TITLE 19

Shoreline Master Program

TITLE 19
SHORELINE MASTER PROGRAM [1, 2]

[1] Code Reviser's Note: Previously codified as Chapter 13.10, entitled "Shoreline Management". An updated Shoreline Master Program was adopted in its entirety and enacted as a new Title 19, entitled "Shoreline Master Program", per Ordinance No. 28612, Exhibit A.

[2] Ordinance History: Ord. 28612 Ex. A; passed Sept. 24, 2019.

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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

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DEDICATED TO DONNA STENGER

A dear friend, mentor and devoted public servant.

CHAPTER 1 INTRODUCTION 5
1.1 Introduction 5
1.2 Purpose and Intent 8
1.3 Title 10
1.4 Governing Principles 10
1.5 Adoption Authority 11
1.6 Master Program Amendments 11
1.7 Relationship to Other Plans and Regulations 12
1.8 Applicability 12
1.9 Liberal Construction 13
1.10 Severability 13
1.11 Effective Date 13
1.12 Master Program Review 13

CHAPTER 2 ADMINISTRATION 15
2.1 General Compliance 15
2.2 Administrative Authority and Responsibility 16
2.3 Shoreline Permits, Exemptions and Exceptions 16
2.4 Minimum Permit Application Submittal Requirements 26
2.5 Nonconforming Uses and Development 36
2.6 Public Notice Requirements 39
2.7 Special Procedures for Washington State Department of Transportation (WSDOT) Projects 39
2.8 Appeals 39
2.9 Enforcement 39

CHAPTER 3 GOALS AND OBJECTIVES 41
3.1 Overarching Shoreline Goal of the City of Tacoma 41
3.2 Shoreline Land Use 41
3.3 Economic Development 42
3.4 Conservation 42
3.5 Restoration 43
3.6 Flood Prevention and Flood Damage Minimization 44
3.7 Archaeological, Historic, and Cultural Resources 44
3.8 Public Access 45
3.9 Recreation 46
3.10 Transportation and Essential Public Facilities 47
3.11 View and Aesthetics 47

CHAPTER 4 SHORELINES OF THE STATE 49
4.1 Shoreline Jurisdiction 49
4.2 Designation of Shorelines of Statewide Significance 49
4.3 Statewide Interests Protected 49
4.4 Policies for Shorelines of Statewide Significance 50

CHAPTER 5 SHORELINE ENVIRONMENT DESIGNATIONS 53
5.1 Introduction 53
5.2 Authority 53
5.3 Shoreline Environment Designations 53

5.4 Official Shoreline Environment Designation Map 54
5.5 Shoreline Environment Designations 56

CHAPTER 6 GENERAL POLICIES AND REGULATIONS 67
6.1 Shoreline Use 67
6.2 Site Planning 69
6.3 Archaeological, Cultural and Historic Resources 73
6.4 Critical Areas and Marine Shoreline Protection 74
6.5 Public Access 122
6.6 Vegetation Conservation 132
6.7 Views and Aesthetics 136
6.8 Water Quality and Quantity 141

CHAPTER 7 GENERAL USE POLICIES AND REGULATIONS 143
7.2 Prohibited Uses 143
7.3 Aquaculture 144
7.4 Boating Facilities 144
7.5 Commercial Use 151
7.6 Port/Industrial Use 155
7.7 Recreational Development 159
7.8 Residential Development 161
7.9 Signs 164
7.10 Parking Facilities 165
7.11 Transportation 167
7.12 Solid Waste Disposal 170
7.13 Utilities 171

CHAPTER 8 SHORELINE MODIFICATION POLICIES AND REGULATIONS 175
8.1 General Shoreline Modification Policies 175
8.2 Shoreline Stabilization, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-Stream Structures 176
8.3 Fill and Excavation, Dredging and Dredge Material Disposal 181
8.4 Clearing and Grading 184
8.5 Ecological Restoration and Enhancement 185
8.6 Moorage Facilities 187

CHAPTER 9 DISTRICT-SPECIFIC REGULATIONS 193
9.1 S-1A Western Slope South S (HI) 193
9.2 S-1b Western Slope South N (SR) 194
9.3 S-2 Western Slope Central (UC) 195
9.4 S-3 Western Slope North (N) 195
9.5 S-4 Point Defiance Natural (N) 196
9.6 S-5 Point Defiance Conservancy (UC) 197
9.7 S-6 Ruston Way (UC) 198
9.8 S-6/7 Schuster Parkway Transition (UC) 199
9.9 S-7 Schuster Parkway (HI) 200
9.10 S-8 Thea Foss Waterway (DW) 201
9.11 S-9 Puyallup River (UC) 210
9.12 S-10 Port Industrial Area (HI) 211

9.13 S-11 Marine View Drive (UC) 212
9.14 S-12 Hylebos Creek (N)....212
9.15 S-13 Marine Waters of the State (A) 213
9.16 S-14 Wapato Lake (UC) 215
9.17 S-15 Point Ruston / Slag Peninsula (HI)....216

CHAPTER 10 DEFINITIONS 224

List of Tables

Table 6-1. Standard Marine Buffers 84
Table 6-2. Wetland Buffer Widths.... 93
Table 6-3. Lakes of Local Significance* 94
Table 6-4. Examples to Minimize Disturbance* 95
Table 6-5. Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site*** 99
Table 6-6 Stream Types 101
Table 6-7 Streams of local significance.... 101
Table 9-1. Building Envelope Standards Table 206
Table 9-2. Shoreline Use and Development Standards 219

List of Figures

Figure 5-1 Shoreline Environments Designation Map 55
Figure 6-1. Multiple Types of Shoreline Buffers.... 75
Figure 6-2. Public Access Requirements Flow Chart.... 124
Figure 9-1. Western Slope South (HI) 193
Figure 9-2. Western Slope South (SR) 194
Figure 9-3. Western Slope Central.... 195
Figure 9-4. Western Slope North 196
Figure 9-5. Point Defiance Natural (N) 197
Figure 9-6. Point Defiance Conservancy (UC).... 198
Figure 9-7. Ruston Way.... 199
Figure 9-8. Schuster Parkway Transition.... 200
Figure 9-10. Thea Foss Waterway 202
Figure 9-11. Puyallup River.... 210
Figure 9-12. Port Industrial Area 211
Figure 9-13. Marine View Drive 212
Figure 9-14. Hylebos Creek.... 213
Figure 9-15. Marine Waters of the State.... 214
Figure 9-16. Wapato Lake 216
Figure 9-17. Point Ruston/Slag Peninsula 221

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.

The City of Tacoma's Role in Implementing the Shoreline Management Act

In order to protect the public interest in the preservation and reasonable use of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

A. Development of an inventory of the natural characteristics and land use patterns along "shorelines of the state" within the City's territorial limits. This inventory provides the foundation for development of a system that classifies the shoreline into distinct "environments". These environments provide the framework for implementing shoreline policies and regulatory measures.

B. Preparation of a "Shoreline Master Program" to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use activity regulations developed to address different types of development along the shoreline. Master Program regulations are developed and adopted, as appropriate, for various types of shoreline development, including the following: agriculture, aquaculture, forest management, commercial development, marinas, mining, outdoor advertising and signs, residential development, utilities, ports and water related industries, bulkheads, breakwaters, jetties and groins, landfills, solid waste disposal, dredging, shoreline protection, road and railroad design, piers, and recreation.

C. Development of a permit system to further the goals and policies of both the Act and the local Master Program.

Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Tacoma Shoreline Master Program must be consistent with the policies and requirements of the Shoreline Management Act and the State Shoreline Guidelines. The role

of the Department of Ecology is to provide support and review of the Shoreline Master Program and subsequent shoreline development permits and approvals.

Purposes of the Shoreline Master Program

The Shoreline Management Act defines a Master Program as a "comprehensive use plan for a described area." The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses. The purposes of this Master Program are:

A. To carry out the responsibilities imposed on the City of Tacoma by the Washington State Shoreline Management Act (RCW 90.58).

B. To promote uses and development of the City of Tacoma shoreline consistent with the City's Comprehensive Plan while protecting and restoring environmental resources.

C. To promote the public health, safety, and general welfare by providing a guide and regulation for the future development of the shoreline resources of the City of Tacoma.

How to Use This Document

The following summary provides an overview of the Tacoma Shoreline Master Program (TSMP or Program) contents with a brief explanation of its general format and procedures.

Program Format

The City of Tacoma SMP includes goals, policies and regulations. The TSMP is a comprehensive plan for how shorelines should be used and developed over time. Goals, policies and regulations provide direction for shoreline users and developers on issues such as use compatibility, setbacks, public access, building height, parking locations, mitigation, and the like.

TSMP Chapter 1 introduces the purposes and intent of the Program, explains the City's authority to regulate shorelines and explain the Program's relationship to other ordinances and laws. Chapter 1 also explains the types of development the Program has jurisdiction over.

TSMP Chapter 2 explains which activities are recognized as exempt or non-conforming and contains procedures and review criteria for substantial development permits, conditional use permits and shoreline variances as well as the administration of the Program's regulations and other legal provisions.

TSMP Chapter 3 presents the general, goals and objectives. Together they provide direction and context for the specific policies and regulations in the Program. Policies are broad statements of intention that are generally phrased using words such as "should." For example, "marinas and boat launch facilities should be designed in a manner that will reduce damage to fish and shellfish resources." In contrast, regulations are requirements that are necessary to implement the policies. For example, "New or expanding marinas with dredged entrances that adversely affect littoral drift to the detriment of other shores and their users shall be required to periodically replenish such shores with the requisite quantity and quality of aggregate as determined by professional coastal geologic engineering studies."

TSMP Chapter 4 (TSMP 4.2) lists Shorelines designated as "shorelines of statewide significance" (SSWS) by the Shoreline Management Act (RCW 90.58) , along with policies for their use. Shorelines of statewide significance are major resources from which all people of the state derive benefit. These areas must be managed to ensure optimum implementation of the Act's objectives.

TSMP Chapter 5 describes the shoreline jurisdiction consistent with state regulations as well as the shoreline environment designations that are applied to each shoreline reach. The environment designation section includes information on interpretation, purpose, management policies and general regulations such as setbacks and buffers. The shoreline designations function similar to zoning districts in that they determine which uses are allowed, which are conditional, and which are prohibited in shoreline areas.

TSMP Chapter 6 contains general policies and regulations that apply throughout the shoreline, in all shoreline districts and environment designations. Provisions of this chapter address shoreline use, site planning, archeological and historic resources, marine shoreline and critical areas protection, public access, vegetation conservation, views and aesthetics, and water quality. The treatment of critical areas in the shorelines, uses allowed in required buffers, and circumstances under which buffers may be modified are found in TSMP Section 6.4. Policies and regulations for public access including when and under what circumstances public access is required as part of a proposed project are contained in TSMP Section 6.5.

TSMP Chapter 7 includes policies and regulations for specific shoreline uses such as commercial, port, industrial, transportation, and the like. Some developments may be subject to more than one of the subsections.

TSMP Chapter 8 includes policies and regulations addressing shoreline modifications, including shoreline armoring or bulkheads, dredging and filling, and moorage.

TSMP Chapter 9 includes policies and regulations that are specific to each shoreline district as well as a table of allowed and prohibited uses.

Lastly, TSMP Chapter 10 contains definitions to inform use and understanding of the TSMP.

Initial Procedures

If you intend to develop or use lands adjacent to a shoreline of the state as defined in TSMP Section 4.1, consult first with Planning and Development Services to determine if you need a shoreline permit; they will also tell you about other necessary government approvals. To find out if your proposal is permitted by the Program, first determine which shoreline district and shoreline environment designation applies to your site. Then refer to Table 9-2 to see if the proposed use is allowed outright, allowed as a conditional use or prohibited. Then check TSMP Section 2.3 to determine if your proposal is exempt from a shoreline permit. Then refer to the policies and shoreline district regulations in TSMP Chapters 6 through 9. In some cases your proposal may be permitted, but because of dimensional or other constraints, may need a shoreline variance (TSMP Section 2.3.5).

Although your proposal may be permitted by Program regulations or even exempt from specific permit requirements, all proposals must comply with all relevant policies and regulations of the entire Program as well as the general purpose and intent of the SMP.

For development and uses allowed under this Program, the City must find that the proposal is generally consistent with the applicable policies and regulations, unless a variance is to be granted. When your proposal requires a Letter of exemption, submit the proper application to the City's Permit Intake Center. Processing of your application will vary depending on its size, value, and features. Contact Planning and Development Services for additional information.

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.

1.5 Adoption Authority

This Master Program is adopted under the authority granted by the Act and WAC Chapter 173-26.

1.6 Master Program Amendments

A. General

1. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to the Master Program, as provided by law, do not become effective until 14 days after the Washington State Department of Ecology's written notice of final action.

2. Proposals for shoreline environment re-designation (i.e., amendments to the shoreline maps and descriptions) must demonstrate consistency with the criteria set forth in TSMP Section 5.5.

3. Amendments to this Master Program may follow the optional SMP amendment process that allows for a shared local/state public comment period for efficiency as outlined in WAC 173-26-104.

B. Planning Commission

1. The Tacoma Planning Commission shall be responsible for hearing and making recommendations for action to the City Council on the following types of matters:

2. Amendments to the Shoreline Master Program. Any of the provisions of this Master Program may be amended as provided for in WAC 173-26-100.

C. City Council

1. The Tacoma City Council shall be responsible for making final determinations on amendments to the Shoreline Master Program, for review and approval by Ecology, which shall be adopted by ordinance. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision.

D. State Department of Ecology

1. The duties and responsibilities of the Washington Department of Ecology shall include, but are not limited to the following:

a. Reviewing and approving Master Program amendments prepared by the City of Tacoma pursuant to WAC 173-26-110 and WAC 173-26-120 (Submittal to Department of Proposed Master Programs/Amendments; State Process for Approving/Amending Shoreline Master Programs). Amendments or revisions to the

Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

1.7 Relationship to Other Plans and Regulations

1. Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the Tacoma Comprehensive Plan, the Washington State Environmental Policy Act ("SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), other provisions of the Tacoma Municipal Code, including Title 13 Land Use Regulatory Code and various other provisions of local, state and federal law, as may be amended. References have been made to specific standards of Title 13. Should referenced sections of Title 13 be renumbered by a subsequent update of Title 13, the referenced standards shall still apply regardless of the section numbering.

2. Pursuant to RCW 90.58, in the event this Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the provisions of this Program shall prevail.

3. Proponents of shoreline use/development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.

4. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

1.8 Applicability

1. The Act and this Program adopted pursuant thereto comprise the basic state and city law regulating use of shorelines in the City of Tacoma. In the event provisions of this Program conflict with other applicable city policies or regulations, the policies of the Act shall prevail.

2. All proposed uses and development occurring within shoreline jurisdiction must conform to the Shoreline Management Act and this Program. The policies and regulations of this Program apply to all shoreline uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.

3. This Master Program shall apply to all of the lands and waters within the City limits of Tacoma that fall under the jurisdiction of the Act. This includes the portions of the Puget Sound, the Puyallup River and Wapato Lake that meet the definition of 'shorelines of the state.'

4. The City of Tacoma has established shoreline zoning districts to implement the goals and policies of the Master Program. These zoning districts are described in Chapter 9 of this Program and are regulated under TMC 13.10. In several instances, shoreline zoning has been expanded outside the jurisdiction of the Shoreline Management Act (shoreline jurisdiction is described in Chapter 4 of this Program) in order to establish consistent use and development standards for adjacent lands. These are described in Chapter 9 for Districts S-1a, S-6, S-8 and S-15. In these circumstances new uses and development that are located entirely outside the shoreline jurisdiction but wholly within the shoreline zoning district shall be regulated under Chapters 13.05 and 13.06 of the TMC.

5. This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.

6. Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be allowed subject to review and approval by the City and/or the Department of Ecology. The City may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of the project with the Act and the Program.

7. Consistent with WAC 173-27-060, federal agency activities affecting the uses or resources subject to the Act must be consistent to the maximum extent practicable with the Act and this Program. The policies and provisions of this Program shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

8. Pursuant to RCW 90.58.350, nothing in this chapter shall affect any rights established by treaty to which the United States is a party. The rights of treaty tribes to resources within their usual and accustomed areas should be accommodated.

1.9 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.10 Severability

Should any section or provision of this program be declared invalid, such decision shall not affect the validity of this Program as a whole.

1.11 Effective Date

This Master Program shall take effect 14 days from Department of Ecology final approval and shall apply to new applications submitted on or after that date and to incomplete applications submitted prior to that date.

1.12 Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with RCW 90.58.080 and WAC 173-26-090 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

CHAPTER 2 ADMINISTRATION

2.1 General Compliance

1. To be authorized under this Program, all uses and developments shall be planned and carried out in a manner that is consistent with the TMC and this Program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

2. The City shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to the adopted Program.

3. A development or use that does not comply with the bulk, dimensional and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.

4. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

5. Issuance of a shoreline substantial development permit, shoreline variance or shoreline conditional use permit does not constitute approval pursuant to any other federal, state or City laws or regulations.

6. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Director, documenting compliance with bulk and dimensional policies and regulations of this Program. The Director may attach conditions to the approval as necessary to assure consistency with the RCW 90.58 and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

7. Proposed actions that would alter designated critical areas or their buffers, as established by this Program (TSMP Section 6.4) shall be reviewed for compliance with the provisions of this Program. Applicable critical area report and/or mitigation plan and/or habitat management plan shall be prepared consistent with the requirements of TSMP Section 2.4.2 and submitted as part of the development application or request for statement of exemption. The critical area review shall be conducted and processed in conjunction with the highest threshold of review that is applicable to the primary development proposed:

    a. Review pursuant to TSMP Section 2.3.3 (List of Exemptions);

    b. Land Use Permit or Building Permit;

    c. Excavation, Grading, Clearing and Erosion Control Permit;

    d. SEPA Threshold Determination;

    e. Shoreline Substantial Development Permit;

    f. Shoreline Conditional Use Permit; or

g. Shoreline Variance.

2.2 Administrative Authority and Responsibility

A. Director

1. The Director shall have the authority to act upon the following matters:

   a. Interpretation, enforcement, and administration of the City's Shoreline Master Program as prescribed in this title;

   b. Applications for Shoreline Management Substantial Development Permits as prescribed in this title;

   c. Applications for Shoreline Conditional Use Permits as prescribed in this title;

   d. Applications for Shoreline Variances as prescribed in this title; and,

   e. Modifications or revisions to any of the above approvals.

2.3 Shoreline Permits, Exemptions and Exceptions

2.3.1 Shoreline Substantial Development Permit Required

1. A shoreline substantial development permit shall be required for all proposed use and development of shorelines unless the use or development is specifically identified as exempt or as an exception from a substantial development permit.

2. The Director may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58, the provisions of WAC 173-27, and this Program.

3. In the granting of all shoreline substantial development permits, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if shoreline substantial development permits were granted for other developments in the area where similar circumstances exist, the sum of the permitted actions should also remain consistent with the policy of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions and processes or other users.

2.3.2 Exemptions from a Substantial Development Permit

1. All uses within shoreline jurisdiction must be consistent with the regulations of this Master Program whether or not they require a Shoreline Substantial Development Permit. An exemption from the Substantial Development Permit requirements does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this Master Program, and other applicable City, state, or federal permit requirements.

2. The Director is hereby authorized to grant or deny requests for a letter of exemption from the shoreline substantial development permit requirement for uses and developments within

shorelines that are specifically listed in TSMP Section 2.3.3. Letters of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.

3. If any part of a proposed development is not eligible for exemption as defined in RCW 90.58.030(3)(e), WAC 173-27-040 and TSMP Section 2.3.3, then a substantial development permit is required for the entire proposed development project.

4. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

5. Exemptions shall not be issued for a series of inter-dependent activities that in sum would require a permit (i.e. a project cannot be submitted in a piece-meal fashion to avoid the requirement for a substantial development permit).

6. The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.

2.3.3 Exemptions Listed

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit but shall obtain a statement of exemption, as provided for in Section 2.3.4:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed seven thousand and forty-seven dollars ($7,047.00), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "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. Relocation and reconfiguration of the structure or development may be performed within the existing property boundaries if the relocation or reconfiguration results in a measurable and sustainable ecological improvement;

3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the state department of fish and wildlife;

4. Emergency construction necessary to protect property from damage by the elements. 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. Where new protective structures are deemed by the Director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to RCW 90.58, these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and this Program. 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;

5. Construction or modification of navigational aids such as channel markers and anchor buoys;

6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the City and state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to RCW 90.58. "Single-family residence" means 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 (250 cy) 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. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

    a. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars ($2,500.00); For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including Puget Sound and all bays and inlets associated with such water body; or

    b. In fresh waters the fair market value of the dock does not exceed: (A) twenty thousand dollars ($20,000) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) ten thousand dollars ($10,000.00) for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

9. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

11. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

    a. The activity does not interfere with the normal public use of the surface waters;

    b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

    c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

    d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to pre-existing conditions; and

e. The activity is not subject to the permit requirements of RCW 90.58.550 (Oil & Natural Gas Exploration in Marine Waters);

12. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

13. Watershed restoration projects as defined in Chapter 10. The City shall review the projects for consistency with this Program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant.

14. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

    a. The project has been approved in writing by the state department of fish and wildlife;

    b. The project has received hydraulic project approval by the state department of fish and wildlife pursuant to RCW 77.55; and,

    c. The City has determined that the project is substantially consistent with the shoreline master program. The City shall make such determination in a timely manner and provide it by letter to the project proponent.

15. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. Sec 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

2.3.4 Letter of Exemption

1. Exempt activities related to any of the following shall not be conducted until a letter of exemption has been obtained from the Director or designated signatory: dredging, flood control works, in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, or activities determined to be located within a critical area or its associated buffer.

2. Other activities specifically listed in TSMP Section 2.3.3 that do not involve one of the activities specified in TSMP Section 2.3.4 (1) above, may be undertaken without a letter of exemption provided that notification of the action has been provided to the City. If the Director determines that the activity presents a substantial risk to cause detrimental impacts to shoreline functions, or that the activity requires a letter of exemption under TSMP 2.3.4 (1) above, a letter of exemption may be required.

3. A Letter of Exemption shall expire one year after the date of issuance unless otherwise specified in the Letter of Exemption. The same measures used to calculate time periods for Shoreline Permits as set forth in WAC 173-27-090(3) shall be used for Letters of Exemption.

4. No written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d).

5. A notice of decision for shoreline letters of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with the Department of Ecology, pursuant to the requirements of WAC 173-27-050 when the project is subject to one or more of the following Federal Permitting requirements:

   a. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899; or

   b. A Section 404 permit under the Federal Water Pollution Control Act of 1972.

6. All applications for a letter of exemption shall provide at a minimum, the Joint Aquatic Resource Permit Application (JARPA). Information shall be provided that is sufficient for Director or designated signatory to determine if the proposal will comply with the requirements of this Program.

7. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Director's decision on a statement of exemption is not subject to administrative appeal.

2.3.5 Exceptions

1. The following activities and uses shall be considered exceptions to shoreline permitting and local review:

   a. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

      i. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to RCW 70.105D, or to the Department of Ecology when it conducts a remedial action under RCW 70.105D.

      ii. Boatyard improvements to meet National Pollution Discharge Elimination System (NPDES) permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of an NPDES General Permit.

      iii. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, WSDOT projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review. A written notification by WSDOT to the City is required prior to facility maintenance and safety improvement activities.

iv. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

v. Projects authorized through the Energy Facility Site Evaluation Council (EFSEC) process, pursuant to RCW 80.50.

vi. Areas and uses in those areas under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of RCW 90.58.

2.3.6 Shoreline Variance

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in RCW 90.58.020 and this program.

2. When a shoreline variance permit is requested, the Director shall be the final approval authority for the City. However, shoreline variance permits must have approval from the state. Department of Ecology shall be the final approval authority under the authority of WAC 173-27-200.

3. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA (RCW 90.58.020). In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

4. The Director is authorized to grant a variance from the standards of this Program only when all of the following criteria are met (WAC 173-27-170).

   a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

   b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

   c. That the 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 shoreline master program and will not cause adverse impacts to the shoreline environment;

   d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

   e. That the variance requested is the minimum necessary to afford relief; and

   f. That the public interest will suffer no substantial detrimental effect.

5. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(c), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

    a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

    b. That the proposal is consistent with the criteria established under TSMP Section 2.3.6(4); and,

    c. That the public rights of navigation and use of the shorelines will not be adversely affected.

6. In the granting of all shoreline variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area.

7. Before making a determination to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, and the protection of views from nearby public roads, surrounding properties and public areas.

8. A variance from City development code requirements shall not be construed to mean a shoreline variance from shoreline master program use regulations and vice versa.

9. Shoreline variances may not be used to permit a use or development that is specifically prohibited in an environment designation.

10. The burden of proving that a proposed shoreline variance meets the conditions in this section and the criteria of this program shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

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. 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.

6. 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.

7. The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

2.3.8 Ecology Review

1. Ecology shall be notified of any Substantial Development, Conditional Use or Variance Permit decisions made by the Director (or Hearing Examiner when required pursuant to TMC 13.05.060), whether it is an approval or denial. The notification shall occur after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. When a Substantial Development Permit and either Conditional Use or Variance Permit are required for a development, the submittal of the permits shall be made concurrently. All shoreline applications for a permit or permit revision shall be submitted to the Department of Ecology by return receipt requested mail upon a final decision by the City. The Director shall file the following with the Department of Ecology and Attorney General:

   a. A copy of the complete application per WAC 173-27-180;

b. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable Master Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);

c. The final decision of the City;

d. The permit data sheet per WAC 173-27-990;

e. Affidavit of public notice; and

f. Where applicable, the Director shall also file the applicable documents required by the State Environmental Policy Act (RCW 43.21C).

2. When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.

3. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and notify the City and the applicant in writing. Ecology will not act on Conditional Use or Variance Permit submittals until the material requested in writing is submitted to them.

4. Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days (30) of the date of submittal by the City. The Director will notify those interested persons having requested notification of such decision.

5. Ecology shall base its determination to approve, approve with conditions or deny a Conditional Use Permit or Variance Permit on consistency with the policy and provisions of the SMA, the criteria listed in WAC 173-27 and this Program.

6. No construction pursuant to a substantial development permit, shoreline variance, or shoreline conditional use authorized by this program shall begin or be authorized and no building, grading or other construction permits shall be issued by the City until twenty-one (21) days from the date of receipt by the applicant and the City of Ecology's decision or until all review proceedings are terminated.

2.3.9 Request for Reconsideration

1. A request for reconsideration may be made on any decision or ruling of the Director by any aggrieved person or entity having standing under this chapter.

2. Requests for reconsideration shall be made in accordance with TMC 13.05.040.

2.3.10 Relief from Development Standards and Use Regulations

1. The City may grant relief from Program development standards and use regulations when a shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in one of the following:

a. Land that had not been regulated under this Program being brought into shoreline jurisdiction; or

b. Additional regulatory requirements applying due to a landward shift in required shoreline buffers or other regulations; or

c. Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent;

2. The relief shall be proposed by the Director and must be the minimum necessary to relieve the hardship; result in a net environmental benefit from the restoration project; and be consistent with the objectives of the restoration project and consistent with this Program.

3. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and

4. The application for relief must be submitted to the State Department of Ecology for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then Ecology shall conduct its review when the City provides a copy of a complete application and all supporting information necessary to conduct the review.

2.4 Minimum Permit Application Submittal Requirements

2.4.1 General Requirements

1. Pursuant to WAC 173-27-180, all applications for a shoreline substantial development permit, conditional use, or variance shall provide, at a minimum, the following information: The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

2. The name, address and phone number of the applicant's representative if other than the applicant.

3. The name, address and phone number of the property owner, if other than the applicant.

4. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

5. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.

6. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

7. A general description of the property as it now exists including its physical characteristics and improvements and structures.

8. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

9. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

    a. The boundary of the parcel(s) of land upon which the development is proposed.

    b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

    c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

    d. A delineation of all wetland areas that will be altered or used as a part of the development.

    e. A general indication of the character of vegetation found on the site.

    f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

    g. Where applicable, a landscaping plan for the project.

    h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

    i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

    j. Quantity, composition and destination of any excavated or dredged material.

    k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

10. The Director may accept a JARPA in lieu of these submittal requirements where applicable.

11. The Director may waive permit submittal requirements on a case by case basis and may request additional information as necessary.

2.4.2 Critical Areas

A. Shoreline Critical Areas Review

1. City staff will provide an initial site review based on existing information, maps and a potential site visit to identify all critical areas and their associated buffers within 300 feet of a proposed project. The review distance for FWHCA management areas will be based on the type of priority habitat or species and WDFW recommendations. Site reviews are completed on a site by site basis and the City may provide preliminary information or require an applicant provide information regarding the ordinary high water mark location, wetland delineation, wetland categorization, stream type, hydrology report, or priority fish and wildlife species and habitat presence information. Formal Priority Habitats and Species (PHS) information is available from WDFW.

2. The Planning and Development Services Department may utilize information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any wetland, or stream, or FWHCA site. The City's Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site by site basis according to the classification criteria.

3. The Director shall determine whether application for a shoreline permit or exemption will be required to include the marine shoreline and critical areas information specified in TSMP Section 2.4.2(B), below.

4. The Director may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to make this determination.

B. Application Requirements

1. Application for any shoreline development permit for a project or use which includes activities within a critical area or their associated buffer shall comply with the provisions of this section and shall contain the following information:

    a. A Joint Aquatic Resources Permit Application and vicinity map for the project.

    b. A surveyed site plan that includes the following:

        i. Parcel line(s), north arrow, scale and two foot contours.

        ii. Location and square footage for existing and proposed site improvements including, utilities, stormwater and drainage facilities, construction and clearing limits, and off-site improvements. Include the amounts and specifications for all draining, excavation, filling, grading or dredging.

        iii. The location and specifications of barrier fencing, silt fencing and other erosion control measures.

        iv. Base flood elevation, floodplain type and boundary and floodways, if site is within a floodplain.

        v. Critical areas including all surveyed, delineated wetland boundaries, the ordinary high water mark of any stream and/or marine water, all Fish and Wildlife Conservation Areas (FWHCA), FWHCA Management Areas, floodplain boundaries, top and toe of slopes related to geologically hazardous areas, and all associated setbacks and/or buffers.

        vi. The square footage of the existing critical areas and their associated buffers located on-site and the location and square footage of any impacted areas.

        vii. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any associated buffer that extends onto the project site. Location and dominant species for significantly vegetated areas.

        viii. The location and square footage of impact areas, mitigation areas and remaining critical areas and their associated buffers; including areas proposed for buffer modification.

    c. A Critical area report prepared by a qualified professional. The report must include the following where appropriate:

        i. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.

            - Wetland Delineations will be conducted in accordance with the approved federal manual and applicable regional supplements.

- The wetland characterization shall include physical, chemical, and biological processes performed as well as aesthetic, and economic values and must use a method recognized by local or state agencies. Include hydrogeomorphic and Cowardin wetland habitat type.

- Ordinary high water mark determination shall be in accordance with methodology from the Department of Ecology.

- Priority species and habitat identification shall be prepared according to professional standards and guidance from the Washington Department of Fish and Wildlife. Depending on the type of priority species, the review area may extend beyond 300 feet.

ii. Field data sheets for all fieldwork performed on the site. The field assessment shall identify habitat elements, rare plant species, hydrologic information including inlet/outlets, water depths, and hydro-period patterns based on visual cues, and/or staff/crest gage data.

iii. Provide a detailed description of the project proposal including off-site improvements. Include alterations of ground or surface water flow, clearing and grading, construction techniques, materials and equipment, and best management practices to reduce temporary impacts.

iv. Assess potential direct and indirect physical, biological, and chemical impacts as a result of the proposal. Provide the square footage for the area of impact with the analysis. The evaluation must consider cumulative impacts.

v. Identification of priority species/habitats and any potential impacts. Incorporate Washington State Department of Fish and Wildlife and/or US Department of Fish and Wildlife management recommendations where applicable. When required, plan shall include at a minimum the following:

- Special management recommendations which have been incorporated and any other mitigation measures to minimize or avoid impacts, including design considerations such as reducing impacts from noise and light.

- Ongoing management practices which will protect the priority species and/or habitat after development, including monitoring and maintenance programs.

vi. A hydrologic report or narrative demonstrating that pre and post development flows to wetlands and streams will be maintained.

vii. Runoff from pollution generating surfaces proposed to be discharged to a critical area shall receive water quality treatment in accordance with the current City's Surface Water Management Manual, where applicable. Water quality treatment and monitoring may be required irrespective of the thresholds established in the manual. Water quality treatment shall be required for pollution generating surfaces using all known, available and reasonable methods of prevention, control and treatment.

viii. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.

ix. Documentation of the presence of contaminated sediments or soils if publically available and a description of planned management actions.

d. For shoreline permits that will have impacts to critical areas or their associated buffers defined in TSMP Section 6.4.2, the additional following information is required;

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to TSMP Section 6.4.2(C);

ii. An analysis of site development alternatives including a no development alternative that demonstrates why the use or development requires a buffer reduction and the minimum reduction necessary to support the use or development;

iii. An assessment and documentation of the shoreline and/or critical areas functional characteristics, along with its ecological, aesthetic, economic, and other values. Functional analysis must be done using a functional assessment method recognized by local or state agency staff and shall include a reference for the method and all data sheets;

iv. An assessment of the probable cumulative impacts resulting from the proposed development;

v. A mitigation plan for impacts associated with actions. The mitigation plan must be in conformance with the General Mitigation Requirements under TSMP Section 6.4.2(C) and (D) as well as the specific mitigation requirements contained in this section; and,

vi. A study of potential flood, erosion or other hazards on the site and provisions for protective measures that might be taken to reduce such hazards as required by City staff.

e. For development proposals that will have impacts to an FWHCA or marine buffer, a habitat management plan, biological evaluation, or equivalent shall be submitted. The report shall incorporate the items within this section and shall also include at a minimum:

i. Analysis and discussion of the project's effects on critical fish and wildlife habitat;

ii. An assessment and discussion on special management recommendations which have been developed for species or habitats located on the site by any federal or state agency;

iii. Proposed mitigation measures which could minimize or avoid impacts and are consistent with TSMP Section 6.4.2(C);

iv. An assessment and evaluation of the effectiveness of mitigation measures proposed; and

v. An assessment and evaluation of ongoing management practices which will protect critical fish and wildlife habitat after development of the project site, including proposed monitoring and maintenance programs.

f. In the event of conflicts regarding information in the report, the Director may, at the applicant's expense, obtain competent expert services to verify information and establish a final delineation;

2. Critical area reports shall be submitted and the Director shall review all information submitted as to its validity and may reject it as incomplete or incorrect. All reports shall be prepared by a qualified professional as defined in TSMP Chapter 10.

3. The Director may waive permit submittal requirements on a case by case basis and may request additional information as necessary to ensure compliance with this Master Program and the Act.

2.4.3 Boating Facilities

1. Applications for new boating facilities, including marinas and launch ramps, shall be approved only if enhanced public access to public waters outweighs the potential adverse impacts of the use. Applications shall be accompanied by supporting application materials that document the market demand for such facilities, including

   a. The total amount of moorage proposed;

   b. The proposed supply, as compared to the existing supply within the service range of the proposed facility, including vacancies or waiting lists at existing facilities;

   c. The expected service population and boat ownership characteristics of the population;

   d. Existing approved facilities or pending applications within the service area of the proposed new facility.

2. New marinas with in-water moorage and expansion of in-water moorage facilities in existing marinas shall be approved only when:

   a. Opportunities for upland storage sufficient to meet the demand for moorage are not available on site.

3. Applications for launch ramps shall contain:

   a. A habitat survey;

   b. A slope bathymetry map; and,

   c. Evaluation of effects on littoral drift.

4. Applications for marinas, launch ramps, and accessory uses shall include an assessment of existing water-dependent uses in the vicinity including, but not limited to, navigation,

fishing, shellfish harvest, pleasure boating, swimming, beach walking, picnicking and shoreline viewing and document potential impacts and mitigating measures. Impacts on these resources shall be considered in review of proposals and specific conditions to avoid or minimize impacts may be imposed.

5. Marina and launch ramp proposals may be required to prepare a visual assessment of views from surrounding residential properties, public viewpoints and the view of the shore from the water surface.

2.4.4 Moorage Facilities

1. As part of any application for shoreline substantial development that involves the construction of piers, wharves, docks, and floats, the applicant shall provide the following:

    a. Environmental and navigational impact, pier density, waste disposal, oil and gas spillage, parking availability, and impact on adjacent lands;

    b. A description of the size, capacity, and intended use of the structure and whether the intended use is permitted within the shoreline district;

    c. Whether cooperative use is present or may be present in the future;

    d. Whether existing facilities may be used or expanded to be used in preference to the construction of new facilities. New facilities should require a demonstration of public benefit as appropriate; and,

    e. Whether an open pile or floating structure is the appropriate design.

2.4.5 Major Utilities

1. Application requirements for the installation of major utility facilities shall include the following:

    a. Description of the proposed facilities;

    b. Reasons why the utility facility requires a shoreline location; Alternative locations considered and reasons for elimination; Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project;

    c. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility;

    d. Plans for control of erosion and turbidity during construction and operation; and,

    e. Identification of any possibility for locating the proposed facility at another existing location.

2.4.6 Archaeological, Cultural and Historic Resources

A. Known Archaeological, Cultural and Historic Resources

1. Applications for a shoreline permit shall identify whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s). Records of known sites are restricted. Consultation with Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required. If the property is determined to be within 500 feet of a site known to contain an historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived if the Director determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The site assessment shall be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party.

2. If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, a Cultural Resource Management Plan (CRMP) shall be prepared by a professional archaeologist or historic preservation professional paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable.

3. A CRMP shall contain the following minimum elements:

    a. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation.

    b. The CRMP shall include the following information:

        i. Description of the Area of Potential Effect (APE) for the project, including a general description of the scope of work for the project and the extent and locations of ground disturbing activities. Ground disturbing activities include excavations for footings, pilings, utilities, environmental testing or sampling, areas to be cleared and/or graded, demolition, removal or relocation of any existing structures, and any other ground disturbances that may occur as a result of construction activities;

        ii. Photographs of the APE, including existing structures and areas of construction activities;

        iii. An examination of project on-site design alternatives;

        iv. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and

        v. Citations with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary. A list of the agency officials that were consulted with shall be included:

- State Department of Archaeology and Historic Preservation to identify buildings, sites or objects within the APE that are listed on or the National Register of Historic Places or the Washington State Heritage Register.

- City of Tacoma Historic Preservation Office to identify any buildings, sites, or objects within the APE listed on the Tacoma Register of Historic Places.

- The Puyallup Tribe of Indians Historic Preservation Section to identify any buildings, sites, or objects within the APE within the 1873 Land Claims Settlement Survey Area, and areas regulated under TMC 13.10 Shoreline Management.

vi. An assessment of probable adverse impacts to culturally significant buildings, sites or objects, resulting from:

- Demolition of any buildings or structures over 50 years of age.

- The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

vii. A description of how potential adverse effects to cultural resources as a result of construction activities will be mitigated or minimized. Mitigation includes but is not limited to:

- Additional consultation with Federal, State, local and Tribal officials or Tacoma Landmarks Commission.

- Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.

- Subject to review and approval of the City's Historic Preservation Officer other potential mitigation measures may include:
    - Avoidance of historic/cultural resources;
    - Retention of all or some of historic structure into a new development;
    - Interpretive/educational measures;
    - Off-site/on site preservation of another historic resource;
    - Recording the site with the State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic registry formally adopted by the City of Tacoma;
    - Preservation in place;
    - Reinternment in the case of grave sites;
    - Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);
    - Excavation and recovery of archaeological resources;
    - Inventorying prior to covering of archaeological resources with structures or development; and

- Monitoring of construction excavation.

4. Upon receipt of a complete development permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable.

5. The recommendations and conclusions of the CRMP shall be used to assist the Director in making final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures. The Director shall consult with the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe prior to approval of the CRMP.

6. The Director may reject or request revision of the conclusions reached in a CRMP when the Director can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

B. Unanticipated Discovery of Archaeological, Cultural and Historic Resources

1. All applications for a shoreline permit shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resource(s), including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

2.5 Nonconforming Uses and Development

A. Nonconforming Uses

1. Nonconforming uses include shoreline uses which were lawfully established prior to the effective date of the Act or this Master Program, or amendments thereto, but which do not conform to the present regulations or standards of this Program. The continuance of a nonconforming use is subject to the following standards:

   a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that the use does not change or intensify;

   b. Additional development or use of any property on which a nonconforming use exists shall conform to this Master Program and the Act. Limited expansion of a nonconforming use may occur subject to TSMP Section 2.5(B)(3);

   c. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed;

   d. A nonconforming use which is moved any distance must be brought into conformance with the Master Program and the Act;

   e. A nonconforming use may convert to another nonconforming use of a similar intensity, through a conditional use permit, provided the conversion does not increase any detrimental impact to the shoreline environment;

f. When the operation of a nonconforming use is vacated or abandoned for a period of 12 consecutive months or for 18 months of any 3-year period, the nonconforming use rights shall be deemed extinguished and the future use of such property shall be in accordance with the permitted and conditional use regulations of the Shoreline District in which it is located;

g. If a nonconforming use is damaged by fire, flood, explosion, or other natural disaster such use may be resumed at the time the building is repaired; Provided, such restoration shall be undertaken within 18 months following said damage;

h. Normal maintenance and repair of a nonconforming use may be permitted provided all work is consistent with the provisions of this Program.

B. Nonconforming Structures

1. Nonconforming structures include shoreline structures which were lawfully constructed or placed prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, density, critical area, or buffer requirements. A legally nonconforming structure may be maintained or reconstructed as follows:

a. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:

i. The rebuilt structure shall not expand the footprint or height of the damaged structure;

ii. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible and situated to be as conforming as feasible;

iii. The submittal of applications for permits necessary to restore the development is begun within eighteen (18) months of the damage. The Director may waive this requirement in situations with extenuating circumstances; and

iv. The reconstruction is commenced within one (1) year of the issuance of permits. The Director may allow a one (1) year extension.

b. The maintenance of such building or structure shall not extend the nonconformity of such building or structure; provided that necessary alterations may be made as required by other law or ordinances.

c. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming structure; provided that the cost of the desired improvement or repair does not exceed one-half of the replacement cost of the nonconforming structure over any consecutive five-year period, with replacement cost determined according to the Building Code.

2. A nonconforming building or structure, with a conforming use, may be added to or enlarged if such addition or enlargement conforms to the regulations of the shoreline environment and district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this title.

    a. A one-time addition or enlargement of up to ten (10) percent of the total square footage of the structure which is parallel to the shoreline or away from the critical area, where such addition or enlargement occurs on existing impervious surfaces, shall be exempt from buffer mitigation requirements, and landscaping requirements of TSMP Section 6.7.4.C.2. The applicant shall record notice on Title.

3. A conforming or nonconforming structure with a nonconforming use may expand in the following limited circumstances:

    a. The Director may allow a one-time expansion of overwater structures of up to ten (10) percent of the total square footage of the structure, provided there is no increase in overwater area or shading, or overall height of the structure, and the expansion is consistent with all other provisions of this Program. The applicant shall record notice on Title.

    b. In addition to 3.a above, minor expansions, up to ten (10) percent of the total square footage of the structure, may be permitted when necessary to provide public access, to facilitate environmental restoration, or to meet building safety codes. The applicant shall record notice on Title.

4. A non-conforming single-family, overwater structure may expand the overall height of the structure in the following limited circumstances:

    a. The expansion may increase the height up to 25 feet from the deck level, upon approval of a Shoreline Conditional Use Permit per the standards of TSMP Section 2.3.7.

5. No other expansion may occur which extends or otherwise increases the nonconformity.

C. Nonconforming Lots

1. Undeveloped lots, tracts, parcels, or sites located landward of the ordinary high water mark that were established prior to the effective date of the Act and the Master Program, or amendments thereto, but that do not conform to the present lot size or density standards are considered nonconforming lots of record and are legally buildable subject to the following conditions:

    a. All new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Master Program and the Act.

    b. Parcel modifications, such as a boundary line adjustment, property combinations, segregations, and short and long plats shall be allowed, without need for a variance, to modify existing parcels that are nonconforming to minimum lot size requirements, such as minimum area, width or frontage, as long as such actions would make the

nonconforming parcel(s) more conforming to the minimum lot size requirements and would not create any new or make greater any existing nonconformities.

2.6 Public Notice Requirements

A. Public notice for applications shall be provided in accordance with TMC 13.05 Land Use Permit Procedures. This may include mailed public notice, posting signs on the site, newspaper notice and notice to qualified neighborhood groups. The public shall be provided with opportunity to comment upon applications in accordance with TMC 13.05.

2.7 Special Procedures for Washington State Department of Transportation (WSDOT) Projects

A. Permit review time for projects on a state highway is 90 days after submission of a complete application to the city pursuant to RCW 47.01.485.

B. Projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions pursuant to RCW 90.58.140.

2.8 Appeals

A. Shoreline Hearings Board

1. Appeals of any final permit decision may be made to the Shoreline Hearings Board as governed by the procedures established in RCW 90.58.180 (Appeals from Granting, Denying, or Rescinding Permits) and WAC 461-08 (Practice and Procedure, Review of the Granting, Denying or Rescinding of Substantial Development Permits, Hearings). All appeals of any final permit decision must be made to the Shoreline Hearings Board within twenty-one (21) days after the date of filing of the City's or Ecology's final decision concerning the shoreline permit or formal approval or revisions of the permit.

2.9 Enforcement

A. Enforcement

1. The enforcement provisions of RCW 90.58.210 through 90.58.230 and WAC 173-27-240 through 173-27-310 shall apply.

2. The Shoreline Management Act calls for a cooperative enforcement program between local and state government. It provides for both civil and criminal penalties, orders to cease and desist, orders to take corrective action and permit rescission. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

3. The Director, and/or authorized representative, shall have the authority to enforce the land use regulations of the City of Tacoma in accordance with the TMC 13.05.100.

B. Penalties

1. Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Shoreline Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of the TMC 13.05.100.

CHAPTER 3 GOALS AND OBJECTIVES

3.1 Overarching Shoreline Goal of the City of Tacoma

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.

3.2 Shoreline Land Use

The shoreline use element considers the use and development of shorelines and adjacent land areas for housing, business, industry, transportation, recreation, education, public institutions, utilities and other categories of public and private land use with respect to the general distribution, location and extent of such uses and developments.

3.2.1 Shoreline Land Use Goal

To preserve and develop shorelines in a manner that allows for an orderly balance of uses.

3.2.2 Shoreline Land Use Objectives

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

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

3. Implement regulations and standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

4. Encourage mixed use developments that include and support water-oriented uses and provide a substantial public benefit consistent with the public access and ecological restoration goals and policies of the Act.

5. Balance the location, design, and management of shoreline uses throughout the city to prevent a net loss of shoreline ecological functions and processes over time.

6. Encourage shoreline uses and development that enhance shoreline ecological functions and/or processes or employ innovative features that further the purposes of this Program.

7. 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.

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

9. 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.

10. Encourage shoreline uses and development that enhance and/or increase public access to the shoreline.

3.3 Economic Development

The economic development element provides for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use of the shorelines of the state.

3.3.1 Economic Development Goal

To create and maintain a dynamic and diversified economic environment that can coexist harmoniously with the natural and human environments.

3.3.2 Economic Development Objectives

1. Preference should be given to water-dependent uses. Secondary preference should be given to water-related and water-enjoyment uses.

2. Encourage new economic development to locate in areas that are already developed with similar uses.

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

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

5. Implement economic development policies contained in the Comprehensive Plan in shoreline areas consistent with this Program and the Act.

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

7. 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.

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

3.4 Conservation

The shoreline conservation element provides for the protection of natural resources, and shoreline ecological functions and processes. Resources to be conserved and protected include, but are not limited to, wetlands; riparian, nearshore, and aquatic habitats; priority fish and wildlife habitats and species; floodplains; feeder bluffs and other geological features; cultural and historic resources; as well as scenic vistas and aesthetics.

3.4.1 Conservation Goal

To conserve shoreline resources and important shoreline features, and protect shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

3.4.2 Conservation Objectives

1. Ensure new shoreline developments achieve no net loss of shoreline ecological functions and processes.

2. Prioritize protection and/or conservation of shoreline areas that are ecologically intact and minimally developed or degraded.

3. Acquire or otherwise protect a maximum amount of prime habitat for conservation purposes.

4. Conserve urban open space to provide habitat for wildlife and native plants.

5. Require that all shoreline uses conform to applicable federal, state, and local laws and regulations relating to environmental quality and resource protection.

6. Encourage public and private property owners to protect beneficial shoreline plants and animals.

7. Conserve, to the greatest extent feasible, the streams and ravines, steep slopes, and the anadromous fish runs of Commencement Bay and the City of Tacoma.

3.5 Restoration

This element provides for the timely restoration and enhancement of ecologically impaired areas in a manner that achieves a net gain in shoreline ecological functions and processes above baseline conditions as of the adoption of this Program.

3.5.1 Restoration Goal

To re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Master Program Restoration Plan and other approved restoration plans.

3.5.2 Restoration Objectives

1. Restore, replenish, and maintain publically-owned shoreline beach properties to as natural a condition as possible.

2. Over time the City will strive to reduce the total amount of shoreline armoring and restore natural shoreline functions.

3. Identify, enhance and restore shoreline areas that have exceptional geological, ecological or biological significance, or are required to support publically-owned natural resources, or are required for resource conservation and improvements to urban life.

4. Coordinate with federal and State agencies that have jurisdiction over fish and wildlife resources.

5. Encourage and facilitate voluntary, cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.

6. Direct restoration and enhancement efforts towards improving the habitat of priority wildlife species.

7. Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for early Chinook, bull trout populations and other species and/or populations for which a recovery plan is available.

8. Integrate restoration and enhancement with other parallel natural resource management efforts such as the WRIA 10 and 12 Salmon Habitat and Protections Strategy, Lower Puyallup Watershed Action Plan, NRDA Trustees Commencement Bay Natural Resource Restoration Plan, and the Puget Sound Salmon Recovery Plan.

3.6 Flood Prevention and Flood Damage Minimization

This element provides for minimization and/or prevention of flood damages within the City of Tacoma shoreline jurisdiction

3.6.1 Flood Prevention and Flood Damage Minimization Goal

Protect shoreline resources and shoreline development and ensure public safety through land use controls and implementation of federal, state and local flood hazard programs, development standards and building codes.

3.6.2 Flood Prevention and Flood Damage Minimization Objectives

1. Manage flood protection in accordance with the City's current flood hazard regulations, including Flood Hazard and Coastal High Hazard Areas, and the Surface Water Management Manual for general and specific flood hazard protections.

2. Participate in regional efforts on flood protection issues, coordinating with the Federal Emergency Management Agency (FEMA), the State of Washington, Pierce County as well as other jurisdictions, particularly those with jurisdiction of the Puyallup River and neighboring Puget Sound shorelines.

3. 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.

4. Give preference to flood hazard avoidance and non-structural flood hazard reduction measures over structural measures.

3.7 Archaeological, Historic, and Cultural Resources

The archaeological, historic, cultural element provides for protection, preservation and/or restoration of buildings, sites, and areas having archaeological, historic, or cultural value or significance.

3.7.1 Archaeological, Historic and Cultural Resources Goal

Protect and enhance shoreline features of archaeological, historic, and cultural value or significance and to preserve these features for the public benefit through coordination and consultation with the appropriate local, state and federal authorities, including affected Indian tribes.

3.7.2 Archaeological, Historic and Cultural Resources Objectives

1. Recognize the importance of the waterfront to Tacoma's history and character.

2. Recognize the high probability that development may encounter archaeological, historic and cultural resources, and ensure that appropriate measures are taken to protect, preserve, and enhance sites and features of archaeological, historic, and cultural value or significance.

3. Collaborate on cultural resource management issues with the appropriate tribal, state, federal and local governments and entities.

4. Encourage cooperation between public and private entities in the identification, protection and management of cultural resources.

5. Where appropriate, make access to such sites available to parties of interest, provided that access to such sites must be designed and managed in a manner that gives maximum protection to the resource.

6. Provide opportunities for education related to archaeological, historical and cultural features where appropriate and incorporated into public and private programs and development.

3.8 Public Access

The public access element provides for public access to publicly owned or privately owned shoreline areas where the public is granted a right of use or access.

3.8.1 Public Access Goal

To increase the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and/or to view the water and the shoreline from adjacent locations, provided that private rights, the public safety, and shoreline ecological functions and processes are protected consistent with the U.S. and State constitutions, state case law, and state statutes.

3.8.2 Public Access Objectives

1. Establish public access to and along the City's shorelines that is safe and compatible with adjacent and planned uses.

2. Develop a system of vistas, view areas, view corridors, scenic drives, trails, and bike paths that capitalize on Tacoma's unique relationship to Puget Sound.

3. The City should take full advantage of public access opportunities throughout the City's shorelines as identified in an adopted public access plan.

4. Establish a linear system of public access along the Tacoma shoreline, starting with high-density intensive-use urban activity on the Thea Foss Waterway, moving to moderate-use paved walkways on Schuster Parkway, to an intensive-use, multimodal pathway along Ruston Way, to a moderate-intensity promenade in Point Defiance Park from the boathouse to Owen Beach, and finally to a completely natural beach walk from Owen Beach to Salmon Beach.

5. Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and processes and public health and safety.

6. Design and manage public access in a manner that ensures compatibility with water-oriented uses.

7. Encourage cooperation among the City, landowners, developers, other agencies and organizations to enhance and increase public access to shorelines as specific opportunities arise. Provide for diverse shoreline access and recreational experiences for the citizens of the City of Tacoma and the Puget Sound region.

8. Design public access sites to provide continuity of site details to increase the ability of the public to discern public from private spaces.

3.9 Recreation

The recreation element provides for the preservation and expansion of water-oriented recreational opportunities that facilitate the public's ability to enjoy the physical and aesthetic qualities of the shoreline through parks, public access to tidelands and beaches, bicycle and pedestrian paths, viewpoints and other recreational amenities.

3.9.1 Recreation Goal

To provide opportunities, spaces, and appropriate facilities for diverse forms of water-oriented recreation that takes advantage of the unique waterfront setting.

3.9.2 Recreation Objectives

1. Locate only water-oriented recreational uses in the shoreline area.

2. Locate, design, manage and maintain recreation uses and facilities in a manner that protects shoreline ecological functions and processes and public health and safety.

3. Locate, design, and operate recreational development in a manner that minimizes adverse effects on adjacent properties as well as other social, recreational, or economic activities.

4. Provide recreation opportunities that meet the diverse needs and interests of the citizens of Tacoma and distribute recreation facilities throughout the City’s shorelines to serve the City’s many neighborhoods and employment centers.

5. Acquire additional recreation areas and public access areas with a high recreation value prior to demand to assure that sufficient shoreline recreation opportunities are available to serve future recreational needs.

6. Encourage cooperation among public agencies, non-profit groups, and private landowners and developers to increase and diversify recreational opportunities through a variety of means including incorporating water-oriented recreational opportunities into mixed use developments and other innovative techniques.

7. Recognize and protect the interest of all people of the state by providing increased recreational opportunities within shorelines of statewide significance and associated shorelands.

8. Encourage private and public investment in recreation facilities.

3.10 Transportation and Essential Public Facilities

The transportation and essential public facilities element provides for the general location and extent of existing and proposed public thoroughfares, transportation routes, terminals, and other public utilities and facilities.

3.10.1 Transportation and Essential Public Facilities Goal

To provide transportation systems and essential public facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

3.10.2 Transportation and Essential Public Facilities Objectives

1. Locate, develop, manage, and maintain transportation systems and essential public facilities in a manner that protects shoreline ecological functions and processes.

2. Locate and design transportation systems and essential public facilities to be harmonious with the existing and future economic and social needs of the community.

3. Discourage the development of non-water-dependent transportation systems and essential public facilities unless no feasible alternatives exist.

4. Encourage alternate modes of travel and provide multiple use transportation corridors where compatible in association with shoreline transportation development.

5. Require that transportation systems and essential public facilities developed in shoreline areas protect and enhance physical and visual shoreline public access.

6. Develop a coherent network of motorized and non-motorized transportation facilities that relate the circulation system more closely to the shoreline area that it serves.

7. Protect the public's right to use navigable waters, together with the right to use state-owned Harbor Areas for the development of landings, wharves, and associated facilities.

3.11 View and Aesthetics

This element provides for preservation and/or protection of scenic vistas, views of the water, and other aesthetic qualities of shorelines for public enjoyment.

3.11.1 View and Aesthetics Goals

To assure that the public’s ability and opportunity to enjoy shoreline views and aesthetics is protected.

3.11.2 View and Aesthetics Objectives

1. Preserve, to the greatest extent feasible, the public’s opportunity to enjoy the physical and aesthetic qualities of the City’s shorelines.

2. Identify and protect areas with scenic vistas and areas where the shoreline has high aesthetic value.

3. Minimize adverse impacts from new development on views from public property or views enjoyed by a substantial number of residences.

4. Enhance the shoreline's positive and distinct features, unify shoreline areas visually, and give definition to sub-areas.

5. Encourage design details such as form, scale, proportion, color, materials, and texture to be compatible with shoreline areas wherever feasible.

6. Improve the appearance of the shoreline for those who live and work there and make it a more attractive and interesting place to visit.

7. Design shoreline areas for a variety of uses and users and to improve accessibility to all of Tacoma's residents.

8. Design and locate new shoreline uses to take full advantage of the waterfront views and location.

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 OWHM 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 SHORELINE ENVIRONMENT DESIGNATIONS

5.1 Introduction

The intent of designating shoreline environment is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given an environment designation based on existing development patterns, natural capabilities and limitations, and the aspirations of the local community. Environment designations are categories that reflect the type of development that has occurred, or should take place in a given area. The scheme of classifications represents a relative range of development, from high to low intensity land use, and targets types of development to specific areas. The environment classification scheme is intended to work in conjunction with local comprehensive planning and zoning.

Management policies are an integral part of the environment designations and are used for determining uses and activities that can be permitted in each environment. Specific development regulations specify how and where permitted development can take place within each shoreline environment. Development Regulations in this chapter generally govern use, height limits, and setbacks. Additional policies and development regulations are provided for specific situations, uses and developments in other chapters of this Master Program.

5.2 Authority

Local governments are required, under the Washington State Shoreline Management Act of 1971 through WAC 173-26, to develop and assign a land use categorization system for shoreline areas as a basis for effective Shoreline Master Programs. The state's Shoreline Master Program Guidelines describe the purpose of environment designations in WAC 173-26-191(1)(d): Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the Shoreline Master Program prescribe different sets of environmental protection measures, allowable use provisions, and development Regulations for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation.

5.3 Shoreline Environment Designations

The City of Tacoma classification system consists of six shoreline environments that are consistent with, and implement the Washington State Shorelines Management Act (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26), and the City of Tacoma Comprehensive Plan. These environment designations have been assigned consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, the City of Tacoma aims to assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines. The six shoreline environments are:

1. Aquatic
2. Natural
3. Shoreline Residential

4. Urban Conservancy
5. High Intensity
6. Downtown Waterfront

5.4 Official Shoreline Environment Designation Map

5.4.1 Map Established

The location and extent of areas under the jurisdiction of this Master Program, and the boundaries of the various shoreline environments affecting the lands and waters of the City shall be shown on the map included as Figure 5-1 and entitled, "Official Shoreline Environments Designation Map, City of Tacoma, Washington." The official shoreline map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this Master Program, just as if such information set forth on the map were fully described and set forth herein.

In the event that new shoreline areas are discovered (e.g., associated wetlands) that are not mapped and/or designated on the official shoreline map, these areas are automatically assigned a Natural designation if they include critical areas, or, if no critical areas are included, an Urban Conservancy designation shall be applied until the shoreline can be re-designated through an TSMP amendment (WAC 173-26-211(2)(e)).

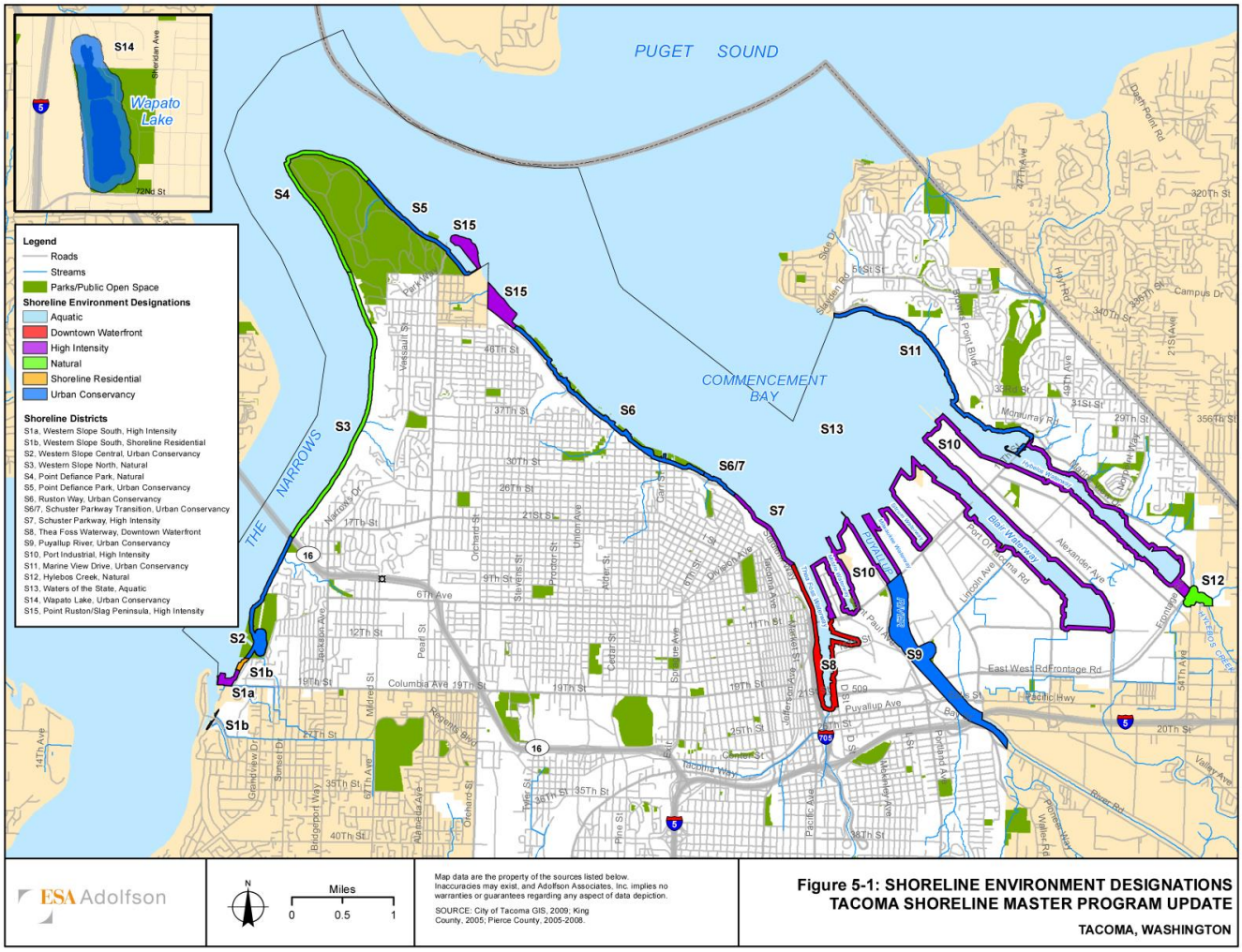
5.4.2 File Copies

The official shoreline district maps shall be kept on file in the office of the City of Tacoma Planning and Development Services Department and the Washington State Department of Ecology. Unofficial copies of the map may be prepared for administrative purposes. To facilitate use of this Master Program unofficial shoreline district maps and boundary descriptions are provided in TSMP Chapter 9. An unofficial city-wide Shoreline Environment Designations map is included with this Program as Figure 5-1.

5.4.3 Map Amendments

The designation map is an integral part of this Master Program and may not be amended except upon review and approval by the City and the Washington State Department of Ecology, as provided under the Shoreline Management Act. A change in use or condition of shorelines, shall not, in and of themselves, constitute the basis for amending the designations map.

Figure 5-1 Shoreline Environments Designation Map



5.4.4 Boundary Interpretation

A. Boundary Interpretation

1. If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the Official Shoreline Map, the following rules shall apply:

   a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

   b. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.

   c. Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed.

2. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Director shall interpret the boundaries, with deference to actual conditions. Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in TMC 13.05.040.

3. In the event of a mapping error, the jurisdiction will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

B. Split Zoning

1. Whenever a zone boundary line passes through a single unified parcel of land as indicated by record of the Pierce County Auditor as of the adoption of the Shoreline Management Act and such parcel is of an area equal to the minimum requirements of either zone, the entire parcel may be used in accordance with the provisions of the least restrictive of the two zones; provided, more than 50 percent of the parcel is located within the lease restrictive of the two zones.

2. Whenever a shoreline jurisdiction boundary line passes through a single unified parcel of land as indicated by record of the Pierce County Auditor as of the adoption of the Shoreline Management Act, the shoreline zone may be applied to the whole parcel where the conditions in B.1 above are met; in no instance shall non-shoreline zoning be applied to that portion of the parcel that is within shoreline jurisdiction.

5.5 Shoreline Environment Designations

The following section contains purpose statements, designation criteria and management policies for each of the six shoreline environment designations established by this Program. Areas included in each shoreline environments are listed in this section and shown in TSMP Chapter 9. The management policies are implemented through use regulations and development standards included in Table 9-2 and TSMP Chapters 6 through 9.

5.5.1 Natural Environment

A. Purpose

The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of this designation, the City of Tacoma should plan for the restoration of degraded shorelines within this environment.

B. Areas Proposed for Designation

1. District S-3 Western Slope North

2. District S-4 Point Defiance – Natural

3. District S-12 Hylebos Creek

C. Designation Criteria

The "natural" environment designation is assigned to shoreline areas that have the following characteristics:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

D. Management Policies

1. Preservation of the area's ecological functions, natural features and overall character must receive priority over any other potential use. Uses should not degrade shoreline ecological functions or processes or the natural character of the shoreline area.

2. New development or significant vegetation removal that would reduce the capability of the shoreline to perform a full range of ecological functions or processes should not be permitted.

3. Private and/or public enjoyment of natural shoreline areas should be encouraged and facilitated through low intensity recreational, scientific, historical, cultural, and educational research uses such as walking/hiking trails, provided that no significant ecological impact on the area will result.

4. Beaches, sea cliffs, coastal bluffs and forests should be retained in their natural state.

5.5.2 Aquatic Environment

A. Purpose

The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the marine areas waterward of the ordinary high-water mark.

B. Areas Proposed for Designation

1. District S-13 Marine Waters of the State

C. Designation Criteria

The "aquatic" environment designation is assigned to marine waters below the ordinary high-water mark and the underlying lands.

D. Management Policies

1. Uses

a. Limit new uses and activities within the Aquatic environment, with few exceptions, to water-dependent uses and public access/recreational improvements designed to provide access to the shoreline for a substantial number of people.

b. Water-enjoyment and water-related uses may be permitted on/in existing over-water buildings.

c. Non-water oriented uses should only be permitted on/in existing over-water structures where they are in support of water-oriented uses and the size of the use is limited to the minimum necessary to support the structure's intended use.

d. New uses and development in the Aquatic environment that have an upland connection should also be consistent with the permitted uses in the adjacent upland shoreline designation and district. Uses prohibited in the upland shoreline district should not be permitted overwater.

e. Aquatic uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions including sediment transport and benthic drift patterns.

f. Water oriented recreational uses in the aquatic environment should not detrimentally impact the operations of existing water-dependent port and industrial uses.

2. New Over-Water Structures

a. New over-water structures may be permitted only for water-dependent uses, restoration projects, public access, or emergency egress. New over-water structures must show significant public benefits.

b. New overwater structures for non-water-dependent uses, including residential, restaurants, hotels and office buildings, should be strictly prohibited.

c. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

d. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

3. Reuse of Over-water Structures

a. Refurbish or rebuild existing piers and wharves along Thea Foss Waterway and Ruston Way to maintain a modern-day link with the community's maritime history.

b. Develop, in coordination with the Foss Waterway Development Authority, a moorage float and dock facility for passenger-only ferries and other seasonal commercial tour vessels at the Municipal Dock site on the Thea Foss Waterway.

4. Design Elements

a. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to be compatible with adjacent aquatic and upland uses, and to consider impacts to public views.

5. Environmental Protection

a. Shoreline uses and modifications within the Aquatic environment should be designed and managed consistent with the Environmental Protection policies and regulations of Chapter 6 including but not limited to preservation of water quality, habitat (such as eelgrass, kelp, forage fish spawning beaches, etc.), natural hydrographic conditions, and safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration. `

b. Remove abandoned over-water structures when they no longer serve their permitted use unless:

i. Retaining such structures provides a net environmental benefit, for example, artificial reef effect of concrete anchors; or

ii. Such structures can be reused in a manner that helps maintain the character of the City's historic waterfront; or

iii. Removing such structures would have substantial potential to release harmful substances into the waterways despite use of reasonable precautions.

5.5.3 Shoreline Residential Environment

A. Purpose

The Shoreline Residential designation accommodates residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

B. Areas Proposed for Designation

1. District S-1b Western Slope South – Shoreline Residential

C. Designation Criteria

The "shoreline residential" environment designation is assigned to shoreline areas in the city if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

D. Management Policies

Development within Shoreline Residential shoreline areas shall be consistent with the following policies:

1. New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.

2. The scale and density of new uses and development should be compatible with the existing residential character of the area while sustaining or enhancing shoreline ecological functions and processes.

3. Public outdoor recreation facilities should be encouraged if compatible with the character of the area. Preferred uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.

4. Commercial development should be limited to water-oriented uses.

5. Low impact development should be implemented to the maximum extent possible to avoid and minimize impacts to water quality and quantity.

6. Multi-family residential, multi-lot (4 or more lots) and recreational developments should provide shoreline areas for joint use, and public access to the shoreline.

7. Establishment of native vegetation within required critical areas and/or marine buffers to slow surface and ground water movement and for improvement of the near-shore function including habitat and natural resources should be a priority.

5.5.4 Urban Conservancy Environment

A. Purpose

The “urban conservancy” environment is intended to protect and restore the public benefits and ecological functions of open spaces, natural areas, restoration sites, and other sensitive lands where they exist within the City, while allowing a variety of compatible uses. It is the most suitable designation for shoreline areas that possess a specific resource or value that can be protected without excluding or severely restricting all other uses. It should be applied to those areas that would most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development or resource use. Permitted uses may include recreational, cultural and historic uses provided these activities are in keeping with the goals of protection and restoration as stated.

B. Areas Proposed for Designation:

1. District S-2 Western Slope Central

2. District S-5 Point Defiance – Urban Conservancy

3. District S-6 Ruston Way

4. District S-6/7 Schuster Parkway Transition

5. District S-9 Puyallup River

6. District S-11 Marine View Dr.

7. District S-14 Wapato Lake

C. Designation Criteria

The "urban conservancy" environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that are not generally suitable for water-dependent uses, if any of the following characteristics apply:

a. They are suitable for water-related or water-enjoyment uses;

b. They are open space or other sensitive areas that should not be more intensively developed;

c. They have potential for ecological restoration;

d. They retain important ecological functions, even though partially developed; or

e. They have the potential for development that is compatible with ecological restoration.

D. Management Policies

1. Permitted uses should be those that would preserve the natural character of the area and/or promote the protection and restoration of ecological function within critical areas and public open spaces, either directly or over the long term.

2. When development is propose adjacent to Natural Resource Damage Assessment (NRDA) restoration sites, special consideration should be given to their protection during the City's permit review.

3. Restoration of shoreline ecological function concurrent with development and redevelopment within Urban Conservancy shorelines should be a priority.

4. New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.

5. When development requires shoreline modification or stabilization, bioengineered shoreline stabilization measures, conservation of native vegetation, and Low Impact Development

techniques for surface water management should be implemented to minimize adverse impacts to existing shoreline ecological functions.

6. Public access and public recreation objectives should be implemented whenever feasible and adverse ecological impacts can be avoided. Public access along the marine shoreline should be provided, preserved, or enhanced consistent with this policy.

7. Protection of ecological functions should have priority over public access, recreation and other development objectives whenever a conflict exists.

8. Permitted uses should consist of low intensity uses that preserve the natural character of the area or promote preservation of open space and critical areas.

9. Water-oriented commercial uses are encouraged when specific uses and design result in substantial open space, public access and/or restoration of ecological functions and if compatible with surrounding uses.

10. Existing historic and cultural buildings and areas should be preserved, protected and reused when feasible.

11. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

5.5.5 High-Intensity Environment

A. Purpose

The purpose of the "high-intensity" environment is to provide for high-intensity water-dependent and water-oriented mixed-use commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

B. Areas Proposed for Designation:

1. District S-1a Western Slope South

2. District S-7 Schuster Parkway

3. District S-10 Port Industrial Area

4. District S-15 Point Ruston/Slag Peninsula

C. Designation Criteria

The "high-intensity" environment designation is assigned to shoreline areas if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

D. Management Policies

1. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water oriented uses should not be permitted

except as part of mixed use developments and where they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline.

2. Full utilization of existing high intensity areas should be achieved before further expansion of intensive development is permitted.

3. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with relevant state and federal law.

4. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d). Pedestrian and bicycle paths should be permitted as public access opportunities.

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative critical areas and/or marine buffers.

6. Require new development to provide physical and visual access to shorelines whenever possible and consistent with constitutional and statutory limitations, provided such access does not interfere with industrial operations or endanger public health and safety.

5.5.6 Downtown Waterfront

A. Purpose

1. Foster a mix of private and public uses, including parks and recreation facilities, that are linked by a comprehensive public access system.

2. Strengthen the pedestrian-orientation of development on the Thea Foss Waterway.

3. Promote the design vision for the Thea Foss Waterway through the establishment and implementation of design guidelines and standards.

4. Manage the shoreline area in a way that optimizes circulation, public access, development, and environmental protection.

5. Encourage and provide opportunities for mixed-use development that supports water-oriented uses and provides significant public benefit and enjoyment of the Waterway for the citizens of Tacoma.

6. Promote the east side of the Foss Waterway as a center for industries and firms specializing in the design, research, development, and implementation of clean technology.

7. Encourage a mix of uses, including water-oriented industrial and commercial uses.

8. Encourage high density residential development.

9. Retain and enhance characteristics of the Thea Foss Waterway that support marine and recreational boating activities.

B. Areas Proposed for Designation

1. District S-8 Thea Foss Waterway

C. Designation Criteria

The "Downtown Waterfront" environment designation is generally assigned to shoreline areas that are contained within the Downtown Tacoma Regional Growth Center and comprised of or planned for a mix of higher intensity uses in mixed use buildings. The Downtown Waterfront designation is applied to shoreline areas that:

1. Are zoned for commercial, industrial and high density residential uses;

2. Are within or adjacent to the downtown core;

3. Are primarily developed with high intensity uses;

4. Are currently characterized by a dense mix of residential, commercial and industrial uses;

5. Contain historic structures, sites related to the Foss Waterway's maritime history as well as cultural, educational and institutional uses.

D. General Management Policies

1. Land Use

a. General

i. Retain and enhance characteristics of the Thea Foss Waterway that support marine and boating activities.

ii. Buildings adjacent to the esplanade/public walkway and public access/view corridors should provide ground-level uses that are pedestrian-friendly and publicly accessible where appropriate.

iii. Encourage and provide opportunities for mixed use development that supports water-oriented uses and provides significant public benefit and enjoyment of the Waterway for the citizens of Tacoma.

iv. Encourage uses that generate significant walk-in and casual visitors.

v. Promote diverse, high-quality, pedestrian-related development that highlights the rich cultural, natural and maritime history of the Thea Foss Waterway.

b. East Foss

i. Retain the "working waterfront" by encouraging a mix of water-oriented commercial, industrial, retail and office uses, and industries specializing in the design and development of clean technology.

2. Views and Aesthetics

    a. Emphasize the uniqueness of the Thea Foss Waterway as a protected waterway immediately adjacent to a downtown core, bringing together the attractions of the downtown area, the industrial, mixed-use waterfront, and public spaces.

    b. Important public views of the Thea Foss Waterway from downtown should be protected.

    c. Encourage existing industrial and commercial uses to improve the aesthetics of the Waterway through techniques such as aesthetic treatments of storage tanks, cleanup of blighted areas, landscaping, exterior cosmetic improvements, landscape screening, and support of the Waterway environmental cleanup and remediation.

    d. Foster desirable character through the establishment and application of design guidelines.

    e. Public art, historical interpretation and/or design elements which enrich the area are encouraged.

    f. Encourage the incorporation of aesthetic elements and/or artwork in the design of public facilities and amenities.

    g. Historic markers and design elements that reflect the history and culture of local and indigenous peoples should be encouraged where appropriate.

    h. Develop site features that facilitate public participation in maritime events and activities.

3. Public Access

    a. Provide a wide variety of physical settings, landscaped parks, plazas, and pedestrian attractions.

    b. Unify and link parks, public areas, uses and attractions by a public walkway along the shoreline edge, where appropriate.

    c. Public spaces should be designed to be recognizable as ‘public’ areas and to promote a unified access system, including the design and location of site details and amenities consistent with the adopted waterfront design guidelines.

    d. Public attractions on the Thea Foss Waterway should give preference to those which are water-oriented or relate to the Waterway’s maritime history.

CHAPTER 6 GENERAL POLICIES AND REGULATIONS

The following regulations shall apply to all uses and all districts in the City of Tacoma shoreline jurisdiction.

6.1 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.

6.1.1 Policies

1. Shoreline uses that are water-dependent, water-related or water-enjoyment should be given preference (RCW 90.58.020). Such uses should be located, designed, and maintained in a manner that minimizes adverse impacts to shoreline ecological functions and/or processes.

2. Non-water-oriented uses may be permitted, provided that existing water-dependent uses and water-related uses are not displaced and the future supply of sites for water-dependent or water-related uses is not compromised, or, when the non-water-oriented use is part of a mixed-use proposal or facility that supports water-oriented uses.

3. Adequate space should be reserved on shorelines to meet the current and projected demand for water-dependent uses.

4. Encourage close cooperation and coordination between both public and private shoreline interests including private property owners, the City, the Metropolitan Park District and the Port of Tacoma in the overall management and/or development of shorelines land use.

5. Shoreline uses should not deprive other uses of reasonable access to navigable waters. Public recreation activities such as fishing, swimming, boating, wading, and water-related recreation should be preserved and enhanced.

6. Mixed-use proposals or facilities that result in significant public benefit are encouraged in shoreline locations designated High Intensity and Downtown Waterfront.

7. Evaluate sea level rise data and consider sea level rise risks and implications in the development of regulations, plans, and programs.

6.1.2 Regulations

1. Restoration of ecological functions and processes shall be permitted on all shorelines and shall be located, designed and implemented in accordance with applicable policies and regulations of this Program.

2. In order to protect the City's shoreline land resource for preferred uses, shoreline uses and developments shall be located, designed, and managed so that other appropriate uses are neither subjected to substantial or unnecessary adverse impacts, nor deprived of reasonable, lawful use of navigable waters, publicly owned shorelines, or private property.

3. Shoreline uses and developments shall be designed and located to minimize the need for future shoreline stabilization.

4. Water-enjoyment uses shall be designed to be oriented towards the shoreline such that the general public has the opportunity to enjoy the aesthetics of a shoreline location and have physical and/or visual access to the shoreline.

5. Water-dependent uses shall be given preference over water-related and water-enjoyment uses. Prior to approval of water-dependent uses, the Director shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.

6. Water-related uses may not be approved if they displace existing water dependent uses. Prior to approval of a water-related use, the Director shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-related use.

7. Water-enjoyment uses may be not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, the Director shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-enjoyment use.

8. Non-water oriented uses may be permitted only when one of the following conditions is met:

    a. The use is part of a mixed-use proposal or facility that includes water-oriented uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

    b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

    c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way (excluding public access features), or existing use.

9. The following standards apply to non-water-oriented uses permitted, in accordance with 8(a) and (b) above, in the shoreline:

a. When a non-water-oriented use is proposed in the shoreline, public access shall be provided between the subject development and the adjacent shoreline concurrently and shall be consistent with an adopted public access plan. In cases where said public access cannot be provided due to seasonal constraints, including fish windows, the timing with other planned / ongoing soil remediation or implementation of a habitat restoration project, said public access shall be secured with a financial surety totaling 150% of the cost of the required access or some other acceptable surety as may be specified by the Director.

b. When a mixed-use proposal or facility that contains non-water-oriented uses is proposed in the shoreline, restoration of shoreline functions shall be provided consistent with an adopted Restoration Plan and shall meet the mitigation requirements in TSMP Section 6.4.2 (C) and (D) and the following:

i. The remaining buffer area shall be enhanced on site or an equivalent shall be restored off site;

ii. Required restoration shall be completed prior to occupancy of the subject use. In cases where the required mitigation cannot be provided due to seasonal constraints, including fish windows, or the timing with other planned / ongoing soil remediation or implementation of public access projects, said mitigation shall be secured with a financial surety totaling 150% of the required restoration project or some other acceptable surety as may be specified by the Director.

10. Non-water-oriented uses within a mixed-use proposal or facility, as specified in 8(a) above, shall be established or developed concurrently with a water-oriented use unless specifically excepted.

11. Non-water-oriented uses shall not occupy more than 25% of the portion of the ground floor of a mixed-use structure that fronts on the shoreline, except where specifically authorized in this Program.

12. Only parking on the landward side of the ground floor of a shoreline structure is permitted. Where a development is separated from the shoreline by a separate property, public right-of-way (excluding public access features), or existing use, parking may be allowed anywhere around the building provided that it does not interfere with the normal operation of adjacent or nearby water-oriented uses.

13. Except where otherwise authorized in this Program, residential uses within a shoreline mixed-use structure are not permitted to occupy the ground floor.

14. Non-water-dependent loading and service areas shall not be located between the shoreline and the development.

15. All uses and developments in Shoreline Districts shall comply with the use regulations and developments standards contained in Table 9-2. Refer to TSMP Chapter 7 for all applicable provisions related to specific uses and development standards.

6.2 Site Planning

The Purpose of this chapter is to establish the City's policies related to the location and dimensions of shoreline uses. This section implements the Act's and Guidelines' policies to protect shoreline ecological

functions from the adverse effects of shoreline development and use and ensure that proposed uses are developed in a manner that is compatible with a shoreline location, public access and adjacent uses. The section establishes policies and includes regulations and development standards to ensure that shoreline development considers the physical and natural features of the shoreline and assures no net loss of ecological functions.

6.2.1 Policies

1. The design, density and location of all permitted uses and development should consider physical and natural features of the shoreline and should assure no net loss of ecological functions by avoiding and minimizing adverse effects on shoreline ecology.

2. Site plans and structural designs for shoreline development in shoreline areas should acknowledge the water's proximity and value as an ecological and scenic resource.

3. Development and use should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values. This may be accomplished by minimizing the project footprint and other appropriate design approaches.

4. Low impact and sustainable development practices such as rain gardens and pervious surfacing methods including but not limited to, porous paving blocks, porous concrete and other similar materials, should be incorporated in developments where site conditions allow to maintain shoreline ecological functions and processes. Topographic modification, vegetation clearing, use of impervious surfaces and alteration of natural drainage or other features should be limited to the minimum necessary to accommodate approved uses and development. An engineering geologist should be consulted prior to using infiltration practices on shore bluffs.

5. Accessory development or use that does not require a shoreline location should be located outside of shoreline jurisdiction unless such development is necessary to serve approved uses.

6. When sited within shorelines jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials should be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.

7. Development should be located, designed, and managed so that impacts on shoreline or upland uses are minimized through setbacks, buffers, and control of proximity impacts such as noise or light and glare.

8. Development should be located, designed, and managed both to minimize potential impacts from sea level rise and to promote resilience in the face of those impacts, by such actions as protecting wetland and shoreline natural functions, incorporating green infrastructure, retaining mature vegetation, and considering soft-shore armoring wherever possible.

9. Assess the risks and potential impacts on both City government operations and on the community due to climate change and sea level rise, with special regard for social equity.

10. 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, including programs that encourage retrofitting of existing development and infrastructure to adapt to the effects of climate change.

6.2.2 Regulations

1. All shoreline uses and developments shall provide setbacks from adjacent property lines or the landward edge of marine shoreline buffers in accordance with the standards contained in this Program and Table 9-2.

2. Side and front setbacks shall be of adequate width to attenuate proximity impacts such as noise, light and glare, scale, and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen. Refer to Chapter 9 for all applicable provisions related to district-specific setback regulations.

3. The setback from the landward edge of the marine shoreline buffer shall be no less than 10 feet unless otherwise specified in Table 9-2.

4. Unless otherwise stated elsewhere in this Program, modifications to front and side setbacks within shoreline districts may be authorized by the Director under the following circumstances:

    a. The adjacent land use is of such a character as to render a setback unreasonable or unnecessary (e.g., industrial development);

    b. Increased physical or visual access by the public to the shorelines and adjacent waters is reasonable and provides enhanced public benefit;

    c. Better and/or more environmentally sensitive site and structure design will achieve greater protection of or lessen impacts upon ecological functions with a lesser setback;

    d. Where a previously established setback line can be ascertained on adjacent properties, structures may be permitted similar setback as if a line were extended across the subject property from nearest points of the adjacent structures;

    e. For side setback/view corridors: two or more contiguous properties are being developed under an overall development plan where view corridors will be provided which meet the intent and purposes of this Program and the Act;

    f. A significant portion of the site, greater than that required, is being set aside for public access, public open space, or public access elements; or

    g. Excessive removal of vegetation would be necessary to meet the required setback.

5. Reductions of front yard setbacks may be allowed to accommodate required critical areas and/or avoid impacts to critical areas and/or their buffers in the shoreline.

6. In authorizing a lesser setback, the Director shall determine that the following criteria have been met:

    a. One or more of the circumstances set forth in TSMP Section 6.2.2(4) are present or will occur;

    b. The reduction or elimination of the setback is consistent with the intended character of the shoreline district as well as the purpose and Management Policies of the Shoreline Environment Designation and will not adversely affect the rights of neighboring property owners and will secure for neighboring properties substantially the same protection that the regulation, if enforced literally, would have provided;

    c. Vehicular sight distance and pedestrian safety will not be adversely affected; and

    d. Undue view blockage or impairment of existing or proposed pedestrian access to the shorelines and adjacent waters will not result.

7. In authorizing modifications to required setbacks, the Director may impose conditions on the permit as necessary to ensure compliance with this Program.

8. Design of structures shall conform to natural contours and minimize disturbance to soils and native vegetation.

9. Stormwater infiltration systems shall be employed to mimic the natural infiltration and ground water interflow processes where appropriate.

10. Fences, walls and similar structures shall only be permitted as normal appurtenances to single-family developments, water-dependent uses, for protecting critical areas, and where there is a safety or security issue. Fencing, walls and similar structures shall be designed in a manner that does not significantly interfere with public views of the shoreline.

11. New development, including newly created parcels, shall be designed and located so as to prevent the need for future shoreline stabilization.

12. Accessory uses that do not require a shoreline location shall be sited away from the shoreline and upland of the primary use.

13. Unless integral to a permitted water-oriented use, accessory uses shall observe the marine shoreline and critical area regulations in TSMP Section 6.4.

14. Development shall be located, designed, and managed so that impacts on public use of the shoreline are minimized.

15. Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties, public areas, or waters; prevent glare on adjacent properties, public areas or roadways to avoid infringing on the use and enjoyment of such areas, and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening.

6.3 Archaeological, Cultural and Historic Resources

The following policies and regulations apply to archaeological and historic resources that are either recorded with the State Department of Archaeology and Historic Preservation (DAHP) and/or the City or have been inadvertently uncovered during a site investigation or construction. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites and records). Development or uses that could impact these sites must comply with the State's guidelines on archaeological excavation and removal (WAC 25-48) as well as the provisions of this Program. Archaeological and historic resources are limited and irreplaceable. Therefore the purpose of these policies and regulations is to prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes.

6.3.1 Policies

1. The City should work with tribal, state, federal and local governments as appropriate to identify and maintain an inventory of all known significant local historic, cultural and archaeological sites in observance of applicable state and federal laws protecting such information from general public disclosure. As appropriate, such sites should be protected, preserved and/or restored for study, education and/or public enjoyment to the maximum possible extent.

2. Where adverse impacts are unavoidable, the City should require documentation and data recovery consistent with the requirements of this chapter. Adverse impacts should be mitigated according to the requirements of this chapter.

3. If development is proposed adjacent to an identified historic, cultural or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.

4. Owners of property containing identified historic, cultural or archaeological sites should make development plans known well in advance of application, so that appropriate agencies have ample time to assess the site and make arrangements to preserve historical, cultural and archaeological values as applicable.

5. Private and public owners of historic sites should be encouraged to provide public access and educational opportunities in a manner consistent with long term protection of both historic values and shoreline ecological functions.

6. Cooperation among involved private and public parties is encouraged to achieve the Archaeological, Historical and Cultural element goals and objectives of this Program.

6.3.2 Regulations

A. General

1. Archaeological sites located in shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).

2. Development or uses that may impact such sites shall comply with WAC 25-48 as well as the requirements within this Program, where applicable.

3. Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

B. Unanticipated Discovery of Historic, Cultural or Archaeological Resource

1. Consistent with TSMP Section 2.4, all applications for a shoreline permit shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resource(s), including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

2. Whenever historic, cultural or archaeological sites or artifacts are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately, the site secured and the find reported as soon as possible to the Director. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe, and the Director shall conduct a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the Washington State Department of Archaeology and Historic Preservation, the Puyallup Tribe, and the proponents unanticipated discovery plan prepared consistent with TSMP Section 2.4, the Director may require that an immediate site assessment be conducted or may allow stopped work to resume.

3. If a site assessment is required, the area of inadvertent discovery shall be stabilized, contained or otherwise protected until the site assessment and/or CRMP is completed. The site assessment shall be prepared to determine the significance of the discovery and the extent of damage to the resource and shall be distributed to the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe

4. Upon receipt of a positive determination of a site's significance, the Director may invoke the provisions of TSMP Section 2.4.6 for a Cultural Resource Management Plan (CRMP), if such action is reasonable and necessary to implement.

6.4 Critical Areas and Marine Shoreline Protection

Intent

The intent of this chapter is to provide policies and regulations that protect critical areas found within the shoreline jurisdiction as well as marine shorelines. These policies and regulations apply to all uses, developments and activities that may occur within the shoreline jurisdiction regardless of the Shoreline Master Program environment designation. They are to be implemented in conjunction with the specific use and activity policies and regulations found in this Master Program.

The Shoreline Management Act (SMA) mandates the preservation of the ecological functions of the shoreline by preventing impacts that would harm the fragile shorelines of the state. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources. The SMA also mandates that local master programs include goals, policies and actions for the restoration of impaired shoreline ecological functions to achieve overall improvements in shoreline ecological functions over time.

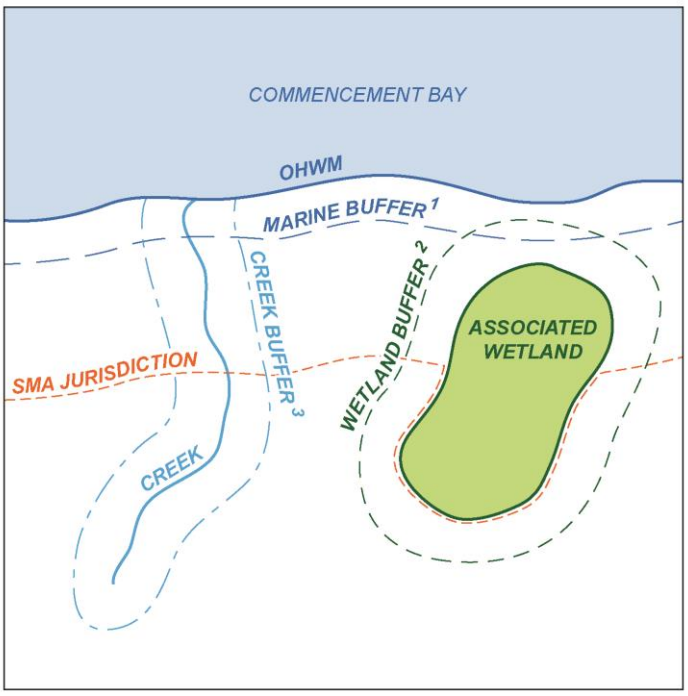
The environment protection policies and regulations of this Master Program address general environmental impacts and critical areas. General environmental impacts include effects upon the

elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-666). This chapter is not intended to limit the application of SEPA.

Organization

This section first presents General Policies and Regulations including critical area buffer modifications, general mitigation requirements, and sureties. Second, it provides standards for marine shoreline buffers, which protect ecosystem-wide processes and functions and are based upon a review of the existing shoreline ecological functions as well as land use patterns and level of alteration. These standards additionally act as shoreline setbacks, establishing buffer reductions based upon the use orientation, ensuring that valuable and scarce shoreline frontage is reserved for priority uses. Third, this chapter presents policies and regulations for specifically defined "critical areas" including: Fish and Wildlife Habitat Conservation Areas, Wetlands, Streams and Riparian Habitats, Geologically Hazardous Areas, and Aquifer Recharge Areas. When using this chapter, a permit applicant should review the general policies and regulations first, which establishes standards applicable to all of the specific critical areas. Then, review the specific type of critical area that is applicable to the permit. For instance, the General Regulations establish standards for buffer modifications and for mitigation, but each section thereafter will have additional detail for buffer reductions and mitigation that are specific to each type of critical area. Figure 6.1 provides a graphic illustration of the types of buffers present in the shoreline and the TSMP location of relevant regulations. Finally, TSMP Chapter 2 Administration outlines the permit submittal requirements necessary for critical areas review.

Figure 6-1. Multiple Types of Critical Areas and Buffers within SMA Jurisdiction.
(SMA Jurisdiction includes all areas within 200 feet of the OHWM plus the full extent of Associated Wetlands.)



1. Marine Shoreline Buffer Standards – TSMP 6.4.3(B) & (C)
2. Wetland Buffer Standards within the SMA Jurisdiction – TSMP 6.4.5(B) through (F)
3. Stream Buffer Standards within the SMA Jurisdiction – TSMP 6.4.6(B) through (F)

6.4.1 General Policies

1. 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.

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

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

4. 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.

5. The City should encourage innovative restoration strategies to provide for comprehensive and coordinated approaches to mitigating cumulative impacts and restoration rather than piecemeal mitigation.

6. Required mitigation should be in-kind and on-site, when feasible and practicable, and sufficient to maintain the functions and processes of the modified critical area or buffer.

7. 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.

8. 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.

6.4.2 General Regulations

A. General Regulations

1. Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts so that no net loss of existing ecological functions occurs; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be considered.

2. Any shoreline development proposal that includes modification in or adjacent to a , critical area or buffer is subject to the Review Process in TSMP Section 2.4.2.

B. Critical Area and Buffer Modification

1. Modification of a critical area or buffer is prohibited except when:

   a. Modification is necessary to accommodate an approved water-dependent or public access use, including trails and/or pedestrian/bicycle paths; provided, that such development is operated, located, designed and constructed to minimize and, where

possible, avoid disturbance to shoreline functions and native vegetation to the maximum extent feasible; or

b. Modification is necessary to accommodate a water-related or water-enjoyment use or a water-oriented component of a mixed-use development provided that the proposed development is operated, located, designed and constructed to minimize and, where possible, avoid disturbance to native vegetation and shoreline and critical area functions to the maximum extent feasible; or

c. Modification is associated with a mitigation, restoration, or enhancement action that has been approved by the City and which complies with all of the provisions of this Program; or

d. Modification is approved pursuant to the variance provisions of this Program (TSMP Section 2.3.5) or nonconforming provisions (TSMP Section 2.5).

e. Modifications affecting Marine Waters of the State are limited to those uses listed in Table 9.2 and the provisions in TSMP 9.15 for the zoning classification S-13.

C. General Mitigation Requirements and Mitigation Sequencing.

1. If modification to a critical area or buffer is unavoidable, the alteration shall be mitigated so as to result in no net loss of shoreline ecological functions and/or critical area functions or processes.

2. Mitigation shall occur in the following prioritized sequence and required order:

a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;

b. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;

c. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;

d. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;

e. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures; and,

f. Monitoring the impact and compensation projects and taking appropriate corrective measures.

3. Type and Location of Mitigation

a. Prior to presenting a compensatory mitigation plan, an applicant must demonstrate to the satisfaction of the City that each step of the mitigation sequence outlined above in

Section 6.4.2.C.2 has been considered to the greatest degree feasible through project redesign or relocation, consideration of alternatives, use of technology, or other design options.

b. Preference shall be given to mitigation projects that are located within the City of Tacoma. Prior to mitigating for impacts outside City of Tacoma jurisdiction, applicants must demonstrate that the preferences herein cannot be met within City boundaries.

c. Natural, Shoreline Residential and Urban Conservancy Environments:

i. Compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same reach, subbasin, or drift cell, except when all of the following apply:

- There are no reasonable on-site or in subbasin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subbasin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and

- Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area.

d. High-Intensity and Downtown Waterfront Environments:

i. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.

ii. The Director may approve innovative mitigation projects including but not limited to activities such as advance mitigation, mitigation banking and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by a strict application of on-site and in-kind mitigation. The Director shall consider the following for approval of an innovative mitigation proposal:

- Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;

- Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;

- The applicant demonstrates that long-term management and protection of the habitat area will be provided;

- There is clear potential for success of the proposed mitigation at the proposed mitigation site;

- Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;

- Voluntary restoration projects initiated between 2006 and the adoption of this program when they comply with Section D Mitigation Plan Requirements. If this option is used, the relief provisions set forth in RCW 90.58.580 do not apply;

- The replacement ratios are not reduced or eliminated, unless the reduction results in a preferred environmental alternative; and

- Public entity cooperative preservation agreements such as conservation easements.

e. Aquatic Environments:

i. Compensatory mitigation should be consistent with the preference and requirements of the adjacent upland environment designation.

ii. Compensatory mitigation shall give preference to restoring habitat for anadromous salmonids and other priority aquatic species.

4. Fee-in-lieu.

a. In cases where mitigation pursuant to this section (TSMP Section 6.4) is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Director may approve a payment of a fee-in-lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan. Approval of the in-lieu fee option is subject to the development and adoption of a formal City in-lieu fee program and mitigation site or the City's formal participation in an approved in-lieu fee program, and consistent with the criteria in b and c below.

b. To aid in the implementation of off-site mitigation, the City may develop a formal program which prioritizes wetland and/or other critical areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:

i. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account critical area functions, potential for degradation, and potential for urban growth and service expansion; and

ii. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement.

c. Off-site mitigation, including expenditures associated with an adopted in-lieu fee program, shall be consistent with the goals and objectives of the Shoreline Restoration Plan.

5. Timing of Compensatory Mitigation. Compensation projects should be completed prior to activities that will disturb the on-site critical area. If not completed prior to disturbance, compensatory mitigation shall be completed immediately following the disturbance and prior to final occupancy. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

6. The Director may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay (i.e. seasonal planting requirements, fisheries window).

D. Mitigation Plan

1. A mitigation plan shall be prepared consistent with best available science. The intent of these provisions is to require a level of technical study and analysis sufficient to protect the shoreline and critical areas and/or protect developments and occupants from critical areas involving hazards. The analysis shall be commensurate with the value or sensitivity of a particular shoreline or critical area and relative to the scale and potential impacts of the proposed activity.

2. The mitigation plan shall provide for construction, maintenance, monitoring, and contingencies as required by conditions of approval and consistent with the requirements of this Program.

3. The mitigation plan shall be prepared by a qualified professional; provided, that the Director may waive the requirement to hire a qualified professional to prepare a mitigation plan when the required mitigation involves standard planting or enhancement practices. The waiver shall not be granted for mitigation practices involving critical area creation, rehabilitation and/or restoration.

4. A Compensatory mitigation plan shall be provided for all permanent impacts and will conform to the general mitigation requirements listed in TSMP Section 6.4.2(C) and any specific requirements identified in this chapter for the critical area. The plan shall include the following:

a. Mitigation sequencing. The applicant shall demonstrate that an alternative design could not avoid or reduce impacts and shall provide a description of the specific steps taken to minimize impacts;

b. Assessment of impacts including the amount, existing condition and anticipated functional loss. Include probable cumulative impacts;

c. The amount and type of mitigation. Include goals, objectives, and clearly defined and measurable performance standards. Include contingency plans that define the specific course of action if mitigation fails;

d. A description of the existing conditions and anticipated future conditions for the proposed mitigation area(s) including future successional community types for years 1,

5, 10 and 25, future wildlife habitat potential, water quality and hydrologic conditions. Compare this to the future conditions if no mitigation actions are undertaken;

e. A description of the shoreline ecological functions or critical areas functions and values that the proposed mitigation area(s) shall provide, and/or a description of the level of hazard mitigation provided;

f. A description and scaled drawings of the activities proposed to reduce risks associated with geologic hazards and/or flooding, and/or to mitigate for impacts to shoreline buffers or critical area functions and values. This shall include all clearing, grading/excavation, drainage alterations, planting, invasive weed management, installation of habitat structures, irrigation, and other site treatments associated with the development activities;

g. Specifications of the mitigation design and installation including construction techniques, equipment, timing, sequence, and best management practices to reduce temporary impacts;

h. Plan sheets showing the edge of the shoreline marine buffer, critical area and/or critical area buffer. The affected area shall be clearly staked, flagged, and/or fenced prior to and during any site clearing and construction to ensure protection for the critical area and buffer during construction;

i. A plant schedule including number, spacing, species, size and type, source of plant material, watering schedule and measures to protect plants from destruction;

j. Monitoring methods and schedule for a minimum of five years;

k. A maintenance schedule to include ongoing maintenance and responsibility for removal of non-native, invasive vegetation and debris after monitoring is complete;

l. A hydrologic report including any mitigating measures for alterations of the hydroperiod. The City may require additional modelling, pre- and post-development field studies and/or monitoring to establish water levels, hydroperiods, and water quality. Water quality shall be required for pollution generating surfaces using all known, available, and reasonable methods of prevention, control, and treatment;

m. When mitigation includes creation or restoration of critical areas, surface and subsurface hydrologic conditions including existing and proposed hydrologic regimes shall be provided. Describe the anticipated hydrogeomorphic class and illustrate how data for existing hydrologic conditions were utilized to form the estimates of future hydrologic conditions;

n. Existing topography must be ground-proofed at two foot contour intervals in the zone of any proposed creation or rehabilitation actions. Provide cross-sections of existing wetland and/or streams that are proposed to be impacted and cross-section(s) (estimated one-foot intervals) for the proposed areas of creation and/or rehabilitation;

o. An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts;

p. A description of other permits and approvals being sought, including the need for permits from state and/or federal agencies; and

q. Additional information as required by the subsequent articles of this Program.

E. Sureties

1. The City will accept performance and monitoring and maintenance sureties in the form of bonds or other sureties in a form accepted in writing by the City. Sureties shall be posted prior to issuance of any shoreline permit.

2. Performance Surety. Except for public agencies, applicants receiving a permit involving compensation for mitigation are required to post a cash performance bond or other acceptable security to guarantee compliance with this chapter prior to beginning any site work. The surety shall guarantee that work and materials used in construction are free from defects. All sureties shall be approved by the City Attorney. The surety cannot be terminated or cancelled without written approval. The Director shall release the surety after documented proof that all structures and improvements have been shown to meet the requirements of this chapter.

3. Monitoring and Maintenance Surety. Except for public agencies, an applicant shall be required to post a cash maintenance bond or other acceptable security guaranteeing that structures and improvements required by this chapter will perform satisfactorily for a minimum of five (5) years after they have been constructed and approved. The value of the surety shall be based on the average or median of three contract bids that establish all costs of compensation, including costs relative to performance, monitoring, maintenance, and provision for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project. All surety shall be on a form approved by the City Attorney. Without written release, the surety cannot be cancelled or terminated. The Director shall release the surety after determination that the performance standards established for measuring the effectiveness and success of the project have been met.

6.4.3 Marine Shorelines

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the marine shoreline buffer standards for protecting ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered. Modifications to and activities in marine waters or a marine shoreline buffer are subject to the review process in TSMP Section 2.4.2 and the mitigation requirements of TSMP Section 6.4.2(C) through (D).

Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.

- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes, individual components and localized processes can significantly impact shoreline natural resources and may also adversely impact human health and safety.

In addition, shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Therefore, marine buffer standards also implement the use priorities of the WAC by:

- Reserving appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
- Reserving shoreline areas for water-dependent and associated water related uses.

A. Classification

1. Marine shorelines include all marine "shorelines of the state", including commencement Bay and the Tacoma Narrows, as defined in RCW 90.58.030 within the City of Tacoma.

B. Marine Shoreline Buffers

1. A buffer area shall be maintained on all marine shorelines for all non-water-dependent and public access uses adjacent to the marine shoreline to protect and maintain the integrity, functions and processes of the shoreline and to minimize risks to human health and safety. The buffer shall be measured horizontally from the edge of the ordinary high water mark landward.

2. Buffers shall consist of an undisturbed area reserved for the protection of existing native vegetation or areas reserved for priority uses (water-dependent uses and public access), including restoration established to protect the integrity, functions and processes of the shoreline. Required buffer widths shall reflect the sensitivity of the shoreline functions and the type and intensity of human activity proposed to be conducted nearby.

3. Buffer widths shall be established according to Table 6-1. Buffer widths may be increased under the following circumstances:

    a. The Director determines that the minimum width is insufficient to prevent loss of shoreline functions.

    b. The Director determines that the proposed shoreline modification would result in an adverse impact to critical saltwater habitats including kelp beds, eelgrass beds, or spawning and holding areas for forage fish.

    c. If the existing buffer is un-vegetated, sparsely vegetated, or vegetated with non-native species that do not provide necessary protection, then the buffer must either be planted to create the appropriate plant community or the buffer width must be increased. In either case this must be proportional to the proposed development.

Table 6-1. Standard Marine Buffers

Marine Habitat Area	Buffer Width (feet)
S-1a, S1b	50
S-2	115
S-3, S-4	200
S-5, S-6, S-6/7, S-7	115
S-8, S-10	50
S-11	115
S-12	200
S-15	50

C. Marine Shoreline Buffer Reductions

1. All uses and development within a reduced buffer remain subject to mitigation sequencing and any unmitigated impacts resulting from a buffer reduction are required to be compensated for consistent with TSMP Section 6.4.2(A) through (E) to achieve no net loss of ecological functions.

2. In all shoreline designations, water-dependent and public access uses and development may reduce the standard buffer such that direct water access is provided.

3. 'Natural' Designated Shorelines: Buffer reductions shall not be permitted for non-water-dependent and public access uses and development except through a shoreline variance.

4. 'Urban-Conservancy' and 'Shoreline Residential' Designated Shorelines: The buffer shall not be reduced to any less than ¾ of the standard buffer width for water-related and water-enjoyment uses and development, including water-oriented portions of mixed-use development. Further reductions shall only be allowed through a shoreline variance.

5. 'High-Intensity' and 'Downtown Waterfront' Designated Shorelines: Buffer reductions for water-related and water-enjoyment uses, including water-oriented portions of mixed-use development, shall not exceed ½ the standard buffer width. Further reductions shall only be allowed through a shoreline variance.

6. The remaining buffer on-site shall be enhanced or restored to provide improved function and protection.

7. Reductions of the standard buffer for any stand-alone non-water-oriented use or development shall not be allowed except through a shoreline variance.

8. Low impact uses and activities consistent with the marine buffer functions may be permitted within a buffer that has not been reduced depending on the sensitivity of the adjacent aquatic area and shoreline and intensity of the activity or use. These may include stairs, walkways, or viewing platforms necessary to access the shoreline, or stormwater management facilities used to sustain existing hydrologic functions provided that it

complies with all provisions of the Program, conforms to the existing topography and, to the extent feasible, minimizes impervious surfaces.

9. Where a marine buffer geographically coincides with another critical area, the provisions for increasing buffers, buffer averaging, and buffer reductions for all overlapping critical areas and buffers shall apply as described within this chapter and only when there is no impact to shoreline functions associated with the marine shoreline.

10. Marine buffer averaging may be allowed when the averaged buffer will not result in degradation of the critical areas functions and the buffer is increased adjacent to the high-functioning areas of habitat or more sensitive portion of the shoreline and decreased in the lower-functions or less sensitive portion.

    a. There are no feasible alternatives to site design that could be accomplished without buffer averaging;

    b. The total area of the buffer after averaging is equal to the area required without averaging; and,

    c. The width of the buffer at its narrowest point is never less than that allowed per the buffer reduction allowances above.

D. Marine Shoreline Mitigation Requirements

1. All marine shoreline buffer mitigation shall comply with applicable mitigation requirements specified in TSMP Sections 6.4.2 (C) and (D) and 6.4.3 (D) and (E) including, but not limited to, mitigation plan requirements, monitoring and bonding.

2. Where a designated marine shoreline geographically coincides with a FWHCA, stream or wetland, mitigation will comply with applicable mitigation requirements for those resources as described within this Program.

E. Marine Shoreline Mitigation Ratios

1. The following mitigation ratios are required for impacts to the marine shoreline buffer. The first number specifies the area of replacement shoreline buffer area, and second specifies the area of altered shoreline buffer area.

    a. 1:1 for areas on the parcel or on a parcel that abuts the ordinary high watermark within one quarter (1/4) mile along the shoreline from where the vegetation removal, placement of impervious surface or other loss of habitat occurred.

    b. 3:1 for off-site mitigation that occurs more than one quarter (1/4) mile along the shoreline from where the vegetation removal, placement of impervious surface or other loss of habitat occurred. Mitigation must be consistent with the Shoreline Restoration Plan.

2. If mitigation is performed off-site, a conservation easement or other legal document must be provided to the City to ensure that the party responsible for the maintenance and monitoring of the mitigation has access and the right to perform these activities.

6.4.4 Fish and Wildlife Habitat Conservation Areas (FWHCAs)

This section provides policies and regulations that apply to Fish and Wildlife Habitat Conservation Areas including critical saltwater habitats as defined by WAC 173-26-221(2)(c)(iii).

Critical saltwater habitats include kelp beds, eelgrass beds, spawning and holding areas for forage fish including herring, smelt and sand lance; recreational shellfish beds; mudflats, intertidal habitats with vascular plants; and areas with which priority species have a primary association.

These areas are further classified as Fish and Wildlife Habitat Conservation Areas and defined as "critical areas" in RCW 36.70A.030. Fish and Wildlife Habitat Conservation Areas include, but are not limited to, areas with which endangered, threatened, and sensitive species have a "primary association"; kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas; and commercial and recreational shellfish areas (see WAC 365-190-130(2). Areas of primary association are further defined in WAC 173-26-221(2)(iii) as those areas which , if altered, may reduce the likelihood that a species will maintain its population and reproduce. Additional examples of areas where priority species have a "primary association" include, but are not limited to, the following:

- Shallow water/low gradient habitats along shorelines
- Migratory corridors that allow juvenile salmon to move within and between habitats (e.g., beaches, as well as eelgrass, kelp, etc.).

Many of these are also identified by the Department of Fish and Wildlife as habitats of special concern under the Hydraulic Code in WAC 220-660-320. Habitats of concern include, but are not limited to, juvenile salmon migrations corridors; rockfish settlement and nursery area; lingcod nesting, settlement, and nursery areas; and feeder bluffs and shoreforms that support geomorphic processes such as sediment delivery.

In addition, the City gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as juvenile salmon (RCW 36.70A.172), some of which are classified as "Threatened" under the Endangered Species Act. Diversity of shoreline habitats is essential for providing adequate functions for juvenile salmon.

A. FWHCA Classification

1. Fish and Wildlife Habitat Conservation Areas (FWHCAs) shall include:

   a. Lands and waters containing priority habitats and species;

   b. Biodiversity Areas or Corridors;

      i. In classifying an area as a Biodiversity Area or Corridor, the city will assess the functions and values of the existing habitat in the context of adjacent properties and the collective ecosystem services. An area which is already developed with legally established, pre-existing uses which serve to eliminate or greatly reduce the propensity of wildlife to use the area as habitat or a corridor will not be classified as a Biodiversity Area or Corridor. The following will be considered:

         (1) The presence of 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.

         (2) The presence of a vertically diverse assemblage of native vegetation containing multiply canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats.

(3) The Biodiversity Area/Corridor shall be a minimum size of two acres.

(4) The needs and requirements of species known or likely to occur must be considered as well as the ability of the habitat to provide wildlife access or movement.

(5) The following developments or uses may be considered as an elimination or significant reduction in the ability of an area to serve as a corridor for wildlife use. The permanence and extent of the use or development shall be considered.

(a) Multilane paved road(s) and their maintained rights-of-way;

(b) Permanent wildlife-impassible fence(s) and other permanent barriers that prevent wildlife movement;

(c) Areas where legally established structures and impervious surfaces are present for more than 65% of the area;

(6) The following are examples of uses that may not reduce or eliminate the use of the area by wildlife or as a corridor;

(a) Gravel road(s) and driveways;

(b) Trails used for passive recreation;

(c) Wildlife-passible fence(s); and,

(d) Unmaintained rights-of-way.

c. All public and private tidelands or bedlands suitable for shellfish harvest, including any shellfish protection districts established pursuant to RCW 90.72. The Washington Department of Health's classification system shall be used to classify commercial shellfish areas;

d. Critical saltwater habitats including kelp and eelgrass beds and herring, sand lance, smelt spawning, and other forage fish spawning areas. Kelp and eelgrass beds may be classified and identified by the Washington Department of Natural Resources Aquatics Division and the Washington Department of Ecology. Locations are compiled in the Washington Coastal Atlas published by the Washington Department of Ecology. Herring, sand lance, and surf smelt spawning times and locations are outlined in WAC 220-660-330, Hydraulic Code Rules;

e. Natural ponds or lakes under 20 acres and their submerged aquatic beds that provide critical fish or wildlife habitat;

f. Lakes, ponds, streams and rivers planted with game fish, including those planted under the auspices of a federal, state, local, or tribal program and waters which support priority fish species as identified by the Washington Department of Fish and Wildlife;

g. Areas with which State and Federally designated endangered, threatened, and sensitive species have a primary association;

h. Habitats and species of local importance that have been identified as sensitive to habitat manipulation. Areas identified must represent either high-quality native habitat or habitat that has a high potential to recover and is of limited availability, highly

vulnerable to alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape. In designating habitat and species of local importance, the following characteristics will be considered:

(1) Local population of native species that are in danger of extirpation or vulnerable and in decline.

(2) The species or habitat has recreation, tribal, or other special value.

(3) Long-term persistence of the species is dependent on protection, maintenance, or restoration of nominated habitat.

(4) Protection by other county, state, or federal policies and laws is not adequate to prevent degradation of the species or habitat.

(5) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

i. Area critical for habitat connectivity, including Open Space Corridors designated in the City's Comprehensive plan; and,

j. State natural preserves and natural resource conservation areas.

B. FWHCA Standards

1. Whenever activities are proposed within or adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report and habitat management plan prepared by a qualified professional and approved by the City.

2. If the Director determines that a proposal is likely to adversely impact a FWHCA, s/he may require additional protective measures such as a buffer area.

3. Any activity proposed in a designated FWHCA shall be consistent with the species located there and all applicable state and federal regulations regarding that species. In determining allowable activities for priority habitats and species that are known or that become known, the provisions of the Washington State Hydraulic Code and Department of Fish and Wildlife's (WDFW) Management Recommendations for Washington Priority Habitats and Species shall be reviewed.

4. Where a designated FWHCA geographically coincides with a marine shoreline, stream or wetland, the appropriate wetland or stream buffer and associated buffer requirements shall apply as described in this Program.

5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Washington Department of Fish and Wildlife.

6. All activities, uses and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat.

7. No structures of any kind shall be placed in or constructed over critical saltwater habitats unless they result in no net loss of ecological function, are associated with a water-dependent or public access use, comply with the applicable requirements within this Program and meet all of the following conditions:

    a. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;

    b. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

    c. The project is consistent with the state's interest in resource protection and species recovery;

    d. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

    e. Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this Program; and,

    f. A qualified professional shall demonstrate compliance with the above criteria in addition to the required elements of a critical area report as specified in this Chapter.

8. All uses and development must meet the remaining standards of this chapter including TSMP 6.4.2(A) through (E).

9. Biodiversity Areas and Corridors Standards

    a. In managing Biodiversity Areas and Corridors, the intent is to maintain rare and uncommon plant species and associations and large patches of native vegetation that provide habitat and connecting corridors for animal movement as well as general ecological services. Preservation of Biodiversity Areas and Corridors is necessary to minimize the impacts of development to wildlife and conserve the City’s most diverse areas. The following standards apply:

        i. Preserve existing native vegetation on the site to the maximum feasible extent, prioritizing the most valuable and sensitive environmental assets by developing the least impactful area;

        ii. Maintain biodiversity functions to prevent habitat degradation and fragmentation and preserve habitat for priority and common urban species, as supported by the Best Available Science; and,

        iii. The applicant shall avoid all actions that degrade the functions and values of a Biodiversity Area and Corridor. When impacts cannot be avoided, they should be minimized and mitigated by limiting overall vegetation clearance, maintaining corridors, protecting the most sensitive environmental features, and clustering development that does occur.

C. FWHCA General Mitigation Requirements

1. All FWHCA mitigation shall comply with applicable mitigation requirements specified in TSMP Section 6.4.2 including, but not limited to, mitigation plan requirements, monitoring and bonding.

2. Where a designated FWHCA geographically coincides with a marine shoreline, stream or wetland, mitigation will comply with applicable mitigation requirements for those resources as described within this Program.

3. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors, in accordance with a mitigation plan that is part of an approved critical area report, to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

4. Mitigation shall achieve equivalent or greater biological and hydrological functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

5. Biodiversity Area and Corridor Mitigation

a. Mitigation must compensate for the adverse impacts and achieve equivalent or higher ecological functions including, vegetation diversity and habitat complexity and connectivity.

b. Enhancement or Restoration requires the following ratios:

Onsite Mitigation	Offsite Mitigation
1.5:1 Enhancement or Restoration	3:1 Enhancement or Restoration

c. The protection covenant or conservation easement recorded with Pierce County Assessor's Office shall include all mitigation areas including those located off-site.

d. The following shall be incorporated to minimize disturbance:

i. Minimize light disturbance by directing lights away from critical areas;

ii. Place activities that generate noise furthest from critical areas;

iii. Limit disturbance from humans and pets with "impenetrable" natural vegetation between the development and critical areas;

iv. Design infrastructure to minimize impacts through such steps as designing narrower streets or integrating Low Impact Development (LID) approaches; and,

v. Seasonal restriction of construction activities.

D. Biodiversity Areas and Corridors Modifications

1. The following shall apply for proposed modifications within or affecting Biodiversity Areas and Corridors.

a. In determining which areas are least sensitive to development impacts, the following criteria shall apply:

i. A minimum of 65% of the Biodiversity Area and Corridor area shall be left in an undisturbed natural vegetated state. The undisturbed area set aside shall contain all other Priority Habitats, Priority Species, and Critical Areas and Buffers that may be present, per applicable standards.

(1) Legally created existing parcels 5,000 square feet in size or smaller must maintain an minimum of 40% of the Biodiversity Area and Corridor in an undisturbed natural vegetated state.

b. A contiguous Biodiversity Corridor with a width of 300-feet shall be retained connecting onsite and offsite Priority Habitats and Critical Areas including shorelines, as well as significant trees per the definition below. The minimum 300 feet shall be a contiguous area that enters and exits the property.

i. Where a legally created existing parcel cannot accommodate the 300 foot width corridor due to parcel size or configuration, then the maximum feasible width shall be provided in conjunction with maintaining the designated minimum undisturbed gross site area for the size of parcel.

ii. Habitat corridor connections may be required to be wider when additional width is supported by the Best Available Science to support the function and values of species or habitat present.

c. Retain exceptional trees and rare or uncommon plant species or habitat types as identified by the City or by state or federal agencies.

i. Significant tree groves. “Significant tree groves” means a group of 8 or more trees 12-inches diameter or greater that form a continuous canopy. Trees that are less than 12-inch in diameter that are part of a grove’s continuous canopy are also considered to be exceptional and cannot be removed if their removal may damage the health of the grove. Street trees shall not be included in determining whether a group of trees is a grove.

ii. Retain exceptional trees. "Exceptional tree" means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning and Development. Conifers, Oregon white oak, and Madrone are considered exceptional trees.

d. Development must be clustered and located in the least sensitive areas and must use Low Impact Development practices where feasible.

e. All uses and developments must meet the remaining standards of this chapter including TSMP 6.4.2 (A) through (E).

2. Projects that cannot meet the minimum standards above must demonstrate that the inability is due to site constraints such as parcel size or other physical conditions and is not a self-created hardship.

3. In planning the development of the site, consideration shall also be given to ongoing and future management needs such as vegetation maintenance, generally favoring setting aside a large, connected, contiguous areas as feasible.

4. Buffer Averaging or reduction for wetlands and streams can be utilized to average or reduce portions of buffers to accommodate development.

   a. The standards for preservation of 65% of the gross site area and minimum 300 foot corridor width still apply.

5. Corridor width averaging. The width of the corridor may be averaged to allow for reasonable use of the property when the following are met:

   a. The averaged corridor width will not result in degradation of the Biodiversity Corridor or its ability to facilitate wildlife movement;

   b. The corridor width is increased adjacent to the high-functioning or more sensitive areas and decreased adjacent to lower functioning or less sensitive portion;

   c. The corridor at its narrowest point is never less than ¾ of the required width; and

   d. The total area of the corridor is equal to the area required without averaging.

6. When the project cannot meet the minimum standards of this section or the project proponent can demonstrate that a different method will achieve equivalent or better protections for the critical area, it will be allowed per the standards in TSMP Section 6.4.2.C.3 that allow for innovative mitigation.

7. Protection covenant such as a conservation easement shall be recorded with Pierce County Assessor's Office for critical areas that are identified.

8. If mitigation is performed off-site, a conservation easement or other legal document must be provided to the City to ensure that the party responsible for the maintenance and monitoring of the mitigation has access and the right to perform these activities.

6.4.5 Wetlands

Wetlands are those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland directly impacts water quality and stormwater control by trapping and filtering surface and ground water. Wetlands also provide valuable habitat for fish and wildlife. Because of the difficulty in replacing these rare and valuable areas, these regulations control development adjacent to and within wetlands, and limit the amount of wetlands, which may be altered. The purpose of these regulations is to protect the public from harm by preserving the functions of wetlands as recharge for ground water, flood storage, floodwater conveyance, habitat for fish and wildlife, sediment control, pollution control, surface water supply, aquifer recharge and recreation.

A. Wetland Classification

1. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the 2014 Washington State Wetlands Rating System for Western Washington, Washington Department of Ecology publication No. 14-06-029, published October 2014, or as amended.

2. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Category I wetlands include the following types of wetlands: Estuarine wetlands, Natural Heritage wetlands, Bogs, Mature and Old-growth Forested wetlands; wetlands that perform many functions very well and that score 23-27 or more points.

3. Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include the following types of wetlands: Estuarine wetlands, and wetlands that perform functions well and score between 20-22 points.

4. Category III wetlands are those that perform functions moderately well and score between 16-19 points. These wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.

5. Category IV wetlands are those that have the lowest levels of functions, between 9 and 15 points, and are often heavily disturbed. These are wetlands that may be replaced, and in some cases may be improved.

6. In addition, wetlands that require special protection and are not included in the general rating system shall be rated according to the guidelines for the specific characteristic being evaluated. The special characteristics that should be taken into consideration are as follows:

    a. The wetland has been documented as a habitat for any Federally -listed Threatened or Endangered plant or animal species. In this case, “documented” means the wetland is on the appropriate state or federal database.

    b. The wetland has been documented as a habitat for State- listed Threatened or Endangered plant or animal species. In this case “documented” means the wetland is on the appropriate state database.

    c. The wetland contains individuals of Priority Species listed by the WDFW for the State.

    d. The wetland has been identified as a Wetland of Local Significance.

B. Wetland Buffers

1. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. The buffer shall be measured horizontally from the delineated edge of the wetland.

2. Wetland buffer widths shall be established according to the following tables (Tables 6-2 through 6-3):

Table 6-2. Wetland Buffer Widths

Wetland Category	Buffer Width (feet)
Category I	200
Category II	100
Category III	75
Category IV	50

Table 6-3. Lakes of Local Significance*

Site	Buffers (feet)
Wapato Lake and associated wetlands	200, but not to exceed the centerline of Alaska Street.

C. Wetland Buffer Reductions

1. A wetland buffer may be reduced only for a water-oriented use, per TSMP Section 6.4.2(B) and in accordance with the provisions of this Section, when mitigation sequencing has been applied to the greatest extent practicable. The buffer shall not be reduced to any less than ¾ of the standard buffer width. The remaining buffer on-site shall be enhanced or restored to provide improved wetland function. Any other proposed wetland buffer reduction shall require a shoreline variance.

2. Low impact uses and activities consistent with the wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as bioswales that are used to sustain existing hydrologic functions of the wetland.

3. Measures identified in Table 6-4 shall be used to minimize impacts to the wetland to the greatest extent practicable.

Table 6-4. Examples to Minimize Disturbance*

Disturbance element	Minimum measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking Lots, Warehouses, Manufacturing, High Density Residential
Noise	Place activity that generates noise away from the wetland	Manufacturing, High Density Residential
Toxic runoff	Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland	Parking Lots, Roads, Manufacturing, residential Areas, Application of Agricultural Pesticides, Landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from surface	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Fence around buffer, Plant buffer with "impenetrable" natural vegetation appropriate for region	Residential areas
Dust	Best Management Practices for dust	Tilled fields
*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3		

4. As an incentive, when the buffer area between a wetland and a regulated activity is reduced or averaged, the applicant may dedicate the wetland and buffer to the City, in lieu of providing compensatory mitigation, depending upon the intensity of use and the wetland category. The Director shall determine whether the dedication is of benefit to the City for the protection of natural resources.

D. Buffer Averaging

1. The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for reductions in buffers listed above.

2. Averaging to improve wetland protection may be approved when all of the following conditions are met:

   a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower rated area;

b. The buffer is increased adjacent to the high-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion;

c. The total area of the buffer after averaging is equal to the area required without averaging; and,

d. The buffer at its narrowest point is never less than ¾ of the standard width.

3. Averaging to allow a reasonable use of a legal lot of record may be permitted when all of the following conditions are met:

a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;

b. The averaged buffer will not result in degradation of the wetland's functions as demonstrated by a report from a qualified wetland expert;

c. The total area of the buffer after averaging is equal to the area required without averaging; and

d. The buffer at its narrowest point is never less than ¾ of the standard width.

E. Buffer Increases

1. The widths of the buffers may be required to be increased if the following conditions are found on the subject site:

a. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with non-native species that do not perform needed functions, the buffer must either be planted to create the appropriate plant community or the buffer must be widened to the maximum buffer for the land use intensity to ensure that adequate functions in the buffer are provided.

b. If the buffer for a wetland is based on the score for water quality, rather than habitat, then the buffer should be increased by 50% if the slope is greater than 30% (a 3-foot rise for every 10 feet of horizontal distance).

c. If the wetland provides habitat for a particularly sensitive species (such as threatened or endangered species), the buffer must be increased to provide adequate protection for the species based on its particular life history needs as required by the Washington State Department of Fish and Wildlife.

F. Wetland Standards

1. General standards. No regulated activity or use shall be permitted within a wetland without prior approval and without meeting the provisions of this Program. All development proposals that are anticipated to impact a wetland are subject to the review process in TSMP Section 2.4.2. Any permitted wetland modification shall demonstrate the following:

a. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;

b. The result of the proposed activity is no net loss of wetland functions;

c. The existence of plant or wildlife species appearing on the federal or state endangered or threatened species list will not be jeopardized;

d. The proposal will not lead to significant degradation of groundwater or surface water quality; and

e. The proposal complies with the remaining standards of this chapter including TSMP 6.4.2 (A) through (F).

G. Wetland Mitigation Requirements

1. Methods to achieve compensation for wetland functions shall be approached in the following order of preference:

a. Restoration (re-establishment and rehabilitation) of wetlands on upland sites that were formerly wetlands.

b. Creation (Establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

c. Enhancement of significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.

2. Wetland Mitigation Banks

a. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

i. The bank is certified under WAC 173-700 or as otherwise amended;

ii. The Director determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

H. Mitigation Ratios

1. The ratios contained within Table 6-5 shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.

2. The Director may increase the ratios under the following circumstances:

   a. Uncertainty exists as to the probable success of the proposed restoration or creation;

   b. A significant period of time will elapse between impact and replication of wetland functions;

   c. Proposed mitigation will result in a lower category wetland or reduced function relative to the wetland being impacted; or

   d. The impact was an unauthorized impact.

Table 6-5. Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site*

Category and Type of Wetland	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement only
All Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
Category II Interdunal	2:1 Compensation has to be interdunal wetland	4:1 compensation has to be interdunal	1:1 R/C and 2:1 E	8:1
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category I Natural Heritage site	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Bog	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case

*Natural heritage site, coastal lagoons, and bogs are considered irreplaceable wetlands, and therefore no amount of compensation would replace these ecosystems. Avoidance is the best option. In the rare cases when impacts cannot be avoided, replacement ratios will be assigned on a case-by-case basis. However, these ratios will be significantly higher than the other ratios for Category I wetland.

**Rehabilitation ratios area based on the assumption that actions judged to be most effective for that site are being implemented.

***Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3

I. Compensatory Mitigation Plan Requirements

1. When a project involves wetland or buffer impacts, a compensatory mitigation report shall be prepared consistent with the requirement in TSMP Section 6.4.2(D) of this Program.

6.4.6 Streams and Riparian Habitats

This section provides policies and regulations that apply to critical freshwater habitats as defined by WAC 173-26-221(2)(c)(iv). The regulations here-in apply only to those critical freshwater habitats defined as streams using the classification system below. Other critical freshwater habitats include wetlands, floodplains, and channel migration zones and are regulated separately under this Master Program.

A. Stream Classification

1. Streams shall be generally classified in accordance with the Washington State Water Typing System set forth in WAC 222-16-030 to describe Type "S," "F," "Np" and "Ns" streams. Additional criteria typing for "F1", and "F2" and "Ns1" and "Ns2" streams are included within this section.

2. General descriptions of the water typing system are as follows:

   a. Type "S" Water means all streams or rivers, within their bankfull width, inventoried as "shorelines of the state" or "shorelines of statewide significance" under this Program.

   b. Type "F" Water means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or as further described within WAC 222-16-030. Type "F1" Water means segments of natural waters containing salmonid fishes. Type "F2" Water means segments of natural water containing fish that are not salmonids.

   c. Type "Np" Water means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall or as further described within WAC 222-16-030.

   d. Type "Ns" Water means all segments of natural waters within the bankfull widths of the defined channels that are not Type S, F, or Np Water. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. "Ns1" Waters must be physically connected by an above ground channel system to Type, F, or Np Waters. "Ns2" Waters may not be physically connected by an above ground channel system to Type, F, or Np Waters.

B. Stream Buffers

1. A buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. The buffer shall be measured horizontally from the edge of the ordinary high water mark.

2. Stream buffer widths shall be established according to Table 6-6, which is based on stream classification. Stream buffers for "Streams of local significance" are shown in Table 6-7.

Table 6-6 Stream Types

Stream Type	Buffer (feet)
Type S or Streams of local significance	150
Type F1 (Salmonids)	150
Type F2 (Non-Salmonids)	100
Type Np (No fish)	100
Type Ns1 (Connected to S, F, or Np)	75
Type Ns2 (Not connected to S, F, or Np)	25

Table 6-7 Streams of local significance

Name	Buffer (feet)
Puyallup River	150
Hylebos Creek	150
Puget Creek	150
Wapato Creek	150
Swan Creek	150

C. Stream Buffer Increase

1. The required buffer widths shall be increased as follows:

   a. When the Director determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;

   b. When the frequently flooded area exceeds the recommended buffer width, the buffer area may extend to the outer edge of the frequently flooded area, where appropriate;

   c. When a channel migration zone is present, the stream buffer area width shall be measured from the outer edge of the channel migration zone;

   d. When the stream buffer is in an area of high blowdown potential, the stream buffer area width shall be expanded an additional fifty feet on the windward side; or

   e. When the stream buffer is within an erosion or landslide area, or buffer, the stream buffer area width shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.

D. Stream Buffer Reduction

1. A stream buffer may be reduced only for a water-oriented use, per TSMP Section 6.4.2(B) and in accordance with the provisions of this Section, when mitigation sequencing has been applied to the greatest extent practicable. The buffer shall not be reduced to any less than ¾ of the standard buffer width. The remaining buffer on-site shall be enhanced or restored to provide improved stream and riparian function. Any other proposed stream buffer reduction shall require a shoreline variance.

2. Low impact uses and activities consistent with the stream buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of stream riparian area and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass-lined swales that are used to sustain existing hydrologic functions of the critical area.

3. As an incentive, when the buffer area between a stream and a regulated activity is reduced or averaged, the applicant may dedicate the buffer to the City, in lieu of providing compensatory mitigation, depending upon the intensity of use and the stream type. The Director shall determine whether the dedication is of benefit to the City for the protection of natural resources.

E. Stream Buffer Averaging

1. The Director may allow the recommended stream buffer width to be averaged in accordance with a stream habitat analysis report only if:

   a. The stream buffer areas that are reduced through buffer averaging will not reduce stream or habitat functions, including those of nonfish habitat;

   b. The stream buffer areas that are reduced will not degrade the habitat, including habitat for anadromous fish;

   c. The total area contained in the stream buffer of each stream on the development proposal site is not decreased;

   d. The recommended stream buffer width is not reduced by more than twenty-five (25%) percent in any one location;

   e. The stream buffer areas that are reduced will not be located within another critical area or associated buffer;

   f. When averaging the stream buffer, the proposal will provide additional habitat protection by including more highly functioning areas and reducing the buffer only in the low functioning areas; and

   g. When reducing the stream buffer, and the buffer is sparsely vegetated or vegetated with invasive species that do not perform needed functions, the remaining buffer shall be planted to create the appropriate plant community.

F. Stream Standards

1. Type F1, F2, Np, and Ns1, and Ns2 streams may be relocated or placed in culverts provided it can be demonstrated that:

    a. There is no other feasible alternative route with less impact on the environment;

    b. Existing location of the stream would prevent a reasonable economic use of the property;

    c. No significant habitat area will be destroyed;

    d. The crossing minimizes interruption of downstream movement of wood and gravel;

    e. The new channel or culvert is designed and installed to allow passage of fish inhabiting or using the stream, and complies with WDFW requirements;

    f. The channel or culvert complies with the current adopted City of Tacoma Storm Water Manual;

    g. The applicant will, at all times, keep the channel or culvert free of debris and sediment to allow free passage of water and fish;

    h. Roads in riparian habitat areas or buffers shall not run parallel to the water body;

    i. Crossing, where necessary, shall only occur as near to perpendicular with the water body as possible;

    j. Road bridges are designed according to Washington Department of Fish and Wildlife Design of Road Culverts for Fish Passage, 2003, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossing, 2000; and

    k. Proposals for a steam crossing are subject to the review process in TSMP Section 2.4.2.

2. All uses and development are subject to the remaining standards of this chapter including TSMP 6.4.2 (A) through (E).

G. Public Access within a Stream Buffer

    a. Where possible, trails and associated viewing platforms shall not be made of continuous impervious materials. Natural trails with pervious surfaces such as, but not limited, to bark chip are encouraged.

    b. Trails shall be located on or near the outer edge of the riparian area or buffer, where possible, except for limited viewing platforms and crossings.

H. Stream Mitigation Requirements

1. Where a riparian wetland exists, all proposed alterations in the buffer of a stream shall be in accordance with the standards for the applicable wetland category.

2. Compensatory mitigation shall be provided at a 3:1 ratio for each impacted function and shall be provided as close as possible to the ordinary high water mark.

3. In the event stream corridor alterations or relocations, as specified above, are permitted, the applicant shall submit an alteration or relocation plan prepared in association with a qualified professional with expertise in this area. In addition to the general mitigation plan standards, the plan shall address the following information:

    a. Creation of natural meander patterns and gentle side slope formations;

    b. Creation of narrow sub channel, where feasible, against the south or west bank;

    c. Provisions for the use of native vegetation;

    d. Creation, restoration or enhancement of fish spawning and nesting areas;

    e. The proposed reuse of the prior stream channel;

    f. Provision of a qualified consultant, approved by the City, to supervise work to completion and to provide a written report to the Director stating the new channel complies with the provisions of this chapter; and

    g. When streambank stabilization is necessary, bioengineering or soft armoring techniques are required, where possible.

4. The Washington Department of Fish and Wildlife has authority over all projects in State Waters which impact fish. Construction in State Waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters.

6.4.7 Geologically Hazardous Areas

Geologically hazardous areas are critical areas susceptible to severe erosion, landslide activity, or other geologic events. In the City of Tacoma shoreline, high marine bluffs, like those along the Tacoma Narrows, are the most visible type of geologically hazardous area, although seismic, tsunami and erosion hazards have also been mapped.

The more severe hazard areas may not be suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety. Vegetation removal during construction and development on or above the slope alters surface runoff and ground water infiltration patterns that can lead to increased slope instability. Erosion, excavation or wave action at the toe or base of the slope can also lead to increased slope instability.

Some erosion of shorelines and marine bluffs is natural. Erosion from “feeder bluffs” is the primary source of sand and gravel found on beaches including accretion beaches (gravel bars, sand pits and barrier beaches). Armoring of coastal areas, also called hardening, limit the natural supply of sediment and can eventually starve beaches down drift of the bluff, resulting in lowered beach profiles and the potential for increased erosion. Changes in the beach substrate resulting from reduced sediment deposition may result in negative habitat impacts along the shoreline. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Sea level rise may increase the rates of erosion at the base of steep slopes causing an increase in the susceptibility of geologically hazard areas to severe erosion or future landslide.

A. Designation.

1. Designation of Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, landslide, earthquake, or other geological events. Areas susceptible to one or more of the following types of geo-hazards shall be designated as a geologically hazardous area:

    a. Erosion hazard;

    b. Landslide hazard;

    c. Seismic hazard;

    d. Mine hazard;

    e. Volcanic hazard; and

    f. Tsunami hazard.

B. Classification

1. **Erosion Hazard Areas**. Erosion hazard areas generally consist of areas where the combination of slope and soil type makes the area susceptible to erosion by water flow, either by precipitation or by water runoff. Concentrated stormwater runoff is a major cause of erosion and soil loss. Erosion hazard critical areas include the following two sub-classifications:

    a. Shoreline Erosion Hazard Areas: Lands located directly adjacent to freshwater or marine waters that, through the geological assessment process, are identified as regressing, retreating or potentially unstable as a result of undercutting by wave action or bluff erosion. The limits of active shoreline erosion hazard areas shall extend landward to include that land area that is calculated, based on the rate of regression, to be subject to erosion processes within the next 10-year time period. These areas include the following:

        i. Existing item in 6.4.7(B)(1)(b)(ii);

        ii. Areas with active bluff retreat that exhibit sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation; and

        iii. Areas with active land retreat as a result of wave action.

    b. Soil Erosion Hazard Areas: Lands not located directly adjacent to freshwater or marine waters that, through the geological assessment process, are identified as susceptible to erosion. Soil erosion hazard critical areas include the following:

        i. Areas with high probability of rapid stream incision, stream bank erosion or coastal erosion, or channel migration.

        ii. Any area characterized by slopes greater than 15 percent; and the following types of geologic units as defined by the latest geologic USGS maps: m (modified land), Af (artificial fill), Qal (alluvium), Qw (wetland deposits), Qb (beach

deposits), Qtf (tide-flat deposits), Qls (landslide deposits), Qmw (mass-wastage deposits), Qf (fan deposits), Qvr and Qvs series of geologic material types (Vashon recessional outwash and Steilacoom Gravel), and Qvi (Ice-contact deposits).

iii. Areas classified as having severe or very severe erosion potential by the Natural Resources Conservation Service, United States Department of Agriculture.

2. **Landslide Hazard Areas**. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope, slope aspect, structure, hydrology, or other factors. Landslide hazard areas are identified as any area meeting the following:

a. Any slope area with the combination of the following three characteristics:

i. Slopes steeper than 15 percent and a vertical relief of ten (10) or more feet.

ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

iii. Springs or groundwater seepage.

b. Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or that are underlain or covered by mass wastage debris of that epoch.

c. Any area potentially unstable due to rapid stream incision, stream bank erosion or undercutting by wave action.

d. Any area located on an alluvial fan presently subject to, or potentially subject to, inundation by debris flows or catastrophic flooding.

e. Any area where the slope is greater than the angle of repose of the soil; that is, the slope relies on cohesion for stability.

f. Any shoreline designated or mapped as Class U (Unstable), Uos (Unstable old slides), Urs (Unstable recent slides), and Class I (Intermediate) by the Washington Department of Ecology Coastal Zone Atlas.

g. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

h. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking.

i. Any area with a slope of 40 percent or steeper and with a vertical relief of 10 feet or more except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

j. Any area within the City mapped by the most up to date Pierce County landslide inventory prepared by Washington State Department of Natural Resources (DNR) and LIDAR imagery.

k. Landslide Hazard sub-classifications: Landslide hazard areas shall be classified into categories which reflect each landslide hazard areas past landslide activity and the potential for future landslide activity based on an analysis of slope instability. Landslide hazard areas shall be designated as follows:

i. Active Landslide Areas. A composite of the active landslides and/or unstable areas, including that portion of the top of slope and slope face subject to failure and sliding as well as toe of slope areas subject to impact from down slope run-out, identified and mapped during a geological assessment of a site. An active landslide hazard area exhibits one or more of the following:

1) Areas of historical landslide movement on a site which have occurred in the past century including areas identified on the Washington Department of Ecology Washington State Coastal Atlas Map as Urs (unstable recent slide).

2) Any landslide or areas susceptible to landslides as identified in the most up to date Pierce County landslide inventory by Washington State DNR or as updated.

3) Unstable areas that exhibit geological and geomorphologic evidence of past slope instability or landsliding or possess geological indicators (stratigraphy, ground water conditions, etc.), that have been determined through a geotechnical report to be presently failing or may be subject to future landslide activity. The impact of the proposed development activities must be considered in defining the extent of the active areas.

4) Interim areas are located between areas identified through a geotechnical report as an active landslide hazard area. Interim areas will be considered part of the active landslide hazard area if the required top of slope or toe of slope landslide hazard area buffer encompasses the area.

ii. Inactive Landslide Areas. Areas that have been identified as potential landslide hazard areas, but, through the geological assessment process per Section 6.4.7(L), meet one of the following conditions:

1) No indicators exist that indicate the potential for future landslide activity to occur.

2) A slope stability analysis has indicated that there is no apparent landslide potential.

3) Adequate engineering or structural measures have been provided in a geotechnical report that mitigates the potential for a future landslide to occur as a result of current or past development activity. The engineering or structural measures must provide a minimum factor of safety of 1.5 static conditions and 1.2 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code, or as recommended by the geotechnical engineer based on site specific conditions that require alternative values. The engineering or structural measures must be

completed, inspected and accepted for the area to be deemed stable. Construction sequencing recommendations must be provided by the geotechnical professional when a proposed development will be constructed concurrently with the engineering or structural measures.

4) A geotechnical report has been prepared and the results of that report indicate that an area is not a landslide hazard area.

3. **Seismic Hazard Areas**. Seismic hazard areas shall include areas subject to severe risk of damage as a result of seismic-induced settlement, shaking, lateral spreading, surface faulting, slope failure, or soil liquefaction. These conditions occur in areas underlain by soils of low cohesion or density usually in association with a shallow groundwater table.

4. **Mine Hazard Areas**. Mine hazard areas are those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Underground mines do not presently exist within City limits[1].

5. **Volcanic Hazard Areas**. Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. The most likely types of volcanic hazard within the City are mudflows, lahars, or flooding relating to volcanic activity. The boundaries of the volcanic hazard areas within the City are shown in the volcanic hazard map.

6. **Tsunami Hazard Areas and Seiche Waves**. Tsunami hazard areas and seiche waves include coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic, atmospheric, or other geologic events. Currently, no specific boundaries have been established in the City limits for these types of hazard areas.

C. Standard Buffers

1. Determining erosion hazard area and landslide hazard area buffer widths:

   a. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the erosion or landslide hazard area limits (from the top and toe of slope).

   b. An undisturbed buffer of existing vegetation shall be required for a hazard area to protect existing native vegetation. The required buffer width is either the greater amount of the following two distances, or the minimum distance recommended by the geotechnical professional measured from the edge of the hazard area. In the case of a buffer reduced below these two distances, the standards of the buffer modification section shall apply:

      i. 50 feet from all edges of the erosion hazard area limits;

[1] An underground structure, consisting of a partially completed underground railroad tunnel, exists within City limits, as defined in the mine hazard areas map. The tunnel was constructed in 1909 and discontinued that same year due to excessive groundwater flows within the tunnel. The dimensions of the tunnel are presently unknown, and it was reportedly backfilled with wood, sand, and gravel in 1915.

ii. A distance of one-third the height of the slope if the regulated activity is at the top of the slope and a distance of one-half the height if the regulated activity is at the bottom of the slope; or

2. Buffer Modification:

   a. Modifications to the shoreline erosion and/or landslide hazard area buffer consistent with TSMP 6.4.7(E) as applicable may be considered at the approval by the Director if the modification is found to meet TSMP 6.4.7(K).

   b. A minimum 10-foot buffer shall be maintained and the proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.

   c. All uses and development must meet the standards in TSMP 6.4.7(F)11.

~~3.~~ Structure Setback:

   a. The minimum setback for structures from geologic hazard areas and their buffers will be determined based on a site specific geotechnical study.

D. Small Project Waiver

1. The Director may approve new accessory structures which are not designed for human occupancy, such as storage or utility space, or additions to existing principal structures in a landslide hazard or erosion hazard buffer without submittal of a geotechnical report if no construction occurs over or within any other critical area or buffer, and if the applicant demonstrates that the proposal meets the following criteria:

   a. The new accessory structure or addition to an existing principal structure is on a lot that has been in existence as a legal building site prior to October 31, 1992;

   b. The development is consistent with TSMP 2.5(B) (Non-conforming Structures);

   c. The new accessory structure is less than 1,000 square feet of floor area for existing residences;

   d. Addition to existing residences, including decks have a maximum 250 square feet footprint of building, deck or roof area and are not closer to the top or toe of the slope than the existing residence;

   e. The installation of fences where they do not impede emergency access;

   f. Removal of noxious or invasive weeds, provided such areas are protected from erosion with either native vegetation or other approved erosion protection;

   g. It is not practicable to build the accessory structure or addition to an existing principal structure for the intended purpose outside of the landslide or erosion hazard area buffer;

   h. The location of the accessory structure or addition to an existing principal structure minimizes the impact on the steep slope erosion hazard area and/or buffer; and

i. In landslide hazard areas the Director may require a soils report prepared by a qualified geotechnical engineer or geologist licensed by the State of Washington demonstrates that it is safe to construct the new accessory structure or the addition to an existing structure.

2. Director's Decision:

a. The Director shall require the use of fencing with a durable and visible protective barrier during the construction to protect the remainder of the hazard area and buffer.
b. The Director shall require additional measures to protect the remainder of the hazard area and buffer from the impacts of approving new accessory structures or additions to existing principal structures.

E. General Regulations

1. The following regulations apply to all geologically hazardous areas:

a. New development, modification to existing structures, or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development shall be prohibited.

b. New development, modification to existing structures, or the creation of new lots that would require structural stabilization over the life of the development shall be prohibited, except where:

i. stabilization is necessary to protect a permitted use; and

ii. no alternative location is available; and

iii. no net loss of ecological functions will result; and

iv. stabilization measures shall conform to all provisions included in Chapter 8 of this Program.

c. All developments shall be required to comply with the building code requirements of the TMC.

d. All proposed modifications to any geological hazard area or buffer shall remain subject to mitigation sequencing and any unmitigated impacts resulting from a modification are required to be compensated for consistent with TSMP 6.4.2(A) through (E).

e. Mitigation sequencing shall not apply where staff has determined through a site-specific evaluation that there is not a significant geologic hazard risk and no other critical area exists

f. Any alteration shall not adversely impact other critical areas.

g. Stabilization structures or measures to protect existing primary residential structures may be permitted where no alternatives, including relocation or reconstruction of

existing structures, are found to be feasible, and less expensive than the proposed stabilization measure provided they are designed and constructed consistent with the provisions of Chapter 8 of this Program.

h. Any development, encroachment, filling, clearing, or grading, timber harvest, building structures, impervious surfaces, and vegetation removal within geologically hazardous areas and associated buffers shall be prohibited except as specified in TSMP 6.4.7(F-K).

F. Erosion and Landslide Hazards - Standards

1. In addition to the general regulations set forth in Section E. above, development and activities within an erosion or landslide hazard critical area or their associated buffers shall incorporate the following additional standards in design of the proposal as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

a. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography; Terracing of the land, however, shall be kept to a minimum to preserve natural topography where possible.

b. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

d. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining walls;

e. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

f. Where change in grade outside the building footprint is necessary the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with these criteria;

g. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining structures that are designed to the same life and performance criteria as the adjacent structure;

h. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

i. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

j. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of this Program.

2. The development shall not increase surface water discharge or sedimentation onsite or to adjacent properties beyond pre-development conditions. Note that point discharges onto adjacent properties is not permitted without approved easements. Dispersed flows meeting pre-developed flows will be permitted provided other development standards can be met.

3. Development shall be designed to minimize impervious lot coverage. All development shall be designed to minimize impervious lot coverage and should incorporate understructure parking and multi-level structures within the existing height limit.

4. Roads, walkways, and parking areas should be designed parallel to topographic contours with consideration given to maintaining consolidated areas of natural topography and vegetation.

5. Removal of vegetation shall be minimized and only that which is needed to accommodate a permitted structure. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.

6. The proposed development shall not result in greater risk or need for increased geo-buffers on neighboring properties.

7. Structures and improvements shall be clustered where possible. Driveways and utility corridors shall be minimized through the use of common access drives and corridors where feasible. Access shall be in the least sensitive area of the site.

8. Shoreline Erosion Hazards - Standards

   i. Shoreline Erosion Protection Measures. Shoreline Erosion Protection measures located within or adjacent to freshwater or marine shorelines shall be allowed subject to the following:

      (1) The proposed shoreline protection shall comply with the standards set forth in TMC 3.10.6.4.4 (Fish and Wildlife Habitat Conservation Areas);

      (2) A geological assessment shall be conducted in accordance with the provisions set forth in TSMP 6.4.7(L);

      (3) The use of shoreline erosion protection measures shall not cause a significant adverse impact on adjacent properties;

      (4) The use of the shoreline erosion protection measure will not cause a significant adverse impact on critical fish and wildlife species and their associated habitat;

(5) If relocation of development is not feasible, the use of soft armoring techniques (soil bioengineering erosion control measures as identified in the State Department of Ecology and the Department of Fish and Wildlife guidance) is the preferred method for shoreline protection;

(6) Hard armoring shoreline erosion control measures may be allowed only when a geotechnical report as set forth in TSMP 6.4.7(L) has been completed and indicates the following;

(a) The use of beach nourishment alone or in combination with soft armoring techniques is not adequate to protect the property from shoreline erosion processes; and

(7) Hard armoring shoreline protection measures shall not be allowed for protection of proposed structures when it is determined that the proposed structures can be located landward of the 120-year regression area.

ii. Stormwater conveyance. Surface drainage into an active shoreline erosion hazard area should be avoided. If there are no other alternatives for discharge, then drainage must be collected upland of the top of the active shoreline erosion hazard area and directed downhill in a high density polyethylene stormwater pipe with fuse welded joints that includes an energy dissipating device at the base of the active shoreline erosion area. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function under shoreline erosion conditions. The number of these pipes should be minimized along the slope frontage.

iii. Utility lines. Utility line will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function under shoreline erosion conditions

iv. Roads, bridges and trails: Roads, bridges, and trails shall be allowed when all of the following conditions have been met:

(1) Mitigation measures are provided that ensure the roadway prism and/or bridge structure will not be susceptible to damage from active erosion; and

(2) The road is not a sole access for a development.

9. Active Landslide Hazards - Standards

a. Any new development, encroachment, filling, clearing or grading, impervious surfaces, and vegetation removal is prohibited within an Active Landslide Hazard Area and buffers except as specified in the following specific instances:

i. Stormwater Conveyance. Stormwater conveyance shall be allowed when it is conveyed through a high-density polyethylene stormwater pipe with fused joints and when no other stormwater conveyance alternative is available. The pipes shall be located on the surface of the ground and be properly anchored so that it will continue to function in the event of an underlying slide.

ii. Utility Lines. Utility lines will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Utility lines may be permitted when it can be show that no other route alternative is available.

iii. Trails. Trails shall be allowed when all of the following conditions have been met:

(1) The removal or disturbance of vegetation, clearing or grading shall be prohibited during the wet season (November 1 through May 1);

(2) The proposed trail shall not decrease the existing factor of safety within the active landslide hazard area, or any required buffer;

(3) The proposed trail cannot be located outside of the active landslide hazard area or its associated buffer due to topographic or site constraints;

(4) The proposed trail is for non-vehicular use only, and is no wider than 4 feet;

(5) Trails shall not be sited within active landslide hazards or their associated buffers when there is such a high risk of landslide activity that use of the trail would be hazardous;

(6) Trails shall be designed and constructed using an engineered drainage system or other methods to prevent the trail from channeling water.

b. No small projects waivers as described in TSMP Section 6.4.7.D are allowed in active landslide hazard areas and their buffers.

G. Seismic Hazard Areas - Standards

1. A geotechnical report consistent with the requirements of TSMP 6.4.7(L), shall be prepared for structures and improvements in a seismic hazard area. All developments shall be required to comply with the requirements of the most recently adopted edition of the International Building Code. The following types of projects may not require a geotechnical report:

a. Construction of new buildings with less than 1,000 square feet footprint of floor or roof area, whichever is greater, and which are not designed for human occupancy, such as storage or utility spaces, and are not residential structures or spaces used as places of employment or public assembly.

b. Additions to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater.

c. Installation of fences where they do not impede emergency access.

2. The exceptions above may not apply to areas that are also landslide hazard areas.

H. Volcanic Hazard Areas - Standards

1. New developments in volcanic hazard areas shall be required to submit an evacuation and emergency management plan, with the exception of the following:

    a. Construction of new buildings with less than 1,000 square feet of floor area or roof area, whichever is greater, and which are not designed for human occupancy, such as storage or utility spaces, and are not residential structures or spaces used as places of employment or public assembly;

    b. Additions to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater; and

    c. Installation of fences where they do not impede emergency egress.

I. Mine Hazard Areas - Standards

1. Essential facilities, as defined by the currently adopted version of International Building Code, are not permitted in the area of the former railroad tunnel. Other development within 50 feet of the mapped location of the former railroad tunnel shall be required to perform a hazard analysis that includes the information specified in Section 6.4.7.L.

J. Tsunami Hazard Areas - Standards

1. Development in tsunami and seiche hazard areas shall comply with the zoning and Building Code requirements of the TMC. There are no other specific development standards for tsunami hazard or seiche hazard areas.

K. Approval of Geologic Hazard Modification

Modifications to geologic hazard critical areas and their associated buffers shall only be approved if the Director determines that the modification:

1. Will not increase the threat of the geological hazard to adjacent properties over conditions that would exist if the provision of this part were not modified;

2. Will not adversely impact other critical areas;

3. Shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.

4. Has been evaluated to meet life safety standards under anticipated conditions by a qualified geotechnical engineer or geologist, licensed in the state of Washington;

5. The applicant provides a geotechnical report prepared by a qualified professional demonstrating that modification of the critical area or critical area buffer will have no adverse impacts on stability of any adjacent slopes, and will not impact stability of any existing structures. Geotechnical reporting standards shall comply with the requirements of TSMP 6.4.7(L).

6. Any modification complies with recommendations of the geotechnical report with respect to best management practices, construction techniques or other recommendations;

7. The proposed modification to the geologic hazard area or its associated buffer with any associated mitigation does not significantly impact habitat associated with species of local importance, or such habitat that could reasonably be expected to exist during the anticipated life of the development proposal if the area were regulated under this part.

L. Geologic Hazard Assessment and Geotechnical Report Requirements

1. The following are general requirements for a geologic hazard assessment and geotechnical report. Depending on the scope and scale of the project, additional information may be required. It is the responsibility of the qualified geotechnical professional to address all factors, which in their opinion, are relevant to the site.

   a. Project information and report purpose:
      i. Site address;

      ii. Vicinity map; and

      iii. Purpose (e.g. feasibility, permit application, final design).

   b. Site and project description:
      i. Site plan showing existing and proposed structures and site improvements, property lines, and existing contour lines based upon the best available data;
      ii. Site plan shall show crest (top) and toe of slope, limit of recommended buffer, and recommended setback limits as determined by a geotechnical engineer;

      iii. Surface conditions, including adjacent properties, structures, and rights-of-way;

iv. Description of existing and/or proposed sewer drainage facilities (sanitary and stormwater) on or adjacent to site when these facilities affect or are affected by the proposed work;

v. Description of proposed structural and site improvements;

vi. Floor and foundation grades; and

vii. Anticipated excavation depths.

c. Geology and geologic hazards:

i. Review of available literature, geologic maps;

ii. Preliminary geologic hazard assessment (e.g. landslide-prone areas, peat settlement prone areas, liquefaction hazard areas); and

iii. Landslide history, including review of GeoMap NW, DNR landslide inventory maps or City files.

d. Field explorations and laboratory testing:

i. Exploration logs;

ii. Field and laboratory testing results.

e. Subsurface description:

i. Subsurface conditions;

ii. Geologic profile and site development cross-sections; and

iii. Groundwater evaluation and levels.

f. Analyses:

i. Include soil properties, layering, and geometry;

ii. Describe assumptions, analysis methods, results and interpretation.

g. Conclusions and recommendations:

i. Conceptual siting of structures and general recommendations;

ii. Earthquake engineering;

iii. Slope stability assessment including (1) existing conditions, construction phase, and post-construction phase and (2) areas affected beyond the site as appropriate;

iv. Foundation support recommendations (e.g. type, allowable bearing pressures, deep foundation capacities, settlement estimates);

v. Temporary excavation and/or shoring recommendations, impacts on adjacent properties including utilities and ROW;

vi. Lateral earth pressure and resistance recommendations;

vii. Grading and earthwork including site preparation, compaction requirements, fill specifications, sequencing of earthwork operations, wet weather considerations;

viii. Temporary and permanent surface and subsurface drainage requirements, temporary and permanent dewatering, off site effects;

ix. Temporary and permanent erosion control; and

x. Other recommendations as needed.

h. Plan review and minimum risk standards:

i. In landslide-prone critical areas, the following will be required with all permit applications:

(1) A statement that the most recent plans and specifications submitted to the City have been reviewed and conform to the recommendations of the analysis and report and, provided that those conditions and recommendations are satisfied during the construction and use, the areas disturbed by construction or activity will be stabilized and remain stable and will not increase the potential for soil movement; and the risk of damage to the proposed development and from the development to adjacent properties from soil instability will be minimal.

ii. In other areas designated by the Director as having high risk potential, the following shall be submitted:

(2) A statement that the most recent plans and specifications submitted to the City have been reviewed and conform to the recommendations of the analysis and report, and provided that the conditions and recommendations are satisfied, the construction and development or activity will not increase the potential for soil movement; and the risk of damage to the proposed development and from the development to adjacent properties from soil instability will be minimal.

2. Additional reporting requirements in erosion or landslide hazard areas. The following are additional submittal requirements to those listed in Section 1. above for a site located within an erosion or landslide hazard area.

a. An evaluation of the erosion potential on the site during and after construction shall be submitted. It shall include recommendations for mitigation including retention of vegetation buffers and revegetation. The geotechnical engineer shall provide a statement identifying buffer areas at the top or toe of a slope based on geotechnical site constraints and the impacts of proposed construction methods on the stability of the slope, consistent with the minimum buffer requirements of this Program.

b. The geotechnical engineer shall submit a statement in the soils report that the geotechnical elements of seismic design have been evaluated in accordance with the criteria and ground motions prescribed by the current version of the International

Building Code for new structures or ASCE-31/41 for existing buildings. Slope stability analyses for erosion or landslide hazard areas shall be evaluated in accordance with the most current version of the International Building Code. The plan set for the project shall be reviewed by the geotechnical engineer for consistency with these design criteria.

c. The geotechnical engineer shall make a recommendation as to which portion of the site is the most stable and the preferred location of the structure. The limits of the area of grading activity shall be identified in the recommendations.

d. In general, no excavation will be permitted in erosion or landslide hazard areas during the typically wet winter months. When dirt disturbing activities, such as excavation or grading, is proposed, including the maintenance of open temporary slopes during the wet season as defined in TMC 2.19 or the City's Stormwater Management Manual, technical analysis shall be provided to assure that no environmental harm or safety issues would result. The technical analysis shall be submitted for approval by the Director and shall, at a minimum, consist of plans showing mitigation techniques and a letter from the geotechnical engineer.

M. Third Party Review

In addition to the information provided pursuant to the requirements of this Program, the Director may require third-party review if the professional opinions of an applicant's representative and the Department's reviewers cannot be reconciled. Third-party review requires the applicant's geotechnical and/or additional technical studies to be reviewed by an independent third party, selected by the Director and paid for by the applicant. The third-party review shall be conducted by a qualified professional geotechnical engineer.

6.4.8 Flood Hazard Areas

Portions of Tacoma's shoreline are subject to periodic flooding that may result from factors including, but not limited to, unusual amount of rainfall over a short period of time, high tides, and wind driven waves. Tsunamis also pose a less frequent, but potentially more hazardous, type of flooding event.

A. Classification.

1. Classifications of flood hazard areas shall be consistent with the most recent official map of the Federal Insurance Administration that delineates areas of special flood hazards and includes the risk premium zones applicable to the City or as determined by the FIA, also known as "flood insurance rate map" or "FIRM."

2. Where the flood insurance map and studies do not provide adequate information, the City, through its Public Works Department, shall consider and interpret information produced by the Army Corps of Engineers, Natural Resource Conservation Service, Department of Housing and Urban Development, or any other qualified person or agency to determine the location of Flood Hazard Areas and Coastal High Hazard Areas.

B. Flood Hazard Area Standards

1. All development proposals shall comply with TMC 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and TMC 12.08 Surface Water Management Manual for general and specific flood hazard protection.

2. Development shall not reduce the base flood water storage ability.

3. Construction, grading, or other regulated activities which would reduce the flood water storage ability must be mitigated by creating compensatory storage on- or off-site.

    a. Compensatory storage provided off-site for the purposes of mitigating habitat shall comply with all applicable wetland, stream and fish and wildlife habitat conservation area requirements.

    b. Compensatory storage provided off-site for purposes of providing flood water storage capacity shall be of similar elevation in the same floodplain as the development.

    c. Compensatory storage is not required in Coastal A and V Zone flood hazard areas or in flood hazard areas with a mapped floodway but containing no functional salmonid habitat on the site.

    d. For sites with functional connection to salmonid bearing waters that provide a fish accessible pathway during flooding, compensatory storage areas shall be graded and vegetated to allow fish refugia during flood events and their return to the main channel as floodwater recedes without creating flood stranding risks.

4. Development in floodplains shall not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to RCW 86.12, provided the plan has been adopted after 1994 and approved by the department. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. The following uses and activities may be appropriate and or necessary within the channel migration zone or floodway:

    a. Actions or projects that protect or restore the ecosystem-wide processes or ecological functions.

    b. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are permitted, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.

    c. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

    d. Modifications or additions to an existing non-agricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.

e. Development in incorporated municipalities and designated urban growth areas, as defined in RCW 36.70A, where existing structures prevent active channel movement and flooding.

f. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

5. The owner of any property upon which new development occurs is required to record a Notice on Title if the property contains land within the 100-year floodplain and/or the Critical Area Buffer, before a permit may be issued.

6. Base flood data and flood hazard notes shall be shown on the face of any recorded plat or site plan, including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

7. Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

8. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

9. New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

10. Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and un-mitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

11. Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and permitted only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

12. Actions that would result in an adverse effect to or net loss in habitat for Federally-listed threatened and endangered species shall not be allowed.

6.4.9 Aquifer Recharge Areas

A. Classification

1. Classification of recharge areas shall be based upon the susceptibility of the aquifer to degradation and contamination. High susceptibility is indicative of land uses which produce contaminants that may degrade groundwater and low susceptibility is indicative of land uses which will not. The following criteria should be considered in designating areas with critical recharging effects:

    a. Availability of adequate information on the location and extent of the aquifer;

    b. Vulnerability of the aquifer to contamination that would create a significant public health hazard. When determining vulnerability, depth of groundwater, macro and micro permeability of soils, soil types, presence of a potential source of contamination and other relevant factors should be considered; and

    c. The extent to which the aquifer is an essential source of drinking water.

B. Aquifer Recharge Area Standards

1. Aquifer Recharge Area Standards for development in aquifer recharge areas shall be in accordance with the standards in Chapter 13.09, South Tacoma Groundwater Protection District, of the TMC and other local, state, and federal regulations.

6.5 Public Access

<u>Introduction</u>

Shoreline public access is the physical ability of the general public to reach and touch the water's edge or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, including docks and piers, boat launches, pathways and trails, promenades, street ends, picnic areas, beach walks, viewpoints and others.

An important goal of the Shoreline Management Act is to protect and enhance public access to the state's shorelines. Specifically, the SMA states:

> *RCW 90.58.020: "[T]he public's ability 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."*
>
> *"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for …development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."*

Public access and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses, and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public

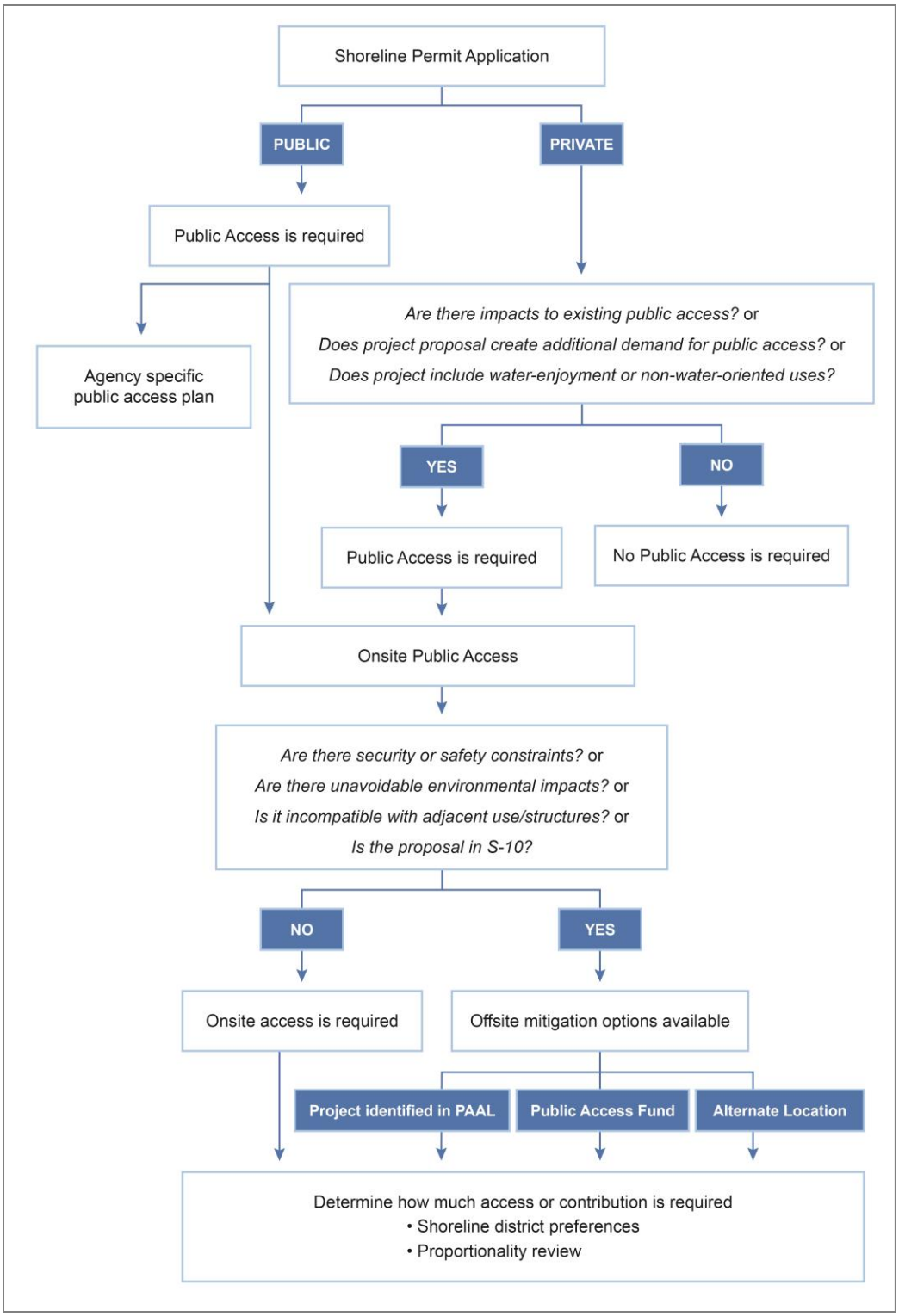
and private use of tidelands and other shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable waterbodies.

Background

This Public Access Chapter is preceded by several planning efforts to maintain and enhance public access to the shoreline in Tacoma. These efforts include the Ruston Way Plan, Shoreline Trails Plan, and the Thea Foss Waterway Design and Development Plan. Specific area-wide access standards that were developed in conjunction with past sub-area plans have been carried forward under the District Specific Standards, TSMP Section 6.5.2(D). The public access policies and strategies included in this Master Program build on those established in past planning documents and gives consideration to other recreation, mobility and open space goals and policies of the Comprehensive Plan. Public access projects identified in these plans have been integrated into a single, comprehensive Public Access Alternatives Plan. This plan will complement the policies and regulations of this Chapter by providing guidance for off-site mitigation and public expenditures towards public access and recreation within the shoreline.

When public access is required, the permit applicant should review the preferences and available alternatives and consider these in their permit application. Access preferences and alternatives may depend on a number of factors including the type of use and the district in which it is located. When off-site public access mitigation is appropriate, the permit applicant should review the Public Access Alternatives Plan for guidance and to identify priority projects. Permit applications that are not required to provide public access under the General Policies and Regulations, are not subject to the policies and regulations that follow. The following flow chart (Figure 6-2) depicts how the public access evaluation will occur within the permit process.

Figure 6-2. Public Access Requirements Flow Chart



6.5.1 Policies

A. General Policies

1. Developments, uses, and activities should be designed and operated to avoid or minimize blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines.

2. Public access should be a primary use in its own right or a secondary use that is created or enhanced as development or redevelopment occurs, provided that private property rights and public safety are protected. Public access elements may include, but should not be limited to the following:

    a. Bicycle paths along or adjacent to the shoreline;

    b. Shoreline parks;

    c. Beach areas;

    d. Piers, wharves, docks, and floats;

    e. Transient moorage; and,

    f. Trails, promenades, or other pedestrian ways along or adjacent to the shoreline edge.

3. New development should avoid or minimize conflict with existing public access or planned public access projects and provide mitigation if impacts cannot be avoided.

4. Impacts to public access from new development should be mitigated through the provision of on-site visual and physical public access, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline.

5. Development projects on public property or proposed by public entities should be required to incorporate public access features except where access is incompatible with safety, security, or environmental protection.

6. Public access provisions should be consistent with all relevant constitutional and other limitations that apply to regulations that are placed on private property, including the nexus and proportionality requirements.

7. Public access requirements on privately owned lands should be commensurate with the scale of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.

8. Public access should not compromise, in any significant manner, the rights of navigation and space necessary for water-dependent uses.

9. Where public views and water-dependent uses conflict, the water-dependent use should prevail.

10. Public access provided by street-ends, utility corridors, and public rights-of-way should be addressed in public access plans and should be preserved, maintained and improved.

B. Access Preferences and Alternatives

1. Preference should be given generally to provision of on-site public access. Off-site public access is appropriate where it would provide more meaningful public access, prevent or minimize safety or security conflicts, or where off-site public access is consistent with an approved public access plan.

2. Public access improvements should be generally consistent with the Public Access Alternatives Plan, the Open Space Habitat and Recreation Plan, the Mobility Master Plan, and any other adopted public access plan if the project area is covered by these plans. However, an alternative proposed by the Applicant may be approved if it is consistent with the goals, objectives, and policies in this Program.

3. When off-site public access is required, including contributions to an established public access fund, priority will be given to projects that complete a continuous public walkway extending from the eastside of the Foss Waterway to the Point Defiance promenade, or other projects listed in the City's Public Access Alternatives Plan that enhance public access and recreation within this shoreline area.

4. Public and private property owners should use a variety of techniques, including acquisition, leases, easements and design and development innovations, in order to achieve the public access goals and to provide diverse public access opportunities.

5. Where public access cannot be provided on-site, the City should consider innovative measures to allow permit applicants to provide public access off-site, including contributing to a public access fund to develop planned shoreline access projects.

6. Water-enjoyment and non-water-oriented uses that front on the shoreline should provide continuous public access along the water's edge.

7. Developments within shoreline jurisdiction that do not have shoreline frontage should provide public access by providing trails or access corridors through or from their sites or by providing view improvements, including viewing platforms.

8. Where new development occurs in a location where access along or to the shoreline already exists, the new development should either contribute additional recreation or access facilities to enhance the existing access, or consider view improvements.

9. An applicant may construct public access improvements before site development as a part of an overall site master plan, which may be phased. The applicant would receive credit for those improvements at time of development.

10. Public agencies are encouraged to develop their own public access plans, consistent with the policies and regulations of this Chapter, provided they meet the requirements specified in WAC 173-26-221(4)(c).

C. Design

1. Public access should be designed and located in such a way that does not result in a net loss of ecological functions.

2. Public access should be provided as close as possible to the water's edge without significantly adversely affecting a sensitive environment or resulting in significant safety hazards. Improvements should allow physical contact with the water where feasible.

3. Public spaces should be designed to be recognizable as 'public' areas and to promote a unified access system, including the design and location of site details and amenities, and to provide a safe and welcoming experience for the public.

4. Public spaces should be designed for the greatest number and diversity of people and for a variety of interests.

5. Public spaces should be designed and located to connect to other public areas, street-ends and other pedestrian or public thoroughfares.

6. New public access should be sited and appropriately designed to avoid causing detrimental impacts to the operations of existing water-dependent and water-related uses.

6.5.2 Regulations

A. General Regulations

1. Where feasible, new development, uses and activities shall be designed and operated to avoid and minimize blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.

2. Public access provided by street ends, public utilities, and public rights-of-way shall not be diminished without full mitigation for those impacts.

3. Existing public access shall not be eliminated unless the Applicant shows that there is no feasible alternative and replaces the public access with access of comparable functions and value at another location, consistent with TSMP 6.5.2(C)(2).

4. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, or security.

5. Public access easements and shoreline permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of approval. Said recording with the County Auditor's Office shall occur at the time of shoreline permit approval. Future actions by the applicant and/or successors in interest or other parties shall not diminish the usefulness or value of the public access provided, unless a new shoreline permit is secured.

6. Required public access improvements shall be fully developed and available for public use at the time of occupancy of the use or activity unless there are mitigating circumstances and an agreement setting forth an alternative schedule acceptable to the Director is in place.

B. When Public Access is Required

1. Public access shall be required to the extent allowed by law in the review of all shoreline substantial development permits and conditional use permits in the following circumstances:

a. The use or development is a public project.

b. The project is a water-enjoyment or non-water-oriented use or development.

c. The project is a private water-dependent or water-related use or development and one of the following conditions exists:

i. The project increases or creates demand for public access;

ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access;

iii. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.

2. The City bears the burden of demonstrating that a proposed use or development meets any of the preceding conditions.

3. If public access is required pursuant to TSMP Section 6.5.2(B)(1)(c), the City shall impose permit conditions requiring public access that is roughly proportional to the impacts caused by the proposed use or development. The City bears the burden of demonstrating that any public access required pursuant to TSMP Section 6.5.2(B)(1)(c) is roughly proportional to the impacts caused by the proposed use or development.

4. When public access is required pursuant to TSMP Section 6.5.2(B)(1)(c), the Director shall make specific findings that the use or development satisfies any of the conditions in TSMP Section 6.5.2(B)(1)(c) and that the permit conditions requiring public access are roughly proportional to the impacts caused by the proposed use or development.

5. Public access to the shoreline shall not be required of the following:

a. Activities qualifying for a shoreline exemption, per TSMP Section 2.3; or

b. New single family residential development of four (4) or fewer units.

C. Access Preferences and Alternatives

1. When required, onsite, physical access is preferred consistent with the standards of this Chapter and consistent with the planned public access system identified in the Public Access Alternatives Plan.

2. Required public access shall be commensurate with the scale and intensity of the proposed use or development.

3. Public agencies may rely on their own master plans that incorporate public access planning in-lieu of providing public access on a permit by permit basis for development identified in the master plan, provided that the agency's public access planning satisfies the following requirements: a) the City of Tacoma must first approve and adopt the master plan including City review for consistency with the requirements of this Program and WAC 173-27-221(4); b) the planned public access shall be commensurate with the agency's projected development plans for a time period to be established as part of the agency's master plan; c)

the agency's adoption of its plan must provide public participation consistent with RCW 90.58.130 and WAC 173-26-201(3)(b)(i); and d) the plan shall include a timeline for implementation, a maintenance plan, and a schedule for reporting and monitoring to ensure ongoing compliance with the requirements of this Program.

4. New water-enjoyment or non-water-oriented uses and development that front on the shoreline and are required to provide public access subject to TSMP 6.5.2(B)(1) shall provide continuous public access between the use and the water's edge. Improvements should be consistent with the district-specific standards in TSMP 6.5.2(D), where applicable.

5. New uses and developments within the shoreline that do not have shoreline frontage but are required to provide access according to TSMP 6.5.2(B)(1) shall consider view improvements, trail linkages or access corridors through or from their sites and connecting to an adjacent public access way.

6. The Director may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial and credible evidence that one or more of the following conditions exist:

    a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

    b. The configuration of existing parcels and structures, block potential access areas in such a way that cannot be reasonably remedied by the proposed development;

    c. Public access will jeopardize inherent security requirements of the proposed development or use and the impacts on security cannot be satisfied through the application of alternative design features or other solutions;

    d. The cost of providing on-site access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

    e. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, will result from the public access; or

    f. Public access is infeasible due to incompatible adjacent uses where the incompatibility cannot be mitigated.

7. Prior to approving alternatives to on-site physical access due to one or more of the conditions listed in TSMP Section 6.5.2(C)(6) the Director should first consider on-site access alternatives such as limiting hours to daylight use, or alternative site configurations or incorporating design elements, such as fences, terraces, hedges, and/or other landscaping to separate uses and activities cannot be accommodated.

8. Projects which meet the criteria in TSMP Section 6.5.2(C)(6) must construct off-site public access improvements of comparable function and value to the public access that would otherwise be required on-site or contribute funds of equivalent value to a locally established public access fund that will be used for developing or enhancing system capacity.

9. Required public access may include the preservation of shoreline views consistent with Section 6.7, the establishment of public access easements to and along the shoreline, enhancement of an adjacent street-end or park or other public access features commensurate with the degree of impact caused by the development.

10. Where a project is located within an area covered by an adopted public access plan, including the Open Space Habitat and Recreation Plan, the Public Access Alternatives Plan, Mobility Master Plan, or any other adopted public access plan, public access improvements shall be generally consistent with the adopted plan. However, the City may approve an alternative proposed by the Applicant that meets the goals, objectives, and policies in this Program.

11. A project applicant may participate in "advance mitigation" by providing public access improvements prior to the time a project is constructed.

12. In the "S-10" Port Industrial Area Shoreline District, when new uses or development are required to provide public access, the access may be provided on-site or off-site or via a public access fund contribution and shall not be subject to the on-site preference or waiver criteria in 6.5.2(C)(1) and (6).

13. For the "S-7" Schuster Parkway, "S-6/7" Schuster Parkway Transition, and "S-6" Ruston Way Shoreline Districts, the City shall initiate a public process to evaluate the desirability and feasibility of trail improvements between the Foss Waterway and Ruston Way and develop a design concept for the envisioned public access. Multiple trail alignments have been identified in the Public Access Alternatives Plan that should be evaluated, including an overwater or waterside trail, a reconfiguration of Schuster Parkway and the existing sidewalk, and the Bayside Trail. In addition, the City shall seek Federal, State, and regional funding for the implementation of the preferred public access alternative.

D. District-Specific Standards

1. As a result of past sub-area planning efforts, including the Ruston Way Plan (1981) and the Thea Foss Waterway Design and Development Plan (1992), the following shoreline districts have specific area-wide public access standards as a condition for new use and development.

2. If the required access identified for the shoreline districts in this section is determined to be disproportionate to the scale or intensity of the use or development, the Director shall consider alternative on-site access, including a reduced minimum average width, or different types of access, such as a viewing platform or direct water access prior to allowing off-site mitigation.

3. "S-15" Point Ruston/Slag Peninsula Shoreline District and "S-6" Ruston Way Shoreline Districts

    a. All new development that fronts on the shoreline shall provide a continuous public access walkway along the entire site's shoreline adjacent to the OHWM, improved to a minimum average width of 15 feet and ADA accessible. A public access/view corridor from the street right-of-way to the public walkway shall be provided for each development and shall be a minimum of 10 feet wide and ADA accessible. The required pedestrian circulation link shall be located within the required side yard/view

corridor and be counted toward said side yard/view corridor requirement. Provision shall be made to provide access from the parking lot to the main building entrance.

4. "S-8" Thea Foss Waterway Shoreline District

   a. On the west side of the Thea Foss Waterway, new development shall provide a continuous, unobstructed, publicly accessible esplanade or boardwalk fronting on the shoreline edge where the minimum improved surface shall be 20 feet wide. Connections between Dock Street and the esplanade or boardwalk shall be provided through designated public access/view corridors, and possibly additional public access corridors.

   b. On the east side of the Thea Foss Waterway, new development located to the south of, and including, the East 11th Street right of way, shall provide a continuous, unobstructed, publicly accessible walkway or boardwalk fronting on the shoreline edge where the improved surface shall be a minimum of 15 feet wide. Connections between the walkway and East D Street shall be provided through public access/view corridors as required in TSMP Section 6.5.2.

   c. A public access/view corridor from the street right-of-way to the public esplanade, walkway or boardwalk shall be provided for each development, and shall be a minimum of 10 feet wide and ADA accessible. The required pedestrian circulation link shall be located within the required side yard/view corridor and be counted toward said side yard/view corridor requirement. Provision shall be made to provide access from the parking lot to the main building entrance.

   d. On both the west and east sides of the Thea Foss Waterway, site amenities, such as benches, lights, and landscaping, as well as surfacing materials shall be included as part of the esplanade, walkway or boardwalk construction consistent with the Thea applicable waterfront design guidelines.

   e. On the western side of the Thea Foss Waterway, new permanent buildings are not permitted in any designated waterfront esplanade, boardwalk, or public access/view corridor unless otherwise specified, except that pedestrian bridges connecting development site buildings, weather protection features, public art or structures provided primarily as public access or a public amenity such as viewing towers, decks, and public restrooms may be located in or over these areas.

E. Design

1. When public access is provided it shall be designed and located to achieve no net loss of existing shoreline ecological functions.

2. New public access shall be sited and appropriately designed to avoid causing detrimental impacts to the operations of existing water-dependent and water-related uses.

3. Public access shall be provided on the waterward side of the proposed development or use or, where safety or security considerations prevent access in close proximity to the water, the access shall be provided as close to the shoreline edge as is practicable.

4. Water-enjoyment uses and non-water-oriented uses that front on the shoreline shall provide a continuous public access walkway between the use and the shoreline edge.

5. Public access improvements shall be designed to minimize impacts to critical areas, ecological functions, and ecosystem-wide processes. A biological assessment or a habitat management plan consistent with TSMP Section 6.4 may be required for public access developments in shoreline jurisdiction. The City may require that critical areas and/or marine buffers be increased based upon the results of that assessment. Full mitigation of impacts shall be required.

6. In instances where public access is proposed in conjunction with a restoration or environmental mitigation project that includes work within a critical area or its buffer, the public access element may be provided within a critical area or its buffer provided it is the minimum necessary to provide an access function appropriate to the site and is consistent with applicable requirements in this Program. The design and location of said access feature shall not compromise the ability of the restoration project's ability to achieve its intended objectives.

7. Public access sites shall be connected directly to adjacent public streets and trails.

8. The standard state approved logo or other signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant. Signs may control or restrict public access as a condition of permit approval.

9. All public access sites city wide shall provide site furnishings appropriate for the intended use of the access site, the estimated demand, site context and hours of use.

10. Public access improvements shall include provisions for disabled and physically impaired persons where reasonably feasible.

6.6 Vegetation Conservation

Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that 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.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority. Vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Vegetation conservation standards do not apply retroactively to existing uses and structures.

6.6.1 Policies

1. Where new developments and/or uses are proposed, native shoreline vegetation should be conserved and/or enhanced to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. It is recognized that all vegetation is beneficial to the shoreline; however, native vegetation is preferable and is the term used in this section. Important functions of shoreline vegetation include, but are not limited to:

a. Providing shade necessary to maintain water temperatures required by salmonid, forage fish, and other aquatic biota;

b. Regulating microclimate in riparian and nearshore areas;

c. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates;

d. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides;

e. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff;

f. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;

g. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonid and other species;

h. Providing habitat for wildlife, including connectivity for travel and migration corridors.

2. Limit removal of native vegetation to the minimum necessary to accommodate shoreline development.

3. Restrict native vegetation removal within shoreline jurisdiction in order to maintain the functions and values of the shoreline environment, including protection of habitat and shoreline bluffs.

4. Use best management practices (BMPs) to control erosion.

5. Voluntary restoration plans and projects should incorporate native vegetation management plans that are similar to the standards as specified in TSMP Section 6.6.2(3) below.

6. Maintaining well-vegetated shorelines is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns consistent with the requirements specified in TSMP Section 6.4.4(D) may be permitted when slope stability and ecological functions are not compromised. Trimming and pruning consistent with the requirements specified in TSMP Section 6.4.4(D) are generally preferred over removal of native vegetation.

7. Property owners are strongly encouraged to avoid use of fertilizers, herbicides and pesticides.

8. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat.

6.6.2 Regulations

1. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section to ensure shoreline functions,

values, and processes are maintained and preserved. A shoreline permit or written statement of exemption shall not mandate, nor guarantee, unobstructed horizontal or lateral visibility of the water, shoreline or any specific feature near or far.

2. Proponents of all new shoreline uses or developments shall maintain existing native shoreline vegetation to the maximum extent practicable.

3. Administrative review is required for all proposals to modify native shoreline vegetation when a clearing permit under TMC 2.19 is not required. This review will include any proposal to clear native vegetation, trim or prune trees, remove trees, or remove hazard trees. Administrative review will require the preparation and approval of a vegetation management plan as described below.

4. Removal of native vegetation within shoreline jurisdiction shall only be permitted upon approval of a detailed vegetation management plan prepared by a qualified professional that also meets the requirements specified in TSMP Section 6.4.4(D). The vegetation management plan shall include:

    a. A map illustrating the distribution of existing plant communities in the area proposed for clearing and/or grading. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, the functions served by the existing plant community (e.g., fish and wildlife habitat values, slope stabilization) and the presence and distribution of noxious weeds.

    b. A description of the shade conditions created by existing vegetation. This description shall include an inventory of overhanging vegetation as well as a determination of how much shade is created by standing trees, during midday at midsummer.

    c. A detailed landscape map indicating which areas will be preserved and which will be cleared, including tree removal.

    d. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions shall be noted.

5. The following standards shall apply for removal and replacement of existing native vegetation and the removal of noxious weeds:

    a. Proponents shall replace vegetation in such a way as to ensure that post-development functions are at least equal to the pre-development functions as identified in the vegetation management plan and to prevent site erosion. In Biodiversity Areas and Corridors, proponents shall replace vegetation according to the requirements provided in TSMP Section 6.4.4.

    b. Proponents shall use native species approved by the Director that are of a similar diversity, density, and type to that occurring in the general vicinity of the site prior to any shoreline alteration. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time;

c. A minimum of 4 inches of wood chip mulch, or equivalent, distributed over the entire planting area;

d. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water-system, an alternative method (e.g., hand watering) may be approved;

e. Replacement shall occur as close to the ordinary high water mark as practicable and shall include overhanging vegetation where feasible;

f. A description of the maintenance and monitoring strategies to ensure the replacement vegetation meets the standards contained herein; and,

g. For a period of three (3) years after initial planting, the applicant shall replace any unhealthy or dead vegetation planted as part of the vegetation management plan.

6. Trimming of trees is allowed without a vegetation management plan, provided:

   a. This provision is not interpreted to allow clearing of vegetation;

   b. Trimming does not include topping, stripping or imbalances; trimming or pruning must use proper methods as described in ANSI A300 standards to ensure tree health;

   c. Trimming does not directly impact the nearshore functions including fish and wildlife habitat;

   d. Trimming is not within a critical area or their buffers;

   e. Trimming will not adversely impact a priority species; and

   f. Trimming in landslide and erosion hazard areas does not impact soil stability.

7. Removal of native vegetation within the critical areas and/or their buffers shall provide a vegetation management plan consistent with the provisions of this chapter and shall additionally comply with the applicable critical area standards of TSMP Section 6.4.

8. Hazard trees that are within a critical area and/or its buffer, that pose a threat to public safety or an imminent risk of damage to private property may be removed provided that a report from a certified arborist (or related professional) is submitted to the City for review and approval. The report must include removal techniques, procedures for protecting the surrounding area and/or critical area and its buffer, and replacement of native trees. Where possible, cut portions of hazard trees are to be left on site as a habitat element such as a standing snag tree or downed woody debris.

9. The City may require a performance bond as a condition of shoreline exemption or shoreline permit approval, to ensure compliance with this Master Program.

10. If the timing of required installation occurs between April 1st and October 1st of any given year, said installation may be postponed until after October 1st of the same year, provided a written request for postponement is submitted by the proponent, the financial surety has

been secured by the City and the Director has issued a letter of approval for said postponement of native vegetation installment.

11. Materials required in TSMP Section 6.6.2(3) and (4), above, shall be submitted, reviewed and approved by the Director prior to issuance of any development permits on the site. Installation of all required vegetation and submittal of the maintenance and monitoring report shall be completed prior to occupancy for the subject use. As-installed reports shall be submitted to the Director at the end of each year for the five-year maintenance and monitoring period to assure compliance.

6.7 Views and Aesthetics

The following provisions provide for preservation and/or protection of scenic vistas, views of the water, and other aesthetic qualities of shorelines for public enjoyment. They include policies and regulations which protect public views of the City's shorelines and waters; encourage shoreline uses to orient toward the City's shoreline resources and ensure that landscaping of the uplands are consistent with the City's vision of its shorelines.

6.7.1 View Policies

1. Shoreline use and development activities should be oriented to take the greatest advantage of shoreline views. Buildings should be designed to provide maximum view opportunities from within.

2. Shoreline use and development activities should be designed and operated to minimize obstructions to the public's visual access to the water and shoreline.

3. As mandated by the Act (RCW 90.58.320), no permit should be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where this Program does not prohibit such development and only when overriding considerations of the public interest will be served.

4. Views and the physical form of the waterfront should be preserved by maintaining low structures near the water and at the tops of the bluffs, and by allowing non view blocking vertical development at the base of the bluffs.

5. Encourage the development of viewing areas wherever appropriate and feasible.

6.7.2 Aesthetic Policies

1. To the extent feasible and consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the aesthetic qualities of shorelines of the state, including views of the water, should be advanced.

2. Shoreline use and development that are adjacent to pedestrian access ways should orient building facades to those pedestrian routes and utilize façade treatments that maximize the enjoyment of shoreline areas.

3. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shoreforms, vegetative cover and historic sites/structures.

4. New development should emphasize the water as a unique community asset.

5. New development should emphasize the bluffs abutting waterfront areas as natural design features that give definition to the urban form.

6. New uses and developments in shoreline areas should be designed and constructed for a "human scale" and pedestrian orientation.

7. Encourage design details such as form, scale, proportion, color, materials and texture to be compatible within shoreline areas wherever feasible.

8. Provide for uniform and recognizable design and signage elements in public access and recreational areas.

9. Locate paths, benches, and picnic areas to take full advantage of marine views.

10. Consider the use of rooftop surfaces for open space and public recreation purposes.

11. View and public access corridors should be designed and developed to encourage pedestrian uses.

6.7.3 Landscaping Policies

1. Continuous planting or other ground surface treatment should be used to physically and visually link the waterfront areas to the City and to each other.

6.7.4 Regulations

A. View Regulations

1. New development shall be located and designed to mitigate adverse impacts to views from public vistas, viewpoints, parks and scenic drives.

2. View corridors, as specified in Table 9.2, shall be provided concurrent with any new use or development.

3. Structures are not permitted in any required view corridor, except that weather protection features, public art, and areas provided primarily for public access, such as viewing towers and pedestrian bridges, may be located in or over these areas.

4. As mandated by the Act (RCW 90.58.320), no permit may be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where this Program does not prohibit such development and only when overriding considerations of the public interest will be served. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase the intervening property, and/or seek other similar private means of minimizing view obstruction.

5. A new or substantially reconstructed building may only exceed the height limitation without a shoreline variance, when all the following criteria are met:

a. The lowest floor of the building is elevated to meet the Base Flood Elevation standard.

b. The added height is no greater than the difference between average grade level, as defined in the SMP, and the required base flood elevation.

c. A view impacts assessment is completed which demonstrates:

i. The requirements of the Act, including RCW 90.58.320, are satisfied, and

ii. Locally significant public views are protected.

6. Protection and/or enhancement of critical areas and their associated buffers shall be preferred over provisions for visual access, when there is an irreconcilable conflict between the two.

7. Water-dependent uses and/or public access uses shall be preferred over provisions for visual access, when there is an irreconcilable conflict between the two.

8. View protection does not justify the excessive removal of vegetation to create views or enhance partial existing views. Retaining vegetation and "windowing" or other pruning techniques shall always be preferred options over vegetation removal.

B. Aesthetic Regulations

1. Buildings shall incorporate architectural features that reduce scale such as setbacks, pitched roofs, offsets, angled facets, and recesses.

2. The first floor of structures adjacent to pedestrian public access-ways or street ROW shall be designed to maximize transparency, where appropriate given the type of use and its location in the shoreline.

3. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.

4. Building and site development shall comply with the transit support standards of TMC 13.06.511, the pedestrian and bicycle support standards of TMC 13.06.512, and the short term rental standards of TMC 13.06.575.

5. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.

6. Fences, walls, hedges and other similar appurtenances and accessory structures shall be designed in a manner that does not preclude or significantly interfere with the public's view of the water, to the extent feasible.

C. Landscaping Regulations

1. Building and site development or redevelopment shall comply with the landscaping and buffering standards of TMC 13.06.502.

2. As part of meeting project site area landscaping requirements, the applicant for a proposed new development or redevelopment project upland of the ordinary high water mark, must submit a landscaping plan for approval specifying installation of minimum ten-foot wide planting bed(s) of native riparian vegetation within and along portions of the fifteen-foot wide strip of land lying immediately landward of (a) the ordinary high water mark (OHWM) for currently unarmored shorelines, or (b) the landward edge of existing shoreline armoring for currently armored shorelines. Where portions of already-developed sites are proposed to be redeveloped, the planting bed(s) shall only be required along those redeveloping portion(s) of the site actually abutting the shoreline. Riparian vegetation should be encouraged, but not required, elsewhere on the project site for aesthetic continuity with the riparian vegetation within the bed(s) required along the shoreline. These landscaping requirements do not apply to upland parcels which do not have shoreline frontage, those structures which are overwater, and development that does not have legal access to the shoreline area such as utility projects with limited easement areas. The landscaping plan must also meet the following requirements:

   a. Locations and Sizes of Required Shoreline Planting Beds. The landscaping plan shall specify (a) particular species of native salt tolerant riparian vegetation that are to be planted in ground-level or raised planting beds (see the next section), (b) that each planting bed shall be a minimum of ten feet in width and a minimum of ten feet in length (a minimum of one hundred square feet), and (c) that the total minimum linear footage of planting beds along the project's shoreline shall be fifty percent of the project's shoreline length;

   b. Plant Selection. The native riparian plant species shall be specified on the landscaping plan. The suitability of the species must be reviewed and approved by a biologist/riparian plant specialist. The plant names listed on the landscaping plan shall comply with the names generally accepted in the riparian plant nursery trade. The plan shall further specify that (a) all plant materials shall be true to species and variety and legibly tagged, and (b) riparian plant materials shall be nursery grown in the Puget Sound area of Washington except that dug plants may be used upon approval of the biologist/riparian plant specialist;

   c. Plant Sizes. The landscaping plan shall specify the sizes of the riparian plants to be installed. The plan may also specify that larger stock may be substituted provided that (a) it has not been cut back to the specified size, and (b) the root ball is proportionate to the size of the plant. Because smaller stock may be acceptable based upon site-specific conditions, the plan may specify that the biologist/riparian plant specialist may make field determinations to substitute smaller stock for the stock size set forth on the plan.

   d. Site Preparation. The landscaping plan shall specify that (a) an amended planting soil shall be placed in the planting beds if needed, (b) all existing exotic vegetation must be removed from the planting beds, and (c) the project biologist/riparian plant specialist may make field determinations for the installation of barriers to limit Canada geese intrusion and feeding on installed plants;

   e. Plant Monitoring. The landscaping plan shall specify that five year monitoring will be conducted to ensure the long-term survival and stability of the riparian planting beds,

with the elements of the monitoring to be (a) annual inspections of the plants, (b) replacement of failed riparian plants, (c) removal of exotic invasive species that may have become established, and (d) photographic documentation of planting success;

f. Criteria for Success. The landscaping plan shall specify that, at the end of the fifth year of the monitoring, the riparian planting beds shall be considered successful if the following performance standards are met: (1) a minimum eighty percent survival rate of the riparian vegetation within the planting beds; and (2) a minimum of fifty percent cover within the planting beds by riparian vegetation four feet tall or taller.

3. Where the strict application of the landscaping standards would pose an irreconcilable conflict with required public access, the required landscaped area may be reduced by 50% or fulfilled off site.

4. Where the strict application of the landscaping standards would pose an irreconcilable conflict with water-dependent uses, the required landscape area shall be installed to the maximum extent feasible.

5. Where vegetation enhancement has been required along the OHWM as mitigation for shoreline impacts, per the mitigation sequencing standards in TSMP Chapter 6.4, that enhancement may additionally fulfill the landscaping requirements set forth herein.

D. S-8 Thea Foss Waterway

1. All new development in the "S-8" Thea Foss Waterway Shoreline District shall also be designed in accordance with the applicable waterfront design guidelines.

2. For all new development that exceeds 35 feet in height, the project proponents shall conduct a view impact analysis. The purposes of the view analysis are to assist in addressing the requirements of the Act, including RCW 90.58.320, and to protect a locally significant public view. The analysis shall be submitted to the City as a part of the shoreline permit application. In addition, for projects utilizing the FWDA design review process, the analysis shall be submitted to and reviewed as part of their design review process.

3. The view analysis required under TSMP 6.7.4(D)(2) shall include the following:

a. The view analysis shall identify potential impacts to public access to the shorelines of the state and the view obstruction of a substantial number of residences on areas adjoining the west side of the Waterway.

b. The view analysis shall also identify potential impacts to the locally significant public view of Mount Rainier, behind the 11th Street Bridge, as seen from the northern end of the southernmost viewpoint projection in Fireman's Park.

4. In addition to the requirements found in the Shoreline Management Act, including RCW 90.58.320, shoreline permits shall not be approved for any new or expanded building or structure of more than 50 feet in height that will obstruct the locally significant public view of Mount Rainier, as described in (b) above.

6.8 Water Quality and Quantity

The following section applies to all development and uses in the City's shorelines, that affect water quality. The provisions protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life. The purpose of these policies and regulations is to prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities. They are also meant to ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity.

6.8.1 Policies

1. Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

    a. Prevent impacts to water quality and surface water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities or recreational opportunities.

    b. Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and surface water quantity. The regulations that are most protective of ecological functions shall apply.

    c. The location, construction, operation and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.

    d. Shoreline use and development should avoid the use of chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.

    e. Existing public surface water management systems and facilities should be retrofitted and improved to incorporate Low Impact Development techniques whenever feasible and as specified in TMC 12.08.

    f. Improving water quality is one of the primary goals within the Shoreline Restoration Plan. The water quality improvement objectives should be considered and implemented into future watershed planning including prioritization and identification of retrofitting opportunities.

    g. Effective erosion/sedimentation controls for construction in the shoreline areas should be required.

6.8.2 Regulations

1. Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws and in such a manner as to ensure no net loss of ecological function.

2. All proposed developments shall include measures to prevent the contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff.

3. All phases of development shall be consistent with TMC 12.08 and the current Surface Water Management Manual and shall provide an 'enhanced' level of surface water management.

4. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control (TESC) plan, or administrative conditions.

5. Low Impact Development (LID) techniques shall be considered and implemented to the greatest extent feasible throughout the various stages of development including site assessment, planning and design, vegetation conservation, retrofitting and built-out management techniques.

6. All materials that may come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in or above shoreline water bodies.

7. All proposed developments shall include measures for the replanting of the site after construction in such a manner as to ensure no net loss of ecological function.

8. All proposed developments shall provide storm drainage facilities which are separate from sewage disposal systems and which are constructed and maintained to meet all applicable standards for water quality, including TMC 12.08, Health Department Regulations, and other applicable Federal, State, and local regulations.

9. Chemical pesticides using aerial spraying techniques within the shoreline jurisdiction, including over waterbodies or wetlands, shall be prohibited unless specifically permitted by the Washington Departments of Agriculture or Public Health.

10. Pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary shall be restricted in accordance with the a) state Department of Fish and Wildlife Management Recommendations b) the regulations of the state Department of Ecology as the Environmental Protection Agency's delegated authority and permitting body for the application of pesticides and herbicides to the waters of Washington State, and c) pesticide labels as per the authority of the state Department of Agriculture.

11. Pesticides shall be used, handled, and disposed of in accordance with provisions of the Washington State Pesticide Application Act (RCW 17.21) and the Washington State Pesticide Control Act (RCW 15.58) to prevent contamination and sanitation problems.

CHAPTER 7 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.

7.2 Prohibited Uses

The following uses are prohibited in all shoreline environments:

1. Agriculture;
2. Forest Practices;
3. Mining; and
4. Marijuana uses pursuant to the standards in TMC 13.06.565.

7.3 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.

7.3.1 Policies

1. Commercial aquaculture should be conditionally allowed in appropriate locations and scale within the City of Tacoma.

2. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation or other water-dependent uses.

3. Aquaculture facilities should be designed and located to ensure that they do not spread disease to native aquatic life, establish nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

7.3.2 Regulations

1. Aquaculture for the purpose of enhancing indigenous salmonid populations and fisheries, for educational purposes, or for restoration is allowed in all shoreline districts.

2. Commercial aquaculture is limited to development of mini-seed nurseries including those which use Floating upweller system (FLUPSY) technology. These facilities are limited in size to those which can be installed in a marina slip or within an existing boathouse.

3. No more than 10 percent of the slips at a marina shall be occupied by commercial aquaculture to ensure conflicts with existing water-dependent recreational uses are minimized.

7.4 Boating Facilities

Boating facilities includes marinas, launching facilities, storage, supplies, moorage, and other services for pleasure and commercial watercraft. Commercial development, not accessory to the operation of a marina or boating facility, shall comply with TSMP Section 7.4 Commercial Use. Shoreline modifications associated with marinas, including docks, piers, and floats, shall also comply with TSMP Chapter 8 Shoreline Modification Policies and Regulations. For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

7.4.1 Policies

A. General Policies

1. Proposals for boating facilities development should ensure that there will be no net loss of ecosystem functions associated with the development.

2. In locating marinas and boat launch facilities, provisions for protection and/or improvement of resources shall be incorporated within the design of the facility.

3. Marinas and boat launch facilities should be designed in a manner that will avoid and prevent damage to fish and shellfish resources.

4. Marinas are encouraged to co-locate wherever feasible.

5. Marinas and boat launch facilities should be designed and located to be aesthetically compatible with adjacent areas.

6. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

7. Shallow water areas with poor flushing action should not be considered for overnight and long-term moorage facilities.

8. To conserve limited shoreline resources, upland boat storage should be preferred over new marinas.

9. Boat launch facilities should be located in areas to minimize water pollution and should be separated from swimming beaches.

10. New enclosed and/or covered moorages and boathouses should be prohibited.

11. Encourage the installation of new technology and materials which will conserve space, be less damaging to the environment, and be more efficient.

12. Encourage more efficient use and additions to existing marinas where appropriate rather than construction of new marinas.

13. Parking areas for marinas and boat launch facilities should be located on the landward side of the primary use, outside of the marine buffer, and should be properly screened from adjacent uses.

14. Marinas should incorporate public access and viewing opportunities, overwater where possible, and with regard for public safety.

15. Live-aboard vessels should only be permitted where adequate marina facilities exist to prevent impacts to water quality.

16. Marinas and boating facilities should implement best management practices to prevent water pollution. Applicants should consult the Department of Ecology's current Resource Manual for Pollution Prevention in Marinas.

17. Encourage guest/transient moorage as part of tourist and recreational attractions.

B. "S-8" Thea Foss Waterway Shoreline District

1. Boating facilities are encouraged on the Thea Foss Waterway, provided they are developed consistent with the provisions of this Program.

2. Encourage the establishment of new harbor areas where they do not impede with navigability of existing uses on the Waterway.

7.4.2 Regulations

A. General Regulations

1. Any new shoreline substantial development or conditional use permit for a marina or boat launch facility shall include provisions for site restoration once any permitted facility or facilities ceases to be in water-oriented use for a continuous twelve month period.

2. All facilities shall be constructed so as not to interfere with or impair the navigational use of surface water.

3. New marinas and/or boating facilities shall only be permitted where it can be demonstrated that:

    a. That the proposed site has the flushing capacity required to maintain water quality;

    b. That adequate facilities for the prevention and control of fuel spillage are incorporated into the marina proposal;

    c. That there shall be no net loss of ecological functions as a result of the development of boating facilities and associated recreational opportunities;

    d. The proposed design will minimize impediments to fish migration.

4. Residential uses and structures within a marina or other boating facility located over or in water, including garages, accessory buildings, house barges and floating homes, are prohibited. Live-aboard vessels are permitted only when in compliance with the standards in TSMP Chapter 7.4.2(K) below.

B. Site Location

1. Marinas or launch ramps shall not be permitted on the following marine shores unless it can be demonstrated that interference with littoral drift and/or degradation or loss of shoreline ecological functions and processes, especially those vital to maintenance of nearshore habitat, will not occur. Such areas include:

    a. Feeder bluffs; and

    b. High energy input driftways.

2. Marinas or launch ramps shall not be permitted within the following marine shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:

    a. Marshes, estuaries and other wetlands;

    b. Kelp beds, eelgrass beds, spawning and holding areas for forage fish (such as herring, surf smelt and sand lance); and,

    c. Other critical saltwater habitats.

3. Foreshore marinas or launch ramps may be permitted on low erosion rate marine feeder bluffs or on low energy input erosional driftways if the proposal is otherwise consistent with this Program.

4. Where foreshore marinas are permitted, the following conditions shall be met:

    a. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions or processes or shore features; and

    b. Solid structures that block fish passage shall not be permitted to extend without openings from the shore to zero tide level (Mean Lower Low Water, or MLLW), but shall stop short to allow sufficient shallow fringe water for fish passage.

5. Foreshore and backshore marinas shall be designed to allow the maximum possible circulation and flushing of all enclosed water areas.

6. New or expanding marinas with dredged entrances that adversely affect littoral drift to the detriment of other shores and their users shall be required to periodically replenish such shores with the requisite quantity and quality of aggregate as determined by professional coastal geologic engineering studies.

7. Design and other standards for physical improvement of docks and piers are found in TSMP Section 8.6, Moorage Facilities: Docks, Wharves, Piers, Floats, and Buoys.

C. Public Access Associated with Marinas and Boating Facilities

1. New launch ramps shall be approved only if they provide public access to public waters, which are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity. Prior to providing ramps at a new location, documentation shall be provided demonstrating that expansion of existing launch facilities would not be adequate to meet demand. Public access areas shall provide space and facilities for physical and/or visual access to water bodies, including feasible types of public shore recreation.

2. Marinas and boat launches shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal. Features for such access could include, but are not limited to docks and piers, pedestrian bridges to offshore structures, fishing platforms, artificial pocket beaches, and underwater diving and viewing platforms.

3. Marinas over 25 slips in size must provide public access to the water, where feasible, consistent with the public access requirements of TSMP Section 6.5. An additional public access feature or equivalent increase in size of an existing feature shall be provided with each additional 75 slips. Expansion of existing marinas shall meet these standards when an additional 25 slips, or more, are added.

D. Site Considerations

1. Marinas, launch ramps, and accessory uses shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

2. Public launch ramps and/or marina entrances shall not be located near beaches commonly used for swimming, valuable fishing and shellfish harvest areas, or sea lanes used for commercial navigation unless no alternative location exists, and mitigation is provided to minimize impacts to such areas and protect the public health, safety and welfare.

3. Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.

4. Marinas, launch ramps, and accessory uses shall be located where water depths are adequate to avoid the need for dredging and minimize potential loss of shoreline ecological functions or processes.

5. Marinas, launch ramps, and accessory uses shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods, abnormally high tides, and/or destructive storms.

E. Boat Storage

1. Marinas, with the exception of facilities for transient or guest moorage, shall provide dry upland boat storage with a launch mechanism to protect shoreline ecological functions and processes, efficiently use shoreline space, and minimize consumption of public water surface area unless:

   a. No suitable upland locations exist for such facilities; or

   b. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; and

   c. It can be demonstrated that wet moorage would enhance public use of the shoreline.

2. Dry storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual screening and noise attenuation area for adjoining dissimilar uses or scenic areas.

F. Waste Disposal at Boating Facilities

1. Marinas shall provide pump out, holding, and/or treatment facilities for sewage and grey-water contained on boats or vessels. These facilities shall be low-cost or free, visible, and readily accessible by marina patrons. The responsibility for providing adequate facilities for the collection of vessel sewage, grey-water and solid waste is that of the marina operator.

2. Marinas and boating facilities shall implement best management practices to prevent and minimize water pollution. Applicants should consult the Department of Ecology's current Resource Manual for Pollution Prevention in Marinas.

3. Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

4. Garbage, litter, and recycling receptacles and facilities shall be provided and maintained by the marina operator as required by federal, state, and local laws and regulations.

5. Marinas shall provide adequate disposal facilities for the discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait.

6. Marina operators shall post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them.

G. Oil Product Handling, Spills, and Wastes

1. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion or substantial alteration of existing marinas. Compliance with federal or state law may fulfill this requirement.

2. Handling of fuels, chemicals or other toxic materials must be in compliance with all applicable Federal and State water quality laws as well as health, safety and engineering requirements.

3. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

H. Parking and Vehicle Access

1. Public or private launch ramps shall provide trailer spaces commensurate with projected demand.

2. Connecting roads between marinas and public streets shall have all weather surfacing, and be satisfactory to the City Engineer in terms of width, safety, alignment, sight distance, grade and intersection controls.

I. Launch Ramp Design

1. Preferred ramp designs, in order of priority, are:

   a. Open grid designs with minimum coverage of beach substrate;

   b. Seasonal ramps that can be removed and stored upland; and

   c. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.

2. Ramps shall be placed and maintained near flush with the foreshore slope.

J. Accessory Uses

1. Accessory uses at marinas or launch ramps including parking, boat repair and services, open air storage, waste storage and treatment, in-water net pens for baitfish, stormwater management facilities, utility and upland transportation development, shall be permitted provided they are consistent with all other provisions of this Program (including those for parking, transportation, and utilities) and, where possible, provide public physical or visual shoreline access.

2. Water-oriented accessory uses reasonably related to marina operation may be located over water or at the water's edge by conditional use provided the operator can demonstrate that an over-water or waters'-edge location is essential to the operation of the use and that the accessory use will avoid or mitigate any impacts to shoreline functions so that no net loss of shoreline functions results.

3. Minor boat repair and maintenance shall be permitted in conjunction with marina operation provided that the operator can demonstrate such accessory use is clearly incidental and subordinate to the marina development, and that best management practices for small boat yards are employed.

K. Live-Aboards

1. Vessels used as a place of residence are prohibited except when located within a marina, where authorized by the marina operator, and when the vessel is licensed and designed primarily for recreational or commercial navigation. The following are the minimum requirements to qualify as a live-aboard vessel:

    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.

2. No vessel berthed in a marina shall be used as a place of residence except as authorized by the marina operator in conjunction with a permit from the City.

3. No more than twenty (20) percent of the slips at a marina shall be occupied by live-aboard vessels. Any marina with live-aboard vessels shall require:

    a. That all live-aboard vessels are connected to utilities that provide sewage and grey-water conveyance to an approved disposal facility; or

b. That marina operators or live-aboards are contracted with a private pump-out service company that has the capacity to adequately dispose of live-aboard vessel sewage and grey-water; or

c. That a portable pump-out facility is readily available to live-aboard vessel owners[2];

d. That all live-aboard vessels shall have access to utilities that provide potable water;

e. That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition.

4. Marinas with live-aboard vessels shall only be permitted where compatible with the surrounding area and where adequate sanitary sewer facilities exist (as listed in TSMP Section 7.4.2(K)(3)(a), (b), and (c) above) within the marina and on the live-aboard vessel.

L. "S-8" Thea Foss Waterway Shoreline District

1. New marina development may only occur in conjunction with an adjacent upland, non-marina use.

2. For purposes of marina location, the designated primary or secondary public access/view corridors specified in TSMP Section 9.10 are extended into the Waterway on the west side, and are fixed in location. Marinas may not be located in or within 20 feet of these public access/view corridors. Further, marinas are prohibited south of the extension of South 18th Street to the south end of the Waterway. Visitor moorage is permitted, and required public access features for marinas such as viewing platforms and piers may be located in the public access/view corridors.

7.5 Commercial Use

Commercial use regulations apply to business uses or activities at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples include, but are not limited to, hotels, motels, grocery stores, restaurants, shops, offices, and indoor recreation facilities.

7.5.1 Policies General

A. General Policies

1. Commercial uses and development should be designed and constructed in such a manner as to result in no net loss of ecosystem functions.

2. Priority should be given to those commercial uses which are determined to be water-dependent uses or uses that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Non water-oriented uses should be conditional uses in shoreline areas.

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

3. New commercial uses on shorelines should be encouraged to locate in those areas where current commercial uses exist.

4. An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.

5. Commercial uses should contain provisions for substantial public access to the shoreline. Such access should be appropriately signed and may be regulated to a reasonable degree, but should be generally available to the public and guaranteed by dedication, easement, or other legally binding document.

6. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and -dependent commercial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property.

7. Design non-water-dependent commercial uses adjacent to the ordinary high water mark in a manner that provides shoreline setback enhancement and environmental restoration at the water's edge consistent with constitutional and other limitations on the regulation of private property.

8. New non-water dependent commercial uses should not interfere with or compromise the operation of existing adjacent water-dependent uses or decrease opportunities for the general public to access adjacent shorelines.

9. Non-water-dependent commercial uses should take advantage of the shoreline location by locating and designing the use to bring a large number of citizens to the shorelines.

10. Where commercial uses are separated from the shoreline by a public right of way, they should be designed to facilitate pedestrian traffic from the adjacent right of way.

11. The following provisions should be considered in evaluating proposals for commercial uses:

    a. Structure orientation and location which provide for large open spaces between structures providing views of the shorelines;

    b. Building design which provides for significant viewing opportunities from within buildings and which may include viewing areas specifically designed and designated for the general public; and,

    c. Decks and rooftop structures which provide public views of the shoreline.

B. "S-8" Thea Foss Waterway Shoreline District

1. Non-water-oriented commercial uses should be permitted only in combination with water-oriented uses as part of a mixed-use development or facility.

2. Commercial water-related activities such as boat building and repair on the east side of the Waterway should be encouraged where appropriate.

3. Commercial uses specializing in clean technology are encouraged on the east side of the Waterway north of the centerline of 15th Street.

4. Mixed-use developments should support the development and sustainability of water-oriented uses such as retail, including marine supplies, restaurants, and other uses that allow people to enjoy the waterfront on a casual basis.

5. Water-oriented retail uses should be clustered and incorporated into mixed-use development on the ground floor near pedestrian access points and centers of activity.

6. Outdoor commercial uses and activities (such as restaurants, retail facilities, public markets, and mobile vendors) are encouraged. Such uses should be designed and located to be compatible with the surrounding environment. Such uses and activities may be located in public access/view corridors, but should not unduly or unreasonably obstruct circulation in the public right-of-way. Vendor carts should be located along the esplanade and view corridors.

7.5.2 Regulations

A. General Regulations

1. Commercial uses shall achieve no net loss of ecological function.

2. New non-water dependent commercial uses shall not interfere with or compromise the operation of existing adjacent water-dependent uses or decrease opportunities for the general public to access adjacent shorelines.

3. In construction of commercial uses, it is the intent of the City to require that all permitted commercial uses, either through the nature of their use, their design and location, and/or through provisions for public access, take full advantage of the waterfront setting to maximize views of the shoreline both for the commercial use and for the general public, and enhance the aesthetic value of the shoreline through appropriate design treatments. An applicant for a commercial use shall demonstrate the following:

   a. That the proposed development will be designed and oriented to take advantage of the waterfront setting and the water view;

   b. That the proposed development will be designed to maximize to the greatest extent feasible public view and public access to and along the shoreline, as provided in Section 6.5 of this Program;

   c. That the proposed development will be designed to be compatible with existing and/or proposed uses and plans for adjacent properties;

   d. That landscaping for proposed developments will screen unsightly aspects of their operation from the public view to minimize blockage of the existing water scenic view;

   e. That the proposed development will be designed to be compatible with the character of the Shoreline District in which it is located;

f. That proposed commercial buildings and mixed-use structures containing residential and commercial uses shall meet the general applicability standards of TMC 13.06.501.A and the building minimum design standards of TMC 13.06.501.C. For developments that include pedestrian access along the shoreline, the area of pedestrian access shall be treated in the same manner as a primary pedestrian street. If any of these regulations conflict with more specific design and/or development standards stated for specific shoreline districts, the standards of the shoreline district shall apply.

g. That the proposed development will be designed to have a minimum adverse impact on the natural environment of the site, and shall fully mitigate for any adverse impact.

4. New non-water-oriented commercial uses or development are prohibited unless they meet one of the following tests and as a conditional use unless otherwise specified:

   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.

   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.

5. An applicant for a non-water-oriented commercial use shall demonstrate ecological restoration is undertaken to the greatest extent feasible.

6. Non-water-dependent commercial uses shall avoid impacts to existing navigation, recreation, and public access.

7. Non-water-dependent commercial uses are prohibited over water except for water-related and water-enjoyment commercial uses in an existing structures, and where necessary to support a water-dependent use.

8. Artisan/craftsperson uses must demonstrate that the use is compatible with surrounding uses and protection of public safety. Further, the site must be consistent with public access components as specified for water-enjoyment uses.

9. Outdoor uses are encouraged, including mobile vendors and uses associated with permitted indoor uses such as a restaurant or cafe. Outdoor uses shall not obstruct public accessways or access to public recreation facilities.

B. “S-8” Thea Foss Shoreline District

1. Mobile vendors shall not be permitted in the Dock Street and East D Street rights-of-way.

7.6 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.

7.6.1 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.

7.6.2 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. 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.

7.7 Recreational Development

Recreational development provides opportunities for play, sports, relaxation, amusement, or contemplation. It includes facilities for passive recreational activities, such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, public and private marinas, and golf courses. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or a private club, group, association, or individual. Commercial recreational development must be consistent with the provisions of this section and the provisions of TSMP Section 7.4 for commercial uses. This Master Program gives priority to recreational development that is primarily related to access to, enjoyment of, and use of the water and shorelines of the state as reflected in the Table 9.2 Shoreline Use and Development Standards.

7.7.1 Policies

A. General Policies

1. Priority should be given to commercial or public recreational development that provides access to and use of the water.

2. The public's right to the use of navigable waters should be strongly protected.

3. Only water-oriented recreational uses should be permitted on the shorelines.

4. Non-water-oriented recreational facilities should be located outside the shoreline area.

5. The City should insure that any recreational use is consistent with the ability of the shoreline to support that use.

6. Recreational uses should achieve no net loss of ecological function.

7. Recreational developments should be located, designed and operated to be compatible with and minimize adverse effects on environmental quality and valuable natural features, as well as on adjacent and surrounding land and water uses.

8. In approving shoreline recreational developments, the City should ensure that the development will preserve, enhance, restore or create desirable shoreline features. Such features include unique and fragile areas, scenic vistas and aesthetic values.

9. Encourage development of marina and boat launch facilities where appropriate, where physical space is available to alleviate unmet needs, and where it can be accommodated with minimal damage to the environment.

10. Public recreation activities such as fishing, clam digging, swimming, boating, wading, and water-related recreation should be permitted provided they do not adversely affect shoreline functions.

11. Shoreline parks and public access points should be linked through a continuous linear route, abutting the shoreline where feasible and appropriate. Preference is given to non-motorized uses such as pedestrian easements along tidelands, hiking paths and bicycle trails.

12. Diversity of recreational uses should be based on the natural features of the shorelines and the preservation of scenic views.

13. Recreational development in commercial projects which promotes multiple use of the shoreline is encouraged.

14. Additional shoreline recreational lands should be acquired through a variety of means including donations and fee purchase. Acquisition of easements, options and development rights can also provide recreational opportunities.

15. To avoid wasteful use of the limited supply of recreational shoreline, parking areas should be located inland away from the immediate edge of the water. Access should be provided by walkways or other methods.

16. Maintain level of service to ensure that all people have access to the shoreline. Overuse of shoreline areas should be addressed by adding shoreline recreational capacity.

B. "S-3" Western Slope North Shoreline District, "S-4" Point Defiance Shoreline District, "S-13" Hylebos Creek Shoreline District

1. Recreational uses should be consistent with the management policies for the Natural Shoreline Environment Designation.

2. Recreational uses should not require structural modification of the shoreline.

C. "S-8" Thea Foss Shoreline District

1. Recreational boat building and restoration activities associated with maritime organizations (such as, but not limited to, the Sea Scouts and Maritime Center) are encouraged.

7.7.2 Regulations

A. General Regulations

1. Recreational development shall achieve no net loss of ecological processes and functions and should be designed to be compatible with surrounding properties.

2. Proposals for recreational developments which would substantially alter the natural characteristics of the shoreline shall be considered a conditional use.

3. Any recreational building or structure, excluding piers or docks or floats, proposed to be built over water, shall be considered a conditional use.

4. Non-water-oriented recreational development shall be located outside the shoreline jurisdiction.

5. Recreational development shall be designed and constructed so as to not unnecessarily interfere with public use of shorelines.

6. Recreational uses and improvements shall include public access to shorelines.

7. Proposals for recreational development shall be found to not have an adverse effect on industrial deep water terminal operations and facilities.

8. Accretional beaches shall be retained in their natural state for water-dependent uses such as swimming, clamming, and beachcombing.

9. Underwater parks and artificial reefs established in cooperation with State agencies shall include safety provisions to warn boating traffic of their location and shall not include materials toxic or otherwise hazardous to persons, fish, or wildlife.

10. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access; the public's right to use navigable waters shall be protected.

11. Where public access has been unlawfully appropriated to private use, or otherwise unlawfully denied to the public, such prohibition shall be abated, and the area made accessible to the public.

12. Trails shall be permitted, where they will not cause erosion or landslides, and will not result in a net loss of ecological functions. Trails in the marine buffer may be permitted consistent with TSMP Section 6.4.3.

B. "S-2" Western Slope Central Shoreline District

1. In the Hidden Beach Rocky Point area, the only recreational use permitted which requires structural modification of the shoreline shall be the construction and maintenance of walkways, trails and adjacent seating.

C. "S-3" Western Slope North Shoreline District, "S-4" Point Defiance Shoreline District, "S-13" Hylebos Creek Shoreline District

1. Recreational uses shall be designed, located, and developed in accordance with the management policies for the Natural Shoreline Environment Designation.

2. Recreational uses shall not require structural modification of the shoreline.

7.8 Residential Development

Residential development refers to one or more buildings, structures, lots, parcels, or portions of parcels that are used or intended to be used to provide a dwelling for human beings. Residential development includes single-family residences, duplexes, other detached dwellings, multifamily residences, apartments, townhouses, mobile home parks, group housing, condominiums, subdivisions, planned unit developments, and short subdivisions. Residential development also includes accessory uses and structures such as garages, sheds, tennis courts, swimming pools, driveways, parking areas, fences, cabanas, and saunas, but not guest cottages. Residential development does not include hotels, motels, or camping facilities. Bed and Breakfast establishments proposed within a shoreline district are required to meet the policies and regulations for both Residential and Commercial use.

Uses and facilities associated with residential development, which are identified as separate use activities or modifications in this Master Program, such as clearing, grading and fill, are subject to the regulations established for those uses in addition to this section.

7.8.1 Policies

A. General Policies

1. Residential development should result in no net loss of ecological function.

2. Single family residences should be identified as a priority use only when developed in a manner consistent with control of pollution and with prevention of damage to the natural environment.

3. Any residential development along the shoreline should be set back from steep slopes and eroding shoreline areas so that the shoreline is not further eroded and structural improvements are not required to protect property.

4. In cases where either large tracts are subdivided into single-family residential parcels or where contiguous individual building sites are developed for single-family residences, community access areas and one joint-use dock should be developed for the use of residents of the subject subdivision.

5. Residential development should be designed at a level of density that is compatible with the adjoining uses and the physical capabilities of the shoreline and water.

6. Multi-family residential developments and the subdivision of land into more than four parcels should provide public pedestrian access to and along the waterfront within the project.

7. Residential developments should be designed to adequately protect the water and shoreline aesthetics.

8. New residential development and uses located overwater or in-water, including accessory buildings, house barges, and floating homes should be prohibited.

9. Residential proposals should be required to provide plans that ensure the preservation of existing native vegetation and the control of erosion, to the greatest extent possible.

10. Sewage disposal, water supply and storm drainage facilities should be provided in full compliance with TMC 12.08.

11. In mixed-use development with a residential component, residential units should occupy the upper floors of structures and ground floors should be occupied by water-oriented uses.

12. Parking for residential development should be located on uplands or on the street/landward side of the building.

B. “S-8” Thea Foss Waterway Shoreline District

1. Residential uses should promote a variety of housing types, including live/work arrangements.

2. Recognizing the proximity of industrial uses to the eastern shore of the waterway south of the 11th Street Bridge, new residential development should be built to ensure that activities associated with existing industrial operations and future industrial development are not adversely affected by residential development. The City shall coordinate the development and implementation of stricter residential building code requirements and design standards, including but not limited to performance standards for noise, light and ventilation, to

achieve maximum compatibility between new residential development in this area and presently existing uses.

3. Due to the predominantly industrial character of the Foss Peninsula and recognizing the common noise, light, odor and traffic characteristics associated with industrial activity, the City shall require Notice on Title and/or other similar notification, such as but not limited to a hold harmless agreement, for any residential development occurring on the eastern shore of the Foss Waterway south of the 11th Street Bridge.

7.8.2 Regulations

A. General Regulations

1. All residential development shall achieve no net loss of ecological function.

2. Single family residences shall only be considered a priority use when developed in a manner consistent with control of pollution and with prevention of damage to the natural environment.

3. Residential uses and structures located over or in-water, including garages, accessory buildings, house barges, and floating homes, are prohibited. Live-aboard vessels are permitted when in compliance with the standards in TSMP Section 7.4.

4. Mobile homes shall not be permitted within the shoreline.

5. New multifamily residential uses and development is prohibited unless they meet one of the following criteria:

   a. The use is part of a mixed-use proposal 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;

   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.

6. Duplex and triplex development shall meet the general applicability standards of TMC 13.06.501.A and the minimum building design standards of TMC 13.06.501.E and F, respectively. If any of these regulations conflict with more specific design and/or development standards stated for specific shoreline districts, the standards of the shoreline district shall apply.

7. Residential structures of four or more units, and mixed-use structures containing residential and commercial uses shall meet the general applicability standards of TMC 13.06.501.A and the minimum building design standards of TMC 13.06.501.C. For developments that include pedestrian access along the shoreline, the area of pedestrian access shall be treated

in the same manner as a primary pedestrian street. If any of these regulations conflict with more specific design and/or development standards stated for specific shoreline districts, the standards of the shoreline district shall apply.

8. Residential uses shall not be permitted on the ground floor of mixed-use structures.

9. Outdoor parking areas shall be located on the street/landward side of residential units.

10. Public access to and from the water's edge shall be included in multi-family residential developments and the subdivision of land into more than four parcels..

11. Residential development shall be designed, located and developed to avoid the need for future stabilization.

12. Sewage disposal, water supply and storm drainage facilities shall be provided in full compliance with TMC 12.08.

13. New (subdivided) lots shall be designed, configured, and developed to:

    a. Prevent the loss of ecological functions at full build-out of all lots; and

    b. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

B. "S-3" Western Slope North Shoreline District

1. Structures, including accessory buildings, shall not be permitted on the steep slope area to the east. The existing stairways and trail systems which provide access from the two off-street parking areas serving Salmon Beach shall be permitted within the steep slope area.

7.9 Signs

The following sign regulations apply to 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.

7.9.1 Policies

1. Signs in the shoreline should be designed and placed in a manner that will not interfere with the public's ability to access the shoreline, will minimize light impacts to the nearshore area, and will achieve no net loss of shoreline ecological functions.

2. Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the design, placement, or lack of maintenance of signs.

3. When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

7.9.2 Regulations

1. Signs in the shoreline shall be designed and placed in a manner that:

a. Does not interfere with the public's ability to access the shoreline;

b. Does not interfere or degrade the public's ability to view the shoreline from view corridors, vistas and viewpoints;

c. Minimizes light impacts to the nearshore area; and

d. Will not result in a net loss of shoreline ecological functions.

2. Replacement of signs in-kind may be allowed when an existing building changes tenants.

3. Signs located within a Shoreline District are subject to the standards and regulations included in TMC 13.06. Variances to the sign provisions of TMC 13.06 shall be granted according to the criteria listed in that Chapter.

7.10 Parking Facilities

Parking is the use of land for storage of motor vehicles, motorized equipment, or accessory units, such as trailers. Land used for this purpose is leveled, cleared and often covered with an impermeable surface. Parking includes areas for scenic vista parking. The following parking regulations apply to parking, which is the principal use on a property, as well as accessory parking, which is accessory to an approved use and directly serves that use.

7.10.1 Policies

1. Parking as a primary use (stand-alone use) within the shoreline jurisdiction should be prohibited.

2. Parking should not be permitted between the development and the adjacent water body.

3. Parking for permitted uses should be located in a structure when feasible.

4. Visual impacts of surface parking facilities should be effectively mitigated. Parking for permitted uses within the shoreline jurisdiction (but not including parking that is underground) should be minimized and screened from adjacent public access and critical areas and/or buffer areas.

5. Where surface parking is developed within the shoreline jurisdiction, Low Impact Development techniques should be implemented to the greatest extent feasible.

6. Lighting for parking areas should be oriented away from nearshore areas and sensitive habitat sites to minimize impacts on the nearshore environment, except where needed to promote public safety and CPTED considerations.

7. Loading and unloading zones, especially those inherent to a permitted use, parking for ADA and public parking on improved public rights-of-way, should be allowed when within shoreline jurisdiction.

7.10.2 Regulations

A. General Regulations

1. Parking as a primary or stand-alone use is prohibited.

2. Parking facilities are not required for new uses and development, but when parking is provided it shall be provided in accordance with the dimensional standards in TMC 13.06 and the electric vehicle standards of Title 13 and Title 2 unless otherwise specified in this Chapter. Requirements shall be a condition of a Shoreline Permit when not specifically set forth in TMC 13.06.

3. Parking, loading and unloading zones shall be located outside of required critical areas and/or buffers except when it is an inherent element of a water-oriented use and is necessary for the operation of the primary use.

4. Parking areas shall be landscaped in accordance with the standards in TMC 13.06.

5. Parking areas shall contain lighting not exceeding 20 feet in height, except in the "S-7" Schuster Parkway, "S-9" Puyallup River, and "S-10" Port Industrial Shoreline District.

6. Required landscaping, as specified in 7.10.2(A)(4) above, shall include a mix of native trees and shrubs that effectively screen headlights from vehicles to the abutting critical areas and/or buffer areas. Gaps in screening are permitted to allow access to viewing areas or public areas where applicable.

7. Parking facilities shall provide a safe and signed pedestrian entry point to an established or proposed shoreline trail / walkway or viewing area for physical and visual access to the shoreline.

8. Above-grade structured parking shall not be allowed as a visible use on the waterward side of any building.

9. Surface parking facilities shall locate as far from the ordinary high water mark or critical area buffer as is feasible.

10. Public parking on public street ends that are within shorelines but outside of required critical areas and/or buffers is permitted.

11. Angled street parking shall be prohibited where it conflicts with public transportation.

12. For developments which include public access features, one parking space for each 20 parking spaces provided shall be set aside and appropriately marked for public use only, except as specified in TSMP 9.10.2 for the western side of the Thea Foss Waterway.

13. Parking areas for public water access areas shall be connected to the water by access paths.

B. "S-8" Thea Foss Waterway Shoreline District

1. Subsurface parking is allowed under view/access corridors, and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street, provided the structure is designed to optimize public access and views of the water.

2. Public access over subsurface parking structures shall be designed to minimize grade discontinuation and meet the requirements for ADA accessibility.

3. Loading and unloading zones and access to structured parking may be provided in designated view/access corridors, provided that the applicant can demonstrate that no alternative is reasonably available, that public access along Dock Street and through the view/access corridor is unimpeded, and that the minimum area necessary is used.

7.11 Transportation

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and railways, related bridges and causeways, ferry terminals, boat and floatplane terminals, and bus and truck terminals. Off-street bicycle or recreational trails are not included.

7.11.1 Policies

A. General Policies

1. New roadways, arterials, and railways, including expansions of these systems, should be designed and located to assure no net loss of shoreline ecological functions.

2. New roadways, arterials, and railways, including expansions or reconstruction of these systems, should be designed to accommodate transit, bicycle and pedestrian transportation facilities consistent with the Complete Streets Design Guidelines and the Non-Motorized Transportation Element of the Comprehensive Plan.

3. Only under exceptional circumstances should major highways, freeways and railways be located near shorelines, except in port and heavy industrial areas, so that existing shoreline roads may be reserved for slow moving recreational traffic.

4. Maximize the capacity of existing roadways to minimize the need for new streets and arterials.

5. Location and design of new roadways including arterials should not compromise existing and planned shoreline public access and existing and planned habitat restoration and enhancement.

6. New roadways, especially arterials, should be designed to be the minimum length necessary to serve a circulation function for vehicular modes of travel.

7. When it is required for new roadways including arterials to be located within shoreline jurisdiction, the absolute minimum necessary amount of improved right-of-way should be developed for vehicular modes of travel.

8. New roadways including access roads and driveways associated with a permitted use should be the minimum necessary to serve the required access function.

9. New roadways including arterials should be designed and constructed to implement the ‘Green Street’ guidelines contained within the City of Tacoma Complete Streets Guidelines.

10. High Intensity shorelines and shorelines having water-enjoyment uses or recreation activities should be adequately served by public transportation. Public transportation facilities may include:

a. Streetcars

b. Inter- and intra-city commuter water transportation and ferry service

c. Transient moorage

d. Non-motorized transportation facilities

e. Public transit

11. Pedestrian overpasses should be built where access to the shoreline has been or could be cut off by transportation facilities.

12. Transportation facilities should be designed and located to avoid air and noise impacts to the shoreline environment and adjacent residential and recreational areas.

13. Transient moorage is encouraged at marinas where feasible.

14. New ferry service that utilizes existing moorage facilities should be permitted.

15. Transportation modes that are pollution free should be encouraged.

B. "S-8" Thea Foss Waterway Shoreline District

1. Pursue the development of an integrated Thea Foss Waterway transportation system that features pedestrian and bicycle pathways, passenger ferries, vehicular, freight, and transit connections.

2. The Thea Foss Waterway area should be well connected with neighboring districts, especially the downtown, Ruston Way, and Tacoma Dome areas.

3. Encourage improved transportation linkages between Downtown and the Thea Foss Waterway.

4. Transportation improvements or expansions should remain within the existing rights-of-way with the exception of the SR-509 ramps.

5. The streetscape encircling the Waterway should provide for comfortable pedestrian circulation and bicycle transportation.

6. East D Street should be designed and reconstructed as a transition between the mixed-use shoreline zoning and the industrial zoning east of East D Street and to achieve functional separation of industrial and nonindustrial traffic where feasible.

7. Existing access points directly to Dock Street and on adjacent streets should be improved to reduce traffic obstructions from railroad crossings and future congestion.

8. Expansion of railroad right-of-way should not be permitted.

7.11.2 Regulations

A. General Regulations

1. Proposed transportation facilities are required to be planned, located, and designed in such a manner that routes will have the least possible adverse effect on unique or fragile shoreline features and will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses and public access.

2. Transportation system plans shall include pedestrian, bicycle, and public transportation facilities and be consistent with the Complete Streets Design Guidelines and the Non-Motorized Transportation Element of the Comprehensive Plan where applicable.

3. Where proposed transportation facilities will cut off access to the shoreline, pedestrian overpasses shall be built to provide access.

4. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours of the site and minimize width to the maximum extent feasible. Elevated walkways should be utilized to cross wetlands.

5. Any new railroad construction shall be a conditional use except extensions of existing railroad spurs on private property and on dock rail associated with terminal development.

6. When it is required for new roadways including arterials to be within shoreline jurisdiction, the absolute minimum necessary amount of improved right-of-way shall be developed for vehicular modes of travel.

7. When they are necessary, crossings shall co-locate using existing crossings where feasible. New crossings shall be by the most direct route possible.

8. New roadways including arterials shall be designed and constructed to enhance physical and visual access to the shoreline.

9. Roads and railroads along public shoreline areas shall provide for safe pedestrian and bicycle circulation through the shoreline area. Pedestrian circulation shall be provided to the shoreline unless the access meets the criteria in TSMP Section 6.5.2(C)(6).

B. “S-6” Ruston Way Shoreline District

1. Roadways shall be limited to one moving lane in each direction. Further construction shall be limited to the repair, maintenance, and improvement of existing thoroughfares and shall not include any new facilities dedicated solely to SOV-oriented automobile travel. None of the existing 100-foot Ruston Way right-of-way shall be vacated.

2. New HOV and transit-oriented infrastructure including rail lines for streetcars and light rail shall be permitted provided their development is consistent with all other provisions of this Program.

C. “S-6/7” Schuster Parkway Transition, “S-7” Schuster Parkway and “S-15” Point Ruston/Slag Peninsula

1. Further construction shall be limited to the repair, maintenance, and improvement of existing thoroughfares and shall not include any new facilities dedicated solely to SOV-oriented automobile travel. None of the existing Ruston Way right-of-way shall be vacated.

2. New HOV and transit-oriented infrastructure including rail lines for streetcars and light rail shall be permitted provided their development is consistent with all other provisions of this Program.

D. "S-8" Thea Foss Waterway Shoreline District

1. Transportation improvements or expansions shall remain within the existing rights-of-way with the exception of the SR-509 ramps.

2. The streetscape encircling the Waterway shall provide adequate facilities for pedestrian circulation and bicycle transportation.

3. East D Street shall be designed and reconstructed as a transition between the mixed-use shoreline zoning and the industrial zoning east of East D Street and to achieve functional separation of industrial and nonindustrial traffic where feasible.

4. Expansion of railroad right-of-way shall not be permitted.

5. Dock Street shall be limited to one moving lane in each direction. Further construction shall be limited to the repair, maintenance, and improvement of existing thoroughfares and shall not include any new facilities, but may include center turn lanes and other turning lanes. New transit infrastructure including rail lines for streetcars and light rail shall be permitted provided their development is consistent with all other provisions of this Program.

6. Street improvements shall be consistent with the unifying design elements in the applicable waterfront design guidelines.

7.12 Solid Waste Disposal

Solid waste refers to 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

7.12.1 Policies

1. Shoreline areas should not be disposal sites for solid waste; however, disposal of hazardous substances and other materials should be permitted if in conjunction with an environmental cleanup in accordance with state and federal regulations.

2. All developments, public and private, should provide for an adequate means for disposal of solid waste and should comply with existing City regulations concerning the handling of solid waste.

3. All shoreline areas should be kept litter-free. Private shoreline owners should be encouraged to maintain litter-free beaches.

4. Recycling of solid waste now existing or generated within shoreline areas should be encouraged.

5. Where solid waste disposal sites are presently located in shoreline areas, the site should be rehabilitated to control leaching of contaminants.

6. The use of biodegradable products should be encouraged to minimize pollution from boat cleaning and from grey water.

7.12.2 Regulations

1. Permanent treatment and/or storage facilities for solid waste shall be prohibited in the shorelines. All garbage shall be deposited in trash or recycling receptacles. The handling of all solid waste in the shoreline shall conform to the provisions of TMC 12.09.

2. Disposal of hazardous substances or other materials generated, treated, or disposed of in conjunction with an environmental cleanup is permitted if in accordance with State and Federal regulations.

3. No person shall throw, discharge, or deposit from any vessel or the shore, pier, wharf, dock, float, or otherwise, any refuse matter of any kind whatsoever into or upon the waters or land area of Tacoma or Puget Sound, in accordance with local refuse disposal requirements.

4. No person shall dump or discharge oil, spirits, flammable liquid, or contaminated bilge water into or upon the waters or land areas of Tacoma or Puget Sound.

7.13 Utilities

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, water, sewage, communications, oil, gas, stormwater, and the like. The provisions in this section apply to primary use and activities such as sewage treatment plants, sewer lift pumps, stormwater outfalls and fuel storage facilities. On-site utility features serving a primary use, such as water, sewer or gas line to a residence, are "accessory utilities" and shall be reviewed as appurtenances to the primary use (in this example, the residential use).

Utilities are further described as major and minor to allow for a simplified permit process for minor utility improvements. As used in this Master Program, major utilities include substations, pump stations, treatment plants, sanitary sewer outfalls, regional stormwater outfalls, electrical transmission lines greater than 55,000 volts, water, sewer or storm drainage mains greater than eight (8) inches in diameter, major recycling facilities, gas and petroleum transmission lines, macro wireless facilities, and submarine telecommunications cables. Minor utilities include local public water, minor storm sewer outfalls, electric, minor recycling facilities, natural gas distribution, public sewer collection, cable and telephone service, micro and mini wireless facilities, and appurtenances.

7.13.1 Policies

1. Design, location and maintenance of utilities is required to assure no net loss of ecological functions.

2. Utilities are required to be located in existing rights-of-ways whenever possible.

3. Utilities for the delivery of services and products such as but not limited to public sewer, water and storm mains and services, pipelines, power and transmission facilities are required to be located outside of shoreline jurisdiction unless no other practicable alternative exists.

4. Prohibit utilities in wetlands and other critical areas unless no other practicable alternative exists.

5. Ensure that whenever utilities must be placed in a shoreline area, the location is chosen to:

    a. Meet the needs of future populations in areas planned to accommodate this growth. Utilize existing transportation and utility sites, rights-of-ways and corridors, whenever possible.

    b. Encourage joint use of rights-of-way and corridors.

    c. Preserve scenic views and aesthetic qualities of the shoreline area.

    d. Be located such that shoreline armoring and defense works will not be required for the life of the project.

    e. Non-water-oriented parts of wastewater treatment, water reclamation, desalinization, and power plant facilities shall be located outside shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

6. Utilities within shorelines should be under-grounded where practicable.

7. Upon completion of utility installation/maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted and provided maintenance care until the newly planted vegetation is established. Plantings should be native species and/or be similar to vegetation in the surrounding area.

8. When reasonably feasible, the co-location of new public and private utility distribution facilities should be promoted in shared trenches and overhead rights-of-way. The timing of construction should be coordinated to minimize construction related disruptions to the public and reduce the cost to the public utility delivery.

9. Placement of utilities in shoreline areas should be planned and designed to avoid degradation of the shorelines and shoreline views during and after installation.

7.13.2 Regulations

A. General Regulations

1. Utility development shall, through coordination with local government agencies and utility providers, allow for compatible, multiple uses of sites and rights-of-way.

2. Utilities shall be designed and installed to meet future needs when possible.

3. Wireless communication facilities shall comply with TMC 13.06.545.

B. Uses

1. The following new major utility facilities may be permitted in shoreline jurisdiction if it can be shown that no practicable alternative exists outside of shoreline jurisdiction.

a. Electrical energy generating plants, substations, and transmission lines;

b. Sanitary sewer outfalls;

c. Sewage system mains, interceptors, pump stations, and treatment plants; Storm drainage mains and regional outfalls;

d. Submarine telecommunications cables; and

e. Water lines and water system treatment plants.

2. Upgrades to existing major utilities are permitted.

3. Minor utilities are allowed as a permitted use, provided that within the Natural Designation, it has been determined that no other feasible alternative exists.

C. Location

1. New distribution lines or extension of existing distribution lines shall only be permitted underground, unless otherwise specified, or where the applicant can demonstrate that, due to economic, technical, environmental, or safety considerations, placing utilities underground is infeasible.

2. Above ground utilities are permitted in the S-3, S-9, S-10, and S-11 shoreline districts or where undergrounding is impracticable given the nature of the facility, such as the installation of a rain garden or bioswale.

3. Utility production and processing facilities and transmission facilities shall be located outside of shoreline jurisdiction unless no other feasible option exists.

4. Utilities shall be located within roadway and driveway corridors and right-of-ways wherever feasible. Joint use of rights-of-way and corridors is encouraged.

5. Sewage treatment, water reclamation, desalinization, and power plants shall be located to minimize interference with adjacent uses of the water and shorelands.

D. Environmental Protection

1. The design, location, and maintenance of utilities shall be undertaken in such a manner as to assure no net loss of ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses.

2. Utilities shall be installed in such a manner that all banks are restored to a stable condition, replanted, and provided maintenance care until the newly planted vegetation is established. Plantings shall be native species or be similar to vegetation in the surrounding area.

3. Construction of new storm drains or other outfalls into water bodies and improvements to existing facilities shall be accomplished to meet all applicable standards of water quality.

4. Outfalls shall be located and constructed in accordance with regulations of the Washington Department of Ecology, the U.S. Environmental Protection Agency and any other agency having regulatory jurisdiction.

5. To protect the aesthetic qualities of the shoreline, new utility lines including electricity, communications, and fuel lines shall be located underground, unless otherwise specified, or where the applicant can demonstrate that, due to economic, technical, environmental, or safety considerations, placing utilities underground is infeasible.

6. When they are necessary, stream crossings for utilities shall co-locate using existing crossings where feasible. New crossings shall be by the most direct route possible.

7. Underground utility crossings shall use the least impacting installation methods to the extent feasible.

8. Underground utility installation in high groundwater area shall avoid alteration of groundwater patterns to the extent feasible.

9. Utility developments shall be located and designed so as to avoid, to the extent practicable, the need for any structural or artificial shoreline modification works for the life of the project.

10. Major utilities should be avoided in floodplains to the greatest extent practicable; if necessary, flood protection structures shall not increase flood hazards in other areas along the waterbody.

11. Installation of utilities shall assure the prevention of siltation or beach erosion.

12. Undergrounding of utilities across a water body shall comply with all applicable local, state, and federal agency regulations and requirements; a shoreline permit is required.

E. Public Access

1. When feasible, primary utility development shall include public access to the shorelines, trail systems, and other forms of recreation, provided such uses will not unduly interfere with utility operations, or endanger the public health, safety and welfare.

2. When feasible, utilities within the shoreline area shall be placed underground and utility corridors shall be used for shoreline access.

F. “S-11” Marine View Drive Shoreline District

1. Open channels shall be used where feasible for discharge from existing springs to the salt water.

CHAPTER 8 SHORELINE MODIFICATION POLICIES AND REGULATIONS

Shoreline modification activities are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to, structures such as dikes, breakwaters, weirs, dredge basins, fill, bulkheads and piers and actions such as clearing, grading, and removing vegetation. Generally, shoreline modifications are undertaken for the following reasons:

- To prepare for a shoreline use;
- To support an upland use; or
- To provide shoreline stabilization or defense from erosion.

A single shoreline use may require several different shoreline modification activities. For example, a new boat storage yard may require clearing and grading of the upland yard and construction of a jetty and docks in the water. Proposals for shoreline modifications are to be reviewed for compliance with the applicable "Use" policies and regulations in Chapter 7 and the applicable "modification" policies and regulations of this Chapter. Shoreline modifications listed as "prohibited" are not eligible for consideration as a Shoreline Variance. Deviations from the minimum development standards may be approved under a Shoreline Variance unless specifically stated otherwise.

8.1 General Shoreline Modification Policies

1. Shoreline modification activities should protect or restore ecological processes and functions and minimize alterations of the natural shoreline, currents, and movement of sand and water circulation to avoid adverse effects on nearby shorelines.

2. Shoreline modification activities should not degrade water quality; and best management practices should be employed to prevent contamination of shoreline areas.

3. Shoreline modifications should be constructed in such a way as to minimize damage to fish and shellfish resources and habitats; minimize damage to wildlife propagation and movement; and to conform to Washington Department of Fish and Wildlife design criteria.

4. New development siting and design should be conducted in such a manner that the need for continued shoreline modification activities such as dredging or channelization, to maintain the use is unnecessary.

5. Proposals for shoreline modification activities and associated uses should demonstrate that the construction and subsequent operation will not be detrimental to the public interest and uses of the shoreline and water body, including navigation and recreation.

6. Shoreline modification activities should demonstrate that impacts have been avoided, minimized and mitigated.

7. Shoreline modifications that provide transportation and utility services accessory to a primary use shall mitigate the common impacts of those facilities.

8. Shoreline modifications and associated uses should consider multiple use opportunities to enhance public access, use and enjoyment of the shoreline and water body where appropriate.

8.2 Shoreline Stabilization, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-Stream Structures

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"	**"Hard"**
Vegetation enhancement;	Rock revetments;
Upland drainage control;	Gabions;
Bioengineering/biotechnical measures;	Groins;
Beach enhancement;	Retaining walls and bluff walls;
Anchor trees; and	Bulkheads; and
Gravel enhancement.	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.

8.2.1 Policies

1. Non-structural or soft-shore bank stabilization techniques are preferred over structural shoreline stabilization, such as bulkheads, seawalls, and breakwaters.

2. Structural stabilization devices are discouraged in designated urban conservancy environments and should not be permitted in natural environments.

3. Structural stabilization devices should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.

4. The construction of structural stabilization devices should be permitted only where there is a demonstrated need to protect upland areas or facilities, not for the purpose of creating land by filling.

5. Structural stabilization devices may be permitted for water-dependent uses in committed port and industrial waterways or where such construction can be integrated with the existing shoreline in such a way that they will substantially preclude any resultant damage to marine resources or adverse effects on adjacent properties.

6. Where flood protection measures such as dikes are planned, they should be placed landward of the stream-way, including associated wetlands directly interrelated and interdependent with the stream proper.

8.2.2 Regulations

A. Regulations – Stabilization

1. Shoreline stabilization shall be designed, located, and mitigated to achieve no net loss of ecological functions.

2. Shoreline stabilization shall be permitted only where appropriate to the specific type of shoreline and environmental conditions for which it is proposed.

3. All shoreline stabilization measures shall be constructed to minimize damage to fish and shellfish habitat, and shall conform to the requirements of the Washington Department of Fish and Wildlife Hydraulics Code.

4. New development, including newly created parcels, shall be designed and located so as to prevent the need for future shoreline stabilization.

5. New development that would require shoreline stabilization which is likely to cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

6. Shoreline stabilization structures shall not be permitted for the direct or indirect purpose of creating land by filling behind the structure.

7. Beach materials shall not be used for fill behind bulkheads, other than clean dredge materials from a permitted dredge and fill operation and materials excavated during construction of the bulkheads.

8. New structural shoreline armoring may be permitted and existing structural shoreline armoring may be expanded when one or more of the following apply:

    a. When necessary to support a project whose primary purpose is enhancing or restoring ecological functions;

    b. As part of an effort to remediate hazardous substances pursuant to RCW 70.105;

    c. When necessary to protect public transportation infrastructure or essential public facilities and other options are infeasible;

    d. When necessary to protect a water-oriented use or an existing, lawfully established, primary structure, including a residence that is in imminent danger of loss or substantial damage from erosion caused by tidal action, currents, or waves;

9. Proposals for new, expanded, or replacement structural shoreline armoring permitted under this Program shall clearly demonstrate all of the following:

    a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;

    b. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;

    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves;

    d. The erosion control structure will not result in a net loss of shoreline ecological functions.

10. When evaluating the need for new, expanded, or replacement structural shoreline armoring, the Director shall require the applicant to examine and implement alternatives to structural shoreline armoring in the following order of preference:

    a. No action (allow the shoreline to retreat naturally);

    b. Increased building setbacks and/or relocated structures;

    c. Use of flexible/natural materials and methods, vegetation, beach nourishment, protective berms or bioengineered shoreline stabilization.

11. The City shall require applicants for new, expanded, or replacement structural shoreline armoring to provide credible evidence of erosion as the basis for documenting that the primary structure is in imminent danger from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:

a. Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope; and

b. Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.

12. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there is an overriding safety or environmental concern. In such cases, the replacement structure shall abut the existing stabilization structure.

13. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

14. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. All geotechnical reports shall also identify any potential impacts to downstream structures.

15. Shoreline stabilization structures shall be limited to the minimum size necessary.

16. Public access, consistent with TSMP Section 6.5.2, is required, where feasible, as part of any shoreline stabilization construction or replacement project on public land or using public funds.

17. In permitting shoreline stabilization structures on public lands, factors to be considered shall include: possible damage to marine life, reduction of beach surface area, reduction in hours of beach accessibility on tidal waters, reduction of navigable water surface, and limitation of points of access to the beach.

18. Impacts to sediment conveyance systems shall be avoided or minimized.

19. Bulkheads shall be constructed of concrete, wood, rock, riprap, or other suitable materials. The design and construction of such bulkheads shall, to the maximum extent feasible, preserve the natural characteristics of the shoreline, including beaches, and shall take into account habitat protection and aesthetics, including consideration of Washington Department of Fish and Wildlife criteria.

B. Regulations - Breakwaters, Jetties, Groins, and Weirs

1. Floating breakwaters shall be used in place of fixed types, where they can withstand extensive wave action, in order to maintain sediment movement, fish habitat, and water circulation. Fixed breakwaters shall be permitted only where design can maintain desired movement of sediment and circulation of water.

2. Breakwaters, jetties, groins, and weirs waterward of the OHWM are permitted only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose; protection of critical areas and appropriate mitigation is required.

3. A shoreline conditional use permit is required for all breakwaters, jetties, groins and weirs.

4. The construction of breakwaters, jetties, groins and weirs shall be permitted only in cases where overall public benefit can be demonstrated.

5. Breakwaters and jetties shall incorporate public access to the maximum extent feasible.

6. Construction of breakwaters, jetties and groins shall not create significant interference with the public use of the water surface.

7. The effect on sediment movement shall be a primary consideration in the evaluation of proposed jetties or groins. Provision shall be made to minimize potential adverse effects on natural systems caused by jetties or groins, and costs of mitigating damages which do occur shall be borne by the project applicant.

8. Consideration shall be given to the effect which jetties and groins will have on wildlife propagation and movement, particularly with reference to the out migration of juvenile salmonids from the Puyallup River and Hylebos Creek systems, and to a design of these structures which will not detract from the aesthetic quality of the shoreline.

9. Public access for sightseeing and public fishing shall be considered in jetty and groin design wherever such access would not interfere with the public safety.

C. Regulations - Flood Control Works and In-stream Structures

1. New in-stream structures shall protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including fish and fish passage, wildlife and water resources, shoreline critical areas, hydrological processes, and natural scenic vistas.

2. The following regulations shall be applied to proposed flood control and in-stream structures:

   a. Materials used for bank stabilization shall consist of concrete, rock, or other materials of the earth and shall be of sufficient size to prevent their being washed away by high water, wave, or current action. Automobile bodies or other waste materials shall not be used;

   b. No bank stabilization shall create hydrodynamic changes which may necessitate additional bank stabilization downstream;

   c. Dikes, levees, berms, and similar flood control structures shall be shaped and planted with native vegetation suitable for wildlife habitat;

   d. Materials capable of supporting growth used in construction of shoreline protection structures shall be revegetated with plants native to the area; and,

e. Flood control works and in-stream structures shall also be subject to the stabilization standards in TSMP Section 8.2.2(A) above.

8.3 Fill and Excavation, Dredging and Dredge Material Disposal

Fill raises the elevation or creates dry land area by the addition of sand, soil, gravel, rock, sediment, earth retaining structure, or other material waterward of the OHWM, in wetlands, or on shorelands. Dredging is the removal of material from a stream, river, lake, bay or other water body. The purposes for dredging might include navigation, remediation of contaminated materials, or material mining. Materials generated from navigational and remedial dredging may be suitable for beneficial reuse (e.g., construction of habitat features or construction of uplands) or may require disposal at appropriate disposal facilities.

8.3.1 Policies

1. Shoreline fill should not be authorized unless a specific use for the site is evaluated and permitted. Speculative fill should not be permitted.

2. Where there is a demonstrated need for shoreline fill, they should only be considered for water-dependent uses in committed port and industrial waterways or where such construction can be integrated with the existing shoreline to substantially preclude any resultant damage to marine resources or adverse effects on adjacent properties. Fill should not be permitted in identified channel migration zones.

3. The location, design, and construction of all fill should protect ecological processes and functions, including channel migration. In evaluating fill projects such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat, and the effects on state-owned resources should be considered.

4. The perimeter of the fill should be provided with a vegetative setback or other means to prevent erosion.

5. Uses of dredge material that can benefit shoreline resources are to be addressed through implementation of regional interagency dredge material management plans and watershed planning.

6. Dredging of bottom materials for the primary purpose of obtaining fill, material should be prohibited.

8.3.2 Regulations

A. Regulations - Fill and Excavation

1. Fill placed waterward of the OHWM is prohibited except for the following instances.:

   a. Water-dependent use;

   b. Public access;

   c. Clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

d. Disposal of dredged material in accordance with a DNR Dredged Material Management Program; and,

e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not to be feasible).

2. Fill waterward of the OHWM shall be permitted for ecological restoration and enhancement projects, provided the project is consistent will all other provisions of this program.

3. Fill is prohibited within the Puyallup River, except for environmental remediation and habitat improvement projects.

4. Fill and excavation shall be considered only where such construction can be integrated with the existing shoreline.

5. Fill and excavation shall not be authorized unless a specific use for the site has been evaluated and permitted; speculative fill and excavation shall be prohibited in all Shoreline Districts.

6. Applications for fill or excavation shall address methods which will be used to minimize damage of the following types:

a. Biota:

i. Reduction of habitat;

ii. Reduction of feeding areas for shellfish, fishlife, and wildlife;

iii. Reduction of shellfish, fishlife, and wildlife reproduction areas; and

iv. Reduction of fish migration areas.

b. Physical:

i. Alteration of local current;

ii. Wave damage;

iii. Total water surface reduction;

iv. Navigation restriction;

v. Impediment to water flow and circulation;

vi. Reduction of water quality;

vii. Loss of public access;

viii. Elimination of accretional beaches;

ix. Erosion; and

x. Aesthetics.

7. All perimeters of fills shall use vegetation, retaining walls, or other means for erosion control.

8. Only materials that comply with State Water Quality Standards may be used in permitted fill projects.

9. Dust control measures, including plants and vegetation where feasible, shall be taken in all fill and excavation projects.

B. Regulations - Dredging and Dredge Material Disposal

1. Dredging and dredge material disposal shall avoid or minimize significant ecological impacts; impacts that cannot be avoided shall be compensated for to achieve no net loss of ecological functions.

2. Dredging to establish, expand, relocate, or reconfigure navigation channels are permitted only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized or compensated for.

3. New non-water-dependent development that would result in the need for new dredging shall be prohibited.

4. Dredge disposal within river channel migration zones is prohibited.

5. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing channels and basins at their authorized location, depth, and width.

6. Deposit of dredge materials shall only be permitted in an approved disposal site, for habitat improvement, to correct material distribution problems which are adversely affecting fish and shellfish resources, where land deposition would be more detrimental to shoreline resources than water deposition, as a cap for contaminated sediments, or a fill used in conjunction with an approved environmental remediation project. Where deposit of dredge material is allowed upland, it shall avoid critical areas and/or buffers and wildlife habitat and be subject to the regulations of fill in TSMP Section 8.3.2(A).

7. Dredging of bottom materials for the primary purpose of obtaining fill materials shall not be permitted, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a Shoreline Conditional Use Permit. In such cases, placement of fill must be waterward of the OHWM.

8. Returned water from any dredge material disposed of on land shall meet all applicable water quality standards in accordance with applicable water quality regulations.

9. Sides of dredged channels for port and industrial use shall be designed and constructed to prevent erosion and permit drainage.

10. On-site containment facilities shall only be permitted in the “S-10” Port Industrial Area Shoreline District, where such on-site containment facilities shall be conditional uses.

8.4 Clearing and Grading

Clearing and grading are activities associated with developing property for a particular use including commercial, industrial, residential, or public use. Specifically, “clearing” involves the destruction or removal of vegetation, including but not limited to, root material removal and/or topsoil removal. “Grading” involves the physical alteration of the earth's surface and/or surface drainage pattern by either re-contouring, excavating or filling.

Although clearing may not always be considered “development” that triggers a substantial development permit, clearing and vegetation removal as activities that impact shoreline resources are regulated in order to achieve the design goals and objectives of the Shoreline Management Act.

8.4.1 Policies

1. Clearing and grading should only be allowed in the shoreline in conjunction with a permitted use or development, unless otherwise allowed in this Program.

2. Disturbance to and removal of native soils should be minimized within shorelines.

3. Uses and site design should incorporate protection or reestablishment of the maximum amount of native vegetation on a particular site.

4. Vegetation that is removed as part of a permitted use should be reestablished within a required critical area and/or buffer.

8.4.2 Regulations

1. Clearing and grading activities shall only be permitted as an element of development for an authorized activity, a restoration action, or as otherwise permitted in this Program.

2. All clearing and grading activities shall achieve no net loss of ecological functions.

3. All clearing and grading activities shall meet the following standards:

    a. All clearing and grading activities shall be limited to the minimum necessary for the intended development;

    b. All clearing and grading activities shall protect shoreline critical areas and their buffers consistent with TSMP Section 6.4;

    c. Exposed soils shall be immediately developed or re-vegetated to prevent erosion;

    d. Exposed soils must be replanted such that complete coverage of exposed soils is attained within one growing season, or otherwise stabilized using mulch or other BMPs;

    e. In all cases where clearing is followed by re-vegetation, native plants shall be required, unless an alternative is specifically authorized;

    f. No chemical pesticide and chemical fertilizer applications shall be allowed;

g. Removal of noxious weeds and/or invasive species shall be incorporated in vegetation management plans, as necessary, to facilitate establishment of a stable community of native plants; and

h. The moisture holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltration capacity on all areas of the project area not covered by impervious surfaces.

8.5 Ecological Restoration and Enhancement

Shoreline ecological restoration and enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines. Mitigation for project impacts is not necessarily included in this section.

8.5.1 Policies

1. Ecological restoration and enhancement actions are encouraged in all shoreline districts, and are considered to be consistent with all kinds of uses, including residential, commercial, and industrial, provided that both are designed sensitively.

2. Ecological restoration and enhancement actions should be approached on a watershed basis, and should seek to promote an ecosystem or landscape approach to provide functioning and sustainable habitats.

3. Ecological restoration and enhancement actions should be based on sound scientific principles.

4. Ecological restoration and enhancement actions should be focused on sites with low possibilities of contamination.

5. Ecological restoration and enhancement actions should be integrated with other regulatory efforts, including environmental remediation, source control, and site development actions, as well as long-range planning activities.

6. Where ecological restoration and enhancement are proposed as mitigation measures, a nexus should be established between the impacted and proposed habitat, considering habitat type, size, functions, and values, and connection to the larger ecosystem.

7. The environmental quality of Commencement Bay, its associated waterways, and the Puyallup River watershed, including all nearshore and adjacent upland areas, should be improved through comprehensive cleanup strategies, including priorities for identification of contaminated sites; source control of contaminated sites; coordination with the Environmental Protection Agency, the Washington Department of Ecology, and other agencies to ensure the most comprehensive, timely and cost-effective cleanup actions.

8. The City should seek to protect ecological restoration and enhancement projects in perpetuity.

9. The goals and objectives of the Restoration Plan in Appendix A should be considered for all restoration and conservation projects as well as the Programmatic Restoration Opportunities within the functional analysis of the subject reach in the 2007 Shoreline Characterization and Inventory.

10. Restoration and enhancement may take place as a stand-alone project or as a required element of a larger development proposal. In either case the following should be achieved as is feasible:

    a. Non-native vegetative species should be eliminated and soil amendments should be made including mulching to help establish new native vegetation;

    b. Installation of native vegetation should be an appropriate mix of deciduous, conifer, under-story and groundcover species that are capable of achieving substantial water body shading, provide food sources for a variety of species, enhance and connect to habitat corridors and slow movement of groundwater and sheet-flow towards the water body;

    c. Introduction of LWD to the water body is encouraged, but should not adversely impact fish passage or hydrologic function; and

    d. Design and implementation of restoration projects that alter the location of the OHWM should not negatively impact abutting or proximate (third party) property owners, compromise the integrity or threaten the loss of existing structures, transportation routes, public access areas or cause significant additional erosion.

8.5.2 Regulations

1. Ecological restoration and enhancement shall be approached on a watershed basis and shall seek to promote an ecosystem or landscape approach, including integrating projects into their surrounding environments and promoting greenbelts for movement and use by species.

2. To the greatest extent feasible, ecological restoration and enhancement projects shall be protected in perpetuity. If future development proposes to impact existing ecological restoration and enhancement sites, it must be demonstrated that there are no practicable alternatives to avoid adverse impacts, and further, that adequate mitigation is provided to address unavoidable losses.

3. Ecological restoration and enhancement actions shall demonstrate that they are based on sound scientific principles and are compatible with the functions of nearby restoration and enhancement sites.

4. Environmental remediation activities shall utilize cleanup options which will not pose a threat to human health or the environment. Said cleanup options shall be compatible with adjacent and existing land uses.

5. Restoration projects that are within critical areas, shorelines or their required buffers are allowed subject to the applicable requirements within this Program.

6. Restoration projects that achieve the objectives within the Shoreline Restoration Plan, Appendix A shall have priority over other restoration projects.

7. Restoration projects shall be designed such that there are no adverse impacts on ecological resources or functions within the same watershed or sub-drainage.

8. Restoration projects shall include a maintenance and monitoring plan, as well as a contingency plan in the event that said project does not achieve its intended objective. The maintenance and monitoring plan shall be consistent with the requirements in TSMP Section 6.4.2, but does not require a bond.

8.6 Moorage Facilities

Moorage facilities refer to piers, wharves, docks, floats, mooring buoys and other structures (either fixed or floating), to which vessels may be secured. Where piers, wharves, docks, and floats are proposed for purposes other than moorage, for example a fishing pier, the structure shall be subject to the policies and standards of this section, where applicable.

8.6.1 Policies

1. Moorage facilities should be designed to minimize interference with public use of the water and shoreline. Whenever possible, the design should enhance public access.

2. Multiple use and expansion of existing facilities is preferred over development of new facilities. New developments should demonstrate public benefit.

3. Mooring facilities should be design and located to protect significant public views and to minimize view impacts from adjacent properties.

4. Moorage facilities should be constructed so as to not obstruct or impair the navigational use of surface waters.

5. The cooperative use of moorage facilities is encouraged. Priority should be given to community facilities in all waterfront development where appropriate.

6. Environmental impact, navigational impact, waste disposal, oil and gas spillage, parking availability, and the impact on adjacent lands should be considered in evaluating requests for projects involving the construction of moorage facilities.

7. Moorage facilities should conform to the Washington Department of Fish and Wildlife development criteria.

8. Pier and dock construction should be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.

9. Encourage the consideration of mooring buoys in place of piers, docks and floats.

10. Allow mooring buoys for transient boaters as a means to encourage economic development and recreation. Designated mooring buoys provide boaters with an alternative to anchoring in critical eelgrass beds.

11. Prohibit mooring buoys where sufficient dock facilities exist.

12. Ensure that mooring buoy fields are located, designed and operated so as to be compatible with adjacent uses and protect the aesthetic qualities of the shoreline environment.

13. Ensure that mooring buoys are located, designed, constructed, and operated in a manner that will minimize damage to sensitive ecological areas such as eelgrass beds, except where the

impacts of the mooring buoys will replace existing and ongoing practices that cause greater ecological degradation.

14. The use of pilings made of materials other than treated wood or creosote should be required.

15. Non-commercial structures should be encouraged to be built perpendicular rather than parallel to the shoreline.

16. Open pile structures are encouraged where:

    a. Shore trolling is important;

    b. There is significant longshore drift;

    c. Scenic values are not impaired;

    d. Damage to marine resources can be minimized; and

    e. Alterations to the existing shoreline are minimized.

17. Floating docks are encouraged where:

    a. Longshore drift is not significant;

    b. They will not interfere with fishing or recreational boating; and

    c. Non-biodegradable materials are used in structures.

8.6.2 Regulations

A. General Regulations

1. There shall be no net loss of ecological functions as a result of development of moorage facilities and associated recreational opportunities.

2. Moorage facilities shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, public navigation of public waters, as well as adjacent shoreline or water uses.

3. Extended moorage on waters of the State without a lease or permission is prohibited.

B. Mooring Buoys and Mooring Buoy Fields

1. Mooring buoys and mooring buoy fields shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, as well as adjacent shoreline or water uses.

2. Mooring buoy fields shall provide for adequate upland support facilities (e.g., restrooms, dumpsters, etc.).

3. The buoy system shall be adequate to withstand the maximum expected physical stress that the environment and moored craft will place on the buoy.

4. New mooring buoys shall not significantly interfere with navigation.

5. New mooring buoys shall demonstrate compliance with mitigation sequencing techniques. When impacts cannot be avoided, impacts must be mitigated to assure no net loss of function necessary to sustain shoreline resources.

C. Piers, Wharves, Docks and Floats

1. New piers, wharves, docks, and floats may be permitted only for water-dependent uses or public access and shall be restricted to the minimum size necessary to serve a proposed water-dependent use.

2. Design and construction of all piers, wharves, docks, and floats is required to avoid, minimize, and mitigate for impacts to ecological processes and functions and to be constructed of approved materials.

3. Pilings for newly constructed piers, wharves, docks, and floats shall be of materials other than treated wood or creosote. The afore cited prohibition does not apply to fender systems, mooring bollards, dolphins, batter walls or wing walls; nor wood treatments deemed acceptable in the future by State and Federal agencies with expertise. For replacement of the pilings in an existing pier, wharf, dock, or float, materials other than treated wood shall be used unless extreme adverse economic or engineering impacts can be demonstrated. The exceptions listed above also apply to this limitation.

4. In-water fixed platform structures supported by piles that do not abut the shoreline shall be prohibited.

5. Noncommercial piers, wharves, docks, and floats shall be constructed perpendicular to the shoreline where practicable.

6. Pier, wharf, dock, and float facilities shall be equipped with adequate lifesaving equipment such as life rings, hooks, and ropes.

7. When plastics or other non-degradable materials are used in the construction of piers, wharves, docks, and floats, the materials shall be safely contained.

8. Piers, wharves, docks, and floats shall be constructed so as to avoid or minimize impairment of views from existing uses or structures on neighboring properties.

9. Piers, wharves, docks, and floats shall be constructed so as not to interfere with or impair the navigational use of surface water.

10. When piers, wharves, docks, and floats are removed, the site shall be restored.

11. Piers, wharves, docks, and floats shall be designed and constructed to minimize interference with public use of the water and shoreline. The design of piers, wharves, docks, and floats should enhance public access and shall include access, unless access is incompatible with a water-dependent or single-family use.

D. Covered Moorage

1. Legally permitted covered moorage and boathouses that were in lawful existence as of December 1, 2011, may continue as permitted/conforming structures subject to the requirements of this Master Program and the following restrictions:

    a. Existing covered moorage and boathouses shall not increase overwater coverage;

    b. All work and materials shall be performed using Best Management Practices (BMPs);

    c. Existing structures may be repaired and maintained provided the amount of cover does not increase and light transmission is improved to meet state and federal standards;

    d. Walls and fences for covered moorage shall be prohibited above deck or float level, except that handrails which are open in nature and not higher than 42 inches above the deck or float may be permitted; and,

    e. Existing covered moorage and boathouses may be relocated and reconfigured within an approved marina if the relocation and reconfiguration does not result in an increase in overwater coverage and the new location results in an improvement to shoreline ecological functions.

2. New covered moorage for boat storage and new overwater boat houses shall be prohibited.

3. Covered over-water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water.

E. Moorage Facilities Associated with Residential Uses

1. Docks associated with single family residences are defined as water-dependent uses provided they are designed and intended as a facility for access to watercraft.

2. If permitted under this Program, no more than one (1) dock/pier and one (1) float and one (1) boat/ski lift may be permitted on a single lot owned for residential use or private recreational use.

3. The length of docks and piers accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks or piers shall be limited to sixty (60) feet as measured horizontally from the ordinary high water mark. The maximum width for residential docks or piers shall be limited to six (6) feet. The Director may approve a different dock or pier length when needed to:

    a. Avoid critical saltwater habitats; or

    b. Reach adequate depths to accommodate watercraft; or

    c. Accommodate shared use.

4. Docks serving four or fewer single family residences shall be permitted only when a specific need is demonstrated.

5. New residential developments of more than two dwellings shall provide joint-use or community docks, rather than individual docks.

CHAPTER 9 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.

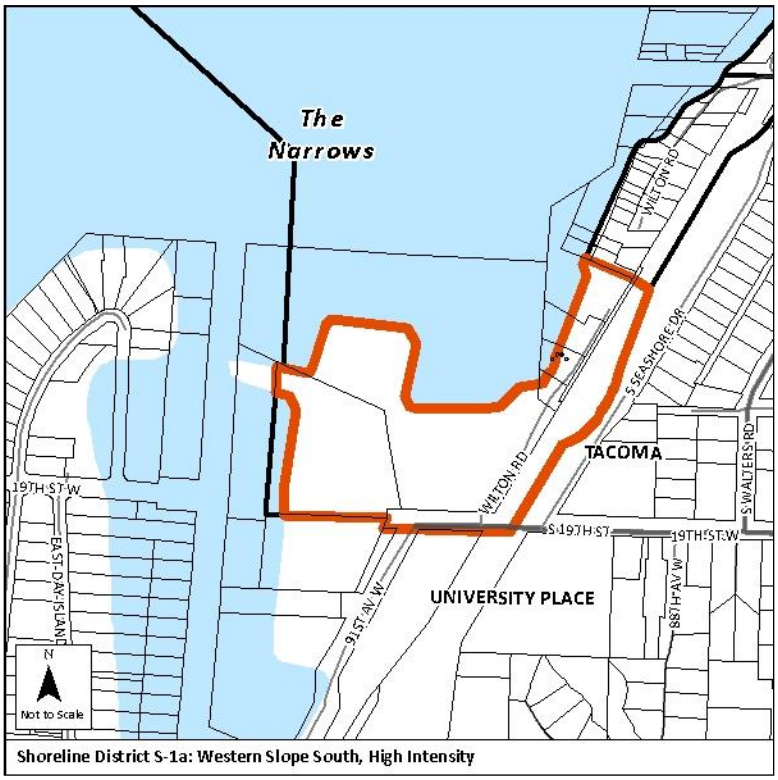
9.1 S-1A Western Slope South S (HI)

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.

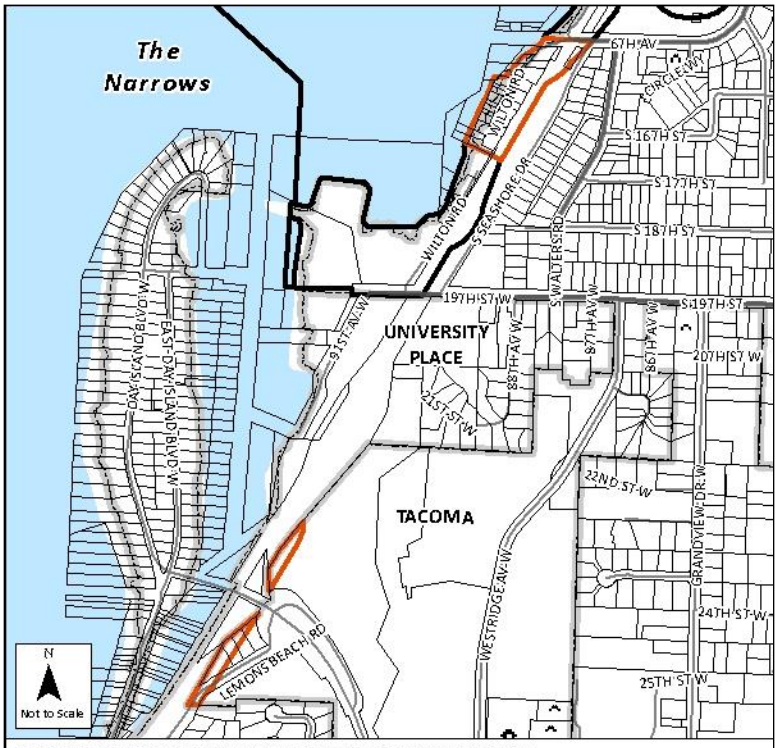
9.2 S-1b Western Slope South N (SR)

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)



Shoreline District S-1b: Western Slope South, Shoreline Residential

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.

9.3 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.

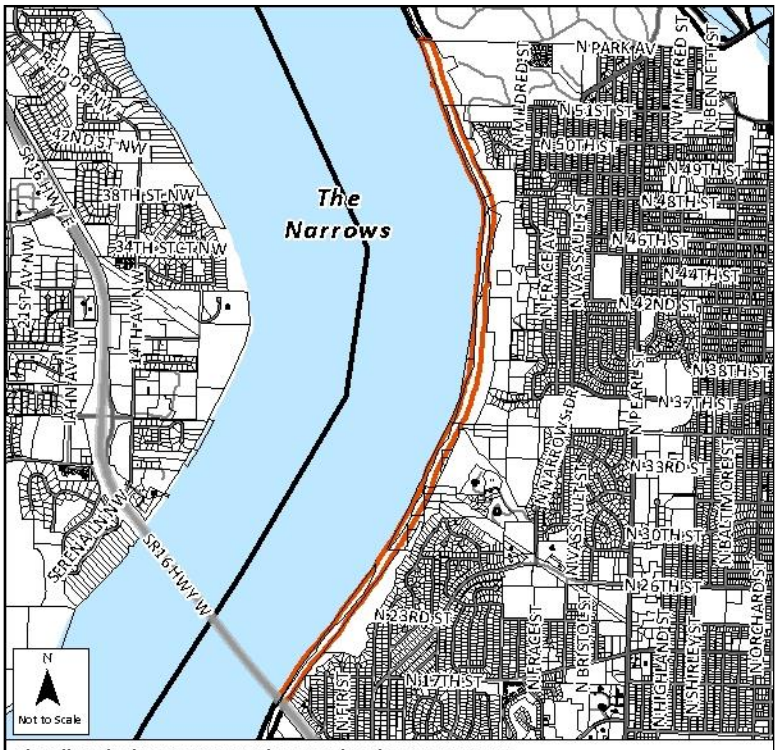
9.4 S-3 Western Slope North (N)

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



Shoreline District S-3: Western Slope North, Urban Conservancy

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.

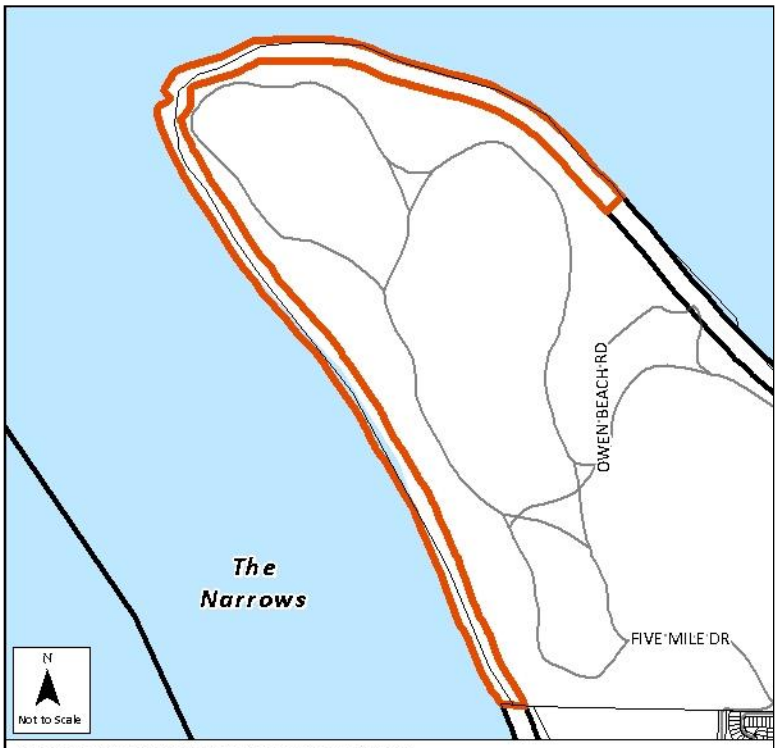
9.5 S-4 Point Defiance Natural (N)

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)



Shoreline District S-4: Point Defiance Park, Natural

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.

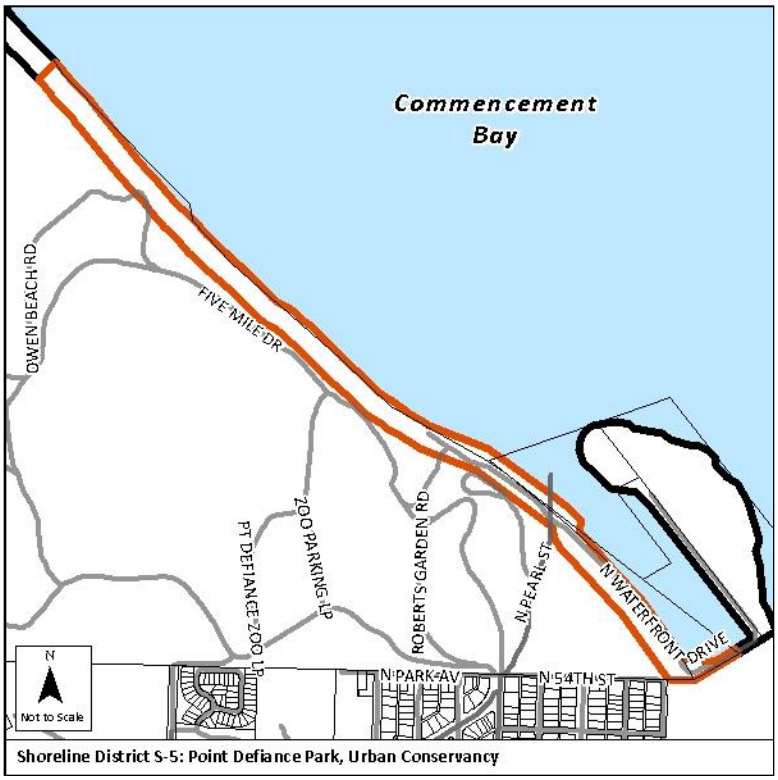
9.6 S-5 Point Defiance Conservancy (UC)

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.

9.7 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.

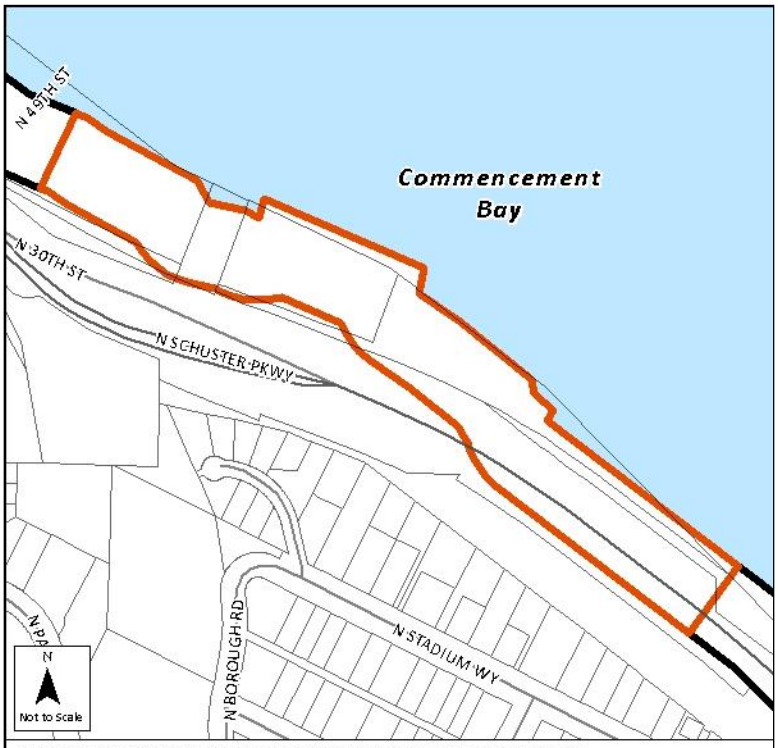
9.8 S-6/7 Schuster Parkway Transition (UC)

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



Shoreline District S-6/7: Schuster Parkway Transition, Urban Conservancy

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.

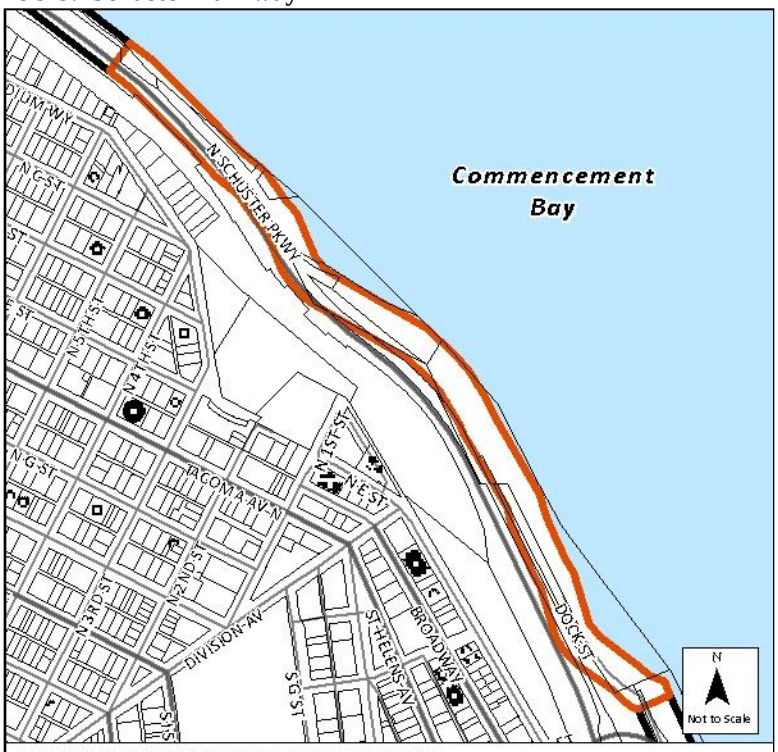
9.9 S-7 Schuster Parkway (HI)

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



Shoreline District S-7: Schuster Parkway, High Intensity

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.

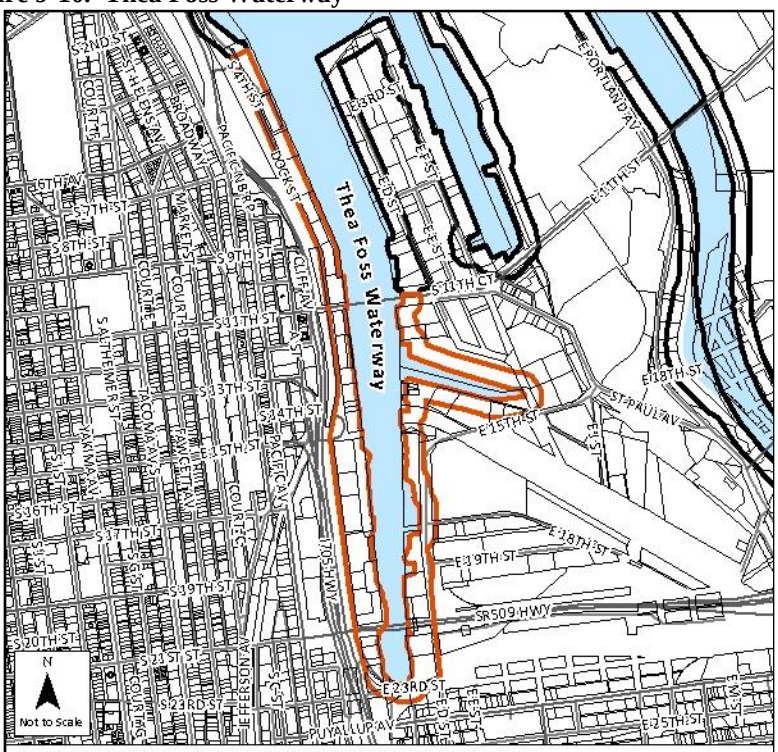
9.10 S-8 Thea Foss Waterway (DW)

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.

9.10.2 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	None
Minimum Height	50	50	none	50	50	40	40
Maximum Height	100	100	180	90	130	100	65
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	8 feet in at two locations between a height of 25 and 50 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	8 feet in at two locations between a height of 25 and 50 feet

Footnotes:

1. **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.**
2. **Where a specific height is indicated, the actual modulation may occur at the floor elevation closest to the identified height.**
3. **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;

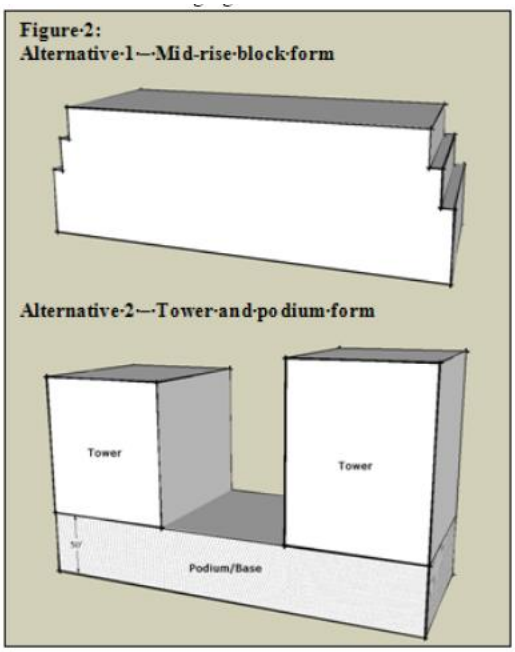
        v. Does not extend waterward of ordinary high water; and

        vi. Is designed to minimize view impacts from neighboring properties through the use of location, materials, and orientation.

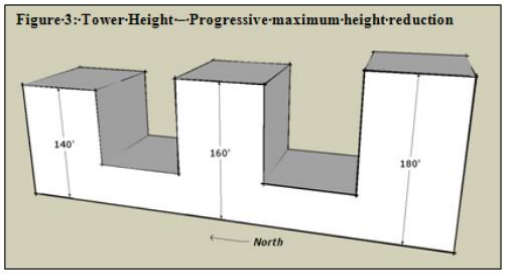
    b. The reduction of the required modulations and/or the increased height will not adversely affect the intended character of the shoreline district and will secure for neighboring properties substantially the same protection that a literal application of the regulation would have provided.

c. The reduction of the required modulations and/or the increased height will not be contrary to the intent of the Shoreline Management Act.

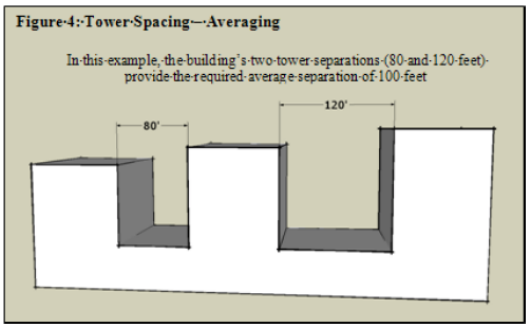
6. Alternative 2 Development Option. As noted in the building envelope standards in Table 9-1 above, within the area between the center of the public access/view corridor between Development Site 11 and the Seaport Building and the center of the secondary public access/view corridor between Development 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

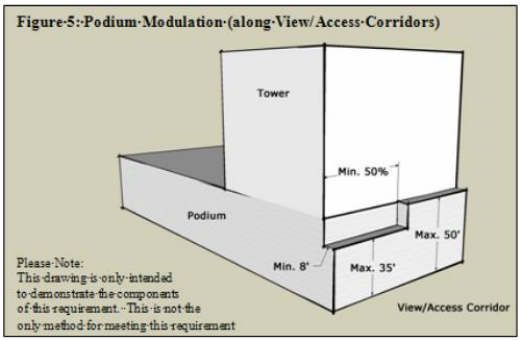


Figure 5: Podium Modulation (along View/Access Corridors)

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.

9.10.3 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.

9.10.4 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.

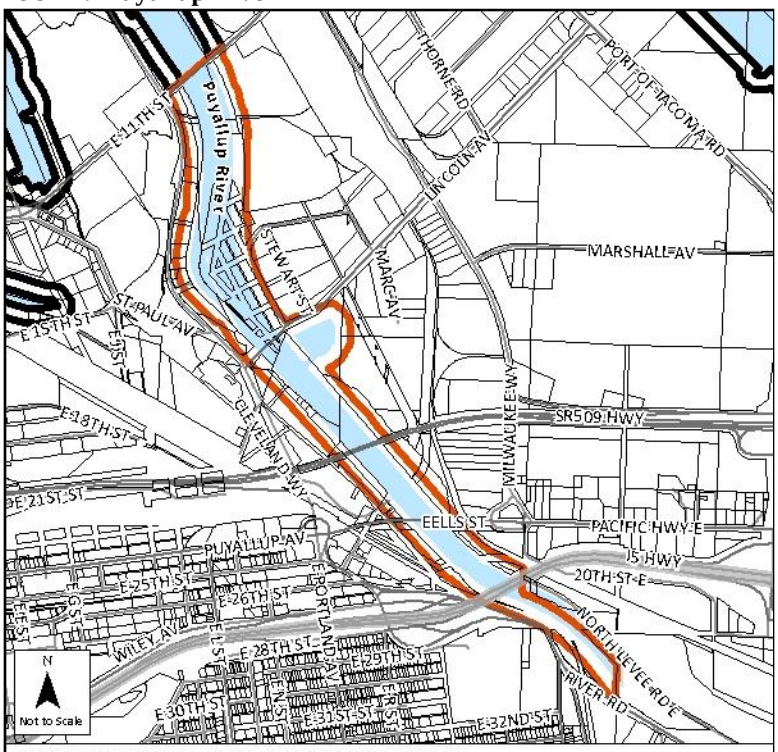
9.11 S-9 Puyallup River (UC)

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 is 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.

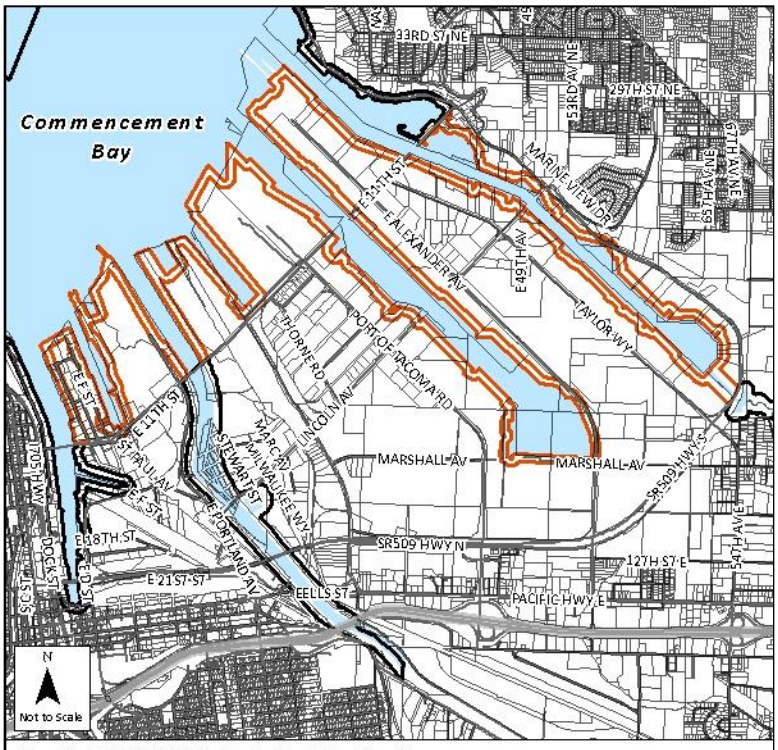
9.12 S-10 Port Industrial Area (HI)

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



Shoreline District S-10: Port Industrial, High Intensity

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.

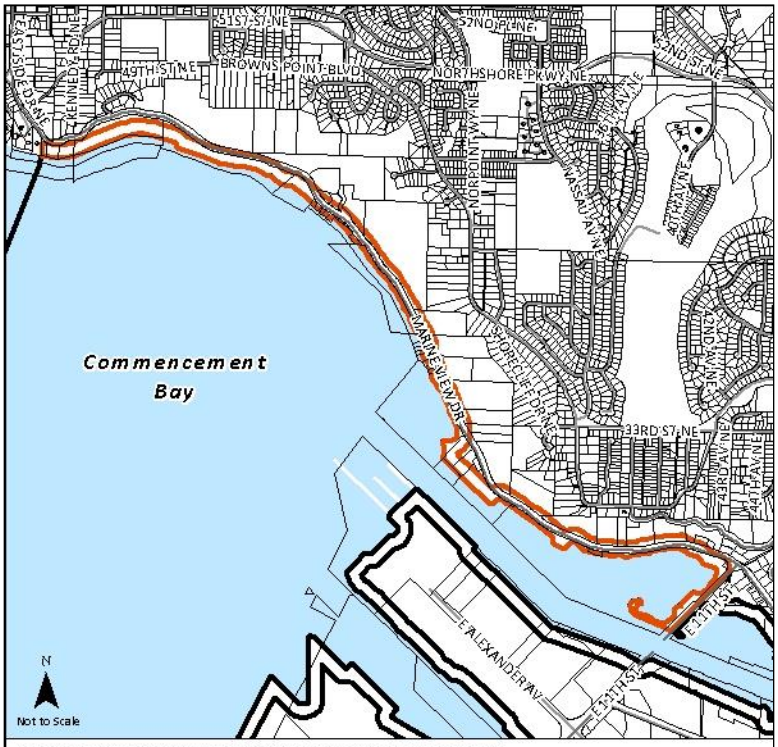
9.13 S-11 Marine View Drive (UC)

A. The intent of the S-11 Marine View Drive Shoreline District is to encourage the development of water-related parks, open space, and recreation facilities, to allow development of marinas and related facilities, water-oriented commercial uses, and residential uses that are compatible with the existing shoreline processes and functions and that result in a net gain of shoreline functions over time.

B. District Boundary Description. The S-11 Shoreline District boundaries include that area upland within 200 feet of the OHWM and from centerline of the 11th Street Bridge north to the City Limit at Eastside Dr. NE (extended).

C. Map of District. Refer to Figure 9-13 below for a map of the S-11 Marine View Drive Shoreline District Shoreline District boundaries:

Figure 9-13. Marine View Drive



Shoreline District S-11: Marine View Drive, Urban Conservancy

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-11 Marine View Drive Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

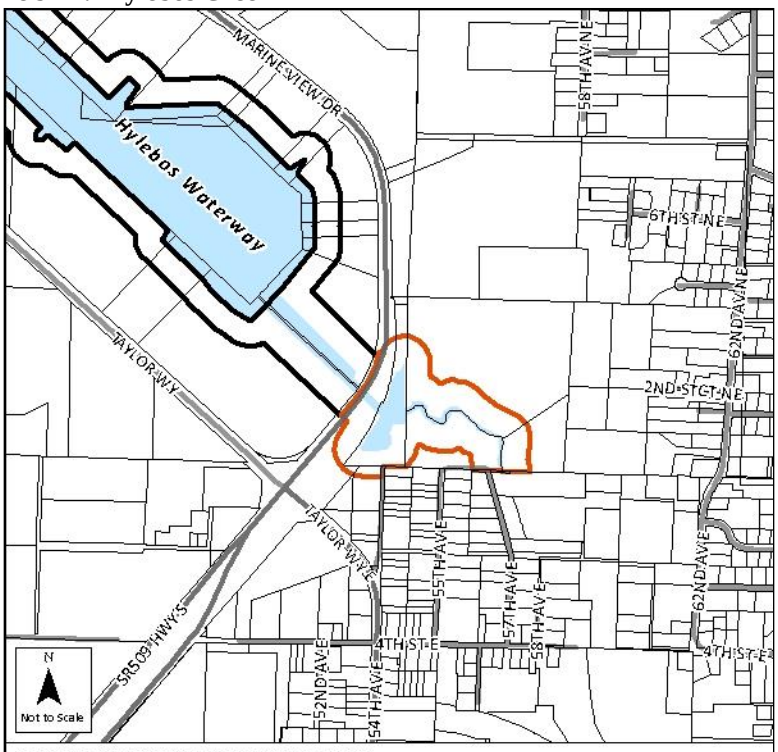
9.14 S-12 Hylebos Creek (N)

A. The intent of the S-12 Hylebos Creek Shoreline District is to protect and restore the historic functions of Hylebos Creek and achieve a net gain of shoreline function over time.

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



Shoreline District S-12: Hylebos Creek, Natural

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.

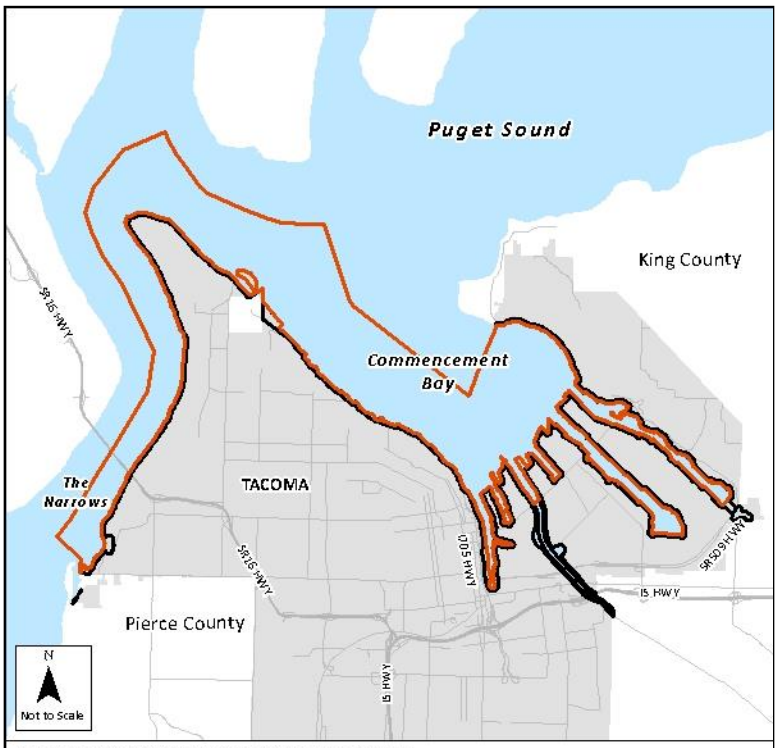
9.15 S-13 Marine Waters of the State (A)

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



Shoreline District S-13: Waters of the State, Aquatic

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 Section2.5.

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 the Table 9-2 and the general regulations included in this Chapter.

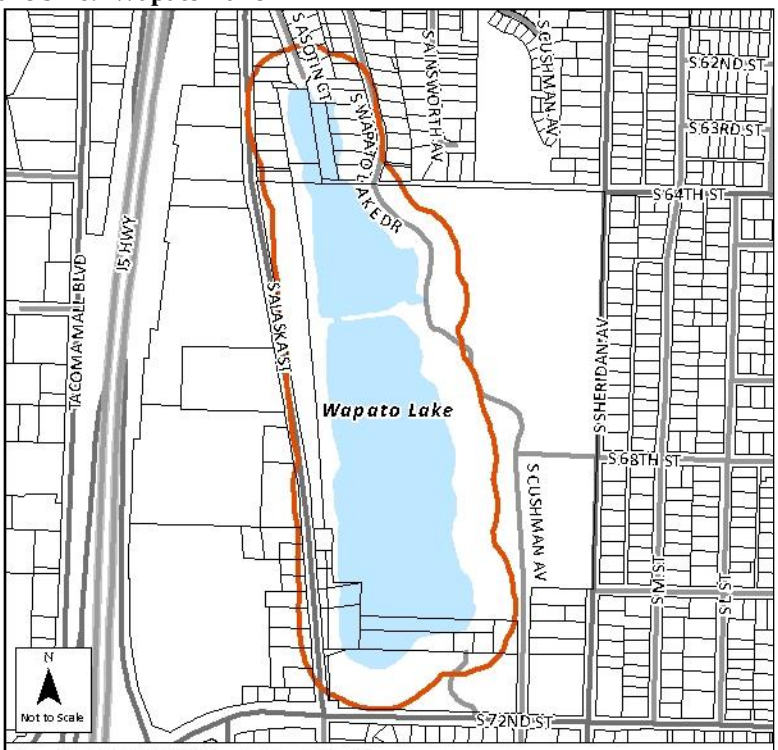
9.16 S-14 Wapato Lake (UC)

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 9-16. Wapato Lake



Shoreline District S-14: Wapato Lake, Urban Conservancy

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-14 Wapato Lake Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

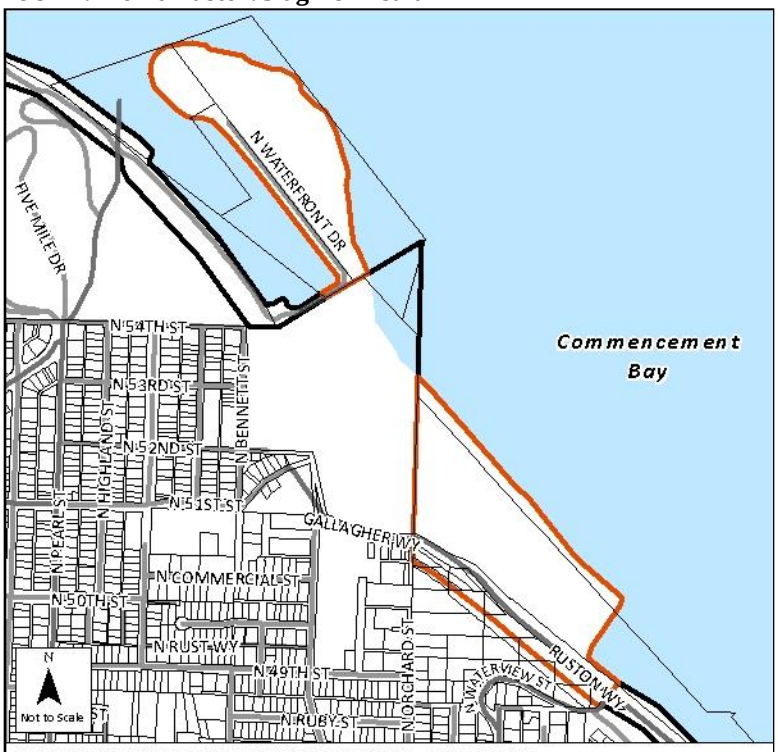
9.17 S-15 Point Ruston / Slag Peninsula (HI)

A. The intent of the S-15 Point Ruston / Slag Peninsula Shoreline District is to establish continuous public access along the shoreline that will take full advantage of the unique shoreline location and views of Puget Sound and Commencement Bay while integrating high intensity upland development that includes mixed-use residential and commercial structures and protecting the integrity of the site wide cap Superfund remedy consistent with EPA directives.

B. District Boundary Description. The S-15 Shoreline District extends from N Waterfront Drive at the midpoint between the west and east bank of the Tacoma Yacht Club Boat Basin southeast to the centerline of N 49th Street, including the entirety of Slag Peninsula and excluding that area within the jurisdiction of the Town of Ruston. The upland boundary shall extend from the ordinary high water mark to the BNSF railroad.

C. Map of District. Refer to Figure 9-17 below for a map of the S-15 Point Ruston / Slag Peninsula Shoreline District boundaries:

Figure 9-17. Point Ruston/Slag Peninsula



Shoreline District S-15: Point Ruston/Slag Peninsula, High Intensity

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 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**	**Marine 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**
Shoreline Uses																	
Agriculture																	
Agriculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Aquaculture																	
Aquaculture	CU	N	N	N	N	CU	N	CU	CU	N	N	N	CU	N	CU	N	CU
Artwork																	
Artwork	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Boating Facilities																	
Marinas	P	N	N	N	N	P	N	CU	P	P	N	P	P	N	P/CU[1]	N	P
Launch Ramps and Lifts	P	N	CU	N	N	P	N	CU	N	P[2]	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[5]	P	P	P	P	P	P	P	N	P	N	P
Water-related	P	N	P	N	N	P[5]	P	P	P	P	P	N	P	N	N/P[3]	N	P
Water-enjoyment	P	P	P	N	N	P[5]	P	P	P	P	P	N	P	N	N/P[3]	N	P
Non Water-oriented[4]	CU	N	N	N	N	CU[5]	CU	CU	CU	CU[6]	CU/P	CU	CU	N	N/P	N	P/CU[7]
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	CU	P	P	P	P	P	P	P	P	P	P	P	P	P/N[8]	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	CU[9]	N	N	N	N	N	N	CU	P	P[10]	N	P	N[24]	N	P	N	N
Water-related	CU[9]	N	N	N	N	N	N	CU	P	P[10]	CU	P	N	N	N	N	N
Non water-oriented[11]	N	N	N	N	N	N	N	N	N	CU[10]	CU	CU	N	N	N	N	N
Cargo Terminal	N	N	N	N	N	N	N	CU	P	P[10]	N	P	N	N	P	N	N
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	CU	P	P[10]	N	P	P	N	P	N	N
Mining																	
Mining	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																	
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	CU	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[12]	N	P	P	N	N	N	N	N	N	N	N	N	P[13]	N	N	P	N[14]
Multifamily – stand alone	N/CU[15]	N	N	N	N	N	N	N	N	N/CU[16]	N	N	N/CU[13,15]	N	N	N	P[17,18]/CU[18]

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**	**Marine 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**
Multifamily as part of a mix-use development	P	N	N	N	N	N	N	N	N	P[16]	N	N	P[13]	N	N	N	P[17]
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	P[13]	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	CU	P	P
Solid Waste Disposal																	
Solid Waste Disposal	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	N	N
Transportation																	
New SOV-oriented Facilities	N	N	N	N	N	N	N	N	N	CU	P	P	N	N	N	N	P
New HOV 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	N/P[32]	N/P[32]	N	P	P	N	N	N	N	N
Expansion of Existing Facilities	P	CU	P	N	N	P	P	P[32]	P[32]	CU	P	P	P	N	CU	P	P
Passenger only terminals for water based transportation	CU	N	CU	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	CU	N	N	N	N	N/CU[19]
Seaplane Floats	CU	N	N	N	N	N	CU	CU	N	P	N	P	CU	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
Utilities[20]																	
Major	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU/P[33]	P	P
Minor	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU/P[33]	P	P
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU/P[33]	P	P
Wireless Communications Facility	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Shoreline Modification[21]																	
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	CU	CU	CU	N	N	CU	CU	CU	CU	CU	CU	CU	CU	N	CU	CU	CU
Breakwaters, Jetties, Groins and Weirs																	
Associated with marinas and boating facilities	CU	N	N	N	N	CU	N	N	N	CU	N	CU	CU	N	CU	N	CU
For shoreline erosion control	CU	N	N	N	N	CU	N	N	N	CU	N	CU	CU	N	CU	N	N
For Navigational purposes	CU	N	CU	N	N	CU	N	N	N	CU	N	CU	CU	N	CU	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-maintenance dredging	CU	N	N	N	N	N	CU	N	N	CU	CU	P	CU	N	CU	N	CU
Maintenance 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
Fill and Excavation																	
Fill and Excavation, Below OHWM	CU	CU	N	N	CU	CU	CU	CU	CU	CU	N	CU	N	CU	N	N	CU
Below OHWM for Ecological Restoration and Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Above OHWM	P	P	P	N	P	P	P	CU	CU	P	CU	P	CU	CU	N/A	P	P
Flood Control Works and In-stream Structures	N	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	CU	N	N
Ecological Restoration / Enhancement / Mitigation																	

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**	**Marine 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**
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mooring Facilities[23]																	
Piers, Wharves, Docks and Floats																	
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
Mooring Buoy[24]	P	P	P	P	P	P	P	P	P	N	N	P	P	N	P	N	P
Mooring Buoy Field	P	N	N	N	N	P	CU	CU	P	N	N	P	P	N	CU	N	P
Navigational Aids	P	P	P	P	P	P	P	P	P	P	N	P	P	N	P	N	P
Covered Moorages/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 TSMP Chapter 6[25]	50 ft. from OHWM	50 ft. from OHWM	115 ft. from OHWM	200 ft. from OHWM	200 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	50 ft. from OHWM	150 ft. from OHWM	50 ft. from OHWM	115 ft. from OHWM	150 ft. from OHWM	N/A	200 ft. from OHWM[26]	50 ft. from OHWM
Height Limit[27]	35 ft within marine buffer; 75 ft upland and outside marine buffer with view study	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	100 ft for deep water facilities[28] otherwise 35 ft[29]	Refer to S-8 Shoreline District Regulations	35 ft	100 ft[29]	35 ft	35 ft	35 ft, unless associated with Port/Industrial or transportation facilities	35 ft	35 ft within 100 ft of OHWM; 50 ft from 100 – 200 ft; 80 ft outside 200 ft of OHWM[30]
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[29]	30% of shoreline frontage	30% of shoreline frontage	0 ft[29]	30% of shoreline frontage	30% of shoreline frontage	N/A	30% of shoreline frontage	30% of shoreline frontage
Front Yard Setback	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft[29]	20 ft	50 ft from centerline of Puyallup river Dike	0 ft[29]	20 ft	20 ft	N/A	20 ft	20 ft
Critical Area Buffer Setback from edge of buffer. When no buffer is present, the Setback is measured from the rear property line.	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft[29]	10 ft	10 ft	0 ft[29]	10 ft	10 ft	N/A	10 ft	10 ft
Lot Area																	
Minimum Ave. Width	50 ft	50 ft	50 ft	50 ft		50 ft	50 ft				50 ft		50 ft	50 ft	N/A	50 ft	
Minimum Lot Frontage	25 ft	25 ft	25 ft	25 ft		25 ft	25 ft				25 ft		25 ft	25 ft	N/A	25 ft	
Minimum Lot Area for SF Dwelling	5,000 sq ft	5,000 sq ft	5,000 sq ft	5,000 sq ft		5,000 sq ft	5,000 sq ft				5,000 sq ft		5,000 sq ft	5,000 sq ft	N/A	5,000 sq ft	
Minimum Lot Area for MF Dwelling	6,000 sq ft	6,000 sq ft	6,000 sq ft	6,000 sq ft		6,000 sq ft	6,000 sq ft				6,000 sq ft		6,000 sq ft	6,000 sq ft	N/A	6,000 sq ft	

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.

CHAPTER 10 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. City

“City’ is the City of Tacoma, Washington

28. Clearing

“Clearing” is the destruction or removal of logs, scrub shrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

29. 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.

30. Commercial Fishing

“Commercial fishing” is the activity of capturing fish and other seafood under a commercial license.

31. Conditional Use

"Conditional uses" are uses, developments, or substantial developments which are classified as a conditional use or not classified within the Master Program.

32. Covered Moorage

“Covered moorages” are boat moorages, with or without walls, that have a roof to protect the vessel.

33. 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.

34. 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.

35. 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.

36. Department of Ecology

The “Department of Ecology” is the Washington State Department of Ecology.

37. 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.

38. 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.

39. 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.

40. Director

The “Director” refers to the Director of the Planning and Development Services Department or his/her designee.

41. Dock

A “dock” is a place or structure that connects with the shore and provides access to a boat vessel from the land.

42. 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.

43. Dredging

“Dredging” is the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical or hydraulic means.

44. Dredging spoils

“Dredging spoils” are the bottom materials obtained from dredging.

45. 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.

46. 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.

47. 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.

48. Ecology

“Ecology” refers to the Washington State Department of Ecology.

49. 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.

50. 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.

51. 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;

52. 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.

53. 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

54. 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.

55. Extreme Low Tide

"Extreme low tide" means the lowest line on the land reached by a receding tide.

56. 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.

57. 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.

58. 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.

59. 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.

60. Fixed-wing landing areas

“Fixed-wing landing areas” means a cleared and paved area used for the takeoff and landing of fixed-wing aircraft.

61. 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.

62. 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”).

63. 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.

64. 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.

65. 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.

66. 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.

67. FLUPSY

“FLUPSY” is an acronym for a floating upweller system used for aquaculture seed nurseries.

68. Footprint

“Footprint – building” means that area defined by the exterior walls of a structure.

69. 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.

70. 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.

71. 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.

72. 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.

73. Grey Water

“Grey water” means wastewater generated by water-using fixtures and appliances such as sinks, showers, and dishwaters, but excluding the toilet.

74. 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.

75. 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.

76. 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

77. 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.

78. Hazardous Substances

“Hazardous substances” means those wastes designated by WAC 173-340-200, and regulated as hazardous substances by Ecology.

79. 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.

80. 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.

81. 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.

82. 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.

83. 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”).

84. 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.

85. 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.

86. 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.

87. 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.

88. Local Government

"Local government" is the City of Tacoma.

89. 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.

90. 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

91. 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.

92. 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

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. May

"May" means the action is acceptable, provided it conforms to the provisions of this Master Program.

99. 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.

100. Mitigation

"Mitigation" is a negotiated action involving the avoidance, minimization, or compensation for possible adverse impacts.

101. 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.

102. 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.

103. 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.

104. Moored Boat

A "moored boat" is a vessel that is secured to a pier, float, dock, buoy or other vessel.

105. Mooring Buoy

A "mooring buoy" is an anchored floating device in a water body used for the landing of a vessel or water craft.

106. Mooring Buoy Field

A "mooring buoy field" is 12 or more mooring buoys in a contiguous area.

107. 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.

108. Must

"Must" means a mandate; the action is required.

109. 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.

110. 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.

111. 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.

112. Nexus

“Nexus” is the rational relationship between a probable adverse impact from a proposed development on a legitimate governmental interest or purpose.

113. 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.

114. Normal Maintenance

"Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

115. 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).

116. 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.

117. 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.

118. 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.

119. 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.

120. 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.

121. 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.

122. Permit

A "Permit" is any Substantial Development, Variance, Conditional Use Permit, or revision authorized under RCW 90.58.

123. 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.

124. 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.

125. Port

“Port” refers to a center for water-borne commerce and traffic.

126. 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.

127. 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:

a. Comparatively high fish or wildlife density;

b. Comparatively high fish or wildlife species diversity;

c. Important wildlife habitat;

d. Important fish or wildlife seasonal range;

e. Important fish or wildlife movement corridor;

f. Rearing and foraging habitat;

g. Important marine mammal haul-out;

h. Refugia habitat;

i. Limited availability;

j. High vulnerability to habitat alteration;

k. Unique or dependent species; or

l. 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.

128. 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.

a. 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.

b. 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.

c. 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.

d. Criterion 4. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

129. Provisions

"Provisions" are policies, regulations, standards, guideline criteria or environment designations.

130. 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.

131. 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.

132. 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.

133. 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.

134. 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.

135. Recreational Development

“Recreational development” includes commercial and public facilities designed and used to provide recreational opportunities to the public.

136. 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.

137. 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.

138. 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.

139. 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.

140. 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.

141. Setback

A “setback” is a space unoccupied by structures except where intrusions are specifically permitted by this Program.

142. 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.

143. 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.

144. 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.

145. 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.”

146. Shall

"Shall" means a mandate; the action must be done.

147. 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.

148. 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.

149. 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 is subsection 5.3 of this Program.

150. Shoreline Jurisdiction

"Shoreline jurisdiction" is all "shorelines of the state" and "shorelands."

151. 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.

152. 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.

153. 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.

154. 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.

155. 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.

156. Shorelines of Statewide Significance

“Shorelines of Statewide Significance” are the following shorelines of the State:

a. 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;

b. 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;

c. 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;

d. 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;

e. 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;

f. 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.

157. Shorelines of the City

“Shorelines of the City” are the total of all “shorelines” and “shorelines of statewide significance” within the City.

158. Shorelines of the State

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

159. 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.

160. 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.

161. 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.

162. 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.

163. 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.

164. 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.

165. 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.

166. 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.

167. 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.

168. 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.

169. 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.

170. Stream

A “stream” is a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel.

171. Streamway

A “streamway” is the bed and banks of a stream.

172. 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.

173. 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.

174. Substantially Degrade

To "substantially degrade" means to cause significant ecological impact.

175. 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.

176. 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.

177. 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.

178. Transient

“Transient” means passing through or by a place, staying 10 days or less.

179. 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.

180. 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.

181. 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.

182. Uplands

“Uplands” are dry lands landward of OHWM.

183. 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.

184. 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.

185. 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.

186. 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.

187. 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.

188. 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.

189. Water-oriented

A "water-oriented use" is a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

190. 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.

191. 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.

192. 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.

193. 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:

1. 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;

2. 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

3. 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.

194. 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.

195. Weir

A “weir” is a structure in a stream or river for measuring or regulating stream flow.

196. 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.