
Other Residential					
	Adult family home	P/ <u>CU**</u> / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
	Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
	Foster home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
	Group housing	P/ <u>CU**</u> / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u>
	Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
	Live/Work	P/ <u>CU</u> *	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. <u>*Conditional use in the Port of Tacoma M/IC.</u> Subject to additional requirements contained in Section 13.06.570.

	Mobile home/trailer court	N	N	N	
	Short-term rental	N	N	N	
	Staffed residential home	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
	Student housing	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u>
	Retirement home	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Medical and Health Services					
	Continuing care retirement community	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.080.N.
	Detoxification center	CU	CU	N	
	Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC.</u> ~Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma M/IC.</u>

Intermediate care facility	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Residential care facility for youth	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Residential chemical dependency treatment facility	P/ <u>CU**/</u> N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u>
Community and Civic Facilities				
Assembly facility	P	P	N	
Cemetery/ Internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Correctional facility	P	P	P	
Cultural institution	P/CU*	P/CU*	N	*Conditional use within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , unless an accessory use.
Detention facility*	CU	N	N	Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.130). A pre-application community meeting is also required (see Section 13.05.010.A.16). This CU is only available in the M-1 zones in place as of January 1, 2018.

				The notification distance for a project within the M-1 zone will be 2,500 feet from the boundaries of that zone.
Juvenile community facility	P/ <u>CU**</u> / N*	P/N*	<u>PN</u>	See Section 13.06.530 for resident limits and additional regulations. <u>**Conditional use within the Port of Tacoma M/IC.</u> <u>*Not permitted within the South Tacoma M/IC Overlay District or in the M-2 District of the Port of Tacoma M/IC.</u>
Parks, recreation and open space	P/ <u>CU*</u>	P/ <u>CU*</u>	P/ <u>N~</u>	Subject to the requirements of Section 13.06.560.D. <u>*High intensity/destination facilities are a conditional use in the Port of Tacoma M/IC. In the M-2 District, the use must be located indoors.</u> <u>~ High intensity/destination facilities are prohibited in the Port of Tacoma M/IC.</u>
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
School, public or private	P/ <u>CU~</u> / N*	P/N*	P/N*	<u>~Conditional use permit in the Port of Tacoma M/IC.</u> <u>*General K through 12 education not permitted in the PMI and M-2 District of the Port of Tacoma M/IC or in the South Tacoma M/IC Overlay District.</u>
Work release center	CU	<u>CU/N*</u>	<u>PN</u>	Subject to development standards contained in Section 13.06.550. <u>*Not permitted within the Port of Tacoma M/IC</u>
Commercial Uses				
Craft Production	P	P	P	
Hotel/Motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Office				
Work/Live	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.
Eating and Drinking Establishments				
Brewpub	P	P	P	
Eating and drinking	P	P	P	
Microbrewery/winery	P	P	P	
Entertainment and Recreation				
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District

	Commercial recreation and entertainment	P/CU*	P/CU*~	N	*Within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. <u>~Within the Port of Tacoma M/IC, only indoor facilities are permitted in the M-2 District.</u>
	Golf Courses	P/N*	P/N*	N	<u>Not permitted within the Port of Tacoma M/IC.</u>
	Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
	Retail	P~	P~/CU*~	<u>P*N</u>	~ Size limitations: Limited to 7,000 square feet of floor area, per development site, in the <u>PMI-District and JBLM Airport Compatibility Overlay District.</u> Within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. Outside of the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, limited to 65,000 square feet per use, unless approved with a conditional use permit. *Conditional use within the Port of Tacoma M/IC.
	Marijuana retailer	P~	P~/CU*	N	~Within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. <u>*Conditional use within the Port of Tacoma M/IC. Size limitations apply as noted above.</u> See additional requirements contained in Section 13.06.565.
	Nursery	P	P	N	
	Services				
	Ambulance services	P	P	P	
	Animal sales and service	P	P	N	
	Building material and services	P	P	P	
	Business support services	P	P	P	
	Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
	Funeral home	P	P	N	

	Personal services	P	P	P	
	Repair services	P	P	P	
Storage Uses					
	Warehouse/ storage	P	P	P	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable.
	Wholesale or distribution	P	P	P	
	Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
Vehicle Related Uses					
	Drivethrough with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.090.A.
	Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.080.S.
High Impact Use					
	<u>High Impact Use*</u>	<u>CU</u>	<u>CU</u>	<u>P-CU</u>	<u>*This use category applies only to uses that are otherwise permitted but are determined to be a Type H occupancy per Washington State Fire Code. See conditional use criteria in TMC 13.05.010.A.24.</u>
Industrial					
	Industry, heavy	N	P	P	Animal slaughter, fat rendering, acid manufacture, smelters , and blast furnaces allowed in the PMI District only.
	<u>Coal facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	
	<u>Chemical manufacturing, processing and wholesale distribution</u>	<u>N</u>	<u>CU/N~</u>	<u>P/CU*/N</u> <u>~</u>	<u>*A conditional use permit is required for the manufacture, processing, and wholesaling of hazardous materials, subject to conditional use criteria in Section 13.05.010.A.23.</u> <u>~Explosives, fertilizer, and petrochemical manufacturing prohibited in all districts.</u>
	<u>Fossil fuel facility - major</u>	<u>N</u>	<u>P*/N</u>	<u>P*/N</u>	<u>*Facilities legally permitted at the time of adoption of this ordinance are permitted, subject to special use standards in Section 13.06.080.G. Otherwise prohibited.</u>

	Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*	*Preferred use.
	<u>Renewable fuel facility - major</u>	<u>N</u>	<u>CU*</u>	<u>CU*</u>	<u>*Subject to conditional use criteria in 13.05.010.A.25 and special use standards in TMC 13.06.080.G.</u>
	<u>Smelting</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Industry, light					
	Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
	Research and development industry	P	P	N	
	Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Utilities, Transportation and Communication Facilities					
	Airport	CU	CU	CU	
	Communication facility	P	P	P	
	Heliport	CU	CU	CU	
	Passenger terminal	P	P	P	
	Transportation/ freight terminal	P	P	P	
	Utilities	P	P	P	
	Wireless communication facility	P*/	P*/	P*/	*Wireless communication facilities are also subject to Section 13.06.545.D.1.
		CU**	CU**	CU**	**Wireless communication facilities are also subject to Section 13.06.545.D.2.
Accessory and Temporary Uses					
	Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
	Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.635.
Unlisted Uses					
	Uses not prohibited by City Charter and not prohibited herein	N	N	<u>PCU</u>	
Footnotes:					
1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.					

F. District development standards.

	M-1	M-2	PMI
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Maximum Lot Coverage	None	None	None
Minimum Front Setback	In all districts listed above, 0 feet, unless: <ul style="list-style-type: none"> Created by requirements in Sections 13.06.090.B or 13.06.090.J; or Abutting a dwelling district, then equal to the dwelling district setback for the first 100 feet from that side. The above setback requirements may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Sections 13.06.090.B or 13.06.090.J, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Sections 13.06.090.B or 13.06.090.J, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Maximum Height Limit	75 feet	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
Maximum Height Exceptions	Certain specified uses and structures are allowed to extend above height limits, per Sections 13.06.010.E and 13.06.080.Q.		

G. Residential Development.

1. Minimum Usable Yard Space.

Residential development shall provide usable yard space in accordance with the provisions of 13.06.020 based on the building type.

2. Tree canopy coverage.

Residential uses shall meet the tree canopy coverage requirements in 13.06.020 in accordance with the R-4 District.

H. References to other common requirements.

- 13.01 Definitions.
- 13.05.010 For Land use permits, including conditional use and variance criteria.
- 13.06.010 General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
- 13.06.070 Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
- 13.06.090.B Landscaping standards.
- 13.06.090.C Off-street parking areas.
- 13.06.090.D Loading spaces.
- 13.06.090.I Signs standards.
- 13.06.100 Building design standards.

(Ord. 28725 Exs. A and F; passed Dec. 8, 2020; Code Reviser’s note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28604 Ex. A; passed Sept. 10, 2019; Ord. 28592 Ex. A; passed Jun. 25, 2019; Ord. 28518 Ex. 6; passed Jun. 26,

2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Exs. B, D; passed Nov. 21, 2017: Ord. 28429 Ex. B; passed May 9; 2017: Ord. 28417 Ex. A; Mar. 7, 2017: Ord. 28376 Exs. B, D; passed Aug. 16, 2016: Ord. 28361 Ex. B; passed May. 24, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28327 Ex. C; passed Nov. 3, 2015: Ord. 28281 Ex. A; passed Feb. 17, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. D; passed Jun. 30, 2009: Ord. 27772 §§ 2, 3, 5-18; passed Dec. 9, 2008: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27680 § 2; passed May 13, 2008: Ord. 27665 §§ 11, 13; passed Dec. 4, 2007: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27574 §§ 2, 3; passed Mar. 20, 2007: Ord. 27539 § 15; passed Oct. 31, 2006: Ord. 27362 § 3; passed Jun. 7, 2005: Ord. 27245 § 11; passed Jun. 22, 2004: Ord. 27079 §§ 24-28; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.070 Overlay Districts.

* * *

B. South Tacoma Manufacturing/Industrial Overlay District.

1. Applicability.

a. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply.

b. Map.

2. Purpose.

To provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan.

3. Expansion.

Expansion of the overlay district beyond the current boundaries can only be done in conjunction with an expansion of the designated South Tacoma M/IC Center in the Comprehensive Plan. Expansion beyond current boundaries should be carefully considered, as such expansion may decrease the distance between incompatible uses and will impose additional restrictions on the development of residential and commercial uses in affected areas.

4. District use restrictions.

a. Prohibited uses.

- Adult family home
- Confidential shelter
- Continuing care retirement community
- Day care, family
- Dwellings, not permitted except quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
- Emergency and transitional housing
- Extended care facility
- Foster home
- Golf course
- Group Housing
- Hospital uses are prohibited in the M-2 District
- Hotel Motel
- Animal slaughter, fat rendering, smelters, and blast furnaces
- Intermediate care facility
- Juvenile community facility

- Residential care facility for youth
- Residential chemical dependency treatment facility
- Retirement home
- General K through 12 education facilities
- Staffed residential home
- Student housing
- Theater

b. Conditional uses.

- Commercial recreation and entertainment facilities over 10,000 square feet in the M-1 District and 15,000 square feet in the M-2 District.
- Cultural institution.
- Hospital uses in the M-1 District

c. Temporary uses.

- Carnival

5. District Development Standards

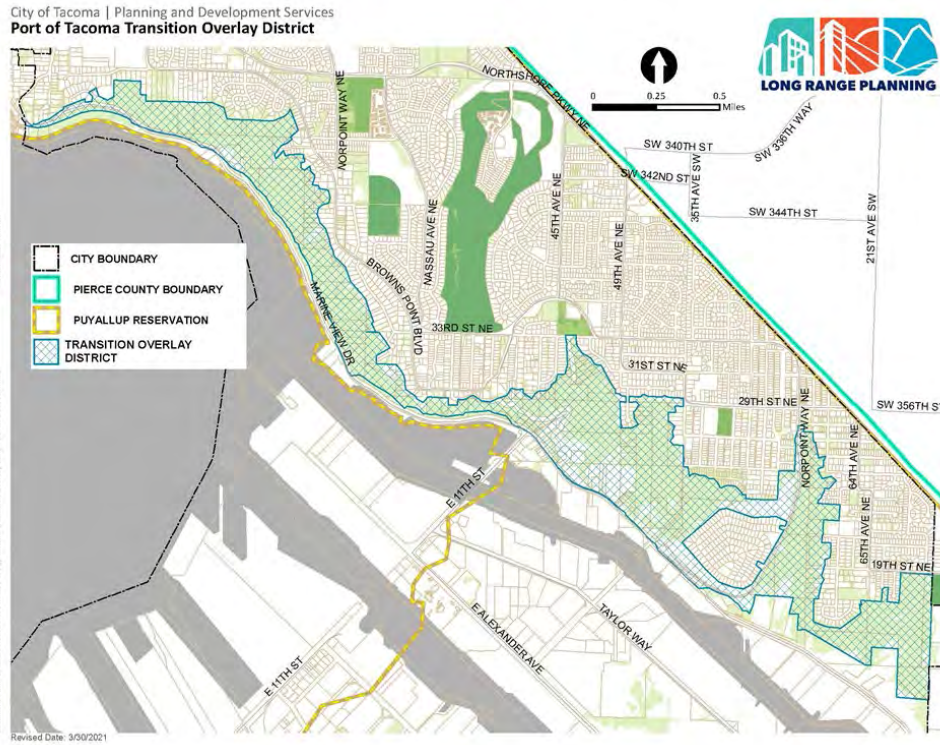
- Office: unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.
- Marijuana retailer: limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.
- Retail: unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.

* * *

[G. Port of Tacoma Transition Overlay District](#)

[1. Applicability.](#)

[a. The Port of Tacoma Transition Overlay District applies to all residential platting, subdivision, and land uses within the district boundaries established herein:](#)



b. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply.

2. Purpose. The purpose of the Port of Tacoma Transition Overlay Zone is to maintain an appropriate separation between port/industrial activity in the Port of Tacoma Manufacturing and Industrial Center and residential neighborhoods, to avoid and minimize off-site impacts on residential areas, and to minimize disruption to port operations and associated industrial activity resulting from residential encroachment, consistent with the Container Port Element of the One Tacoma Plan and the Growth Management Act.

3. District Development Standards

a. Prohibited uses. Multifamily dwelling units, including duplex, triplex, cottage housing, and fourplex, are prohibited as stand-alone primary uses or as part of a mixed-use development.

b. Maximum density. Subdivision of existing lots shall not average less one lot per acre.

c. Use and Maximum Density Exception: A Planned Residential Development (PRD) for a lot that abuts the northern edge of the overlay district and has access from the top of the slope may utilize the dwelling type allowances and density bonuses provided in TMC 13.06.070.C. In this Overlay District the base density used for PRD density bonus calculations will be one unit per acre.

d. Location. Residential development shall be located the greatest distance from the boundaries of the Port of Tacoma Manufacturing and Industrial Center as is feasible.

e. Design Site Development Standards. Residential development shall be designed to minimize disruptions to Port/industrial operations, including minimizing clearing and grading, driveways, and vegetation/tree canopy removal.

f. Building Design Standards. Residential buildings will incorporate design elements to reduce, to the greatest extent practicable, impacts on occupants from noise and light impacts from nearby port/industrial activity.

g. Accessory uses and structures. Uses and structures accessory to a single dwelling unit are permitted in the Overlay district consistent with established development standards for accessory uses in the base zone.

h. Notice on Title. As a condition of subdivision approval or residential building permit issuance for properties within the Overlay Zone, the Applicant shall record a notice on title which attests that (1) the property is located within the Port of

Tacoma Manufacturing and Industrial Center Overlay Zone, (2) Port of Tacoma industrial activities, including container terminal facilities, are operating and will continue to operate and may expand in the future. The Notice on Title shall include the specific distance of the property from the closest boundary of the Port of Tacoma Manufacturing and Industrial Center.

13.06.080 Special Use Standards

* * *

G. Major Fossil Fuel Facilities and Renewable Fuel Facilities.^[1]

1. Applicability: The following standards apply to all “Fossil Fuel Facilities - Major” and “Renewable Fuel Facilities – Major.”

2. Purpose: The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility expansion; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

3. Baseline established.

a. The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available prior to June 2, 2021:

(1) Crude oil refining baseline capacity shall be established in the June 2020 U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day (<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.

(2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.

(3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.

(4) If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

4. Fossil Fuel Facilities - Major

a. New “Fossil Fuel Facilities – Major” are prohibited.

b. Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:

(1) Existing facilities shall not exceed the established baseline as of June 2, 2021.

(2) Prohibited improvements:

- New driveways, private rail sidings, docks, piers, wharves and floats.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
- New storage tanks, refining or processing ~~equipment and facilities.~~

(3) ~~Expansion of existing facilities. Except for those improvements prohibited in Subsection G.4.b.(1) above, existing uses may address existing deficiencies, conduct repairs, improvements, maintenance, modifications, and remodeling, or other changes that do not demonstrably increase facility refining, processing or storage capacity, including changes to fuel~~

^[1] Code Reviser’s note: Previously codified as 13.06.580 (Interim Industrial Use Restrictions); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28470 Ex. D; passed Nov. 21, 2017.

products stored or refined on-site, provided that a conditional use permit is not otherwise required and that the improvements do not increase storage or refining in excess of the established baseline.

- ~~Accessory and appurtenant buildings and structures.~~
- ~~Office space.~~
- ~~Parking lots.~~
- ~~Radio communications facilities.~~
- ~~Security buildings, fire stations, and operation centers.~~
- ~~Storage buildings.~~
- ~~Routine maintenance and repair.~~
- ~~Environmental improvements and other projects that are required on the subject site by federal, state, regional, or local regulations.~~
- ~~Temporary trailers.~~
- ~~Heating and cooling systems.~~
- ~~Cable installation.~~
- ~~Information technology improvements.~~
- ~~Continuous emissions monitoring systems or analyzer shelters.~~
- ~~Wastewater and stormwater treatment facilities.~~
- ~~Replacement and upgrading of existing equipment.~~
- ~~Safety upgrades.~~
- ~~Any other non capacity project that is necessary to the continued viability of a legally established use.~~

~~(3) Improvements requiring a conditional use permit (subject to the general conditional use permit criteria in TMC 13.05.010):~~

~~(a) Normal maintenance and repair:~~

- ~~Normal replacement of any storage tank in excess of 1428 barrels (60,000 gallons, the SEPA threshold).~~
- ~~Modification of any storage tank to change the type of fuel stored in the tank.~~
- ~~Replacement or other modification of any transshipment or transportation facility.~~
- ~~In no circumstance shall the normal maintenance or repair activity result in an increase in the storage, processing, or refining capacity of the facility.~~

~~(3) Where a “Fossil Fuel Facility – Major” provides direct-to-vessel fueling, new development that is necessary to support vessel fueling may be allowed subject to a conditional use permit (TMC 13.05.010.A General Criteria) so long as overall facility storage and refining does not exceed the established baseline.~~

~~(4) Projects Improvements are limited to property owned and or occupied by the use as of the adoption of this ordinance.~~

~~(5) Change of Use:~~

~~(a) An existing “Fossil Fuel Facility – Major” may change use to a “Renewable Fuel Facility – Major,” subject to a Conditional Use Permit and the general criteria in TMC 13.05.010.A~~

~~(a) The addition of renewable fuel refining or storage facilities to an existing “Fossil Fuel Facility – Major” that exceeds the established fuel baseline shall be permitted as a new “Renewable Fuel Facility – Major” per the requirements of Subsection G.5 Renewable Fuel Facility – Major.~~

~~(b) A change of use of a “Renewable Fuel Facility – Major” to a “Fossil Fuel Facility – Major” is prohibited.~~

(5) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

5. Renewable Fuel Facility – Major.

a. “Renewable Fuel Facilities – Major” are allowed, subject to a Conditional Use Permit and the criteria in 13.05.010.A.25.

b. New facilities or expansion of existing Renewable Fuel Facilities beyond the established baseline shall meet the following special use standards:

(1) Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

i. Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

ii. Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

iii. Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

- Within the City of Tacoma;
- Within the Puyallup River Watershed;
- Within Pierce County;
- Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

(2) The applicant shall provide annual reporting of the following:

- The number of vessel transfers of renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting renewable fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.



Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

TITLE 19

Shoreline Master Program

SHORELINE MASTER PROGRAM

An Element of the Comprehensive Plan and
Title 19 of the Tacoma Municipal Code



Tacoma CITY OF TACOMA, WASHINGTON

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Shoreline Master Program And Land Use Regulatory Code

The City of Tacoma's *Shoreline Master Program* is an element of the City's *Comprehensive Plan* and *Land Use Regulatory Code*. The *Master Program* was developed in compliance with the Washington State Shoreline Management Act and Washington State Growth Management Act. The *Comprehensive Plan* is the City's official statement concerning future growth and development and includes goals, policies and strategies for the health, welfare, safety and quality of life of Tacoma. The *Land Use Regulatory Code* consists of development regulations which control land use activities and includes zoning, platting, and shoreline regulations.

September 24, 2019

Tacoma City Council Ordinance 28612

City of Tacoma
Planning and Development Services Department
Planning Services Division
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DEDICATED TO DONNA STENGER

A dear friend, mentor, and devoted public servant.

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CHAPTER 1 INTRODUCTION

1.1 Introduction

The shorelines of Tacoma have great social, ecological, recreational, cultural, economic and aesthetic value. Wapato Lake, the Puyallup River and Tacoma's marine shoreline areas provide citizens with clean water; deepwater port and industrial sites; habitat for a variety of fish and wildlife including salmon, shellfish, forage fish, and waterfowl; archaeological and historical sites; open space; and areas for boating, fishing, and other forms of recreation. However, Tacoma's shoreline resources are limited and irreplaceable. Use and development of shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

The City of Tacoma Shoreline Master Program (TSMP or the Program) is a result of Washington State legislation requiring all jurisdictions to adequately manage and protect shorelines of the state. Washington's Shoreline Management Act (SMA or Act) (Revised Code of Washington [RCW] 90.48) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm of uncoordinated and piecemeal development of the state's shorelines." The Act specifically states:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

The City of Tacoma prepared this SMP to meet the requirements of the Washington State SMA. This SMP provides goals, policies, and regulations for shoreline use and protection and establishes a permit system for administering the Program. The goals, policies, and regulations contained herein are tailored to the specific geographic, economic, and environmental needs of the City of Tacoma.

The Shoreline Management Act and its implementing legislation (Washington Administrative Code [WAC] 173-26 or Shoreline Guidelines) establish a broad policy giving preference to shoreline uses that:

- Depend on proximity to the shoreline ("water-dependent uses");
- Protect biological and ecological resources, water quality and the natural environment; and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The overall goal of this SMP is to:

Develop the full potential of Tacoma's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function.

In implementing this Program, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the State shall be preserved to the greatest extent feasible. Implementing the SMP must

protect the ecological functions of shorelines and, at a minimum, achieve ‘no net loss’ of ecological functions. Single-family residences; ports; shoreline recreational uses (including but not limited to parks, marinas, piers, and other improvements); water-dependent industrial and commercial developments; and other developments that depend on a shoreline location shall be given priority. Permitted shoreline uses shall be designed and conducted to minimize damage to the ecology of the shoreline and/or interference with the public’s use of the water and, where consistent with public access planning, provide opportunities for the general public to have access to the shorelines.

The City of Tacoma adopted its first SMP in December 1976 which was subsequently updated in 1996, 2013, and 2016. Since the last comprehensive update in 2016, there have been only minor changes in the way shorelines are regulated. In 2016, new scientific data and research methods were incorporated to improve our understanding of shoreline ecological functions and their value in terms of fish and wildlife, water quality and human health. This information also helped us understand how development in these sensitive areas impacts these functions and values. The new Shoreline Guidelines, upon which the 2016 SMP is based, reflect this improved understanding and place a priority on protection and restoration of shoreline ecological functions. The 2019 minor update was undertaken as part of the state’s required periodic review of the City’s shoreline program.

* * *

1.2 Purpose and Intent

Consistent with the Shoreline Management Act, this Program is intended to:

1. Prevent the inherent harm of uncoordinated and piecemeal development of the state’s shoreline.
2. Implement the following laws or the applicable elements of the following:
 - a. Shoreline Management Act: RCW 90.58;
 - b. Shoreline Guidelines: WAC 173-26;
 - c. Shoreline Management Permit and Enforcement procedures: WAC 173-27; and
 - d. To achieve consistency with the following laws or the applicable elements of the following:
 - i. The Growth Management Act: RCW 36.70A;
 - ii. City of Tacoma Comprehensive Plan; and
 - iii. Chapter 13 of the City of Tacoma Municipal Code;
3. Guide the future development of shorelines in the City of Tacoma in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).

4. Promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Tacoma's shorelines; and
5. Ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.3 Title

This document shall be known and may be cited as the Tacoma Shoreline Master Program (the "Program", "Master Program" or "TSMP").

1.4 Governing Principles

1. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the Washington Administrative Code (WAC). The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.

2. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
3. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
4. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
5. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the Tacoma Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
6. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecology from such impairments in the following ways:
 - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 - b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.
 - c. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
 - d. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified.

* * *

CHAPTER 2 ADMINISTRATION

* * *

2.3.7 Shoreline Conditional Use Permit

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner which will be consistent with the policies of RCW 90.58, particularly where denial of the application would thwart the policies of the Shoreline Management Act.
2. When a conditional use is requested, the Director shall be the final approval authority for the City. However, shoreline conditional uses must have approval from the state. Department of Ecology shall be the final approval authority under the authority of WAC 173-27-200.
3. Conditional use permits shall be authorized only when they are consistent with the following criteria:
 - a. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all provisions of this Program;
 - b. The use will not interfere with normal public use of public shorelines;
 - c. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
 - d. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Program;
 - e. The public interest will suffer no substantial detrimental effect;
 - f. Consideration has been given to cumulative impact of additional requests for like actions in the area.
4. Conditional use permits for additions to a non-conforming single-family, overwater structure to expand the overall height of the structure shall be granted when they are consistent with the general Shoreline Conditional Use Permit criteria (TSMP 2.3.7.3), as well as the following:
 - a. The expansion may increase the height up to no higher than 25 feet from the deck level.
 - b. The proposed development shall result in improvements in public safety, a reduction in environmental impacts, and increased conformity with flood hazard and building standards.
5. Chemical Manufacturing, Processing, and Wholesale Distribution

In addition to the general conditional use criteria, Chemical Manufacturing must demonstrate the following when a conditional use permit is required:

- a. Consultation:
 - i. Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma-Pierce County Health Department, Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.
- b. Public health and safety:
 - i. The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee-dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
 - ii. The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
 - iii. The applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
 - iv. The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.
- c. Emergency services and risk management:
 - i. The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;
 - ii. Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
 - iii. Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.

- iv. Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.
- d. Shoreline Resources and Shorelines of Statewide Significance.

For uses that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

- i. There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
 - ii. All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
 - iii. All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.
6. High Impact Uses

In addition to the general conditional use criteria, the following apply:

- a. The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- b. The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying these criteria the City shall consider impacts to Trust Lands of the Puyallup Tribe of Indians, employee-dense businesses in the Tideflats, as well as detention/correctional facilities and people detained within those facilities:
 - i. A management plan may be required. The Hearings Examiner may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, and other factors may be required;
 - ii. The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

- iii. The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

7. Renewable Fuel Facilities - Major.

In addition to the general conditional use criteria, Renewable Fuel Facilities must demonstrate the following when a conditional use permit is required:

a. Consultation:

- i. Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma-Pierce County Health Department, City of Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.

b. Public health and safety:

- i. The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee-dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
- ii. The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt and utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- iii. The Applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
- iv. The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.
- v. The proposed facility shall meet a minimum 50% reduction in lifecycle GHG per Clean Air Act at the time of occupancy and 80% reduction by 2050;

c. Emergency services and risk management:

- i. The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;

- ii. Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
 - iii. Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
 - iv. Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.
- d. Shoreline Resources and Shorelines of Statewide Significance.
For uses that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:
- i. There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
 - ii. All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
 - iii. All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.
8. Other uses which are not classified or set forth in this Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Program. However, uses specifically prohibited by this master program shall not be authorized.
9. The burden of proving that a proposed shoreline conditional use meets the criteria of this program in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
10. The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

CHAPTER 3 GOALS AND OBJECTIVES

* * *

CHAPTER 4 SHORELINES OF THE STATE

4.1 Shoreline Jurisdiction

The shoreline area to be regulated under the City of Tacoma's SMP includes all "shorelines of statewide significance", "shorelines of the state" and their adjacent "shorelands" (defined as the upland area within 200 feet of the Ordinary High Water Mark (OHWM)), as well as any associated wetlands. "Associated wetlands" are wetlands in proximity to and either influence or are influenced by tidal waters or lake or streams subject to the SMA (WAC 173-22-030(1)). 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.

For the purposes of this Program, shoreline jurisdiction shall include designated floodways and the 100-year floodplain, that is within 200 feet of the designated floodway. For other critical areas that occur within shoreline jurisdiction, such as geologically hazardous areas, only that portion of the critical area that is within 200 feet of the OHWM of a marine or freshwater shoreline shall be regulated by this Program. That portion of the critical area that occurs outside 200 feet of the OHWM shall be regulated by TMC 13.11. For any critical area buffer (including wetlands and streams), that portion of the buffer that occurs within 200 feet of the OHWM of a marine or freshwater shoreline shall be regulated by this program. That portion of the critical area buffer that occurs outside 200 feet of 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 associated buffer that is within the jurisdiction of this Program.

4.2 Designation of Shorelines of Statewide Significance

In accordance with RCW 90.58.030(2)(f), the following City of Tacoma shorelines are designated shorelines of statewide significance:

1. The Puyallup River and associated shorelands within the City boundary consistent with RCW 90.58.030(2)(f)(v)(A) and (vi); and
2. Those areas of the Puget Sound and Commencement Bay within the City lying seaward from the line of extreme low tide.

4.3 Statewide Interests Protected

In accordance with RCW 90.58.020, the City shall manage shorelines of statewide significance in accordance with this section and in accordance with this Program as a whole. Preference shall be given to uses that are consistent with the statewide interest in such shorelines. Uses that are not consistent with this section or do not comply with the other applicable policies and regulations of this Program shall not be permitted on shorelines of statewide significance. In managing shorelines of statewide significance, The City of Tacoma shall:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Seek long-term benefits over short-term benefit;
4. Protect the resources and ecology of the shoreline;

5. Increase public access to publicly owned areas of the shoreline;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4.4 Policies for Shorelines of Statewide Significance

The statewide interest should be recognized and protected over the local interest in shorelines of statewide significance. To ensure that statewide interests are protected over local interests, the City shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies:

1. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.
2. The Washington Departments of Fish and Wildlife and Ecology, the Puyallup Tribe, and other resource agencies should be consulted for development proposals that could affect anadromous fisheries.
3. The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternative sites are available.
4. Potential short term economic gains or convenience should be measured against potential long term and/or costly impairment of natural features.
5. Protection or enhancement of aesthetic values should be actively promoted in new or expanding development.
6. Resources and ecological systems of shorelines of statewide significance should be protected.
7. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected to the maximum extent feasible.
8. Erosion and sedimentation from development sites should be controlled to minimize adverse impacts on ecosystem processes. If site conditions preclude effective erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be not be permitted.
9. Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.
10. Public and private developments should be encouraged to provide trails, viewpoints, water access points and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.
11. Development not requiring a waterside or shoreline location should be located upland so that lawful public enjoyment of shorelines is enhanced.

12. Lodging and related facilities should be located upland and provide for appropriate means of access to the shoreline.

* * *

CHAPTER 5 GENERAL POLICIES AND REGULATIONS

The following regulations shall apply to all uses and all districts in the City of Tacoma shoreline jurisdiction.

5.1 Shoreline Use

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 uses include, in order of preference: shoreline enhancement and restoration; water-dependent uses; water-related and enjoyment uses; and single-family development when developed without significant impacts to shoreline functions. Mixed-use developments may also be considered preferred if they include and support water-oriented uses. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of this Program.

* * *

CHAPTER 6 GENERAL USE POLICIES AND REGULATIONS

Development and use proposals may involve a number of uses and shoreline modifications and must comply with the policies and regulations for each. For example, uses associated with a new marina may include boat launches, parking facilities, and recreational facilities. Construction of a marina may involve numerous shoreline modifications, including dredging, dredge material disposal, a breakwater, and perhaps landfill. Each project is reviewed for compliance with the applicable “use” policies and regulations in these regulations and with the applicable “modification” policies and regulations in TSMP Chapter 8.

All shoreline developments and uses must comply with the standards of this Master Program whether or not a shoreline substantial development permit is required. Specific conditions that ensure such compliance may be attached as a condition of permit approval of a shoreline permit or shoreline exemption.

This chapter provides specific policies and regulations for the following types of specific uses. Refer to Chapter 8 for shoreline modifications.

1. Aquaculture
2. Boating Facilities
3. Commercial Use
4. Port and Industrial Use
5. Recreational Development
6. Residential Development

7. Signs
8. Parking
9. Transportation
10. Solid Waste Disposal
11. Utilities

The following policies and regulations shall apply in all City of Tacoma shoreline districts.

6.2 Prohibited Uses

The following uses are prohibited in all shoreline environments:

1. Agriculture;
2. Forest Practices;
3. Coal facilities;
4. Smelting;
5. Petrochemical, explosives, and fertilizer manufacturing;
6. Mining and quarrying; and
7. Marijuana uses pursuant to the standards in TMC 13.06.565.

* * *

6.3 Port/Industrial Use

The past geologic development of the Puget Sound Basin has created one of the few areas in the world which provides several deepwater inland harbors. The use of Puget Sound waters by deep-draft vessels is increasing due in part to its proximity to the Pacific Rim countries. This increased trade will attract more industry and more people which will put more pressure on the Sound in the forms of recreation and the requirements for increased food supply.

The Port of Tacoma is a major center for waterborne traffic and as such has become a gravitational point for industrial and manufacturing firms. Heavy industry may not specifically require a shoreline location, but is attracted to the port because of the variety of transportation modes available.

In applying the regulations of this section, the following definitions are used:

- “Port” means a center for water-borne commerce and traffic.
- “Industrial” means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

Some port and industrial developments are often associated with a number of uses and modifications that are identified separately in this Master Program (e.g., parking, dredging). Each use activity and every

type of shoreline modification should be carefully identified and reviewed for compliance with all applicable sections.

For the purposes of determining to which uses and activities this classification applies, the use of moorage facilities, such as a wharf or pier, for the layberthing, or lay-by berthing of cargo, container, military, or other oceangoing vessels shall be permitted only where port and industrial uses are allowed. This use category shall likewise apply to facilities that handle the loading and unloading of cargo and materials associated with port and/or industrial uses. Facilities for the loading and unloading of passengers associated with passenger vessels, such as ferries, cruise ships, and water taxis shall be classified as a transportation facility or commercial activity as applicable.

Port and/ industrial facilities are intensive and have the potential to negatively impact the shoreline environment. When impacts cannot be avoided, they must be mitigated to assure no net loss of the ecological function necessary to sustain shoreline resources.

6.3.1 Policies

A. General Policies

1. Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.
2. Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.
3. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and -dependent port and industrial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property per TSMP Section 6.5, Public Access.
4. Expansion or redevelopment of water-dependent port and industrial facilities and areas should be encouraged, provided it results in no net loss of shoreline functions.
5. Port and industrial uses and related redevelopment projects are encouraged to locate where environmental cleanup can be accomplished.
6. The preferred location for future non-water-dependent industry is in industrial areas away from the shoreline.
7. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.
8. Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad construction. Where feasible, transportation and utility corridors should not be located in the shoreline to reduce pressures for the use of waterfront sites.
9. Port and industrial uses should be encouraged to permit viewing of harbor areas from viewpoints, and similar public facilities which would not interfere with operations or endanger public health and safety.

10. Special attention should be given to the design and development of facilities and operational procedures for fuel handling and storage in order to minimize accidental spills and to the provision of means for satisfactorily handling those spills which do occur.

B. "S-8" Thea Foss Shoreline District

1. Improvements to existing industrial uses, such as the aesthetic treatment of storage tanks, cleanup of blighted areas, landscaping, exterior cosmetic improvements, landscape screening, and support of the Waterway environmental cleanup and remediation plan effort are encouraged.

6.3.2 Regulations

A. General Regulations

1. Water-dependent port and industrial uses shall have shoreline location priority over all other uses in the S-7 and S-10 Shoreline Districts.
2. The location, design, and construction of port and industrial uses shall assure no net loss of ecological functions.
3. New non-water-oriented port and industrial uses are prohibited unless they meet one of the following criteria:
 - a. The use is part of a mixed-use development or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program;
 - b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program; and,
 - c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.
4. Deep-water terminal expansion shall not include oil super tanker transfer or super tanker storage facilities.
5. Where shoreline stabilization or in-water structures are required to support a water-dependent port or industrial use, the applicant shall be required to demonstrate:
 - a. That the proposed action shall give special consideration to the viability of migratory salmonids and other aquatic species;
 - b. That contaminated sediments are managed and/or remediated in accordance with state and federal laws;

- c. That public access to the water body is provided where safety and operation of use are not compromised; and,
- d. That shading and water surface coverage is the minimum necessary for the use.
6. Port and industrial development shall comply with all federal, state, regional and local requirements regarding air and water quality.
7. Where possible, oxidation and waste stabilization ponds shall be located outside the Shoreline District.
8. Best management practices shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels.
9. All developments shall include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any water pollution which they cause.
10. Petroleum products sump ponds shall be covered, screened, or otherwise protected to prevent bird kill.
11. Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water.

B. Fossil Fuel Facilities and Renewable Fuel Facilities.^[1]

1. Applicability: The following standards apply to all “Fossil Fuel Facilities - Major” and “Renewable Fuel Facilities – Major.”

2. Purpose: The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility expansion; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

3. Baseline established.

a. The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available prior to June 2, 2021:

(1) Crude oil refining baseline capacity shall be established in the June 2020 U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day (<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.

(2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.

(3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.

^[1] Code Reviser’s note: Previously codified as 13.06.580 (Interim Industrial Use Restrictions); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28470 Ex. D; passed Nov. 21, 2017.

(4) If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

4. Fossil Fuel Facilities - Major

a. New “Fossil Fuel Facilities – Major” are prohibited.

b. Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:

(1) Existing storage and refining facilities shall not exceed the established baseline as of June 2, 2021.

(2) Prohibited improvements:

- New driveways, private rail sidings, docks, piers, wharves and floats.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
- New storage tanks, refining or processing facilities.

(3) Except for those improvements prohibited in Subsection G.4.b.(1) above, existing uses may address existing deficiencies, conduct repairs, improvements, maintenance, modifications, and remodeling,-including changes to fuel products stored or refined on-site, provided that a conditional use permit is not otherwise required and that the improvements do not increase storage or refining in excess of the established baseline.

(4) Where a “Fossil Fuel Facility – Major” provides direct-to-vessel fueling, new development that is necessary to support vessel fueling may be allowed subject to a conditional use permit (TMC 13.05.010.A General Criteria) so long as overall facility storage and refining does not exceed the established baseline.

(5) Improvements are limited to property owned and or occupied by the use as of the adoption of this ordinance.

(6) Change of Use:

(a) The addition of renewable fuel refining or storage facilities to an existing “Fossil Fuel Facility – Major” that exceeds the established fuel baseline shall be permitted as a new “Renewable Fuel Facility – Major” per the requirements of Subsection G.5 Renewable Fuel Facility – Major.

(b) A change of use of a “Renewable Fuel Facility – Major” to a “Fossil Fuel Facility – Major” is prohibited.

(5) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

5. Renewable Fuel Facility – Major.

a. “Renewable Fuel Facilities – Major” are allowed, subject to a Conditional Use Permit and the criteria in 13.05.010.A.25.

b. New facilities or expansion of existing facilities beyond the established baseline shall meet the following special use standards:

(1) Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

i. Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

ii. Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

iii. Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

- Within the City of Tacoma;
- Within the Puyallup River Watershed;
- Within Pierce County;
- Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

(2) The applicant shall provide annual reporting of the following:

- The number of vessel transfers of renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting renewable fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.

C. Log Rafting and Storage

1. New log rafting and storage shall only be allowed in the “S-10” Port Industrial Area Shoreline District, the “S-11” Marine View Drive Shoreline District and in the associated portions of the “S-13” Marine Waters of the State Shoreline District.
2. Restrictions shall be considered in public waters where log storage and handling are a hindrance to other beneficial water uses.
3. Offshore log storage shall only be allowed on a temporary basis, and should be located where natural tidal or current flushing and water circulation are adequate to disperse polluting wastes.
4. Log rafting or storage operations are required to implement the following, whenever applicable:
 - a. Logs shall not be dumped, stored, or rafted where grounding will occur.
 - b. Easy let-down devices shall be provided for placing logs in water. The freefall dumping of logs into water is prohibited.
 - c. Bark and wood debris controls and disposal shall be implemented at log dumps, raft building areas, and mill-side handling zones. Accumulations of bark and wood debris on the land and docks around dump sites and upland storage sites shall be kept out of the water. After cleanup, disposal shall be at an upland site where leachate will not enter surface or ground waters.

- d. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill sites.
 - e. Stormwater management facilities shall be provided to protect the quality of affected waters.
5. Log storage facilities shall be located upland and properly sited to avoid fish and wildlife habitat conservation areas.
6. Log storage facilities must be sited to avoid and minimize the need for dredging in order to accommodate new barging activities at the site.
7. Log booming shall only be allowed offshore in sub-tidal waters in order to maintain unimpeded nearshore migration corridors for juvenile salmonids and to minimize shading impacts from log rafts. Log booming activities include the placement in or removal of logs and log bundles from the water, and the assembly and disassembly of rafts for waterborne transportation.
8. Log storage and log booming facilities shall be adequately maintained and repaired to prevent log escapement from the storage site.
9. A Debris Management Plan describing the removal and disposal of wood waste must be developed and submitted to the City. Debris monitoring reports shall be provided, where stipulated.
10. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under ESA shall be reevaluated if use is discontinued for two (2) years or more, or if substantial repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.

* * *

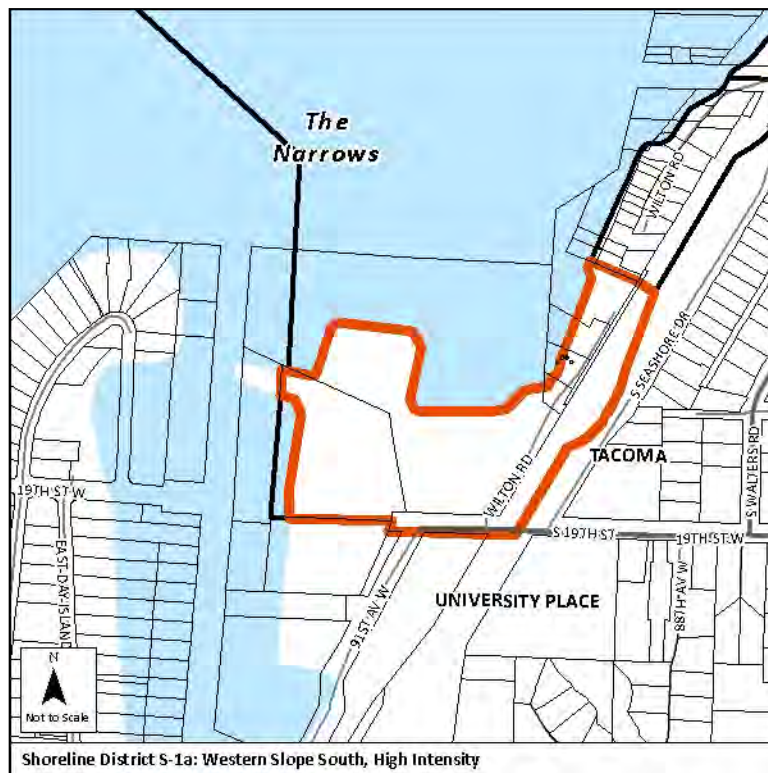
CHAPTER 7 DISTRICT-SPECIFIC REGULATIONS

The following TSMP provisions apply to each shoreline district specifically. Shoreline Environment Designations, as described in Chapter 5 of this Program, are provided for each district.

7.1 S-1A Western Slope South S (HI)

- A. Intent. The intent of the S-1a Shoreline District is to retain the existing water-dependent uses and to encourage supplemental mixed-use development that results in additional public access and shoreline enhancement while minimizing impacts to the adjacent neighborhoods.
- B. District Boundary Description. The S-1a Shoreline District extends from the City limit at south 19th street to the northern edge of parcel #0220048019 at the end of the 1600 block of Wilton Road, and including that area upland 200 feet from the ordinary high water mark or to the centerline of the BNSF railroad right of way, whichever is greater.
- C. Map of District. Refer to Figure 9-1 below for a map of the S-1a Western Slope South district boundaries:

Figure 9-1. Western Slope South (HI)

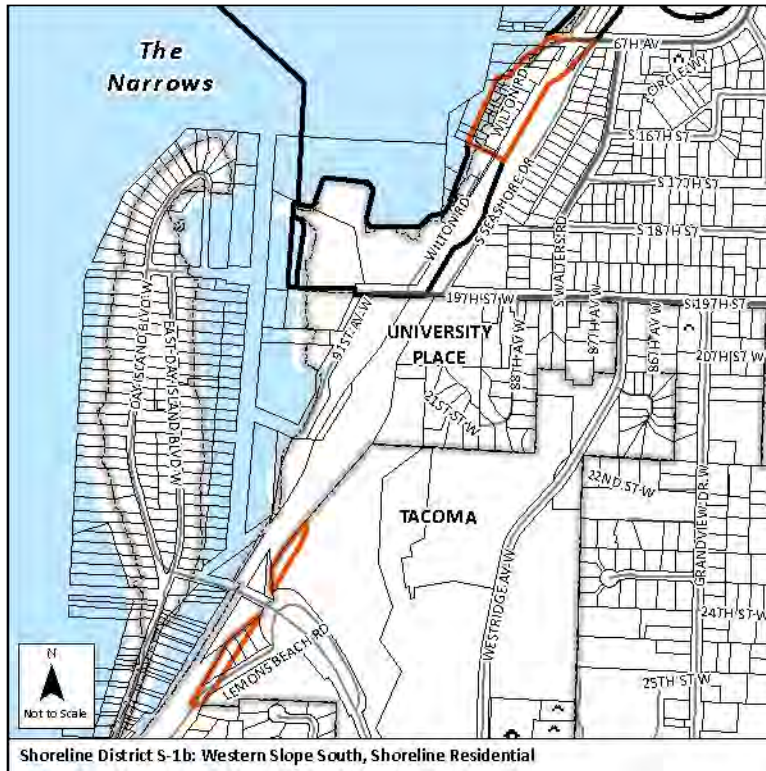


- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. All developments in S-1a Western Slope South Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

7.2 S-1b Western Slope South N (SR)

- A. Intent. The intent of the S-1b shoreline district is to maintain the existing residential uses while allowing new water-oriented uses only when they are compatible with the existing character of the district.
- B. District Boundary Description. The S-1b Shoreline District includes two separate and distinct areas. The first is located at 26th and Lemons Beach Road and includes that area within City of Tacoma jurisdiction that is upland within 200 feet of the OHWM, but separated from the shoreline by University Place jurisdiction. The second area is contiguous to the S-1a Shoreline District, from the southern edge of parcel #0220044096 at the end of the 1600 block of Wilton Road, north to the centerline of 6th Avenue (extended) and including that area upland 200 feet from the ordinary high water mark or to the centerline of the BNSF railroad right of way, whichever is greater.
- C. Map of District. Refer to Figure 9-2 below for a map of the S-1b Western Slope South Shoreline District boundaries:

Figure 9-2. Western Slope South (SR)



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. Development Standards. All permitted uses in the S-1b Western Slope South district shall comply with the standards included in Table 9-2 and the general regulations in this Chapter.

7.3 S-2 Western Slope Central (UC)

- A. Intent. The intent of the S-2 Shoreline District is to encourage recreational use within the area; retain the natural beach areas for their educational, scientific and scenic value; and retain the natural steep slopes as a setback between the railroad and residential areas.
- B. District Boundary Description. The S-2 Shoreline District extends from the centerline of 6th Avenue (extended) to the center of the Highway 16 right-of-way, including that area upland within 200 feet of the OHWM and associated wetlands.
- C. Map of District. Refer to figure 9-3 below for a map of the S-2 Western Slope South Shoreline District boundaries:

Figure 9-3. Western Slope Central



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:
- E. Development Standards. All permitted uses in the S-2 shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

7.4 S-3 Western Slope North (N)

- A. Intent. The intent of the S-3 Shoreline District is to limit residential encroachment along the steep slopes of the shoreline, to retain the existing vegetation and critical areas in a natural state, to encourage enhancement of the shoreline adjacent to the railroad, to promote public access trails and viewpoints consistent with the public access plan, and to recognize and support the continuation of the historic Salmon Beach community which exists at the toe of the coastal bluff.

- B. District Boundary Description. The S-3 Shoreline District extends north from the centerline of the Highway 16 right-of-way to the centerline of the North Park Avenue (extended) right-of-way, including that area upland within 200 feet of the OHWM and associated wetlands.
- C. Map of District. Refer to Figure 9-4 below for a map of the S-3 Western Slope South district boundaries:

Figure 9-4. Western Slope North



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:
- E. Development Standards. All permitted uses in the S-3 shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

7.5 S-4 Point Defiance Natural (N)

- A. The intent of the S-4 Shoreline District is to protect the existing natural environment of the area, provide for perpetual utilization for park purposes, and encourage the creation and improvement of view areas and trail systems.
- B. District Boundary Description. The S-4 Shoreline District extends from North Park Avenue (extended), at the northern edge of the Salmon Beach Community, and around Point Defiance to the start of the concrete promenade at Owen Beach, and including only those areas upland within 200 feet of the OHWM.
- C. Map of District. Refer to Figure 9-5 below for a map of the S-4 Point Defiance district boundaries:

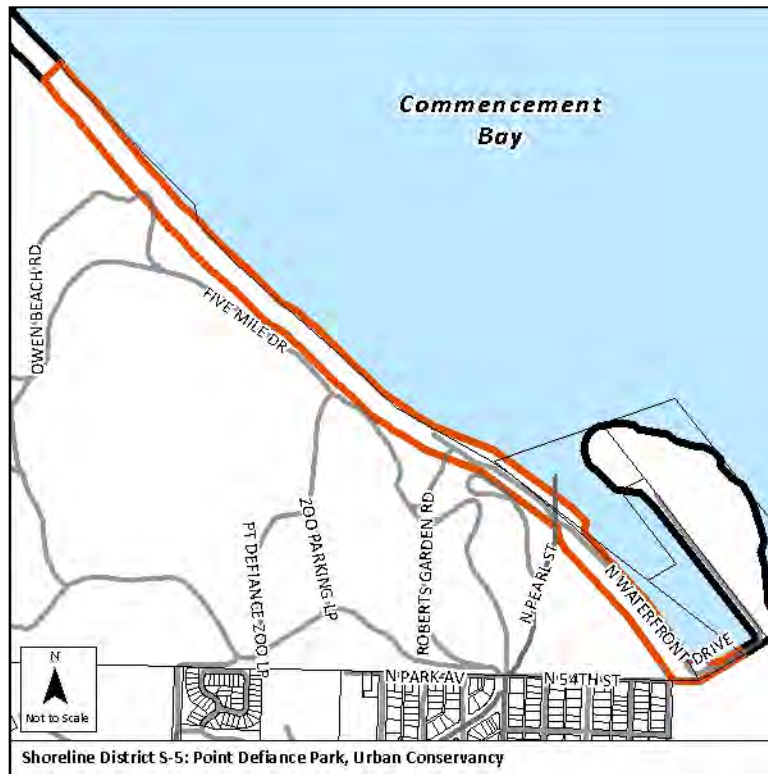
Figure 9-5. Point Defiance Natural (N)

- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. Development Standards. All permitted uses in the S-4 shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

7.6 S-5 Point Defiance Conservancy (UC)

- A. The intent of the S-5 Shoreline District is to provide for perpetual utilization for park and recreational uses and encourage the creation and enhancement of view areas and trail systems, while allowing development of marinas, boat launch facilities, and low intensity water-oriented commercial uses.
- B. District Boundary Description. The S-5 Point Defiance Shoreline District extends from the start of the promenade at Owen Beach to the southern edge of the boat basin at Point Defiance, following N Waterfront Drive and ending at the gate to the Tacoma Yacht Club, and including only that area upland within 200 feet of the OHWM.
- C. Map of District. Refer to Figure 9-6 below for a map of the S-5 Point Defiance – Conservancy district boundaries.

Figure 9-6. Point Defiance Conservancy (UC)



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. All permitted developments and uses in the S-5 Point Defiance - Conservancy Shoreline District shall comply with the regulations included in the general regulations and development standards included in Table 9-2.

7.7 S-6 Ruston Way (UC)

- A. The intent of the S-6 Shoreline District is to encourage low intensity water-oriented commercial, recreational, and open space development that provides public access and enjoyment opportunities, is designed and developed to be compatible with intact shoreline processes and functions and results in a net-gain of shoreline function over time and to preserve the character and quality of life in the adjoining residential areas, schools and park properties.
- B. District Boundary Description. The S-6 Shoreline District boundary extends from the centerline of N 49th Street to the northwestern boundary of the Tahoma Saltmarsh NRDA site, including only those areas upland within 200 feet of the OHWM or to the westernmost extent of the Ruston Way right-of-way, whichever is greater.
- C. Map of District. Refer to Figure 9-7 below for a map of the S-6 Ruston Way district boundaries:

Figure 9-7. Ruston Way



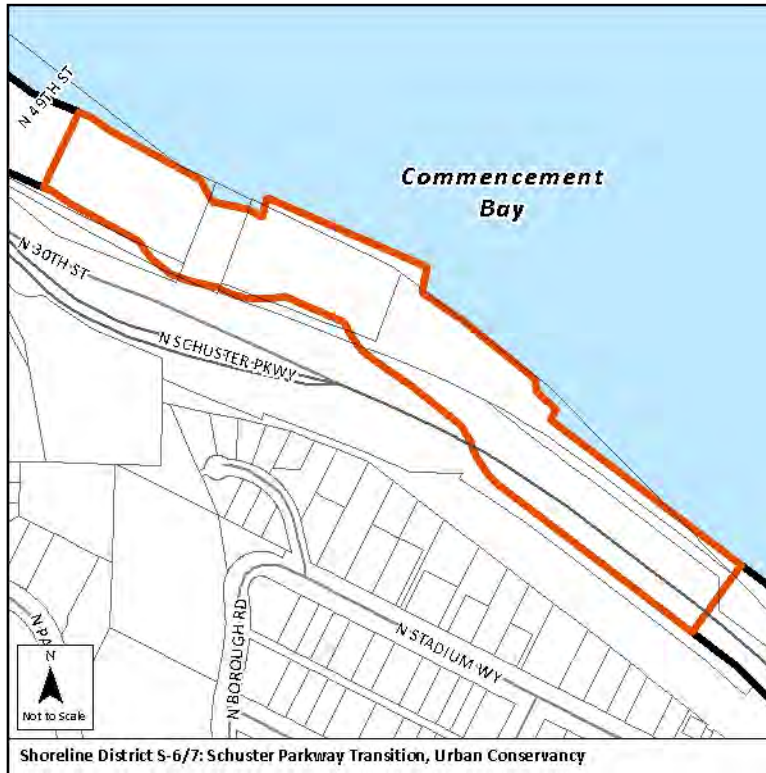
- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. Development Standards. All permitted developments and uses in the S-6 Ruston Way Shoreline District shall comply with the regulations included in the general regulations and development standards included in Table 9-2.

7.8 S-6/7 Schuster Parkway Transition (UC)

- A. The intent of the S-6/7 Schuster Parkway Transition Shoreline District is: to recognize that trends in the character and use of the area have focused on shoreline restoration and environmental clean-up, open space, and public recreation, and that these trends are expected and encouraged to continue over time; to conditionally allow for low intensity port/industrial uses associated with the natural deep water that are demonstrably compatible with the adjacent residential areas, business district, schools, recreation and park properties; and to encourage the continued transition to low intensity water-oriented commercial, recreational, and open space activities. Considerations for determining compatibility should include an evaluation of, at a minimum, possible view impacts, noise, light, emissions, and interference with the public use of public shorelines and the long term vision for enhanced public access. Any development within the District must contribute to the extension of public access from the Ruston Way Shoreline District promenade to the Thea Foss Waterway esplanade.
- B. District Boundary Description. The S-6/7 Shoreline District extends from the northwestern boundary of the Tahoma Saltmarsh NRDA site to the south-easternmost extent of the Sperry Ocean Dock site (parcel #8950002312), including only those areas upland within 200' of the OHWM.

- C. Map of District. Refer to Figure 9-8 below for a map of the S-6/7 Schuster Parkway Transition Shoreline District boundaries:

Figure 9-8. Schuster Parkway Transition



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. Development Standards. All permitted developments and uses in the S-6/7 Schuster Parkway Transition Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

7.9 S-7 Schuster Parkway (HI)

- A. The intent of the S-7 Schuster Parkway Shoreline District is to allow development of deep water terminal and light industrial facilities, support and retain water dependent commodity export business(es), and to preserve the character and quality of life in adjoining residential areas, school and park properties.
- B. District Boundary Description. The S-7 Shoreline District extends from the south-easternmost extent of the Sperry Ocean Dock site (parcel #8950002312) to the northernmost extent of Thea’s Park, and including those areas upland within 200 feet of the OHWM.
- C. Map of District. Refer to Figure 9-9 below for a map of the S-7 Schuster Parkway Shoreline District boundaries:

Figure 9-9. Schuster Parkway



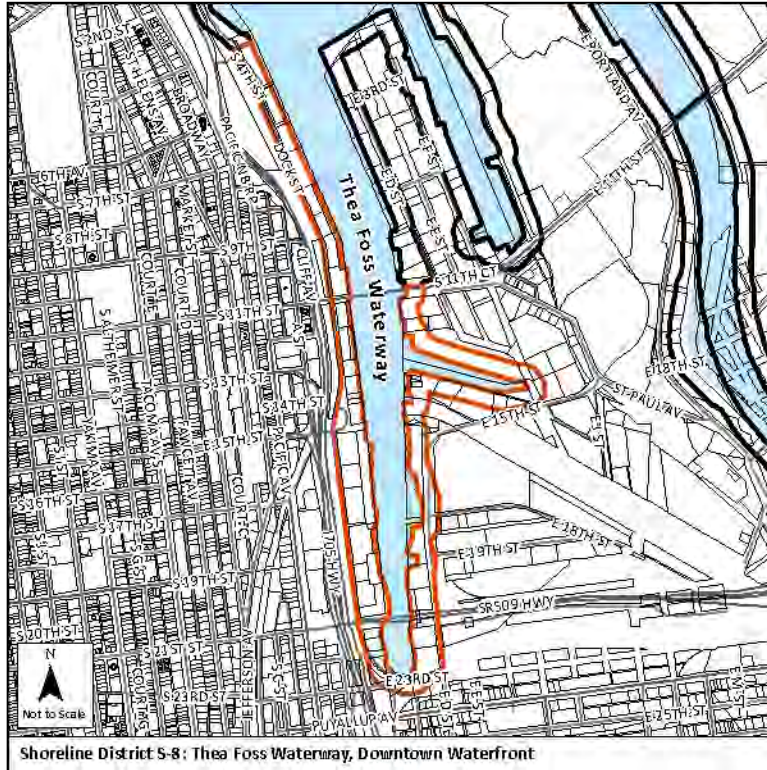
- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. Development Standards. All permitted developments and uses in the S-7 Schuster Parkway Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

7.10 S-8 Thea Foss Waterway (DW)

- A. The intent of the S-8 Thea Foss Waterway Shoreline District is to improve the environmental quality of the Thea Foss Waterway; provide continuous public access to the Waterway; encourage the reuse and redevelopment of the area for mixed-use pedestrian-oriented development, cultural facilities, marinas and related facilities, water-oriented commercial uses, maritime activities, water oriented public parks and public facilities, residential development, and waterborne transportation; and to allow new water-oriented industrial uses where appropriate.
- B. District Boundary Description. The S-8 Shoreline District boundary extends from Thea's Park on the northwest side of the waterway, wrapping around the waterway and ending at, and including, the E 11th Street right-of-way. On the west side of the waterway, the district extends from ordinary high water mark upland to the centerline of Dock Street or a line measured 200 feet from the ordinary high water mark, whichever is greater. On the east side of the waterway, the district extends from ordinary high water mark upland 200 feet or, in those areas south of East 15th Street, the upland boundary is either 200 feet from OWHM or the easternmost edge of the East D Street right of way, whichever is greater.

C. Map of District. Refer to Figure 9-10 below for a map of the S-8 Thea Foss Waterway Shoreline District boundaries:

Figure 9-10. Thea Foss Waterway



D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. Any building adjacent to Dock Street or the esplanade shall include water-oriented uses which are directly accessible from the adjacent public spaces. These water-oriented uses include uses which are open to the general public on a casual (“walk-in”) basis during regular business hours, including, but not limited to, retail stores and eating and drinking establishments. A minimum of 75 percent of the esplanade frontage and 20 percent of the Dock Street frontage shall be occupied by water-oriented uses, with the following exceptions:
 - a. To respond to short-term market conditions, non-water-oriented uses shall be permitted to occupy the water-oriented frontages so long as the structure meets the requirements in TSMP Section 6.1.2(9) and at least 25 percent of the shoreline frontage is occupied by a water-oriented use. Such uses may be permitted on an interim basis for a period up to 10 years, with a 5 year extension contingent upon approval by the Director. 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 Table 9-2 and TSMP Section 9.10 are met.
 - b. To respond to short-term market conditions, mixed-use developments shall be permitted via a conditional use permit, to be occupied in their entirety by non-water-oriented uses so long as the requirements in TSMP Section 6.1.2(9) are met. Such uses

may be permitted on an interim basis for a period up to 10 years, with a 5 year extension contingent upon approval by the Director. 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 Table 9-2 and TSMP Section 9.10 are met.

- E. District-Specific Development Standards. In addition to the development standards included in Table 9-2 and the general regulations included in this Chapter, development in the S-8 Thea Foss Waterway Shoreline District shall comply with all requirements included in the following three subsections. The development standards section is divided into three separate subsections. The first subsection is applicable to the west side of the Waterway; the second subsection is applicable to the east side of the Waterway; and the third subsection is applicable to both sides of the Waterway.

7.10.2 West Side of the Waterway

The following regulations apply to the west side of the Waterway. Any new building, structure or portion thereof erected on the west side shall be subject to the following standards.

1. Area Regulations

- 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.” The development sites are defined and depicted in the Foss Waterway Master Redevelopment Strategy.
- b. The Foss Waterway Development Authority (FWDA) shall administer development of publicly- owned properties and shall conduct design review of projects on public property on the west side of the Waterway. Developers of private property are encouraged, but not required, to participate in the design review process conducted by the FWDA. If the FWDA design review process is not utilized for development on private property, City staff shall conduct the design review as part of the shoreline permit process and shall solicit comments from the FWDA. The required design review shall utilize the guidelines and other requirements found in the current adopted design guidelines and shall include consideration of view impacts, as further described in TSMP Section 6.7. The findings and/or comments of the FWDA’s design review shall be referenced in shoreline permit decisions and given substantial weight in determining whether a proposed project is consistent with this Program and its design requirements.
- c. Blank walls (walls that do not contain doors, windows, or ventilation structures) between two feet and eight feet above the adjacent sidewalk shall be no longer than 20 feet in length.
- d. Frontage Requirements. For all structures adjacent to Dock Street or the esplanade, seventy-five percent (75%) of the esplanade frontage and twenty percent (20%) of the Dock Street frontage shall be designed and constructed to accommodate water-oriented uses. New mixed-use structures that cannot meet the use requirements in TSMP Section 9.10(D) above, and are permitted subject to 9.10(D) above, shall design and construct those frontages not occupied by water-oriented uses at the time of permitting, for future conversion to water-oriented uses. The required frontages shall meet the following standards:

- i. The distance from the finished floor to the finished ceiling above shall be at least 12 feet. The area must have a minimum average depth of 25 feet measured from the sidewalk or esplanade level façade.
- ii. The sidewalk or esplanade level facades must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the required uses in TSMP Section 9.10(D) above.
- iii. At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to preferred uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.

2. Public Access/View Corridors.

- a. Fourteen public access/view corridors are located adjacent to the development sites and are defined below. By specifically designating these areas for public use and access, setbacks are not required on the front (Dock Street), side and rear edges of the development sites (except as specifically required below); provided, that the required public access areas, amenities and area-wide design features are provided.
- b. Fourteen 80-foot wide public access/view corridors between Dock Street and the inner harbor line and generally aligned with the extension of the urban street grid are hereby established. Two primary public access/view corridors are established at the alignment with South 15th and 17th Streets. Twelve secondary public access/view corridors are established immediately south of the Dock Building, north and south of the Puget Sound Freight Building, north of the Municipal Dock Building, and at the alignment of South 9th, 11th, 12th, 13th, 14th, 16th, 18th, and 20th Streets.
- c. Public access/view corridors shall be developed concurrent with improvements on adjacent development sites. These corridors shall be designed and constructed in coordination with the FWDA. All developments abutting a public access/view corridor(s) shall be required to develop one-half of all public access/view corridors abutting their development site(s).
- d. Buildings are not permitted in any designated waterfront esplanade, boardwalk, or public access/view corridor, except that weather protection features, public art, or areas provided primarily for public access, such as viewing towers and pedestrian bridges, may be located in or over these areas. Pedestrian bridges over secondary public access/view corridors between development sites are permitted provided they are a maximum of 10 feet in width and 12 feet in height, and with a minimum clearance of 25 feet from the ground to the underside of the structure.
- e. Primary public access/view corridors may not be reduced in width and are generally fixed in location, but may be moved up to 25 feet in either direction to accommodate site development. Secondary public access/view corridors may be moved to accommodate site development, although the total corridor width must not be reduced. To move public access/view corridors, the applicant must demonstrate the following:

- i. The movement is necessary to facilitate site design and would not compromise future development on remaining development sites;
 - ii. The new public access/view corridors created provide the same or greater public use value; and,
 - iii. Building design reflects the original public access/view corridor by reducing building height in this area or by providing additional public access and viewing opportunities.
- f. If the distance between any two public access/view corridors is greater than 500 lineal feet, an additional public access between Dock Street and the esplanade must be provided. This public access must be a minimum of 20 feet in width, signed for public access, open to the public, and may be either outdoors or within a structure.
- g. Development over public access/view corridors established at the alignment of South 16th and 18th Streets may occur; provided, the structure meets the following conditions:
- i. The height to the underside of the structure is a minimum of 25 feet;
 - ii. The height does not exceed 50 feet;
 - iii. The structure is set back a minimum of 20 feet from the Dock Street facade of adjacent development sites; and,
 - iv. The total depth does not exceed 80 feet.
- h. Pedestrian bridges, “lids,” or other features that connect the Waterway to the surrounding environment shall not be subject to the height limitations of this Chapter. When located within public access/view corridors, care should be taken to preserve access and views from Dock Street and to provide safe, usable space under the bridge.
- i. Municipal Dock Site. Buildings on the Municipal Dock site shall be setback at least 10 feet from the edge of the public access/view corridor between the Municipal Dock site and Development Site 10. This additional setback area shall be designed and developed to facilitate additional public access and function as an extension of the abutting public access/view corridor. This setback requirement is not subject to variance.

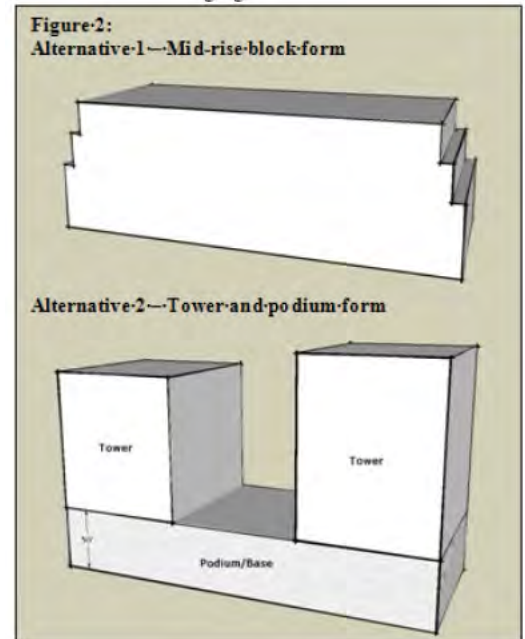
Table 9-1. Building Envelope Standards Table

	North end of Waterway to center of secondary view/access corridor between Development Site 11 and the Seaport Building	Center of the secondary view/access corridor between Development Site 11 and the Seaport Building to center of the secondary view/access corridor between Development Site 10 and Municipal Dock Site	Center of the secondary view/access corridor between Development Site 10 and Municipal Dock site to center of 11th Street	Center of 11th Street to center of 15th St, extended	Center of 15th Street, extended, to center of 18th Street, extended	Center of 18th Street, extended, to south end of Waterway
Alternatives	None	Alternative 1	Alt. 2	None	None	None
Minimum Height	50	50	none	50	50	40
Maximum Height	100	100	180	90	130	100
Modulation Required - from edge of view/access corridors	8 feet in at a height of 50 feet and between 50 - 100 feet	8 feet in at a height of 50 feet and between 50 - 100 feet	See Section 9.10.2 (6) below for additional standards for Alternative 2	8 feet in at a height of 50 feet and between 50 - 100 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet
Modulation Required - from edge of esplanade	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet		8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet
<p>Footnotes:</p> <ol style="list-style-type: none"> All new building must meet the minimum height limit for 50 percent of the structure footprint. This requirement does not apply to buildings which existed as of January 1, 1996, structures in parks, the view/access corridors, the esplanade, or temporary uses or maintenance structures. Where a specific height is indicated, the actual modulation may occur at the floor elevation closest to the identified height. Required building modulation at 25 feet in height adjacent to esplanade is not required if actual building height at this location is less than 40 feet. 						

3. Site Coverage Restrictions. The following site coverage restrictions are imposed to reduce building profile and bulk as buildings increase in height. These restrictions do not apply to developments along the westside of the Waterway that utilize the Alternative 2 development option in TSMP Section 9.10.2(6).
 - 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 TSMP Section 7.10.2 and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street.)
 - b. From 50 feet to 100 feet: 70 percent coverage of the at-grade area is available for development, inclusive of required modulations.
 - c. Above 100 feet: 50 percent coverage of the at-grade area is available for development, inclusive of required modulations.
4. Any new building must extend to the site edge for a minimum of 60 percent of the site perimeter. This provision does not apply to developments along the west side of the Waterway that utilize the Alternative 2 development option in TSMP Section 9.10.2(6).
5. Reduction of the required modulations and/or increased height limits on the western side of Waterway to accommodate structural elements may be authorized in conjunction with the issuance of a Shoreline Permit when all of the following are satisfied. This provision does not apply to developments along the west side of the Waterway that utilize the Alternative 2 development option in Section in TSMP 9.10.2(6).
 - a. That portion of the structure exceeding the underlying height limit or contained within the required modulation:
 - i. Is designed primarily as an architectural or artistic feature and does not include signage or exterior mechanical equipment;
 - ii. Does not provide habitable floor space;
 - iii. Does not exceed the underlying height limit by more than 25 feet;
 - iv. Has a cumulative width of 15 percent or less of the development site's Dock Street frontage;
 - v. Does not extend waterward of ordinary high water; and
 - vi. Is designed to minimize view impacts from neighboring properties through the use of location, materials, and orientation.
 - b. The reduction of the required modulations and/or the increased height will not adversely affect the intended character of the shoreline district and will secure for neighboring properties substantially the same protection that a literal application of the regulation would have provided.

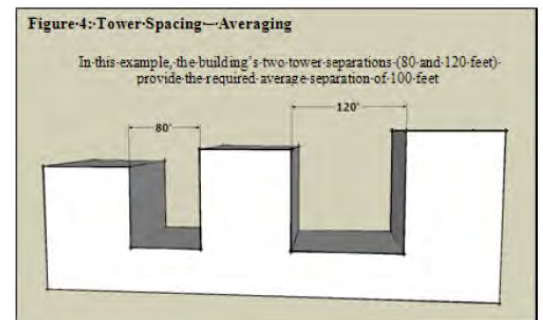
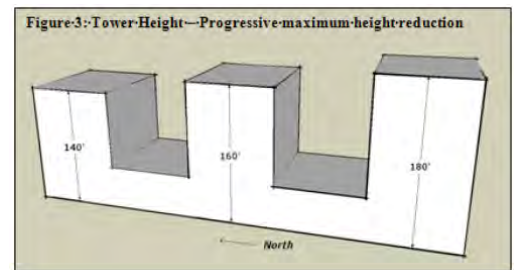
- c. The reduction of the required modulations and/or the increased height will not be contrary to the intent of the Shoreline Management Act.

6. Alternative 2 Development Option. As noted in the building envelope standards in Table 9-1 above, within the area between the center of the public access/view corridor between Development Site 11 and the Seaport Building and the center of the secondary public access/view corridor between Development Site 10 and Municipal Dock site, there are two basic development alternatives. Alternative 1 represents a midrise block form of building design. The basic development standards associated with Alternative 1 are mostly provided in the table and subsections above. Alternative 2 represents a tower and podium form of building design, which utilizes a combination of a low-rise block form with one or more tower elements that project up from the base (see Figure 2). Most of the development standards associated with Alternative 2 do not fit within the format of the above table and subsections and, therefore, are provided below. For projects utilizing Alternative 2, the following additional development standards shall apply:

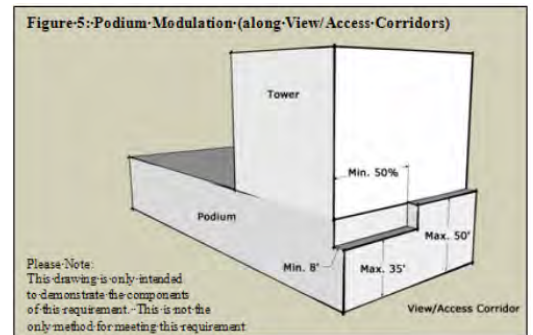


- a. Podium Height. The height of the podium shall be no greater than 50 feet. Mechanical equipment and parapet walls, as well as railings, planters, seating, shelters, and other similar amenities associated with the use of the podium roof as recreational space, shall be permitted up to a maximum height of 60 feet.

- b. Tower Height. The maximum height for any tower shall be 180 feet. Any portion of a building extending above the maximum height of the podium shall be considered a part of a tower. For projects with multiple towers on a single development site, only one of the towers shall be permitted to the maximum height limit. The maximum allowable height for each additional tower on that development site shall be progressively reduced by at least 20 feet. For example, a project with three towers could have one tower up to 180 feet tall, one tower up to 160 feet tall and one tower up to 140 feet tall (see Figure 3). Additionally, the tallest tower on each development site shall be the southernmost tower and additional towers shall step down in elevation as they progress to the north; provided, an alternative tower arrangement can be permitted if it is found to provide improved public access and reduced view impacts. This height limit is not subject to variance.



- c. Tower Spacing. For buildings that incorporate multiple towers, the minimum spacing between towers shall be an average of 100 feet, with no less than 80 feet between any portions of any two towers (see Figure 4). For single projects with multiple buildings and multiple towers, the average spacing between towers may be calculated based on all of the towers contained in that project.
- d. Tower Width. The maximum width of any tower shall be 125 feet. For purposes of this requirement, the width shall be measured in a north-south direction, parallel to Dock Street.
- e. Tower Floorplate. The maximum floorplate area per floor for the portion of any tower above 50 feet in height shall be 15,000 square feet. The maximum floorplate area per floor for the portion of any tower above 100 feet in height shall be 12,000 square feet
- f. Podium Setback. The podium portion of any building shall be setback at least 10 feet from the edge of any public access/view corridor. This additional setback area shall be designed and developed to facilitate additional public access and function as an extension of the abutting public access/view corridor. This setback requirement is not subject to variance.
- g. Tower Setback. Along the public access/view corridors, the tower portion(s) of any building shall be setback at least 8 feet from the primary exterior face of the podium wall along the public access/view corridors.
- h. Podium Modulation. For the portion of the exterior wall along the public access/view corridors that is above 35 feet in height, at least 50 percent of the length of the podium wall shall be setback a minimum of 8 feet (see Figure 5).
- i. Podium Roof. At least 50 percent of the podium roof shall be improved as recreational space for use by the tenants and/or public. At least 30 percent of this improved recreational space on the podium roof shall be landscaped. The use of native vegetation is encouraged.



7.10.3 East Side of the Waterway.

The following regulations apply to the east side of the Waterway:

- 1. Building Height. Any building, structure, or portion thereof hereafter erected shall not exceed a height of 100 feet on the east side of the Waterway, except for the area north of East 15th Street, where an additional four feet of additional height is permitted for every one foot a structure is set back on all sides.

7.10.4 Additional Development Standards.

These additional development standards apply to the entire S-8 Shoreline District.

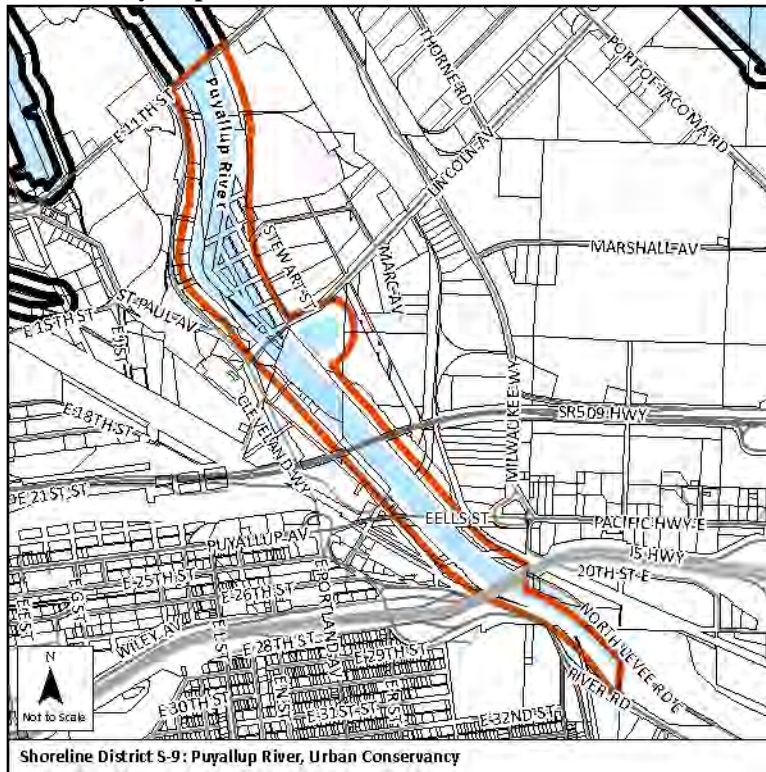
- 1. The following structures are permitted above the height limit: television antennas, chimneys, and similar building appurtenances, except where such appurtenances obstruct

the view of the shoreline of a substantial number of residences on areas adjoining the shoreline, and then only provided they meet structural requirements of the City of Tacoma and provide no usable floor space above the height limitations. This provision does not apply to the tower height limit for developments along the west side of the Waterway that utilize the Alternative 2 development option or to the portion of the west side of the Waterway from the center of the secondary public access/view corridor between Development Site 10 and the Municipal Dock site to the center of 11th Street.

7.11 S-9 Puyallup River (UC)

- A. The intent of the S-9 Puyallup River Shoreline District is to encourage recreational development of the riverfront, ecological restoration activities that restore historic floodplain processes and functions, while allowing industrial development of adjacent upland areas, and to encourage continued preservation of Clear Creek, its associated wetlands, and related ecosystems. Permitted industrial uses will develop and operate in a manner that is compatible with shoreline ecological functions.
- B. District Boundary Description. The S-9 Shoreline District boundary extends from the centerline of the East 11th Street Bridge to the southern City limits, including the open water portion of the River, those areas upland within 200 feet of the OHWM on both west and east banks, as well as the Gog-le-hi-te wetland and that portion of Clear Creek that is tidally influenced, and any associated wetlands.
- C. Map of District. Refer to Figure 9-11 below for a map of the S-9 Puyallup River Shoreline District Shoreline District boundaries:

Figure 9-11. Puyallup River

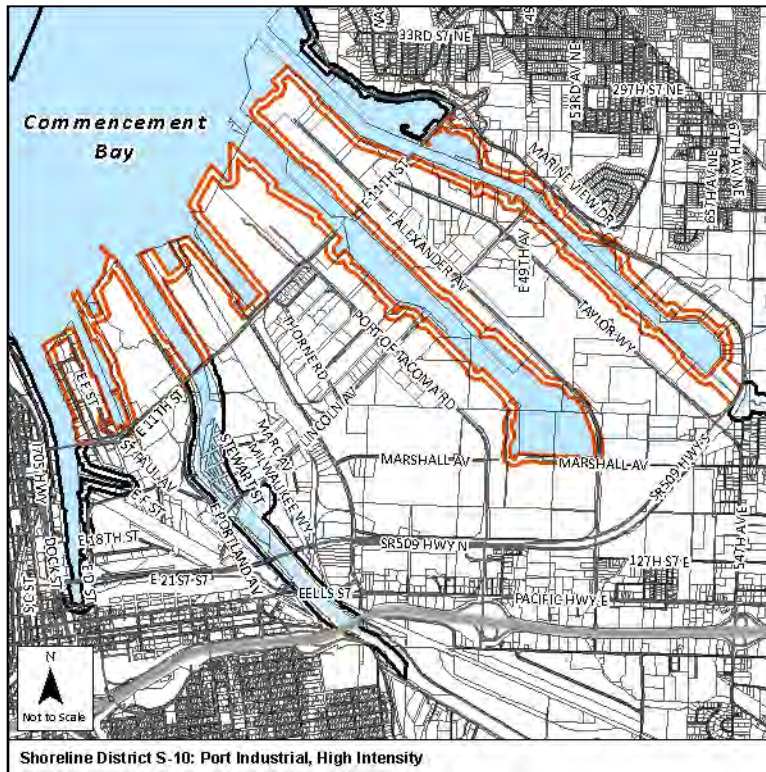


- D. District-Specific Use and Modification Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Development in the S-9 Puyallup River Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

7.12 S-10 Port Industrial Area (HI)

- A. The intent of the S-10 Port Industrial Area Shoreline District is to allow the continued development of the Port Industrial Area, with an increase in the intensity of development and a greater emphasis on terminal facilities within the City.
- B. District Boundary Description. The S-10 Shoreline District extends from the E 11th Street right-of-way on the Thea Foss Waterway, to the Hylebos Waterway, including only those areas upland 200 feet of the OHWM and except that portion of the Puyallup River southeast of East 11th Street and including that portion of Hylebos Waterway and Hylebos Creek waterward of SR 509.
- C. Map of District. Refer to Figure 9-12 below for a map of the S-10 Port Industrial Area Shoreline District Shoreline District boundaries:

Figure 9-12. Port Industrial Area



- D. District-Specific Use and Modification Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Developments in the S-10 Port Industrial Area Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

- B. District Boundary Description. The S-12 Shoreline District boundary includes both the in-water portion of the stream and the areas upland within 200 feet of the OHWM from SR 509 landward to the City limit.
- C. Map of District. Refer to Figure 9-14 below for a map of the S-12 Hylebos Creek Shoreline District boundaries:

Figure 9-14. Hylebos Creek



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Developments in the S-12 Hylebos Creek Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Program.

7.15 S-13 Marine Waters of the State (A)

- A. The intent of the S-13 Marine Waters of the State Shoreline District is to maintain these water bodies for the use by the public for navigation, commerce and recreation purposes and to manage in-water structures in a consistent manner throughout the City’s shorelines.
- B. District Boundary Description. The S-13 Shoreline District boundary includes all marine waters waterward from the ordinary high water mark to the seaward City limit common to the City of Tacoma and Pierce County, except that area lying within the Town limits of the Town of Ruston. S-13 also includes the portion of the Puyallup River waterward of the OHWM and downstream of 11th Street.

- C. Map of District. Refer to Figure 9-15 below for a map of the S-13 Marine Waters of the State Shoreline District boundaries:

Figure 9-15. Marine Waters of the State



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. The following regulations shall apply to overwater uses and development within the S-13 Shoreline District:
 - a. New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is also permitted in the upland Shoreline District. In determining whether an in-water use or development is associated with an upland shoreline district, those uses or development occurring between ordinary high water mark and the Outer Harbor Line shall be considered 'associated' with the upland zoning. Uses or development occurring entirely beyond the outer harbor line shall be permitted in accordance with the provisions of the S-13 Shoreline District. The in-water use or development will be considered 'associated' with whichever upland Shoreline District is closest or that district with which the use or development has a direct physical connection. Where two or more shoreline districts are equidistant from a proposed use or development that does not have a physical upland connection, the more restrictive zone shall apply.
 - b. New overwater residential structures are prohibited. This prohibition does not apply to live-aboards, which must comply with the regulations in TSMP Section 7.4.2(K).

- c. New over-water structures shall only be permitted for water-dependent uses, restoration projects, and public access.
 - d. New structures for non-water-dependent or non-public access uses are strictly prohibited.
 - e. The size of new over-water structures shall be limited to the minimum necessary to support the structure's intended use.
 - f. Non-water-oriented uses shall only be permitted on existing over-water structures as part of a permitted mixed-use development that contains a water-dependent component.
 - g. Water-oriented commercial uses shall only be permitted overwater on existing overwater structures.
 - h. Improvement or modifications to residential or non-water-oriented commercial uses on existing overwater structures shall be permitted; provided, that the modifications do not result in an increase in overwater coverage or shading, that the improvements are designed consistent with Washington Department of Fish and Wildlife standards to limit impacts on the aquatic environment and fisheries habitat, do not adversely affect the public use of the shoreline area or surface waters, and are consistent with the standards in TSMP Section 2.5.
 - i. All modification of existing uses on recognized overwater structures shall occur in a manner consistent with all provisions of this program as well as building, fire, health, and sanitation codes.
- E. District-Specific Development Standards. Developments in the S-13 Marine Waters of the State Shoreline District shall comply with the regulations and standards included in Table 9-2 and the general regulations included in this Chapter.

7.16 S-14 Wapato Lake (UC)

- A. The intent of the S-14 Wapato Lake Shoreline District is to encourage the development of water-related parks, open space, and recreation facilities that achieve no net loss of ecological function, and prioritize vegetation and shoreline enhancement activities that result in a net gain of shoreline function over time.
- B. District Boundary Description. The S-14 Shoreline District boundary includes all areas both in-water and upland within 200 feet from the ordinary high water mark of the Lake and including all associated wetlands and buffers.
- C. Map of District. Refer to Figure 9-16 below for a map of the S-14 Wapato Lake Shoreline District boundaries:

Figure 9-17. Point Ruston/Slag Peninsula



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Developments in the S-15 Point Ruston / Slag Peninsula Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

Table 9-2. Shoreline Use and Development Standards

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE																	
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston/Sag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Shoreline Uses																	
Agriculture																	
Agriculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Aquaculture																	
Aquaculture	W	N	N	N	N	W	N	W	W	N	N	N	W	N	W	N	W
Artwork																	
Artwork	P	P	P	P	P	P	P	P	P	P	P	P	P	P	W	P	P
Boating Facilities																	
Docks	P	N	N	N	N	P	N	W	P	P	N	P	P	N	P/W	N	P
Launch Ramps and Lifts	P	N	W	N	N	P	N	W	N	P	N	P	P	N	P	N	P
Non-motorized Boat Launch	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Development																	
Water-dependent	P	N	P	N	N	P	P	P	P	P	P	P	P	N	P	N	P
Water-related	P	N	P	N	N	P	P	P	P	P	P	N	P	N	IYP	N	P
Water-enjoyment	P	P	P	N	N	P	P	P	P	P	P	N	P	N	IYP	N	P
Non-water-oriented	W	N	N	N	N	W	W	W	W	W	W/P	W	W	N	IYP	N	P/W
Essential Public Facilities																	
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 Director.																	
Educational, Cultural and Scientific																	
Educational, Cultural and Scientific	P	W	P	P	P	P	P	P	P	P	P	P	P	P	P/N	P	P
Forest Practices																	
Forest Practices	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Port/Industrial Development																	
Water-dependent	W	N	N	N	N	N	N	W	P	P ²⁰	N	P	N ²⁴	N	P	N	N
Water-related	W	N	N	N	N	N	N	W	P	P ²⁰	W	P	N	N	N	N	N
Non-water-oriented ²¹	N	N	N	N	N	N	N	N	N	W	W	W	N	N	N	N	N
Cargo Terminal	N	N	N	N	N	N	N	W	P	P ²⁰	N	P	N	N	P	N	N
Coal Facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Chemical Manufacturing, Processing, and Wholesale	N	N	N	N	N	N	N	N	N	N	N	N ²⁵ /W ²⁵	N	N	N ²⁵ /W ²⁵	N	N
Smelting	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Fossil Fuel Facility - IV Major	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Renewable Fuel Facility - IV Major	N	N	N	N	N	N	N	N	N	N	N	N ²⁵ /W ²⁵	N	N	N ²⁵ /W ²⁵	N	N
High Impact Uses	W	N	N	N	N	W	W	W	W	W	W	W	W	N	W	N	W
Log Rafting and Storage	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N
Lay Berthing	N	N	N	N	N	N	N	W	P	P ²⁰	N	P	P	N	P	N	N
Living and Quarrying																	
Living and Quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Parking																	
Associated with an Approved Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
As a Primary Use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Development																	

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE																	
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Varre Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Water-oriented (including public and private facilities and off-street bicycle and pedestrian paths and trails)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	U	P	P
Non-water oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential Development																	
Single-family ²²	N	P	P	N	N	N	N	N	N	N	N	N	P ¹⁵	N	N	P	N ²⁴
Multi-family—standalone	NYCU ¹⁵	N	N	N	N	N	N	N	N	NYCU ¹⁵	N	N	NYCU ^{15,15}	N	N	N	P ^{17,18} /U ¹⁸
Multi-family as part of a mixed-use development	P	N	N	N	N	N	N	N	N	P ¹⁵	N	N	P ¹⁵	N	N	N	P ¹⁷
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	P ¹⁵	N	N	N	P
Signs																	
Interpretive/Educational	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other	P	P	P	N	N	P	P	P	P	P	P	P	P	N	U	P	P
Solid Waste Disposal																	
Solid Waste Disposal	N	N	N	N	N	N	N	N	N	N	N	U	N	N	N	N	N
Transportation																	
New SUV-oriented facilities	N	N	N	N	N	N	N	N	N	U	P	P	N	N	N	N	P
New HV or Transit-oriented facilities	P	N	P	N	N	P	P	P	P	P	P	P	N	N	N	P	P
New Railways	N	N	N	N	N	N	N	IVP ²²	IVP ²²	N	P	P	N	N	N	N	N
Expansion of Existing Facilities	P	U	P	N	N	P	P	P ²²	P ²²	U	P	P	P	N	U	P	P
Passenger-only terminals for water-based transportation	U	N	U	N	N	P	P	P	P	P	N	P	P	N	P	N	P
Fixed-wing landing areas	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Helicopter landing pads	N	N	N	N	N	N	N	N	N	N	N	U	N	N	N	N	NYCU ¹⁵
Seaplane floats	U	N	N	N	N	N	U	U	N	P	N	P	U	N	P	N	N
Non-motorized facilities, new or expansion (on-street)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities²⁰																	
Major	P	P	P	N	N	P	P	P	P	P	P	P	P	N	U/P ²⁵	P	P
Minor	P	P	P	N	N	P	P	P	P	P	P	P	P	N	U/P ²⁵	P	P
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	U/P ²⁵	P	P
Wireless Communications Facility	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Shoreline Modification²¹																	
Shoreline Stabilization																	
For water-dependent uses ²²	P	P	P	N	N	P	P	P	P	P	P	P	P	N	P	P	P
For non-water-dependent uses	U	U	U	N	N	U	U	U	U	U	U	U	U	N	U	U	U
Breakwaters, Jetties, Groins and Weirs																	
Associated with marinas and boating facilities	U	N	N	N	N	U	N	N	N	U	N	U	U	N	U	N	U
For shoreline erosion control	U	N	N	N	N	U	N	N	N	U	N	U	U	N	U	N	N
For navigational purposes	U	N	U	N	N	U	N	N	N	U	N	U	U	N	U	N	N
As part of Ecological Restoration and Enhancement	P	N	P	N	N	P	P	P	P	P	P	P	P	N	P	N	P
Dredging and Dredge Material Disposal																	
Non-maintained dredging	U	N	N	N	N	N	U	N	N	U	U	P	U	N	U	N	U
Maintained dredging	P	N	N	N	N	P	P	P	P	P	P	P	P	N	P	P	P
As part of Ecological Restoration/Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE																		
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15	
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Ivarre Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen	
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI	
Fill and Excavation																		
Fill and Excavation, Below CHWM	U	U	N	N	U	U	U	U	U	U	N	U	N	U	N	N	U	
Below CHWM for Ecological Restoration and Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Above CHWM	P	P	P	N	P	P	P	U	U	P	U	P	U	U	N/A	P	P	
Flood Control Works and In-stream Structures																		
Ecological Restoration/Enhancement/Mitigation	N	N	N	N	N	N	N	N	N	N	U	U	N	U	U	N	N	
Ecological Restoration/Enhancement/Mitigation																		
Ecological Restoration/Enhancement/Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Moring Facilities²³																		
Piers, Wharves, Docks and Boats																		
Associated with Residential Uses	N	P	N	P	N	N	N	N	N	N	N	N	N	N	P	N	N	
Associated Public Access Uses	P	P	N	P	N	P	P	P	P	P	N	P	P	N	P	P	P	
Associated with Water Dependent Uses	P	N	N	P	N	P	P	P	P	P	N	P	P	N	P	N	N	
Moorings Buoy ²⁴	P	P	P	P	P	P	P	P	P	N	N	P	P	N	P	N	P	
Moorings Buoy Field	P	N	N	N	N	P	U	U	P	N	N	P	P	N	U	N	P	
Navigational Aids	P	P	P	P	P	P	P	P	P	P	N	P	P	N	P	N	P	
Covered Moorings/Boat Houses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
General Minimum Development Standards																		
Marine Shoreline Buffers, per TSVP Chapter 6 ²⁵	50ft from CHWM	50ft from CHWM	115ft from CHWM	200ft from CHWM	200ft from CHWM	115ft from CHWM	115ft from CHWM	115ft from CHWM	115ft from CHWM	115ft from CHWM	50ft from CHWM	150ft from CHWM	50ft from CHWM	115ft from CHWM	150ft from CHWM	N/A	200ft from CHWM ⁶	50ft from CHWM
Height Limit ²⁷	35ft within marine buffer; 75ft upland and outside marine buffer with view study	35ft	35ft	35ft	35ft	35ft	35ft	35ft	35ft	100ft for deepwater facilities ²⁸ otherwise 35ft ²⁹	Refer to S8 Shoreline District Regulations	35ft	100ft ²⁹	35ft	35ft	35ft, unless associated with Port/Industrial or transportation facilities	35ft	35ft within 100ft of CHWM; 50ft from 100-200ft; 80ft outside 200ft of CHWM ⁶
Side Yard/View Corridor ³¹	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage ²⁹	30% of shoreline frontage	30% of shoreline frontage	0ft ²⁹	30% of shoreline frontage	30% of shoreline frontage	N/A	30% of shoreline frontage	30% of shoreline frontage
Front Yard Setback	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft ²⁹	20ft	50ft from centerline of Puyallup river Dike	0ft ²⁹	20ft	20ft	N/A	20ft	20ft
Critical Area Buffer setback from edge of buffer. When no buffer is present, the Setback is measured from the rear property line.	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft ²⁹	10ft	10ft	0ft ²⁹	10ft	10ft	N/A	10ft	10ft
Lot Area																		
Minimum Ave Width	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	N/A	50ft	50ft
Minimum Lot Frontage	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	N/A	25ft	25ft

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE																	
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Varre Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Minimum Lot Area for SF Dwelling	5,000sqft	5,000sqft	5,000sqft	5,000sqft		5,000sqft	5,000sqft				5,000sqft		5,000sqft	5,000sqft	N/A	5,000sqft	
Minimum Lot Area for RV Dwelling	6,000sqft	6,000sqft	6,000sqft	6,000sqft		6,000sqft	6,000sqft				6,000sqft		6,000sqft	6,000sqft	N/A	6,000sqft	

Key:

- P Permitted
- N Prohibited
- CU Conditional Use

Notes:

- 1 Expansion of an existing marina shall be permitted provided it is consistent with the TSMP, new marina development shall be a conditional use.
- 2 Boat ramps shall be permitted only in that area on the east side of the Foss Waterway north of the Centerline of 15th Street.
- 3 Water-enjoyment and -related commercial uses shall be permitted over-water only as a reuse of an existing structure or when located within a mixed-use structure.
- 4 Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP Section 7.5.2 and only as a conditional use except where otherwise specified for the S-8 and S-15 Shoreline Districts.
- 5 New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the Point Defiance Marina Complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.
- 6 Non-water-oriented commercial uses shall be permitted as part of a mixed-use development with a water-oriented component; Non-water-oriented commercial uses in a mixed use development without a water-oriented component shall be permitted as a conditional use consistent with TSMP Section 9.10(D). In all other circumstances, non-water-oriented uses shall be processed as a conditional use
- 7 Non-water-oriented commercial uses shall be permitted outside 150 feet of OHWM only, except as specified in note 18. Commercial uses that are located outside shoreline jurisdiction and are consistent with the EIS for the Point Ruston development are allowed, those uses that are not consistent with the EIS shall be processed as a conditional use permit in accordance with the procedures in TMC 13.06.
- 8 New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Marine Waters of the State) only when water-dependent or as a reuse of an existing structure.
- 9 Water-dependent and -related port/industrial uses shall be permitted only in existing structures.
- 10 Port and industrial development shall be permitted on the easterly side of the Thea Foss Waterway, north of the centerline of East 15th Street and in addition, in that area to the east of East D Street.
- 11 Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP Section 7.6.2.
- 12 New single-family residential development shall only be permitted in upland locations. Existing over-water single family residences are considered a legally non-conforming use.
- 13 In the “S-11” District, new single family and multi-family residential development is permitted only in areas north of 5410 Marine View Drive.
- 14 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.
- 15 New stand-alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in TSMP Section 7.8.2.
- 16 Residential development shall be permitted in upland locations on the west side of the waterway and on the east side only south of the East 11th Street right of way, and shall be designed for multiple-family development only, excluding duplex and/or triplex development. Hotel/Motel uses are permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway only south of the centerline of 11th Street. Residential and Hotel/Motel uses are prohibited to the east of East D Street.
- 17 Multifamily residential uses shall be permitted in upland locations, outside 150’ of OHWM.
- 18 No more than 24 total townhouse units may be permitted in upland locations up to 100’ from OHWM as an outright permitted use so long as such townhouses are constructed on the southeasterly shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100’ from OHWM as a conditional use in all other locations. Townhouses in the S-15 may include an office use on the ground floor.
- 19 Helicopter landing pads are only allowed outside of shoreline jurisdiction as a conditional use and only as part of an approved structure.
- 20 Above ground utilities are only allowed consistent with TSMP 7.13.2.
- 21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted uses (not including conditional uses) in the upland Shoreline District. See TSMP Section 9.15(D)(1)(a).
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 8.2.2.
- 23 See application requirements in TSMP Section 2.4.4.
- 24 With the exception of the S-7, S-10 and S-11 Shoreline Districts, mooring buoys shall be designed, located and installed only for transient recreational boating, or in association with a single family residential development or a permitted marina. In the S-7, S-10 and S-11 Shoreline Districts mooring buoys may be designed, located and installed to accommodate port and industrial uses including the remote storage of oceangoing vessels and barges.
- 25 Buffer reductions allowed for water-dependent uses per TSMP Section 6.4.3(C).
- 26 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 27 District specific height limitations shall not apply to bridges in the shoreline. Bridges should be kept to the minimum height necessary and shall provide a view study to determine whether the structure will cause any significant impacts to public views of the shoreline.
- 28 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 29 Any building, structure, or portion thereof hereafter erected (excluding equipment for the movement of waterborne cargo between storage and vessel, vessel and storage) shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
- 30 Maximum heights on Slag Peninsula are limited to 35 feet.
- 31 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set-back is maintained from either lot line.
- 32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.
- 33 Storm water outfalls are a permitted use except those proposed in a Natural Environmental Designation, where a CUP will be required.

- 34 Primary uses are prohibited. Supportive water-dependent facilities may be permitted subject to a conditional use permit.
- 35 Prohibited in all districts: Petrochemical manufacturing, Explosives manufacturing, and Fertilizer Manufacturing
- 36 New facilities are prohibited. Existing facilities are permitted but subject to development standards in Chapter 7, Section 7.6.
- 37 Primary use Renewable Fuel Facilities are prohibited. Water-dependent facilities, such as piers, wharves, docks, and floats and accessory facilities, such as parking and loading areas, may permitted within shoreline jurisdiction as a conditional use.

CHAPTER 8 DEFINITIONS

1. Act

The "Act" is the Washington State Shoreline Management Act of 1971, as amended, RCW 90.58.

2. Accessory Structure

An "accessory structure" is a subordinate building or use incidental to the use of the main building or use.

3. Agriculture

"Agriculture" refers to agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops conducting agricultural operations; and maintaining agricultural lands under production or cultivation;

4. Amendment

An "amendment" is a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

5. Approval

An "approval" is an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to Ecology for review and official action pursuant to this chapter; or an official action by Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

6. Appurtenance

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 250 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.

7. Aquaculture

"Aquaculture" refers to the farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater, and may include development such as structures, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoduck on state-owned lands. Wildstock geoduck harvest is a fishery. Aquaculture does not include recreational shellfish harvesting for personal use and consumption; harvesting for educational projects; or improvements of habitats.

8. Artisan/craftsperson

"Artisan/craftsperson" are commercial activities that may have industrial characteristics such as noise, vibrations, odors, use of mechanical equipment or material storage, but provide public involvement or public access to unique artistic, crafts, or heritage skills. Examples include glass blowing, wooden boat building or restoration, pottery, and artist studios and schools.

9. Associated Wetlands

“Associated Wetlands” are those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake, stream or river subject to the Shoreline Management Act.

10. Average Grade Level

"Average grade level" is the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

11. Barge

“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 use with living quarters.

12. Base Flood Elevation

“Base Flood Elevation” means the elevation above mean sea level as calculated by reference to the National Geodetic Vertical Datum (NGVD) of floodwaters in a particular area during floods having a one (1) percent chance of occurring in any given year. Base flood elevation is shown on the latest version of the FIRM (Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map).

13. Bedlands

“Bedlands” are those submerged lands, including tidelands where appropriate, underlying navigable waters.

14. Biodiversity Areas

“Biodiversity Areas” include those areas that contain native vegetation that is diverse with a mosaic of habitats and microhabitats. They include areas dominated by a vertically diverse assemblage of native vegetation containing multiple canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats. They also include areas with rare or uncommon plant species and associations designated by the City or identified by Federal and State agencies such as the Department of Natural Resources Heritage Program. They are not associated with a specific priority species and their overall habitat function may be limited due to their location in a highly urbanized area; however, they are diverse relative to other areas in the City and support common urban species.

15. Biodiversity Corridors

“Biodiversity Corridors” are areas of relatively undisturbed and unbroken tracts of vegetation that serve as a corridor connecting Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines, the absence of which would prevent movement of common urban species between the two areas.

16. Bioengineering

"Bioengineering" refers to project designs or construction methods which use living plant material or a combination of living plant material and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

17. Boat

See definition under "Vessel."

18. Boat Lift

A "boat lift" is a mechanical device that can hoist vessels out of the water for storage and place vessels into the water. These devices are usually located along a pier.

19. Boating Facilities

"Boating facilities" are marinas, including foreshore and backshore types, dry storage and wet-moorage types, covered moorage, boat launches, and marine travel lifts. For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

20. Boat House

A "boat house" is a covered moorage that includes walls and a roof to protect the vessel.

21. Breakwater

A "breakwater" is an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

22. Buffer

A "buffer" means the area adjacent to a critical area and/or marine shoreline that is required for the continued maintenance, function, and/or structural stability of the critical area and/or marine shoreline. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. Buffer areas are intended to be left undisturbed, or may need to be enhanced to support natural processes, functions, and values.

23. Building

A "building" is any structure having a roof supported by columns or walls for the housing, shelter, or enclosure of persons, animals, or chattels; when separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building.

24. 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.

25. Buoy

"Buoys" are floating devices anchored in a waterbody for navigational purposes or moorage. See also "moorage buoy."

26. Cargo Terminal

A "cargo terminal" is a facility in which quantities of bulk, roll on roll off or other goods or container cargo are stored without undergoing any manufacturing processes, transferred to other modes of transportation or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, support and fender pilings, cargo handling equipment and offices.

27. ["Chemical Manufacturing."](#)

[The production, processing, and wholesale distribution of chemicals and allied products, including:](#)

a. "Production and processing:" Establishments primarily engaged in the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups.

b. "Wholesaling:" Establishments primarily engaged in the merchant wholesale distribution of chemicals and allied products (except agricultural and medicinal chemicals, paints and varnishes, fireworks, and plastics materials and basic forms and shapes).

c. "Petrochemical Manufacturing:" Establishments primarily engaged in (1) manufacturing acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbons, (2) manufacturing cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons, and/or (3) manufacturing methyl alcohol (methanol) from natural gas, coal, or other petroleum based feedstock.

d. "Explosives Manufacturing:" Establishments primarily engaged in manufacturing explosives.

e. "Fertilizer Manufacturing:" Establishments primarily engaged in one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and (3) formulating and preparing pesticides and other agricultural chemicals.

These use classifications exclude uses that are otherwise defined herein as "Fossil Fuel Facilities – Major", or "Renewable Fuel Facilities – Major."

28. City

"City" is the City of Tacoma, Washington

29. Clearing

"Clearing" is the destruction or removal of logs, scrub shrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

30. "Coal facilities."

a. Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power, or for wholesale distribution.

b. Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

31. Commercial

"Commercial" is a business use or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.

32. Commercial Fishing

"Commercial fishing" is the activity of capturing fish and other seafood under a commercial license.

33. Conditional Use

"Conditional uses" are uses, developments, or substantial developments which are classified as a conditional use or not classified within the Master Program.

34. Covered Moorage

"Covered moorages" are boat moorages, with or without walls, that have a roof to protect the vessel.

35. Crime Prevention Through Environmental Design (CPTED)

“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.

36. Critical Saltwater Habitat

“Critical saltwater habitats” include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

37. Cumulative Impact

“Cumulative Impacts” are impacts on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

38. Department of Ecology

The “Department of Ecology” is the Washington State Department of Ecology.

39. Development

"Development" is an activity consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level. Development does not include demolition involving only the dismantling or removal of structures if there is no other associated development or re-development.

40. Development Regulations

"Development regulations" are the controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

41. Dike

A “dike” is an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

42. Director

The “Director” refers to the Director of the Planning and Development Services Department or his/her designee.

43. Dock

A “dock” is a place or structure that connects with the shore and provides access to a boat vessel from the land.

44. Document of Record

The "Document of record" is the most current shoreline master program officially approved or adopted by rule by Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

45. Dredging

“Dredging” is the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical or hydraulic means.

46. Dredging spoils

“Dredging spoils” are the bottom materials obtained from dredging.

47. Drift Cell

"Drift cell," "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

48. Driftway

“Driftway” means that portion of the marine shore process corridor, primarily the upper foreshore, through which sand and gravel are transported by littoral drift. The driftway is the essential component between the feeder bluff(s) and accretion shoreform(s) of an integral drift sector. Driftways are also characterized by intermittent, narrow berm beaches.

49. Ecological Functions

"Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

50. Ecology

“Ecology” refers to the Washington State Department of Ecology.

51. Ecosystem-wide Processes

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

52. Educational Facilities

“Educational facilities” means a building or place for teaching and learning; or for the acquisition, conservation, study, assembly and public display and/or exhibition, and educational interpretation of objects having historical, cultural, scientific, or artistic value such as a museum.

53. Emergency

An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

54. Environmental Remediation

“Environmental remediation” consists of those actions taken to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment. Such actions include any

investigative, site remediation, and monitoring activities undertaken with respect to any release or threatened release of a hazardous substance.

55. Essential Public Facilities

“Essential public facilities” are broadly defined in RCW 36.70A.200 as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, the following:

- a. Airports
- b. State education facilities
- c. State and regional transportation facilities
- d. State and local correctional facilities
- e. Solid waste handling facilities
- f. Inpatient facilities
- g. Mental health facilities
- h. Group Homes

56. Exempt

"Exempt" developments are those set forth in TSMP Section 2.3 (Exemptions from Substantial Development Permit) of this Program which are not required to obtain a Shoreline Substantial Development Permit but which must otherwise comply with applicable provisions of the act and the local master program.

57. Extreme Low Tide

"Extreme low tide" means the lowest line on the land reached by a receding tide.

58. Fair Market Value

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

59. Feasible

"Feasible" means, for these purposes, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose;
- c. The action does not physically preclude achieving the project's primary intended legal use;
- d. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant; and,
- e. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

60. Feeder Bluff Exceptional

“Feeder Bluff Exceptional” means relatively rapidly eroding bluff segments identified by the presence of landslide scarps, bluff toe erosion, and a general absence of vegetative cover and/or portions of bluff face fully exposed. Other indicators included the presence of colluvium (slide debris), boulder or cobble lag deposits, and fallen trees across the beachface. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

61. Fill

“Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Disposal of hazardous substances and other materials in conjunction with an environmental cleanup in accordance with State and Federal regulations is considered environmental remediation.

62. Fixed-wing landing areas

“Fixed-wing landing areas” means a cleared and paved area used for the takeoff and landing of fixed-wing aircraft.

63. Float

“Float” means a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

64. Floating Home

A “floating home” is any vessel or any building constructed on a float, hull or barge, which is used in whole or in part as a residence. 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”).

65. Floating on-water residence

“Floating on-water residence” means any floating structure other than a floating home, as defined by this chapter: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

66. Flood Hazard Reduction

“Flood hazard reduction” means measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

67. Floodplain

"Floodplain" is synonymous with the one hundred-year floodplain and refers to the land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

68. Floodway

"Floodway" means the area, as identified in a master program that has been established as such in effective federal emergency management agency (FEMA) flood insurance rate maps (FIRM) or floodway maps. The floodway shall not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

69. FLUPSY

"FLUPSY" is an acronym for a floating upweller system used for aquaculture seed nurseries.

70. Footprint

"Footprint – building" means that area defined by the exterior walls of a structure.

71. Forest Land

"Forest land" means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.

72. Forest Practices

Forest practice means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber, including but not limited to: road and trail construction and maintenance; harvest, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

73. "Fossil fuels."

Fossil fuel includes coal, petroleum, crude oil, natural gas, oil shales, bitumens, tar sands, propane, butane, and heavy oils. All contain carbon and were formed as a result of geologic processes acting on the remains of organic matter. Renewable fuels are not fossil fuels.

74. "Fossil-Fuel Refinery."

A facility that converts crude oil and other liquids into petroleum products including but not limited to gasoline, distillates such as diesel fuel and heating oil, jet fuel, petrochemical feedstocks, waxes, lubricating oils, and asphalt. Activities that support refineries include but are not limited to: bulk storage, manufacturing, or processing of fossil fuels or by-products. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

75. "Fossil Fuel Facility – Major."

This definition includes the following facilities:

a. Fossil fuel refinery;

b. Terminals engaged in the bulk movement of fossil fuels (excluding railyards and marine fueling facilities);

c. Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (i.e., liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (i.e., pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.

d. Bulk storage and processing of one type of fossil fuel, or a combination of multiple types of fossil fuels, in excess of one million gallons.

76. Geotechnical Report

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected

land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

77. Grading

"Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

78. Grey Water

"Grey water" means wastewater generated by water-using fixtures and appliances such as sinks, showers, and dishwaters, but excluding the toilet.

79. Groin

A "groin" is a barrier structure extending from the shore to the water. It is used to interrupt lateral sediment movement along the shore.

80. Guidelines

"Guidelines" means those standards adopted by Ecology to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending master programs.

81. "Greenhouse gas emissions."

Gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

82. "Greenhouse gas emissions – Facility emissions."

Means greenhouse gas emissions associated with fossil fuel refineries, processing, or fossil fuel transshipment facilities based upon the refining and processing of fossil fuels located within the Port of Tacoma Manufacturing and Industrial Center.

83. "Greenhouse gas emissions – Lifecycle emissions."

The aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

84. Habitat Improvement

"Habitat improvement" means any actions taken to intentionally improve the overall processes and functions of critical habitats, including wetland, stream, and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal, and include, but are not limited to, restoration, creation, enhancement, preservation, acquisition, maintenance, and monitoring

85. Harbor Area

“Harbor area” means the area of navigable tidal waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the Board of Natural Resources acting as the State Harbor Lines Commission as established by Section 1 of Article XV of the Washington State Constitution. This area may be leased but never sold by the State, and must be reserved for the purpose of navigation and commerce.

86. Hazardous Substances

“Hazardous substances” means those wastes designated by WAC 173-340-200, and regulated as hazardous substances by Ecology.

87. Hearings Board

"Hearing[s] board" or “State Shorelines Hearings Board” means the shoreline[s] hearings board established by RCW 90.58. This is the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shoreline substantial development permits, conditional uses, or variances.

88. Height

"Height" is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

89. Helicopter Landing Pad

“Helicopter Landing Pad” means a facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft.

90. “High Impact Use.”

Means any Type-H Occupancy when the primary use classification is allowed in the base zone, excluding uses otherwise classified as “Chemical Manufacturing, Processing, and Wholesaling,” “Fossil Fuel Facility – Major”, or “Renewable Fuel Facility – Major.”

91. Industrial Use

“Industrial use” is the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

92. Inner Harbor Line

The “inner harbor line” is the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the “bulkhead line”).

93. In-stream Structure

An "in-stream structure" is a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

94. Jetty

A “jetty” is a structure that is generally perpendicular to shore extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

95. Lay-berth or Lay-by Berthing

“Lay-berth or lay-by berthing” is the berthing of oceangoing ships of at least 300 feet in length, typically while awaiting deployment, repair and maintenance, and/or while awaiting a berth at a separate facility.

96. Live-aboard vessel

A “Live-aboard vessel” is a licensed 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. residence 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:

- a. The vessel has:
 - 1) Steerage and self-propulsion;
 - 2) Decks fore and aft for line handling;
 - 3) Symmetric embarkation stations to allow boarding from both sides;
 - 4) Symmetric mooring hardware; and
 - 5) Detachable utilities.
- b. 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;
- c. The superstructure or deckhouse is constructed on neither a barge nor a float.
- d. The hull design must meet U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems.

97. Local Government

"Local government" is the City of Tacoma.

98. Log Booming

“Log booming” is placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility.

99. Log Storage

“Log storage” is the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility

100. Lot Frontage

“Lot frontage” is that portion of a lot abutting upon the lot line running parallel to and farthest landward of the ordinary high water mark.

101. Low Impact Development (LID)

“Low impact development” is a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. “LID” can include the following:

- Permeable pavements;
- Vegetated roofs;
- Rainwater harvesting; and
- Bioretention areas (rain gardens).

For further information, please refer to http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

102. Maintenance Dredging

“Maintenance dredging” refers to dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project.

103. Marina

A “marina” is a water-dependent facility that provides launching, storage, supplies, moorage and other accessory services for five or more pleasure and/or commercial water craft.

104. Marine

"Marine" refers to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

105. Maritime Facility

A “maritime facility” is a facility which is open to the public and in which the primary activities relate to the commercial fishing industry; boat building and repair; or other maritime activities or the history thereof.

106. Master Program

"Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

107. May

"May" means the action is acceptable, provided it conforms to the provisions of this Master Program.

108. Mean Higher High Water

“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.

109. “Mining and Quarrying.”

The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity. This use category includes all industry sectors

identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction as well as surface mining as defined in TMC 13.01.060.S.

110. Mitigation

“Mitigation” is a negotiated action involving the avoidance, minimization, or compensation for possible adverse impacts.

111. Mixed-use Development

“Mixed-use developments” are developments that combine water-dependent/ water-related uses with water-enjoyment uses and/or non-water-oriented uses. Mixed-use developments can be a tool for increased water-dependent activities, civic revitalization, and public access to the shoreline. To encourage mixed-use developments that achieve a public benefit, special provisions can be included in a master program that offer a potential developer incentives or more latitude than normal master program requirements. In return, the developer’s proposal must include elements that further the objectives of the Shoreline Management Act and benefit the public. Implicit in the concept of mixed-use provisions is that additional development incentives must be justified by increased and long-term public benefit resulting from the project and that the public benefit must relate to SMA objectives. Generally in mixed-use developments the water-oriented uses and non-revenue recreation uses are “subsidized” by the economic advantages of the other uses in the sense that the water-oriented uses could not be economically developed without support from viable non-water-oriented uses.

112. Mixed-Use Facility

A “mixed-use facility” is a structure that combines non-water-oriented uses such as transient accommodations, residential units, or retail with one or more water-oriented uses in a manner that takes advantage of a shoreline location and which, as a general characteristic of the use, provides shoreline recreational and aesthetic enjoyment for a substantial number of people. In order to meet the definition of a mixed use facility, the facility must be designed to protect views to the shoreline, must be open to the general public and must be devoted to the specific aspects of the use that foster shoreline enjoyment.

113. Moorage

“Moorage” is a pier, dock, buoy or float, either fixed or floating, to which vessels may be secured.

“Covered moorage” is moorage which has a roof.

“Individual mooring facilities” are moorage facilities for single vessels.

A “moorage dolphin” is a freestanding structure in a port or elsewhere that extends above the water line and can be used to tie up ships. Such structures are usually separate from the shore or docks and typically consist of a number of arranged wooden or concrete poles spaced at regular intervals.

114. Moored Boat

A “moored boat” is a vessel that is secured to a pier, float, dock, buoy or other vessel.

115. Mooring Buoy

A “mooring buoy” is an anchored floating device in a water body used for the landing of a vessel or water craft.

116. Mooring Buoy Field

A “mooring buoy field” is 12 or more mooring buoys in a contiguous area.

117. Multifamily Residential Development

“Multifamily residential development” is a building or portion thereof designed for or used as the residence of four or more families living independently of each other.

118. Must

"Must" means a mandate; the action is required.

119. Natural Topography

"Natural topography" or "existing topography" are the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

120. Navigational Channels

"Navigational channels" are those logical routes on the waters of Tacoma beyond the outer harbor line, commonly used by ships for useful commerce.

121. Navigable Waters

"Navigable waters" are waters which are, in fact and without substantial alteration, capable of being used practically for the carriage of commerce. Navigable waters include waters meandered by government surveyors as navigable unless otherwise declared by a court. Navigable waters do not include waters inside an inner harbor line.

122. Nexus

"Nexus" is the rational relationship between a probable adverse impact from a proposed development on a legitimate governmental interest or purpose.

123. Non-conforming Use/Structure

"Non-conforming use/structure" are shoreline uses or structures which were lawfully constructed or established prior to the effective date of the applicable Act or Master Program provision, and which no longer conform to the applicable shoreline provisions.

124. Normal Maintenance

"Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

125. Normal Protective Bulkhead

A "normal protective bulkhead" is a structural or nonstructural development installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion (see WAC 173-27-040).

126. Normal Repair

"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

127. Ordinary High Water Mark

"Ordinary high water mark" is that mark on all lakes, streams, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local

government or Ecology: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

128. Outer Harbor Line

The “outer harbor line” is the line located and established by the State Department of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

129. Over-water Structure

An “over-water structure” is a structure or other construction located waterward of the Ordinary High Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

130. Parking

“Primary use parking” is parking which is the principal use on the property and is not accessory to another use.

“Accessory Parking” is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves an approved shoreline use.

131. Party of Record

The "party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

132. Permit

A "Permit" is any Substantial Development, Variance, Conditional Use Permit, or revision authorized under RCW 90.58.

133. Person

A "Person" is an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

134. Pier

A “Pier” is a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

135. Port

“Port” refers to a center for water-borne commerce and traffic.

136. Practicable

“Practicable” refers to a requirement or provision for a use or development that is capable of being put into practice or of being done or accomplished.

137. Priority Habitat

"Priority habitat" is a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- f. Comparatively high fish or wildlife density;

- g. Comparatively high fish or wildlife species diversity;
- h. Important wildlife habitat;
- i. Important fish or wildlife seasonal range;
- j. Important fish or wildlife movement corridor;
- k. Rearing and foraging habitat;
- l. Important marine mammal haul-out;
- m. Refugia habitat;
- n. Limited availability;
- o. High vulnerability to habitat alteration;
- p. Unique or dependent species; or
- q. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

138. Priority Species

A "priority species" is a species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- r. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- s. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- t. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- u. Criterion 4. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

139. Provisions

"Provisions" are policies, regulations, standards, guideline criteria or environment designations.

140. Public Access Area

A “public access area” is an area, pathway, road, or structure open to use by the general public and affording contact with or views of public waters.

141. Public Access

“Public access” is the provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

142. Public Interest

"Public interest" is the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

143. Qualified professional

A “qualified professional” is a person who, at a minimum, has earned a degree from an accredited college/university in the relevant scientific or engineering discipline appropriate to the critical area subject and two years of related professional work experience; or eight years of professional work experience in the relevant critical area subject.

144. Recreation

“Recreation” is the refreshment of body and mind through forms of play, sports, relaxation, or contemplation. Water-oriented recreation includes activities such as boating, fishing, swimming, skin diving, scuba diving, and enjoying the natural beauty of the shoreline or its wildlife through nature walks, photography, wildlife observation, and hiking.

145. Recreational Development

“Recreational development” includes commercial and public facilities designed and used to provide recreational opportunities to the public.

146. “Renewable Fuel.”

Fuels that are synthesized from renewable energy sources, such as wind and solar, those approved by the US Environmental Protection Agency (EPA) Renewable Fuels Standard Program and hydrogen fuels (when produced with renewable processes), that result in a lifecycle greenhouse gas emission reduction of at least 50% or more under the Federal Clean Air Act, until such time as a state renewable fuel standard is adopted. Upon adoption of a state or regional standard, the standard most directly scaled to Tacoma will be used to define the use classification. Renewable fuels shall not include products produced from palm oil or other feedstocks that cannot be proven to reduce greenhouse gas emissions utilizing accepted methods of the Washington State Department of Ecology or US EPA.

147. “Renewable Fuel Facilities - Major.”

This use classification applies to the following:

- a. A Renewable Fuel Refinery: a facility that processes or produces renewable fuels.
- b. Shipment and Trasshipment facilities: the process of off-loading of fuel materials, refined or unrefined, refinery feedstocks, products or by products, from one transportation facility and loading it onto another transportation facility for the purposes of transporting such products into or out of the City of Tacoma. Examples of transportation facilities include ship, truck, or freight car.
- c. Bulk storage of one type of renewable fuel, or a combination of multiple types of renewable fuels, in excess of one million gallons.

For existing “Fossil Fuel Facilities – Major” or “Renewable Fuel Facilities – Major” this use definition only applies when new facilities are proposed that would exceed the established storage or refining baseline.

148. Residential Development

“Residential development” is the development of single-family residences, including appurtenant structures and uses. Residential development also includes multifamily development and the creation of new residential lots through land division.

149. Restore

"Restore," "restoration" or "ecological restoration" are the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

150. Revetment

A “revetment” is a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.

151. Rip-Rap

“Rip-rap” is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

152. Rough Proportionality Test

“Rough proportionality test” is a case by case determination by the City that a particular condition of approval on a proposed project is reasonably related to both the character and the degree of a probable impact of the project on the public health, safety and welfare.

153. Setback

A “setback” is a space unoccupied by structures except where intrusions are specifically permitted by this Program.

154. Setback, Front

A “front setback” is the space abutting a street right-of-way, access easement or private road either from which the lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights-of-way, space abutting each right-of-way extending the full width of the lot.

155. Setback, Rear

A “rear setback” is the space abutting a property line or landward edge of the marine buffer, as established by this Program, and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot or buffer. If more than one rear setback or more than one front setback exists, the Director shall designate the rear setback.

156. Setback, Side

A “side setback” is the space abutting a property line, access easement or private road and generally between the required front and rear setbacks. Any setback not defined as a front or rear setback is a side setback.

157. Sewage

“Sewage” is wastewater associated with human habitation, including that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as “black water.”

158. Shall

"Shall" means a mandate; the action must be done.

159. Shared Moorage

“Shared Moorage” or “joint use moorage” are moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides commercial services or is of a large scale (more than four slips), it shall be considered a marina. Shared moorage proposed to be leased to upland property owners shall also be considered a marina. If a proposal includes covered moorage, commercial sale of goods or services, or a means of launching other than a ramp, swinging boom, or davit style hoist, it shall be considered a marina.

160. Shorelands/Shoreland Areas

“Shoreland” or “shoreland areas” means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark, 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.

161. Shoreline Environmental Designations

“Shoreline Environmental Designations” or “SEDs” are the six shoreline environments defined and designated to exist on the shorelines of the City of Tacoma. The shoreline environmental designations are summarily defined in subsection 5.3 of this Program.

162. Shoreline Jurisdiction

"Shoreline jurisdiction" is all "shorelines of the state" and "shorelands."

163. Shoreline Master Program

The "shoreline master program (TSMP)" or "master program" is the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under RCW 90.58 shall be considered an element of the city's comprehensive plan. All other portions of the shoreline master program for a city adopted under RCW 90.58, including use regulations, shall be considered a part of the city's development regulations.

164. Shoreline Modifications

"Shoreline modifications" are those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

165. Shoreline Stabilization

"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.

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.

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 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.

"Soft"

Vegetation enhancement;

Upland drainage control;

Bioengineering/biotechnical measures;

Beach enhancement;

Anchor trees; and

Gravel enhancement.

"Hard"

Rock revetments;

Gabions;

Groins;

Retaining walls and bluff walls;

Bulkheads; and

Seawalls.

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 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.

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.

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.

166. Shoreline Substantial Development Permit

A “Shoreline Substantial Development Permit” is the permit required by this Master Program for uses which are substantial developments in shoreline jurisdiction.

167. 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.

168. Shorelines of Statewide Significance

“Shorelines of Statewide Significance” are the following shorelines of the State:

- v. The area between the ordinary high water mark and the western boundary of the State from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
- w. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
 - (1) Nisqually Delta – from DeWolf Bight to Tatsolo Point,
 - (2) Birch Bay – from Point Whitehorn to Birch Point,
 - (3) Hood Canal – from Tala Point to Foulweather Bluff,
 - (4) Skagit Bay and adjacent area – from Brown Point to Yokeko Point, and
 - (5) Padilla Bay – from March Point to William Point;
- x. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;
- y. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high water mark;
- z. Those natural rivers or segments thereof, as follows:
 - (1) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more, and
 - (2) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;
- aa. Those shorelands associated with paragraphs a, b, d, and e above.

Within the City of Tacoma, the Puyallup River is designated as a shoreline of statewide significance.

169. Shorelines of the City

“Shorelines of the City” are the total of all “shorelines” and “shorelines of statewide significance” within the City.

170. Shorelines of the State

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

171. Should

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

172. Sign

A "sign" is any device, flag, light, figure, picture, letter, work, message, symbol, plaque, poster or building face that is visible from outside the lot on which it is located and that is designed to inform or attract the attention of the public through visual communication, excluding murals or architectural designs that do not advertise a business, product or service.

173. Sign, Directional

A "directional sign" is an attached or freestanding railroad, highway, road, or traffic sign or signal erected, constructed, or maintained for the purpose of providing safety and directional information within public and private properties or rights-of-way for the movement of pedestrian and vehicular traffic.

174. Sign, Freestanding

A "freestanding sign" is a self-supporting sign placed off and away from the building or use to which it is related. Freestanding signs may be single faced or consist of two parallel and fully connected faces. The square footage of such signs shall be determined by the dimensions of the frame or edges of the sign, regardless of whether it is one- or twofaced.

175. Sign, Interpretive

An "Interpretive sign," means a sign designed to impart educational, instructive, or historic information, or to identify parks or other public recreational facilities.

176. Significant Vegetation Removal

"Significant vegetation removal" is the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

177. Single Family Residence

A "Single-family residence" is a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

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.

178. "Smelting."

Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base

metals. This use category includes all smelting activities identified in NAICS codes 331411, 331313, and 331410.

179. Solid Waste

“Solid waste” is all solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

180. Solid Waste Facility

A “solid waste facility” or “transfer facility” is any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

181. State Master Program

The "State Master Program" is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

182. Stockpiling of Materials

“Stockpiling of materials” is the accumulation and storage of raw materials, equipment, apparatus and/or supplies by an individual, business, or organization. Stockpiling of materials as a primary use activity is subject to all applicable shoreline permits. Stockpiling of materials as a secondary use activity pursuant to a valid shoreline permit is considered a permitted use activity.

183. Stream

A “stream” is a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel.

184. Streamway

A “streamway” is the bed and banks of a stream.

185. Structure

A "structure" is a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

186. Substantial Development

A "substantial development" is any development of which the total cost or fair market value exceeds seven thousand forty-seven dollars (\$7,047), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.

187. Substantially Degrade

To "substantially degrade" means to cause significant ecological impact.

188. Support

“Support” means that a non-water-oriented component of a mixed-use development is necessary to pay the costs of or provide a basis for the existence and ongoing subsistence of the water-oriented component.

189. Terminal

A “terminal” is a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

190. Townhouse

A “townhouse” is a building on its own separate parcel of land containing one single-family dwelling unit that occupies space from the foundation to the roof and is attached to one or more other townhouse dwelling units by at least one common wall. In the S-15 Shoreline District, the townhouses will not include a separate parcel of land and will include only the area from the foundation to the roof.

191. Transient

“Transient” means passing through or by a place, staying 10 days or less.

192. Transmit

"Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

193. Transportation Facility

A “transportation facility” includes roads and railways, related bridges and culverts, fills, embankments, causeways, parking lots, parking structures, and bus and truck terminals. Not included is off-street bicycle or recreational trails.

194. Underground Utilities

“Underground utilities” are services which produce and carry electric power, gas, sewage, communications, oil, water, and storm drains below the surface of the ground.

195. Uplands

“Uplands” are dry lands landward of OHWM.

196. Utilities

“Utilities” are services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. Utilities have been categorized in this Master Program as primary, accessory, and personal wireless facilities:

1. Primary utilities are services and facilities that produce, transmit, carry, store, process or dispose of power, gas, water, sewage, communications (excepting wireless facilities, see below), oil and the like. For example: sewage treatment plants and outfalls, public high-tension utility lines, power generating or transfer stations, gas distribution lines and storage facilities.
2. Accessory utilities are small-scale distribution services directly serving a permitted shoreline use. For example, power, telephone, cable, communication antennas, water, sewer lines, including stormwater systems.
3. Personal wireless facilities meaning any unstaffed facility for the transmission and/or reception of personal wireless services. This can consist of an equipment shelter or cabinet,

a support structure or existing structure used to achieve the necessary elevation, and the antenna or antenna array.

197. Variance

A "variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

198. Vegetation Conservation

“Vegetation conservation” are activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement.

199. Vessel

A "vessel" is a ship, boat, barge, or any other floating watercraft which is designed and used for navigation and does not interfere with the normal public use of the water.

200. Water-dependent

A "Water-dependent use" is a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boat ramps and transient moorage, aquaculture, and float plane facilities.

201. Water-enjoyment

A "Water-enjoyment use" is a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, view towers, interpretive centers and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, and public markets, provided, that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

202. Water-oriented

A "water-oriented use" is a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

203. Non-water-oriented

A “non-water-oriented uses” is a use which has little or no relationship to the shoreline and is not considered a priority use under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores and gas stations.

204. Water Quality

"Water quality" is the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

205. Water-Related Use

A "water-related use" is a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include, but should not be limited to, manufacturers of large materials for which transportation cost becomes a significant factor, professional services serving primarily water-dependent activities, warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

206. Watershed Restoration

A "watershed restoration project" is a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

3. A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
4. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
5. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

207. Watershed Restoration Plan

A "watershed restoration plan" is a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a

stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21C, the State Environmental Policy Act.

208. Weir

A “weir” is a structure in a stream or river for measuring or regulating stream flow.

209. Wetlands

A "wetland" is an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.