



# Tacoma Municipal Code

## Title 19 Shoreline Master Program

**May 7, 2025**

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is blue underlined and text that has been deleted is shown as ~~red strikethrough~~.

### Summary of Amendments

1. Establishes a new Seaport Shoreline Environment Designation
2. Modifies the existing Urban Conservancy Environment Designation, creating a new distinction:
  - a. Urban Conservancy – Freshwater
  - b. Urban Conservancy – Marine
3. Removes the existing S-9, S-10 and S-12 Shoreline Zoning Districts
4. Replaces the Shoreline Zoning Districts with the new Environment Designations
5. Base zoning from Title 13 Municipal Code applies to these locations with the Environment Designation serving as an overlay to ensure consistency with Shoreline Management Act goals and policies.
6. Creates an expanded list of prohibited uses based on Tideflats Subarea Plan recommendations
7. Relocates the Shoreline Modification table from Chapter 19.09 District Specific standards to Chapter 19.08 Shoreline Modifications.
8. Modifies Section 19.06.030 Archaeological, Cultural and Historic Resources to refer to new standards proposed in Title 13.12.570 Archaeological, Cultural, and Historic Resources.



# **TITLE 19**

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## **Shoreline Master Program**



# TITLE 19

## SHORELINE MASTER PROGRAM <sup>1</sup>

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<sup>1</sup> 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.

*Prior legislation for Chapter 13.10: Ords. 28180, 21821, 22228, 22246, 22400, 22496, 22562, 22599, 22884, 23027, 23106, 23262, 23310, 23583, 23834, 23909, 25062, 25128, 25141, 25212, 26329, 27657, 25632, 25718, 25738, 25797, 25854, 25904, 26174, 26175, 26929, 26410, 26622, 26934, 27158, 27296, 27432, 27657, 28109, 28180, 28182, 28376, 28470 [Tideflats Interim Regulations, replaced by Ord. 28786].*

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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

# Shoreline Master Program And Land Use Regulatory Code

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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.

**November 16, 2021**

Tacoma City Council  
Ordinance No. 28786 (Nov. 16, 2021), and  
Ordinance No. 28612 (Sept. 24, 2019)

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Dedicated to Donna Stenger  
A dear friend, mentor, and devoted public servant.





## **CHAPTER 19.01 INTRODUCTION**

Sections:

- 19.01.010 Introduction.
- 19.01.020 Purpose and Intent.
- 19.01.030 Title.
- 19.01.040 Governing Principles.
- 19.01.050 Adoption Authority.
- 19.01.060 Master Program Amendments.
- 19.01.070 Relationship to other Plans and Regulations.
- 19.01.080 Applicability.
- 19.01.090 Liberal Construction.
- 19.01.100 Severability.
- 19.01.110 Effective Date.
- 19.01.120 Master Program Review.

\* \* \*

## **CHAPTER 19.02 ADMINISTRATION**

Sections:

- 19.02.010 General Compliance.
- 19.02.020 Administrative Authority and Responsibility.
- 19.02.030 Shoreline Permits, Exemptions, and Exceptions.
- 19.02.040 Minimum Permit Application Submittal Requirements.
- 19.02.050 Nonconforming Uses and Development.
- 19.02.060 Public Notice Requirements.
- 19.02.070 Special Procedures for Washington State Department of Transportation (WSDOT) Projects.
- 19.02.080 Appeals.
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## **CHAPTER 19.03 GOALS AND OBJECTIVES**

Sections:

- 19.03.010 Overarching Shoreline Goal of the City of Tacoma.
- 19.03.020 Shoreline Land Use.

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- 19.03.030 Economic Development.
- 19.03.040 Conservation.
- 19.03.050 Restoration.
- 19.03.060 Flood Prevention and Flood Damage Minimization.
- 19.03.070 Archaeological, Historic, and Cultural Resources.
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- 19.03.100 Transportation and Essential Public Facilities.
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\* \* \*

## **CHAPTER 19.04**

### **SHORELINES OF THE STATE**

Sections:

- 19.04.010 Shoreline Jurisdiction.
- 19.04.020 Designation of Shorelines of Statewide Significance.
- 19.04.030 Statewide Interests Protected.
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## **CHAPTER 19.05**

### **SHORELINE ENVIRONMENT DESIGNATIONS**

Sections:

- 19.05.010 Introduction
- 19.05.020 Authority.
- 19.05.030 Shoreline Environment Designations
- 19.05.040 Official Shoreline Environment Designation Map.
- 19.05.050 Shoreline Environment Designations.

#### **19.05.010 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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 5.1.)

#### **19.05.020 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.

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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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 5.2.)

### 19.05.030 Shoreline Environment Designations

A. 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 – [Marine](#)
5. [Urban Conservancy – Freshwater](#)
6. High Intensity
7. Downtown Waterfront
8. [Seaport](#)

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 5.3.)

### 19.05.040 Official Shoreline Environment Designation Map.

#### A. 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 a TSMP amendment (WAC 173-26-211(2)(e)).

#### B. File Copies.

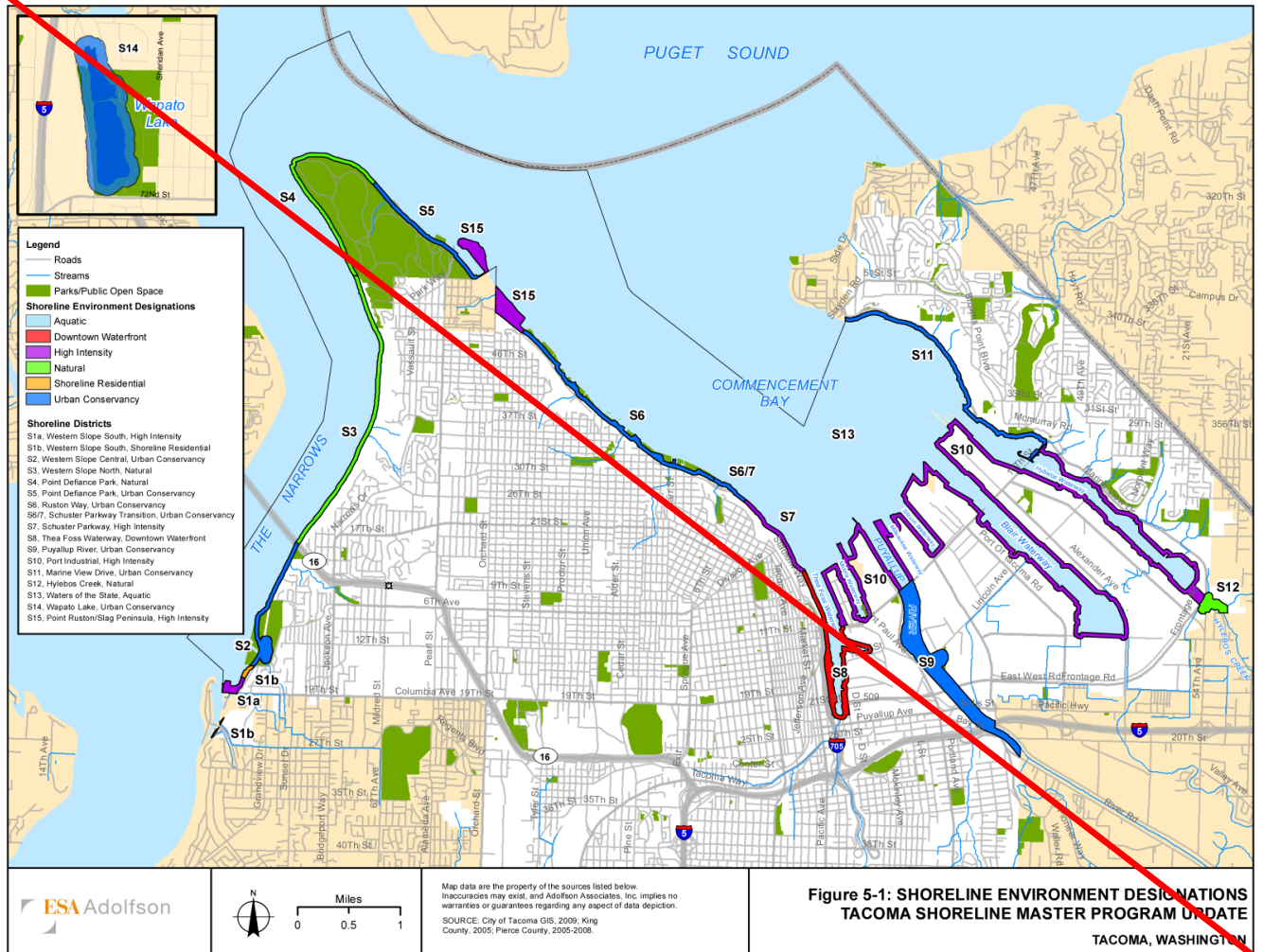
The official shoreline district maps shall be kept on file in the office of the City of Tacoma Planning and Development Services Department and the Washington State Department of Ecology. Unofficial copies of the map may be prepared for administrative purposes. To facilitate use of this Master Program unofficial shoreline district maps and boundary descriptions are provided in TSMP Chapter 19.09. An unofficial city-wide Shoreline Environment Designations map is included with this Program as Figure 5-1.

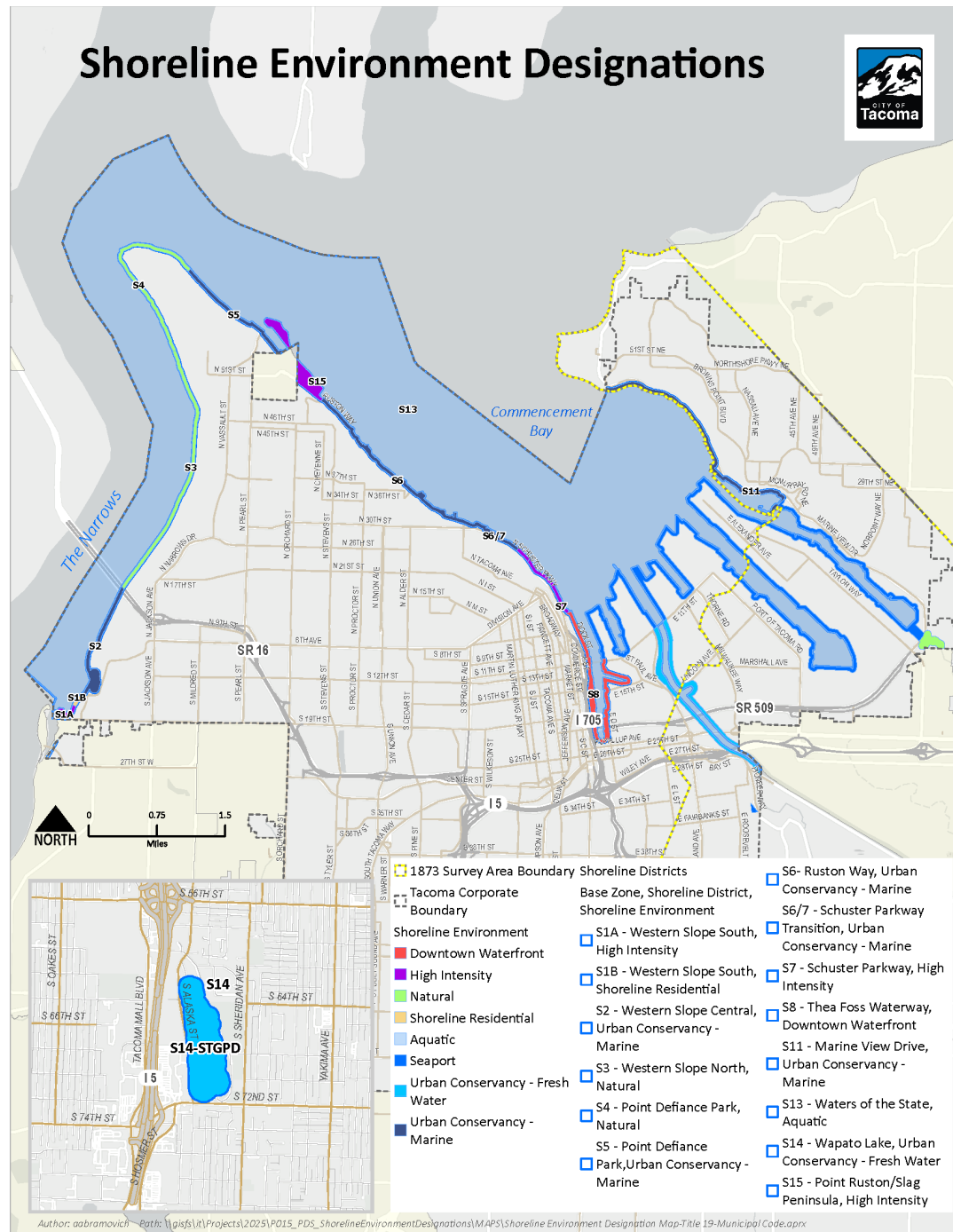
#### C. Map Amendments

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.**





D. Boundary Interpretation.

1. Boundary Interpretation.

- a. 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:
  - (1) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
  - (2) Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.
  - (3) Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed.
- b. 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 13.05.090.
- c. 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.

2. Split Zoning.

- a. 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 least restrictive of the two zones.
- b. 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 2.a above are met; in no instance shall non-shoreline zoning be applied to that portion of the parcel that is within shoreline jurisdiction.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 5.4.)

### 19.05.050 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 19.09. The management policies are implemented through use regulations and development standards included in Table 9-2 and TSMP Chapters 19.06 through 19.09.

A. Natural Environment.

1. Purpose.

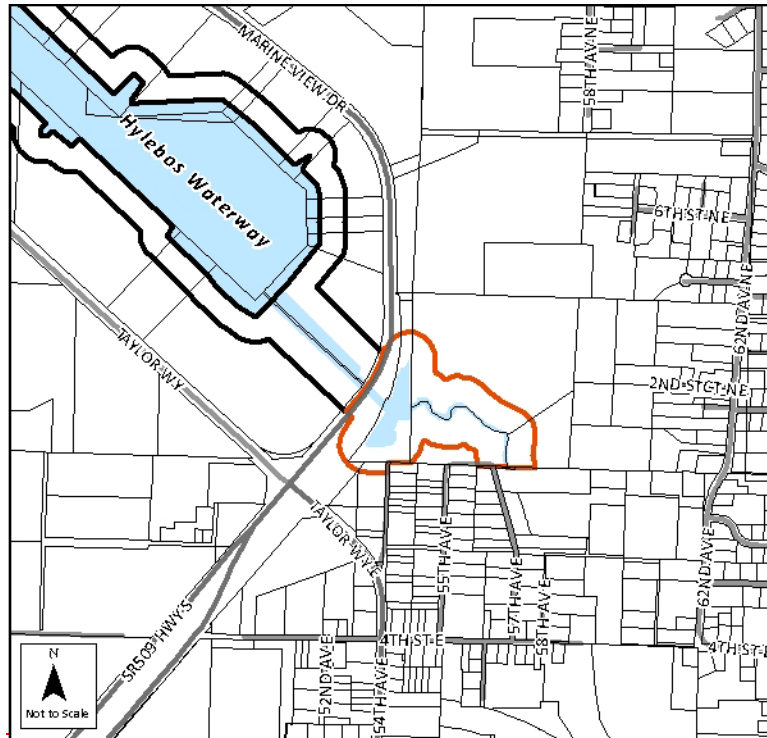
The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the 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.

2. Areas Proposed for Designation.

- a. District S-3 Western Slope North
- b. District S-4 Point Defiance – Natural



- c. ~~District S-12~~ Hylebos Creek; including 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.



3. Designation Criteria.

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

- a. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
- b. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
- c. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

4. Management Policies.

- a. 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.
- b. 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.
- c. 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.
- d. Beaches, sea cliffs, coastal bluffs and forests should be retained in their natural state.

B. Aquatic Environment.

1. 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.

2. Areas Proposed for Designation.

a. District S-13 Marine Waters of the State.

3. Designation Criteria.

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

4. Management Policies.

a. Uses.

- (1) 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.
- (2) Water-enjoyment and water-related uses may be permitted on/in existing over-water buildings.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Water oriented recreational uses in the aquatic environment should not detrimentally impact the operations of existing water-dependent port and industrial uses.

b. New Over-Water Structures.

- (1) 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.
- (2) New overwater structures for non-water-dependent uses, including residential, restaurants, hotels and office buildings, should be strictly prohibited.
- (3) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- (4) 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.

c. Reuse of Over-water Structures.

- (1) 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.
- (2) 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.

d. Design Elements.

- (1) 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.

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### e. Environmental Protection.

- (1) Shoreline uses and modifications within the Aquatic environment should be designed and managed consistent with the Environmental Protection policies and regulations of Chapter 19.06 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.
- (2) Remove abandoned over-water structures when they no longer serve their permitted use unless:
  - (a) Retaining such structures provides a net environmental benefit, for example, artificial reef effect of concrete anchors; or
  - (b) Such structures can be reused in a manner that helps maintain the character of the City's historic waterfront; or
  - (c) Removing such structures would have substantial potential to release harmful substances into the waterways despite use of reasonable precautions.

### C. Shoreline Residential Environment.

#### 1. 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.

#### 2. Areas Proposed for Designation.

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

#### 3. 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.

#### 4. Management Policies.

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

- a. New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.
- b. 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.
- c. 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.
- d. Commercial development should be limited to water-oriented uses.
- e. Low impact development should be implemented to the maximum extent possible to avoid and minimize impacts to water quality and quantity.
- f. 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.
- g. 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.

### D. Urban Conservancy – [Marine](#) Environment.

#### 1. Purpose.

The “urban conservancy - [marine](#)” environment is intended to protect and restore the public benefits and ecological functions of open spaces, natural areas, restoration sites, and other sensitive lands [associated with marine shorelines](#) where they exist within the City, while allowing a variety of compatible uses. It is the most suitable designation for [marine](#) 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.

2. Areas Proposed for Designation:

- a. District S-2 Western Slope Central
- b. District S-5 Point Defiance – Urban Conservancy
- c. District S-6 Ruston Way
- d. District S-6/7 Schuster Parkway Transition
- ~~e. District S-9 Puyallup River~~
- f. District S-11 Marine View Dr.
- g. District S-14 Wapato Lake

3. Designation Criteria.

The “urban conservancy - [marine](#)” environment designation is assigned to [marine](#) 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.

4. Management Policies.

- a. 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.
- b. When development is proposed adjacent to Natural Resource Damage Assessment (NRDA) restoration sites, special consideration should be given to their protection during the City’s permit review.
- c. Restoration of shoreline ecological function concurrent with development and redevelopment within Urban Conservancy shorelines should be a priority.
- d. New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.
- e. 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.
- f. 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.

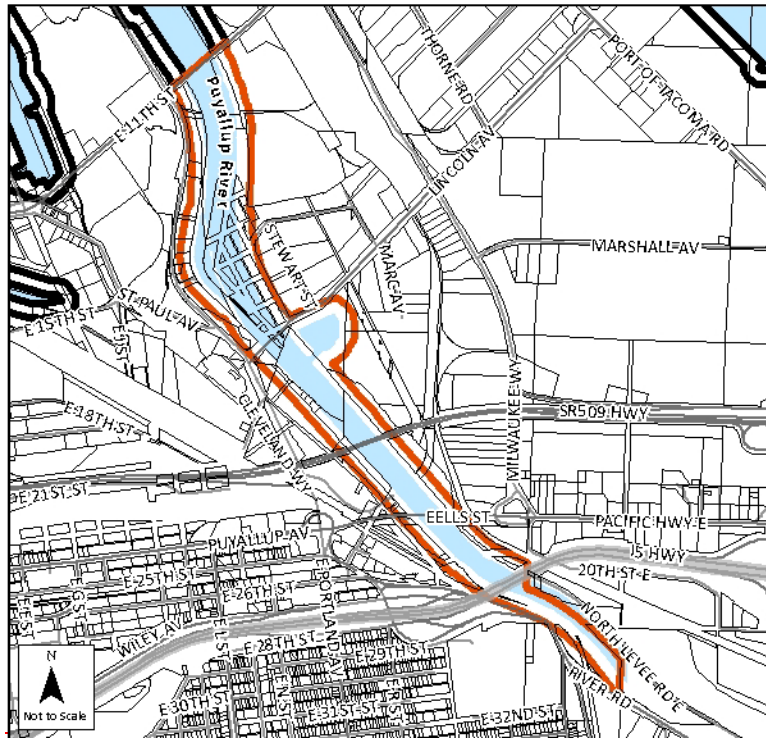
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- g. Protection of ecological functions should have priority over public access, recreation and other development objectives whenever a conflict exists.
  - h. Permitted uses should consist of low intensity uses that preserve the natural character of the area or promote preservation of open space and critical areas.
  - i. 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.
  - j. Existing historic and cultural buildings and areas should be preserved, protected and reused when feasible.
  - k. 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.
- E. Urban Conservancy – Freshwater Environment.
1. Purpose.

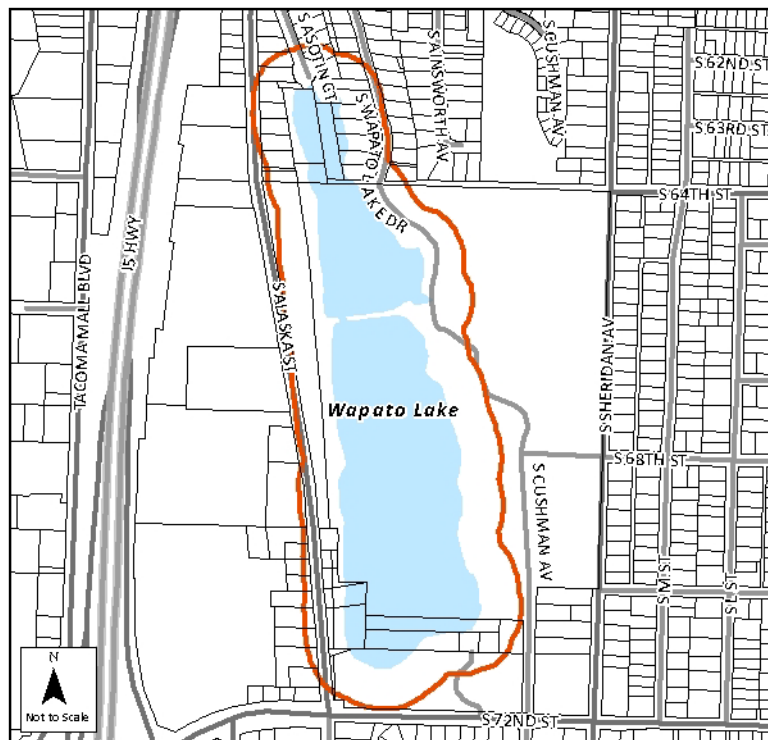
The “urban conservancy - freshwater” environment is intended to protect and restore the public benefits and ecological functions of open spaces, natural areas, restoration sites, and other sensitive lands associated with freshwater shorelines where they exist within the City, to encourage recreational development, support the restoration of historic floodplain processes and functions, while allowing a variety of compatible uses. It is the most suitable designation for freshwater 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 industrial uses will develop and operate in a manner that is compatible with shoreline ecological functions.

2. Areas Proposed for Designation:

- a. Puyallup River: Extending from the centerline of the East 11th Street Bridge to the southern City limits, 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.



- b. Wapato Lake: 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.



3. Designation Criteria.

The “urban conservancy - freshwater” environment designation is assigned to freshwater 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 characterized by locally significant freshwater critical areas;
- b. They are suitable for water-related or water-enjoyment uses;
- c. They are open space or other sensitive areas that should not be more intensively developed;
- d. They have potential for ecological restoration;
- e. They retain important ecological functions, even though partially developed; or
- f. They have the potential for development that is compatible with ecological restoration.

4. Management Policies.

- a. 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.
- b. 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.
- c. Restoration of shoreline ecological function concurrent with development and redevelopment within Urban Conservancy shorelines should be a priority.
- d. New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.
- e. 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.
- f. 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.
- g. Protection of ecological functions should have priority over public access, recreation and other development objectives whenever a conflict exists.
- h. 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.
- i. 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.
- j. Existing historic and cultural buildings and areas should be preserved, protected and reused when feasible.
- k. 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. Development Standards for the Urban Conservancy – Freshwater Designation.

- a. Building height is limited to 35 feet.
- b. View corridors and side yard setbacks: 30% of shoreline frontage, provided in accordance with

standards in TMC 19.06.070.

c. Front yard setback: 20 feet

d. Lot area

(1) Minimum average width: 50 feet

(2) Minimum lot frontage: 25 feet

(3) Minimum lot area for dwelling: 5,000 square feet

c. Critical Area Buffers

(1) Puyallup River stream buffer is 150 feet, to be established and managed in accordance with the standards in 19.06.040.H.

(2) The Wapato Lake buffer is 200 feet, to be established and managed in accordance with the standards in 19.06.040.G.

d. Critical area buffer setback: 10' measured from the edge of the buffer. When no buffer is present, the setback is measured from the rear property line.

#### F. High-Intensity Environment.

##### 1. 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.

##### 2. Areas Proposed for Designation:

a. District S-1a Western Slope South

b. District S-7 Schuster Parkway

~~c. District S-10 Port Industrial Area~~

d. District S-15 Point Ruston/Slag Peninsula

##### 3. 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.

##### 4. Management Policies.

a. 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.

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

c. 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.

d. 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.



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- e. 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.
- f. 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.

### G. Downtown Waterfront.

#### 1. Purpose.

- a. Foster a mix of private and public uses, including parks and recreation facilities, that are linked by a comprehensive public access system.
- b. Strengthen the pedestrian-orientation of development on the Thea Foss Waterway.
- c. Promote the design vision for the Thea Foss Waterway through the establishment and implementation of design guidelines and standards.
- d. Manage the shoreline area in a way that optimizes circulation, public access, development, and environmental protection.
- e. 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.
- f. 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.
- g. Encourage a mix of uses, including water-oriented industrial and commercial uses.
- h. Encourage high density residential development.
- i. Retain and enhance characteristics of the Thea Foss Waterway that support marine and recreational boating activities.

#### 2. Areas Proposed for Designation.

- a. District S-8 Thea Foss Waterway.

#### 3. 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:

- a. Are zoned for commercial, industrial and high density residential uses;
- b. Are within or adjacent to the downtown core;
- c. Are primarily developed with high intensity uses;
- d. Are currently characterized by a dense mix of residential, commercial and industrial uses;
- e. Contain historic structures, sites related to the Foss Waterway’s maritime history as well as cultural, educational and institutional uses.

#### 4. General Management Policies.

##### a. Land Use.

##### (1) General.

- (a) Retain and enhance characteristics of the Thea Foss Waterway that support marine and boating activities.

- (b) 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.
  - (c) 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.
  - (d) Encourage uses that generate significant walk-in and casual visitors.
  - (e) Promote diverse, high-quality, pedestrian-related development that highlights the rich cultural, natural and maritime history of the Thea Foss Waterway.
- (2) East Foss.
  - (a) 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.
- b. Views and Aesthetics.
  - (1) 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.
  - (2) Important public views of the Thea Foss Waterway from downtown should be protected.
  - (3) 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.
  - (4) Foster desirable character through the establishment and application of design guidelines.
  - (5) Public art, historical interpretation and/or design elements which enrich the area are encouraged.
  - (6) Encourage the incorporation of aesthetic elements and/or artwork in the design of public facilities and amenities.
  - (7) Historic markers and design elements that reflect the history and culture of local and indigenous peoples should be encouraged where appropriate.
  - (8) Develop site features that facilitate public participation in maritime events and activities.
- c. Public Access.
  - (1) Provide a wide variety of physical settings, landscaped parks, plazas, and pedestrian attractions.
  - (2) Unify and link parks, public areas, uses and attractions by a public walkway along the shoreline edge, where appropriate.
  - (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 consistent with the adopted waterfront design guidelines.
  - (4) Public attractions on the Thea Foss Waterway should give preference to those which are water-oriented or relate to the Waterway’s maritime history.

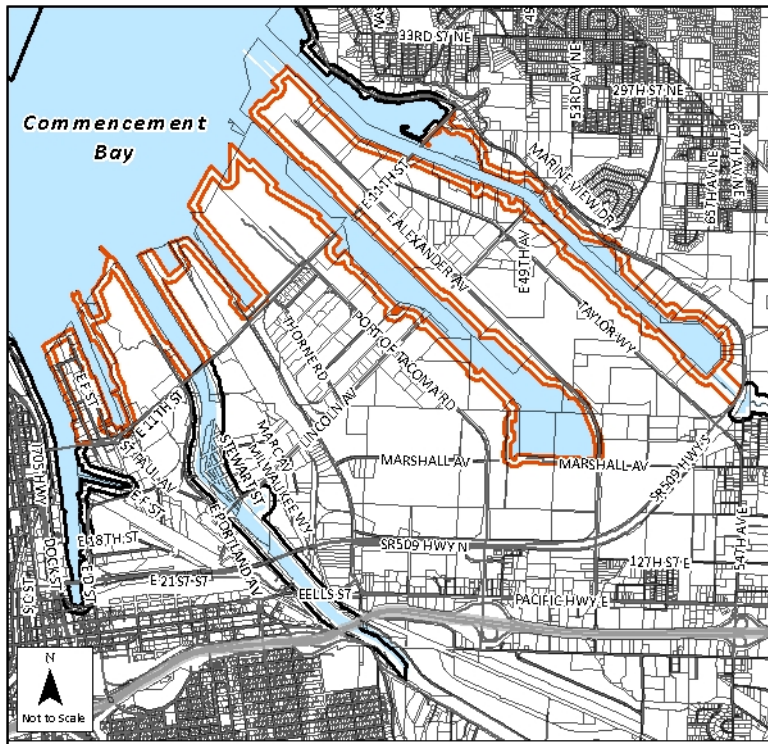
#### H. Seaport Environment Designation

##### 1. Purpose.

The SCP district is intended to define and protect the core areas of port and port-related industrial uses within the city, as per RCW 36.70A.085 (3)(a) and to protect the long-term function and viability of the seaport and industrial lands within the Regional Manufacturing/Industrial Center, while providing for compatible public access and recreation and restoration of shoreline ecological functions.

2. Areas Proposed for Designation:

- c. Tideflats Manufacturing and Industrial Area: Extending 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.



3. Designation Criteria.

The Seaport Environment applies to the shoreline portion of the regionally and locally designated manufacturing and industrial center, as defined in the Tideflats Subarea Plan and the City's Comprehensive Plan, with the exception of the Puyallup River and Hylebos Creek that are subject to the policies and standards of the Urban Conservancy – Freshwater and Natural Designations. The designation is characterized by proximity to deepwater berthing that supports 24-hour regional and international shipping. Use priorities include cargo shipping terminals, seaport-related container and industrial activity, seaport-related offices, cargo and equipment storage yards, warehousing, transportation facilities, vessel fueling operations and support facilities, and rail yards. The district includes heavy truck traffic and higher levels of noise and odors than found in other city districts. Freight mobility infrastructure is critically important, with the entire subarea served by road and rail corridors designed for large, heavy trucks and rail loads. Retail and commercial uses are ancillary and primarily serve the subarea's employees. Housing is allowed only for caretakers of allowed uses.

4. Management Policies.

- a. 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.
- b. Prioritize, protect and preserve existing and planned port uses, port-related container and industrial uses, and rail related uses. Allow for complementary water-oriented uses such as limited retail, eating

and drinking establishments, seaport related office, craft production, urban horticulture, workforce development, cultural establishments, and recreation in locations that avoid detrimental impacts to primary container port activities and only when the uses promote other goals and policies of the Shoreline Management Act including support for public access and shoreline restoration.

- c. Full utilization of existing Seaport areas should be achieved before further expansion is permitted.
- d. 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.
- e. 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.
- f. 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.
- g. 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. Development Standards for the Seaport Environment

- a. Building height: 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.
- b. View corridors and side yard setbacks: N/A
- c. Front yard setback: N/A
- d. Lot area: N/A
- c. Critical Area Buffers:
  - (1) Subject to the critical area standards in 19.06.040.
  - (2) Marine buffer is 50 feet from OHWM, to be established and managed in accordance with 19.06.040.E.
- d. Critical area buffer setback: 0 feet.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 5.5.)

## **CHAPTER 19.06**

### **GENERAL POLICIES AND REGULATIONS**

Sections:

- 19.06.010 Shoreline Use.
- 19.06.020 Site Planning.

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- 19.06.030 Archaeological, Cultural and Historic Resources.
- 19.06.040 Critical Areas and Marine Shoreline Protection.
- 19.06.050 Public Access
- 19.06.060 Vegetation Conservation
- 19.06.070 Views and Aesthetics
- 19.06.080 Water Quality and Quantity

### **19.06.010 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.

#### **A. 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.

#### **B. 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 19.06.040.D.3 and 4 and the following:
    - (1) The remaining buffer area shall be enhanced on site or an equivalent shall be restored off site;
    - (2) 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 19.07 for all applicable provisions related to specific uses and development standards.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 6.1.)

#### **19.06.020 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.

\* \* \*

#### **19.06.030 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.

##### **A. 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.

B. Regulations.

1. General.

- a. Archaeological sites located in shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).
- b. Development or uses that may impact such sites shall comply with WAC 25-48 as well as the requirements within this Program, where applicable.
- c. Development that is proposed in shoreline jurisdiction and involves ground disturbing activities shall be reviewed in accordance with the standards in TMC 13.13 Archaeological, Cultural, Historic Resources and comply with the requirements of that chapter. ~~areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.~~

2. ~~Unanticipated Discovery of Historic, Cultural or Archaeological Resource.~~

- ~~a.—Consistent with TSMP Section 19.02.040, 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.~~
- ~~b.—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 19.02.040, the Director may require that an immediate site assessment be conducted or may allow stopped work to resume.~~
- ~~c.—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~~
- ~~d.—Upon receipt of a positive determination of a site's significance, the Director may invoke the provisions of TSMP Section 19.02.040.F for a Cultural Resource Management Plan (CRMP), if such action is reasonable and necessary to implement.~~

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 6.3.)

## 19.06.040 Critical Areas and Marine Shoreline Protection.

A. 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.



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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.

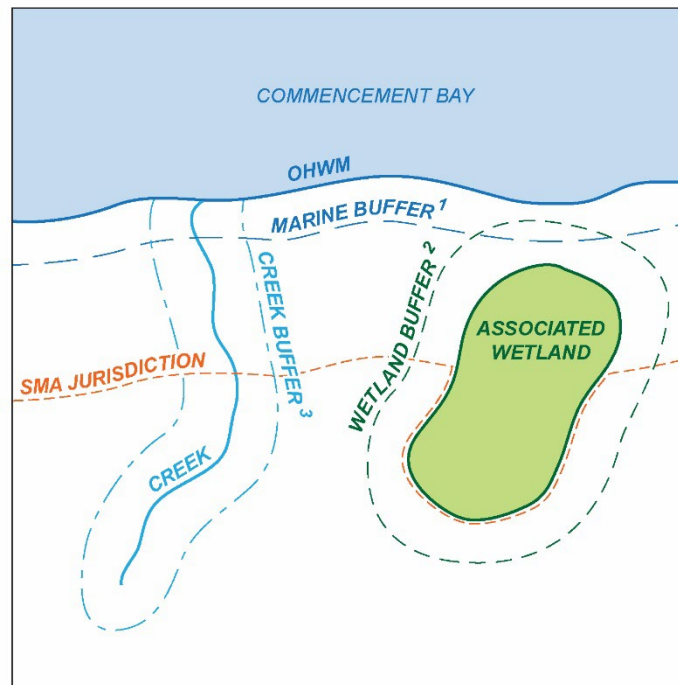
The environment protection policies and regulations of this Master Program address general environmental impacts and critical areas. General environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-666). This chapter is not intended to limit the application of SEPA.

### B. 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 19.02 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 19.06.04.E.2 & 3

2. Wetland Buffer Standards within the SMA Jurisdiction – TSMP 19.06.040.G.2 through 6

3. Stream Buffer Standards within the SMA Jurisdiction – TSMP 19.06.04.H.2 through 6

**C. 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.

**D. General Regulations.**

1. General Regulations.
  - a. 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.
  - b. 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 19.02.040.B.
2. Critical Area and Buffer Modification.
  - a. Modification of a critical area or buffer is prohibited except when:
    - (1) 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
    - (2) 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
    - (3) 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
    - (4) Modification is approved pursuant to the variance provisions of this Program (TSMP Section 19.02.030.E) or nonconforming provisions (TSMP Section 19.02.050).

- (5) Modifications affecting Marine Waters of the State are limited to those uses listed in Table 9.2 and the provisions in TSMP 19.09.150 for the zoning classification S-13.
3. General Mitigation Requirements and Mitigation Sequencing.
- a. 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.
- b. Mitigation shall occur in the following prioritized sequence and required order:
- (1) Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
  - (2) 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;
  - (3) Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
  - (4) Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;
  - (5) 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,
  - (6) Monitoring the impact and compensation projects and taking appropriate corrective measures.
- c. Type and Location of Mitigation
- (1) 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 19.06.040.D.3.b has been considered to the greatest degree feasible through project redesign or relocation, consideration of alternatives, use of technology, or other design options.
  - (2) 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.
  - (3) Natural, Shoreline Residential, ~~and~~ Urban Conservancy Freshwater, [and Urban Conservancy Marine](#) Environments:
    - (a) 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:
      - i. 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
      - ii. Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area.
  - (4) High-Intensity, [Seaport](#), and Downtown Waterfront Environments:
    - (a) 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.
    - (b) 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:

- i. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
- ii. Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
- iii. The applicant demonstrates that long-term management and protection of the habitat area will be provided;
- iv. There is clear potential for success of the proposed mitigation at the proposed mitigation site;
- v. Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;
- vi. Voluntary restoration projects initiated between 2006 and the adoption of this program when they comply with Subsection 19.06.040.D.4, Mitigation Plan requirements. If this option is used, the relief provisions set forth in RCW 90.58.580 do not apply;
- vii. The replacement ratios are not reduced or eliminated, unless the reduction results in a preferred environmental alternative; and
- viii. Public entity cooperative preservation agreements such as conservation easements.

(5) Aquatic Environments:

- (a) Compensatory mitigation should be consistent with the preference and requirements of the adjacent upland environment designation.
- (b) Compensatory mitigation shall give preference to restoring habitat for anadromous salmonids and other priority aquatic species.

d. Fee-in-lieu.

- (1) In cases where mitigation pursuant to this section (TSMP Section 19.06.040) 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 (2) and (3) below.
- (2) 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:
  - (a) 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
  - (b) The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement.
- (3) 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.

e. 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.

f. 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).

4. Mitigation Plan.

- a. 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.
- b. 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.
- c. 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.
- d. A Compensatory mitigation plan shall be provided for all permanent impacts and will conform to the general mitigation requirements listed in TSMP Section 19.06.040.D.3 and any specific requirements identified in this chapter for the critical area. The plan shall include the following:
  - (1) 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;
  - (2) Assessment of impacts including the amount, existing condition and anticipated functional loss. Include probable cumulative impacts;
  - (3) 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;
  - (4) 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;
  - (5) 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;
  - (6) 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;
  - (7) Specifications of the mitigation design and installation including construction techniques, equipment, timing, sequence, and best management practices to reduce temporary impacts;
  - (8) 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;

- (9) A plant schedule including number, spacing, species, size and type, source of plant material, watering schedule and measures to protect plants from destruction;
  - (10) Monitoring methods and schedule for a minimum of five years;
  - (11) A maintenance schedule to include ongoing maintenance and responsibility for removal of non-native, invasive vegetation and debris after monitoring is complete;
  - (12) 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;
  - (13) 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;
  - (14) 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;
  - (15) An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts;
  - (16) A description of other permits and approvals being sought, including the need for permits from state and/or federal agencies; and
  - (17) Additional information as required by the subsequent articles of this Program.
5. Sureties.
- a. 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.
  - b. 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.
  - c. 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.

E. Marine Shorelines.

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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 19.02.040.B and the mitigation requirements of TSMP Section 19.06.040.D.3 through 4.

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.

### 1. Classification

- a. 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.

### 2. Marine Shoreline Buffers

- a. 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.
- b. 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.
- c. Buffer widths shall be established according to Table 6-1. Buffer widths may be increased under the following circumstances:
  - (1) The Director determines that the minimum width is insufficient to prevent loss of shoreline functions.
  - (2) 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.
  - (3) 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
<del>S-3, S-4</del>	<del>200</del>
S-5, S-6, S-6/7, S-7	115
S-8, <del>S-10</del>	50
S-11	115
<del>S-12</del>	<del>200</del>
S-15	50
<u>Natural Environment</u>	<u>200</u>
<u>Seaport Environment</u>	<u>50</u>

### 3. Marine Shoreline Buffer Reductions

- a. 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 19.06.040.D.1 through 5 to achieve no net loss of ecological functions.
- b. In all shoreline designations, water-dependent and public access uses and development may reduce the standard buffer such that direct water access is provided.
- c. ‘Natural’ Designated Shorelines: Buffer reductions shall not be permitted for non-water-dependent and public access uses and development except through a shoreline variance.
- d. ‘Urban-Conservancy Marine,’ ‘Urban-Conservancy Freshwater’ and ‘Shoreline Residential’ Designated Shorelines: The buffer shall not be reduced to any less than  $\frac{3}{4}$  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.
- e. ‘Seaport,’ ‘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  $\frac{1}{2}$  the standard buffer width. Further reductions shall only be allowed through a shoreline variance.
- f. The remaining buffer on-site shall be enhanced or restored to provide improved function and protection.
- g. Reductions of the standard buffer for any stand-alone non-water-oriented use or development shall not be allowed except through a shoreline variance.
- h. 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.



## Tacoma Municipal Code

- i. 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.
  - j. 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.
    - (1) There are no feasible alternatives to site design that could be accomplished without buffer averaging;
    - (2) The total area of the buffer after averaging is equal to the area required without averaging; and,
    - (3) The width of the buffer at its narrowest point is never less than that allowed per the buffer reduction allowances above.
4. Marine Shoreline Mitigation Requirements.
- a. All marine shoreline buffer mitigation shall comply with applicable mitigation requirements specified in TSMF Sections 19.06.040.D.3 and 4 and 19.06.040.E.4 and 5 including, but not limited to, mitigation plan requirements, monitoring and bonding.
  - b. 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.
5. Marine Shoreline Mitigation Ratios.
- a. 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.
    - (1) 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.
    - (2) 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.
    - (3) 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.

## F. 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.

1. FWHCA Classification.

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

- (1) Lands and waters containing priority habitats and species;
- (2) Biodiversity Areas or Corridors;

(a) 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:

- i. 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.
- ii. 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.
- iii. The Biodiversity Area/Corridor shall be a minimum size of two acres.
- iv. 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.
- v. 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.

- Multilane paved road(s) and their maintained rights-of-way;
- Permanent wildlife-impassible fence(s) and other permanent barriers that prevent wildlife movement;
- Areas where legally established structures and impervious surfaces are present for more than 65% of the area;

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

- Gravel road(s) and driveways;
- Trails used for passive recreation;
- Wildlife-passible fence(s); and,
- Unmaintained rights-of-way.

- (3) 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;
  - (4) 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;
  - (5) Natural ponds or lakes under 20 acres and their submerged aquatic beds that provide critical fish or wildlife habitat;
  - (6) 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;
  - (7) Areas with which State and Federally designated endangered, threatened, and sensitive species have a primary association;
  - (8) 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:
    - (a) Local population of native species that are in danger of extirpation or vulnerable and in decline.
    - (b) The species or habitat has recreation, tribal, or other special value.
    - (c) Long-term persistence of the species is dependent on protection, maintenance, or restoration of nominated habitat.
    - (d) Protection by other county, state, or federal policies and laws is not adequate to prevent degradation of the species or habitat.
    - (e) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.
  - (9) Area critical for habitat connectivity, including Open Space Corridors designated in the City's Comprehensive plan; and,
  - (10) State natural preserves and natural resource conservation areas.
2. FWHCA Standards.
- a. 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.
  - b. 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.
  - c. 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.

- d. 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.
  - e. 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.
  - f. 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.
  - g. 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:
    - (1) The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;
    - (2) 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;
    - (3) The project is consistent with the state's interest in resource protection and species recovery;
    - (4) 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;
    - (5) Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this Program; and,
    - (6) 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.
  - h. All uses and development must meet the remaining standards of this chapter including TSMP 19.06.040.D.1 through 5.
  - i. Biodiversity Areas and Corridors Standards.
    - (1) 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:
      - (a) 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;
      - (b) 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,
      - (c) 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.
3. FWHCA General Mitigation Requirements.

\* \* \*

**19.06.050 Public Access**

**A. Introduction.**

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."

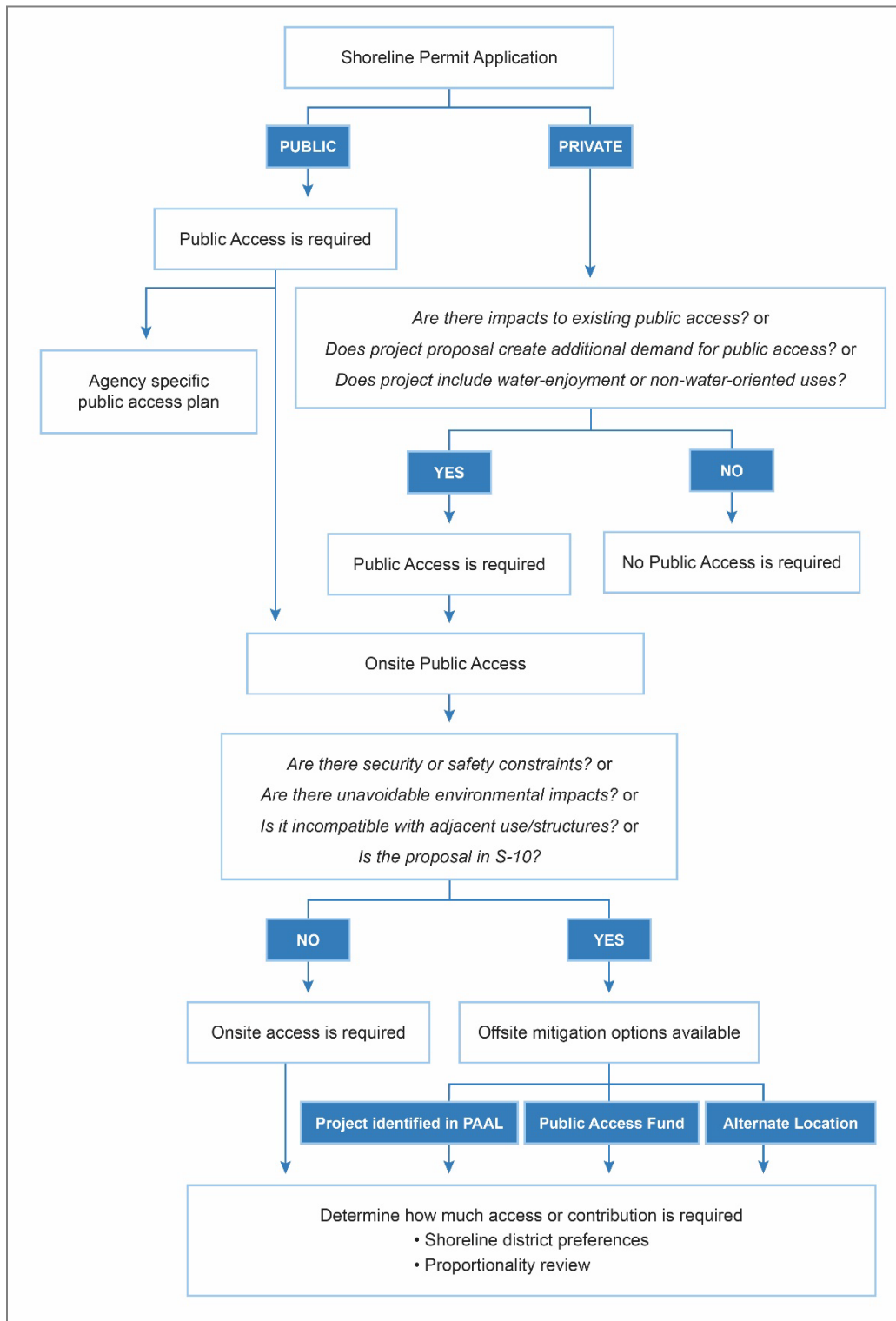
Public access and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar 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.

**B. 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 19.06.050.B.4. 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



**C. Policies.**

**1. General Policies.**

- a. 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.
- b. 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:
  - (1) Bicycle paths along or adjacent to the shoreline;
  - (2) Shoreline parks;
  - (3) Beach areas;
  - (4) Piers, wharves, docks, and floats;
  - (5) Transient moorage; and,
  - (6) Trails, promenades, or other pedestrian ways along or adjacent to the shoreline edge.
- c. New development should avoid or minimize conflict with existing public access or planned public access projects and provide mitigation if impacts cannot be avoided.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. Public access should not compromise, in any significant manner, the rights of navigation and space necessary for water-dependent uses.
- i. Where public views and water-dependent uses conflict, the water-dependent use should prevail.
- j. 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.

**2. Access Preferences and Alternatives.**

- a. 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.
- b. Public access improvements should be generally consistent with the Public Access Alternatives Plan, [Tideflats Subarea Plan, and Transportation and Mobility 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.
- c. 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.

- d. 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.
- e. 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.
- f. Water-enjoyment and non-water-oriented uses that front on the shoreline should provide continuous public access along the water's edge.
- g. 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.
- h. 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.
- i. 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.
- j. 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).

3. Design.

- a. Public access should be designed and located in such a way that does not result in a net loss of ecological functions.
- b. 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.
- 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, and to provide a safe and welcoming experience for the public.
- d. Public spaces should be designed for the greatest number and diversity of people and for a variety of interests.
- e. Public spaces should be designed and located to connect to other public areas, street-ends and other pedestrian or public thoroughfares.
- f. 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.

D. Regulations.

1. General Regulations.

- a. 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.
- b. Public access provided by street ends, public utilities, and public rights-of-way shall not be diminished without full mitigation for those impacts.



- c. 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 19.06.050.D.3.b.
  - d. 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.
  - e. 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.
  - f. 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.
2. When Public Access is Required.
- a. 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:
    - (1) The use or development is a public project.
    - (2) The project is a water-enjoyment or non-water-oriented use or development.
    - (3) The project is a private water-dependent or water-related use or development and one of the following conditions exists:
      - (a) The project increases or creates demand for public access;
      - (b) The project impacts or interferes with existing access by blocking access or discouraging use of existing access;
      - (c) The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.
  - b. The City bears the burden of demonstrating that a proposed use or development meets any of the preceding conditions.
  - c. If public access is required pursuant to TSMP Section 19.06.050.D.2.a(3), 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 19.06.050.D.2.a(3) is roughly proportional to the impacts caused by the proposed use or development.
  - d. When public access is required pursuant to TSMP 19.06.050.D.2.a(3), the Director shall make specific findings that the use or development satisfies any of the conditions in TSMP Section 19.06.050.D.2.a(3) and that the permit conditions requiring public access are roughly proportional to the impacts caused by the proposed use or development.
  - e. Public access to the shoreline shall not be required of the following:
    - (1) Activities qualifying for a shoreline exemption, per TSMP Section 19.02.030; or
    - (2) New single family residential development of four (4) or fewer units.
3. Access Preferences and Alternatives.
- a. 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.
  - b. Required public access shall be commensurate with the scale and intensity of the proposed use or development.

- c. 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:
  - (1) 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);
  - (2) 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;
  - (3) 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
  - (4) 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.
- d. 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 19.06.050.D.2.a shall provide continuous public access between the use and the water's edge. Improvements should be consistent with the district-specific standards in TSMP 19.06.050.D.4, where applicable.
- e. New uses and developments within the shoreline that do not have shoreline frontage but are required to provide access according to 19.06.050.D.2.a shall consider view improvements, trail linkages or access corridors through or from their sites and connecting to an adjacent public access way.
- f. 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:
  - (1) Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - (2) The configuration of existing parcels and structures, block potential access areas in such a way that cannot be reasonably remedied by the proposed development;
  - (3) 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;
  - (4) 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;
  - (5) Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, will result from the public access; or
  - (6) Public access is infeasible due to incompatible adjacent uses where the incompatibility cannot be mitigated.
- g. Prior to approving alternatives to on-site physical access due to one or more of the conditions listed in TSMP Section 19.06.050.D.3.f 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.
- h. Projects which meet the criteria in TSMP Section 19.06.050.D.3.f 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.
- i. Required public access may include the preservation of shoreline views consistent with Section 19.06.070, 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.

- j. Where a project is located within an area covered by an adopted public access plan, ~~including the Open Space Habitat and Recreation Plan, including 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. In the Seaport Environment public access should be provided in accordance with the proposed public access improvements in the Tideflats Subarea Plan.
  - k. A project applicant may participate in “advance mitigation” by providing public access improvements prior to the time a project is constructed.
  - l. In the ~~"S-10" Port Industrial Area Shoreline District~~ Seaport Environment, 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).
  - m. 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.
4. District-Specific Standards.
- a. 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.
  - b. 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.
  - c. “S-15” Point Ruston/Slag Peninsula Shoreline District and “S-6” Ruston Way Shoreline Districts
    - (1) 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.
  - d. “S-8” Thea Foss Waterway Shoreline District
    - (1) 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.
    - (2) 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 19.06.050.D.
    - (3) 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.

- (4) 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.
- (5) 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.

**5. Design.**

- a. When public access is provided it shall be designed and located to achieve no net loss of existing shoreline ecological functions.
- b. 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.
- c. 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.
- d. 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.
- e. 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 19.06.040 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.
- f. 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.
- g. Public access sites shall be connected directly to adjacent public streets and trails.
- h. 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.
- i. 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.
- j. Public access improvements shall include provisions for disabled and physically impaired persons where reasonably feasible.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 6.5.)

**19.06.060 Vegetation Conservation**

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**Tacoma Municipal Code**

**19.06.070 Views and Aesthetics**

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**19.06.080 Water Quality and Quantity**

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(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 6.8.)



**CHAPTER 19.07**  
**GENERAL USE POLICIES AND REGULATIONS**

Sections:

- 19.07.010 Introduction.
- 19.07.020 Prohibited Uses.
- 19.07.030 Aquaculture
- 19.07.040 Boating Facilities
- 19.07.050 Commercial Use
- 19.07.060 Port/Industrial Use.
- 19.07.070 Recreational Development.
- 19.07.080 Residential Development
- 19.07.090 Signs.
- 19.07.100 Parking Facilities
- 19.07.110 Transportation.
- 19.07.120 Solid Waste Disposal.
- 19.07.130 Utilities

**19.07.010 Introduction.**

A. 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 19.08.

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 19.08 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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Chapter 7, no section number.)

### 19.07.020 Prohibited Uses.

A. The following uses are prohibited in all shoreline environments:

1. Agriculture;
2. Forest Practices;
3. Coal facilities;
4. Smelting;
5. Petrochemical, explosives, and fertilizer manufacturing;
6. Mining and quarrying; ~~and~~
7. Marijuana uses pursuant to the standards in TMC 13.06.080;
8. Recreational, non-water oriented;
10. Parking as a Primary Use;
11. Cement and asphalt batching;
12. Laundry and drycleaning plant;
13. Pulp and paper mills;
14. Petroleum fuel facility – existing uses are subject to the standards in 19.07.060;
15. Animal rendering and slaughter;
16. Cleaner fuel infrastructure – subject to limitations in 19.07.060;
17. Auto wrecking;
18. Tire related manufacturing and processing; and
19. Log rafting, lumber yards, log yards and sawmills.

(Ord. 28786 Ex. B; passed Nov. 16, 2021; Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 7.2.)

### 19.07.030 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.

A. 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.

B. Regulations.



## Tacoma Municipal Code

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.
4. [Prohibited within the Urban Conservancy – Freshwater and Seaport Environments except as provided for in B.1 above.](#)

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 7.3.)

### 19.07.040 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 19.07.040 Commercial Use. Shoreline modifications associated with marinas, including docks, piers, and floats, shall also comply with TSMP Chapter 19.08 Shoreline Modification Policies and Regulations. For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

#### A. Policies.

1. General Policies
  - a. Proposals for boating facilities development should ensure that there will be no net loss of ecosystem functions associated with the development.
  - b. In locating marinas and boat launch facilities, provisions for protection and/or improvement of resources shall be incorporated within the design of the facility.
  - c. Marinas and boat launch facilities should be designed in a manner that will avoid and prevent damage to fish and shellfish resources.
  - d. Marinas are encouraged to co-locate wherever feasible.
  - e. Marinas and boat launch facilities should be designed and located to be aesthetically compatible with adjacent areas.
  - f. 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.
  - g. Shallow water areas with poor flushing action should not be considered for overnight and long-term moorage facilities.
  - h. To conserve limited shoreline resources, upland boat storage should be preferred over new marinas.
  - i. Boat launch facilities should be located in areas to minimize water pollution and should be separated from swimming beaches.
  - j. New enclosed and/or covered moorages and boathouses should be prohibited.
  - k. Encourage the installation of new technology and materials which will conserve space, be less damaging to the environment, and be more efficient.
  - l. Encourage more efficient use and additions to existing marinas where appropriate rather than construction of new marinas.

- m. 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.
  - n. Marinas should incorporate public access and viewing opportunities, overwater where possible, and with regard for public safety.
  - o. Live-aboard vessels should only be permitted where adequate marina facilities exist to prevent impacts to water quality.
  - p. 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.
  - q. Encourage guest/transient moorage as part of tourist and recreational attractions.
2. "S-8" Thea Foss Waterway Shoreline District
- a. Boating facilities are encouraged on the Thea Foss Waterway, provided they are developed consistent with the provisions of this Program.
  - b. Encourage the establishment of new harbor areas where they do not impede with navigability of existing uses on the Waterway.
- B. Regulations.
1. General Regulations
- a. 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.
  - b. All facilities shall be constructed so as not to interfere with or impair the navigational use of surface water.
  - c. New marinas and/or boating facilities shall only be permitted where it can be demonstrated that:
    - (1) That the proposed site has the flushing capacity required to maintain water quality;
    - (2) That adequate facilities for the prevention and control of fuel spillage are incorporated into the marina proposal;
    - (3) That there shall be no net loss of ecological functions as a result of the development of boating facilities and associated recreational opportunities;
    - (4) The proposed design will minimize impediments to fish migration.
  - (5) 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 19.07.040.B.11 below.
2. Site Location.
- a. 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:
    - (1) Feeder bluffs; and
    - (2) High energy input driftways.
  - b. 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:

- (1) Marshes, estuaries and other wetlands;
    - (2) Kelp beds, eelgrass beds, spawning and holding areas for forage fish (such as herring, surf smelt and sand lance); and,
    - (3) Other critical saltwater habitats.
  - c. 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.
  - d. Where foreshore marinas are permitted, the following conditions shall be met:
    - (1) 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
    - (2) 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.
  - e. Foreshore and backshore marinas shall be designed to allow the maximum possible circulation and flushing of all enclosed water areas.
  - f. 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.
  - g. Design and other standards for physical improvement of docks and piers are found in TSMP Section 19.08.070, Moorage Facilities: Docks, Wharves, Piers, Floats, and Buoys.
3. Public Access Associated with Marinas and Boating Facilities.
  - a. 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.
  - b. 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.
  - c. Marinas over 25 slips in size must provide public access to the water, where feasible, consistent with the public access requirements of TSMP Section 19.06.050. 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.
4. Site Considerations.
  - a. 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.
  - b. 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.
  - c. Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.

- d. 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.
  - e. 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.
5. Boat Storage.
- a. 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:
    - (1) No suitable upland locations exist for such facilities; or
    - (2) It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; and
    - (3) It can be demonstrated that wet moorage would enhance public use of the shoreline.
  - b. 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.
6. Waste Disposal at Boating Facilities.
- a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. Marinas shall provide adequate disposal facilities for the discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait.
  - f. 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.
7. Oil Product Handling, Spills, and Wastes.
- a. 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.
  - b. 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.
  - c. Rules for spill prevention and response, including reporting requirements, shall be posted on site.
8. Parking and Vehicle Access.
- a. Public or private launch ramps shall provide trailer spaces commensurate with projected demand.
  - b. 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.

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### 9. Launch Ramp Design.

- a. Preferred ramp designs, in order of priority, are:
  - (1) Open grid designs with minimum coverage of beach substrate;
  - (2) Seasonal ramps that can be removed and stored upland; and
  - (3) Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.
- b. Ramps shall be placed and maintained near flush with the foreshore slope.

### 10. Accessory Uses

- a. 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.
- b. 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.
- c. 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.

### 11. Live-Aboards.

- a. 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:
  - (1) The vessel has:
    - (a) Steerage and self-propulsion;
    - (b) Decks fore and aft for line handling;
    - (c) Symmetric embarkation stations to allow boarding from both sides;
    - (d) Symmetric mooring hardware; and
    - (e) Detachable utilities.
  - (2) 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;
  - (3) The superstructure or deckhouse is constructed on neither a barge nor a float.
  - (4) The hull design must meet U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems.
- b. 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.
- c. 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:
  - (1) That all live-aboard vessels are connected to utilities that provide sewage and grey-water conveyance to an approved disposal facility; or

- (2) 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
  - (3) That a portable pump-out facility is readily available to live-aboard vessel owners ;
  - (4) That all live-aboard vessels shall have access to utilities that provide potable water;
  - (5) That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition.
- d. 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 19.07.040.B.11.c(1), (2), and (3) above) within the marina and on the live-aboard vessel.
12. “S-8” Thea Foss Waterway Shoreline District.
- a. New marina development may only occur in conjunction with an adjacent upland, non-marina use.
  - b. For purposes of marina location, the designated primary or secondary public access/view corridors specified in TSMP Section 19.09.100 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.

13. Urban Conservancy - Freshwater: Launch ramps for motorized or non-motorized vessels are permitted within the Puyallup River for Tribal fisheries or to support public access and recreation. Marinas and boat lifts are prohibited.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Section 7.4.)

## **19.07.050 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.

### **A. Policies General.**

- 1. General Policies
  - a. Commercial uses and development should be designed and constructed in such a manner as to result in no net loss of ecosystem functions.
  - b. 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.
  - c. New commercial uses on shorelines should be encouraged to locate in those areas where current commercial uses exist.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. 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.

- h. 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.
  - i. 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.
  - j. 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.
  - k. The following provisions should be considered in evaluating proposals for commercial uses:
    - (1) Structure orientation and location which provide for large open spaces between structures providing views of the shorelines;
    - (2) 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,
    - (3) Decks and rooftop structures which provide public views of the shoreline.
2. “S-8” Thea Foss Waterway Shoreline District.
- a. Non-water-oriented commercial uses should be permitted only in combination with water-oriented uses as part of a mixed-use development or facility.
  - b. Commercial water-related activities such as boat building and repair on the east side of the Waterway should be encouraged where appropriate.
  - c. Commercial uses specializing in clean technology are encouraged on the east side of the Waterway north of the centerline of 15th Street.
  - d. 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.
  - e. 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.
  - f. 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.

**B. Regulations.**

1. General Regulations.
- a. Commercial uses shall achieve no net loss of ecological function.
  - b. 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.
  - c. 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:
    - (1) That the proposed development will be designed and oriented to take advantage of the waterfront setting and the water view;

- (2) 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 19.06.050 of this Program;
  - (3) That the proposed development will be designed to be compatible with existing and/or proposed uses and plans for adjacent properties;
  - (4) 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;
  - (5) That the proposed development will be designed to be compatible with the character of the Shoreline District in which it is located;
  - (6) That proposed commercial buildings and mixed-use structures containing residential and commercial uses shall meet the general applicability standards and the building minimum design standards of TMC 13.06.100. ~~C~~ [pertaining to Mixed-use Districts](#). 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;
  - (7) 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.
- d. 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:
    - (1) 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.
    - (2) 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.
    - (3) 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.
  - e. An applicant for a non-water-oriented commercial use shall demonstrate ecological restoration is undertaken to the greatest extent feasible.
  - f. Non-water-dependent commercial uses shall avoid impacts to existing navigation, recreation, and public access.
  - g. 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.
  - h. 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.
  - i. 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.
2. “S-8” Thea Foss Shoreline District.
    - a. Mobile vendors shall not be permitted in the Dock Street and East D Street rights-of-way.
- (Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Section 7.5.)



**19.07.060 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.

**A. Policies.**

**1. General Policies.**

- a. Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.
- b. 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.
- c. 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 19.06.050, Public Access.
- d. 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.
- e. Port and industrial uses and related redevelopment projects are encouraged to locate where environmental cleanup can be accomplished.
- f. The preferred location for future non-water-dependent industry is in industrial areas away from the shoreline.
- g. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.
- h. 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.

- i. 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.
- j. 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.

2. “S-8” Thea Foss Shoreline District.

- a. 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.

B. Regulations.

1. General Regulations.

- a. Water-dependent port and industrial uses shall have shoreline location priority over all other uses in the S-7 ~~and S-10~~ Shoreline Districts and the Seaport Environment.
- b. The location, design, and construction of port and industrial uses shall assure no net loss of ecological functions.
- c. New non-water-oriented port and industrial uses are prohibited unless they meet one of the following criteria:
  - (1) 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;
  - (2) 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,
  - (3) 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.
- d. Deep-water terminal expansion shall not include oil super tanker transfer or super tanker storage facilities.
- e. 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:
  - (1) That the proposed action shall give special consideration to the viability of migratory salmonids and other aquatic species;
  - (2) That contaminated sediments are managed and/or remediated in accordance with state and federal laws;
  - (3) That public access to the water body is provided where safety and operation of use are not compromised; and,
  - (4) That shading and water surface coverage is the minimum necessary for the use.
- f. Port and industrial development shall comply with all federal, state, regional and local requirements regarding air and water quality.
- g. Where possible, oxidation and waste stabilization ponds shall be located outside the Shoreline District.
- h. Best management practices shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels.

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- i. 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.
  - j. Petroleum products sump ponds shall be covered, screened, or otherwise protected to prevent bird kill.
  - k. Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water.
2. Log Rafting and Storage.
- a. New log rafting and storage is prohibited. Existing log rafting and storage facilities, legally permitted at the time of this ordinance, are subject to the standards of this section. 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.
  - ~~b. Restrictions shall be considered in public waters where log storage and handling are a hindrance to other beneficial water uses.~~
  - ~~c. 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.~~
  - ~~b.d.~~ Log rafting or storage operations are required to implement the following, whenever applicable:
    - (1) Logs shall not be dumped, stored, or rafted where grounding will occur.
    - (2) Easy let-down devices shall be provided for placing logs in water. The freefall dumping of logs into water is prohibited.
    - (3) 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.
    - (4) 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.
    - (5) Stormwater management facilities shall be provided to protect the quality of affected waters.
  - ~~c.e.~~ Log storage facilities shall be located upland and properly sited to avoid fish and wildlife habitat conservation areas.
  - ~~d.f.~~ Log storage facilities must be sited to avoid and minimize the need for dredging in order to accommodate new barging activities at the site.
  - ~~d.g.~~ 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.
  - ~~e.h.~~ Log storage and log booming facilities shall be adequately maintained and repaired to prevent log escapement from the storage site.
  - ~~f.i.~~ 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.
  - ~~g.j.~~ 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.
3. Fuel Facilities.
- a. Applicability:

The following standards apply to all “Petroleum Fuel Facilities” and “Cleaner Fuel.”

**b. Purpose:**

The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to cleaner fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility expansion; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

**c. Baseline established.**

The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available as of November 16, 2021 (the adoption date of this ordinance):

- (1) Crude oil refining baseline capacity shall be established by the U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day (<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.
  - (2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.
  - (3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.
  - (4) If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.
- d. New facilities or expansion of existing facilities beyond the established baseline shall meet the following special use standards:**
- (1) Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:
    - (a) Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.
    - (b) Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.
    - (c) Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:
      - i. Within the City of Tacoma;
      - ii. Within the Puyallup River Watershed;
      - iii. Within Pierce County;
      - iv. Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.
  - (2) The applicant shall provide annual reporting of the following:
    - (a) The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
    - (b) The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.

- (c) The number of trucks transporting fuel, both to and from the site, including a description of the product, volume, and destination.
  - (d) A description of on-site storage capacity including the number of tanks, tank volumes, and products.
  - (e) A description of all facility emissions for previous five years and a three year forecast.
- (3) An applicant must provide proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Tacoma as an additional insured as a condition of permit issuance.

**e. Petroleum Fuel Facilities.**

- (1) New “Petroleum Fuel Facilities” are prohibited.
- (2) Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:
  - (a) Existing facilities shall not exceed the established baseline as of November 16, 2021 (the adoption date of this ordinance.) except where specifically authorized in this section.
  - (b) Except as specifically authorized under (3), (4), (5), and (6) of this section, the following new improvements are prohibited:
    - i. New driveways, private rail sidings, docks, piers, wharves and floats.
    - ii. Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
    - iii. New storage tanks, refining or processing facilities.
  - (c) Expansion of or addition to existing petroleum fuel facilities is allowed through the normal permitting process when the particular expansion would create the maximum proposed capacity of a facility that was the subject of an Environmental Impact Statement prepared and published by the City under RCW 43.21C and TMC Ch. 13.12 as of November 16, 2021 (the adoption date of this ordinance) and for which the City has accepted on or before November 16, 2021 (the adoption date of this ordinance) all funds that fully mitigate the adverse environmental impacts of the facility’s maximum capacity pursuant to a Mitigation Agreement between the City and the facility proponent. Provided that any proposed expansion which is eligible under this section remains subject to the full permit review process, including environmental review, as applicable, and this section does not guarantee the issuance of a permit.
  - (d) Expansion of production, storage, transportation and transshipment of petroleum fuels when requested in writing by the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director.
  - (e) Replacement of and improvements to existing petroleum infrastructure shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, for maintenance, for improvement of the safety or security of the infrastructure, decrease air or water emissions, or to allow the infrastructure to meet new regulatory requirements.

- (f) Where a “Petroleum Fuel Facility” provides direct-to-vessel fueling, new infrastructure that is necessary to support vessel fueling may be allowed so long as overall facility storage and refining does not exceed the established baseline.
- (g) Improvements are limited to property owned or occupied by the use as of the adoption of this ordinance.
- (h) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

f. Cleaner Fuel Infrastructure.

- (1) New and Expanded Cleaner Fuel Infrastructure as defined in this chapter shall be allowed only in the Seaport Environment ~~through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, and~~ subject to the following requirements:
  - (a) Primary use Cleaner Fuel Infrastructure is prohibited within shoreline jurisdiction. Supportive water-dependent facilities, such as piers, wharves, docks, and floats and accessory facilities, such as loading areas, may be permitted within shoreline jurisdiction. Nonwater-oriented supportive facilities, such as parking and expanded cleaner fuel infrastructure, shall require a conditional use permit. Nonwater-dependent supportive facilities shall require a conditional use permit to locate over water. Expansion of overwater coverage for a nonwater-dependent facility is prohibited.
  - (~~a~~b) New Cleaner Fuel Infrastructure permitted through this chapter shall not be used for production, storage, transportation and transshipment of petroleum. Total or partial conversion of permitted New Cleaner Fuel Infrastructure for the purposes of production, storage, transportation, and transshipment of petroleum shall constitute grounds for permit revocation and civil enforcement.
  - (~~b~~c) Any Expanded Cleaner Fuel Infrastructure permitted through this chapter shall not exceed a cumulative total increase of fifteen percent (15%) more storage over the applicant’s total petroleum storage as of November 16, 2021 (the adoption date of this ordinance). Total or partial conversion of permitted Expanded Cleaner Fuel Infrastructure for the purposes of production, storage, transportation, and transshipment of petroleum fuels shall constitute grounds for permit revocation and civil enforcement. The limitation on cumulative petroleum storage does not apply to expansions allowed under (3), (4), (5), and (6) above.

g. Chemical manufacturing, processing and storage is prohibited as a primary use. Supportive water-dependent facilities may be permitted subject to a conditional use permit in the Seaport Environment only.

h. Metal recycling facilities shall be permitted only in the Seaport Environment, as a conditional use, and shall be covered and fully enclosed to avoid adverse impacts to shoreline ecological functions.

(Ord. 28828 Ex. B; passed Aug. 30, 2022: Ord. 28786 Ex. B; passed Nov. 16, 2021: Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Section 7.6.)

## 19.07.070 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

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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 19.07.050 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.

### A. Policies.

#### 1. General Policies

- a. Priority should be given to commercial or public recreational development that provides access to and use of the water.
- b. The public's right to the use of navigable waters should be strongly protected.
- c. Only water-oriented recreational uses should be permitted on the shorelines.
- d. Non-water-oriented recreational facilities should be located outside the shoreline area.
- e. The City should insure that any recreational use is consistent with the ability of the shoreline to support that use.
- f. Recreational uses should achieve no net loss of ecological function.
- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. Diversity of recreational uses should be based on the natural features of the shorelines and the preservation of scenic views.
- m. Recreational development in commercial projects which promotes multiple use of the shoreline is encouraged.
- n. 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.
- o. 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.
- p. 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.

#### 2. "S-3" Western Slope North Shoreline District, "S-4" Point Defiance Shoreline District, "S-13" Hylebos Creek Shoreline District

- a. Recreational uses should be consistent with the management policies for the Natural Shoreline Environment Designation.
- b. Recreational uses should not require structural modification of the shoreline.

3. “S-8” Thea Foss Shoreline District

- a. Recreational boat building and restoration activities associated with maritime organizations (such as, but not limited to, the Sea Scouts and Maritime Center) are encouraged.

B. Regulations.

1. General Regulations

- a. Recreational development shall achieve no net loss of ecological processes and functions and should be designed to be compatible with surrounding properties.
- b. Proposals for recreational developments which would substantially alter the natural characteristics of the shoreline shall be considered a conditional use.
- c. Any recreational building or structure, excluding piers or docks or floats, proposed to be built over water, shall be considered a conditional use.
- d. Non-water-oriented recreational development shall be located outside the shoreline jurisdiction.
- e. Recreational development shall be designed and constructed so as to not unnecessarily interfere with public use of shorelines.
- f. Recreational uses and improvements shall include public access to shorelines.
- g. Proposals for recreational development shall be found to not have an adverse effect on industrial deep water terminal operations and facilities.
- h. Accretional beaches shall be retained in their natural state for water-dependent uses such as swimming, clamming, and beachcombing.
- i. 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.
- j. 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.
- k. 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.
- l. 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 19.06.040.E.

2. “S-2” Western Slope Central Shoreline District.

- a. 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.

3. “S-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District.

- a. Recreational uses shall be designed, located, and developed in accordance with the management policies for the Natural Shoreline Environment Designation.
- b. Recreational uses shall not require structural modification of the shoreline.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Section 7.7.)

## 19.07.080 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



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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.

### A. Policies.

#### 1. General Policies

- a. Residential development should result in no net loss of ecological function.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. Residential developments should be designed to adequately protect the water and shoreline aesthetics.
- h. New residential development and uses located overwater or in-water, including accessory buildings, house barges, and floating homes should be prohibited.
- i. 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.
- j. Sewage disposal, water supply and storm drainage facilities should be provided in full compliance with TMC 12.08.
- k. 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.
- l. Parking for residential development should be located on uplands or on the street/landward side of the building.

#### 2. "S-8" Thea Foss Waterway Shoreline District.

- a. Residential uses should promote a variety of housing types, including live/work arrangements.
- b. 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.
- c. 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.

**B. Regulations.**

**1. General Regulations**

- a. All residential development shall achieve no net loss of ecological function.
- b. 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.
- c. 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 19.07.040.
- d. Mobile homes shall not be permitted within the shoreline.
- e. New multifamily residential uses and development is prohibited unless they meet one of the following criteria:
  - (1) 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;
  - (2) 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;
  - (3) 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.
- f. Duplex and triplex development shall meet the minimum building design standards of TMC 13.06.100.E and F. 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. Residential structures of four or more units, and mixed-use structures containing residential and commercial uses shall meet the general applicability standards and the minimum building design standards of TMC 13.06.100 pertaining to Mixed-Use Districts. 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.
- h. Residential uses shall not be permitted on the ground floor of mixed-use structures.
- i. Outdoor parking areas shall be located on the street/landward side of residential units.
- j. 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.
- k. Residential development shall be designed, located and developed to avoid the need for future stabilization.
- l. Sewage disposal, water supply and storm drainage facilities shall be provided in full compliance with TMC 12.08.
- m. New (subdivided) lots shall be designed, configured, and developed to:
  - (1) Prevent the loss of ecological functions at full build-out of all lots; and
  - (2) 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.

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### 2. “S-3” Western Slope North Shoreline District.

- a. 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.

### 3. Seaport Environment: Residential uses are prohibited within the Seaport Environment, with the exception of caretakers quarters.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Section 7.8)

## **19.07.090 Signs.**

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## **19.07.100 Parking Facilities**

\* \* \*

## **19.07.110 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.

### A. Policies.

#### 1. General Policies.

- a. New roadways, arterials, and railways, including expansions of these systems, should be designed and located to assure no net loss of shoreline ecological functions.
- b. 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~~ [Transportation and Mobility Plan and Right-of-way Design Manual](#).
- c. 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.
- d. Maximize the capacity of existing roadways to minimize the need for new streets and arterials.
- e. 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.
- f. New roadways, especially arterials, should be designed to be the minimum length necessary to serve a circulation function for vehicular modes of travel.
- g. 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.
- h. New roadways including access roads and driveways associated with a permitted use should be the minimum necessary to serve the required access function.
- i. New roadways including arterials should be designed and constructed to implement the ‘Green Street’ guidelines contained within the City of Tacoma Complete Streets Guidelines.
- j. High Intensity shorelines and shorelines having water-enjoyment uses or recreation activities should be adequately served by public transportation. Public transportation facilities may include:
  - (1) Streetcars

- (2) Inter- and intra-city commuter water transportation and ferry service
- (3) Transient moorage
- (4) Non-motorized transportation facilities
- (5) Public transit
- k. Pedestrian overpasses should be built where access to the shoreline has been or could be cut off by transportation facilities.
- l. Transportation facilities should be designed and located to avoid air and noise impacts to the shoreline environment and adjacent residential and recreational areas.
- m. Transient moorage is encouraged at marinas where feasible.
- n. New ferry service that utilizes existing moorage facilities should be permitted.
- n. Transportation modes that are pollution free should be encouraged.
- 2. "S-8" Thea Foss Waterway Shoreline District
  - a. Pursue the development of an integrated Thea Foss Waterway transportation system that features pedestrian and bicycle pathways, passenger ferries, vehicular, freight, and transit connections.
  - b. The Thea Foss Waterway area should be well connected with neighboring districts, especially the downtown, Ruston Way, and Tacoma Dome areas.
  - c. Encourage improved transportation linkages between Downtown and the Thea Foss Waterway.
  - d. Transportation improvements or expansions should remain within the existing rights-of-way with the exception of the SR-509 ramps.
  - e. The streetscape encircling the Waterway should provide for comfortable pedestrian circulation and bicycle transportation.
  - f. 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.
  - g. Existing access points directly to Dock Street and on adjacent streets should be improved to reduce traffic obstructions from railroad crossings and future congestion.
  - h. Expansion of railroad right-of-way should not be permitted.

B. Regulations.

- 1. General Regulations
  - a. 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.
  - b. 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~~ [Transportation and Mobility Plan and Right-of-way Design manual](#), where applicable.
  - c. Where proposed transportation facilities will cut off access to the shoreline, pedestrian overpasses shall be built to provide access.
  - d. 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.

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- e. 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.
  - f. 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.
  - g. When they are necessary, crossings shall co-locate using existing crossings where feasible. New crossings shall be by the most direct route possible.
  - h. New roadways including arterials shall be designed and constructed to enhance physical and visual access to the shoreline.
  - i. 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 19.06.050.D.3.f.
2. “S-6” Ruston Way Shoreline District
- a. 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.
  - b. 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.
3. “S-6/7” Schuster Parkway Transition, “S-7” Schuster Parkway and “S-15” Point Ruston/~~Slag~~ Dune Peninsula
- a. 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.
  - b. 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.
4. “S-8” Thea Foss Waterway Shoreline District
- a. Transportation improvements or expansions shall remain within the existing rights-of-way with the exception of the SR-509 ramps.
  - b. The streetscape encircling the Waterway shall provide adequate facilities for pedestrian circulation and bicycle transportation.
  - c. 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.
  - d. Expansion of railroad right-of-way shall not be permitted.
  - e. 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.
  - f. Street improvements shall be consistent with the unifying design elements in the applicable waterfront design guidelines.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser’s note: previously codified as TSMP Section 7.11)

**19.07.120 Solid Waste Disposal.**

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**19.07.130 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.

**A. 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.

**B. Regulations.**

1. General Regulations.

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- a. Utility development shall, through coordination with local government agencies and utility providers, allow for compatible, multiple uses of sites and rights-of-way.
  - b. Utilities shall be designed and installed to meet future needs when possible.
  - c. Wireless communication facilities shall comply with TMC 13.06.080.
2. Uses.
  - a. 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.
    - (1) Electrical energy generating plants, substations, and transmission lines;
    - (2) Sanitary sewer outfalls;
    - (3) Sewage system mains, interceptors, pump stations, and treatment plants; Storm drainage mains and regional outfalls;
    - (4) Submarine telecommunications cables; and
    - (5) Water lines and water system treatment plants.
  - b. Upgrades to existing major utilities are permitted.
  - c. Minor utilities are allowed as a permitted use, provided that within the Natural Designation, it has been determined that no other feasible alternative exists.
3. Location.
  - a. 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.
  - b. Above ground utilities are permitted in the S-3, ~~S-9, S-10,~~ and S-11 shoreline districts, [and the Urban Conservancy - Freshwater and Seaport Environment Designations](#), and or where undergrounding is impracticable given the nature of the facility, such as the installation of a rain garden or bioswale.
  - c. Utility production and processing facilities and transmission facilities shall be located outside of shoreline jurisdiction unless no other feasible option exists.
  - d. 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.
  - e. Sewage treatment, water reclamation, desalinization, and power plants shall be located to minimize interference with adjacent uses of the water and shorelands.
4. Environmental Protection
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.
- f. 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.
  - g. Underground utility crossings shall use the least impacting installation methods to the extent feasible.
  - h. Underground utility installation in high groundwater area shall avoid alteration of groundwater patterns to the extent feasible.
  - i. 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.
  - j. 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.
  - k. Installation of utilities shall assure the prevention of siltation or beach erosion.
  - l. 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.
5. Public Access
- a. 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.
  - b. When feasible, utilities within the shoreline area shall be placed underground and utility corridors shall be used for shoreline access.
6. "S-11" Marine View Drive Shoreline District
- a. Open channels shall be used where feasible for discharge from existing springs to the salt water.
7. Within the Urban Conservancy – Freshwater environment, new stormwater outfalls draining to freshwater are prohibited.
8. Within the Seaport Environment the following uses are prohibited from direct discharge of storm or wastewater to waterbodies:
- Cement and asphalt batching
  - Chemical manufacturing and plant
  - Cleaner fuel infrastructure
  - Laundry and dry-cleaning plants
  - Log yard, lumber yard, and sawmill
  - Petroleum fuel facilities

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 7.13.)



**CHAPTER 19.08**  
**SHORELINE MODIFICATION POLICIES AND REGULATIONS**

Sections:

- 19.08.010 Introduction.
- 19.08.020 General Shoreline Modification Policies.
- 19.08.030 Shoreline Stabilization, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-Stream Structures.
- 19.08.040 Fill and Excavation, Dredging and Dredge Material Disposal
- 19.08.050 Clearing and Grading
- 19.08.060 Ecological Restoration and Enhancement.
- 19.08.070 Moorage Facilities.

**19.08.010 Introduction**

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 19.07 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.

19.08.020 Permitted Shoreline Modifications

District Designation	<a href="#">S-1a</a>	<a href="#">N/A</a>	<a href="#">S-2</a>	<a href="#">N/A</a>	<a href="#">S-5</a>	<a href="#">S-6</a>	<a href="#">S-6/7</a>	<a href="#">S-7</a>	<a href="#">S-8</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">S-11</a>	<a href="#">S-13</a>	<a href="#">S-15</a>
Name	<a href="#">Western Slope South</a>	<a href="#">Shoreline Residential</a>	<a href="#">Western Slope Central</a>	<a href="#">Natural</a>	<a href="#">Point Defiance</a>	<a href="#">Ruston Way</a>	<a href="#">Schuster Parkway Transition</a>	<a href="#">Schuster Parkway</a>	<a href="#">Thea Foss Waterway</a>	<a href="#">Urban Conservancy - Freshwater</a>	<a href="#">Seaport</a>	<a href="#">Marine View Drive</a>	<a href="#">Marine Waters of the State<sup>21</sup></a>	<a href="#">Point Ruston / Dune Pen.</a>
Shoreline Designation	<a href="#">HI</a>	<a href="#">SR</a>	<a href="#">UC</a>	<a href="#">N</a>	<a href="#">UC</a>	<a href="#">UC</a>	<a href="#">UC</a>	<a href="#">HI</a>	<a href="#">DW</a>	<a href="#">UCF</a>	<a href="#">SEA</a>	<a href="#">UC</a>	<a href="#">A</a>	<a href="#">HI</a>
Breakwaters, Jetties, Groins and Weirs														
Associated with marinas and boating facilities	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>
For shoreline erosion control	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">N</a>
For Navigational purposes	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">N</a>
As part of Ecological Restoration and Enhancement	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>
Dredging and Dredge Material Disposal														
Non-maintenance dredging	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">P</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>
Maintenance dredging	<a href="#">P</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>
As Part of Ecological Restoration / Enhancement	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>
Fill and Excavation														
Fill and Excavation, Below OHWM	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>
Below OHWM for Ecological Restoration and Enhancement	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>
Above OHWM	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">CU</a>	<a href="#">P</a>	<a href="#">P</a>
Flood Control Works and In-stream Structures	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>
Ecological Restoration / Enhancement / Mitigation														
Ecological Restoration / Enhancement / Mitigation	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>
Mooring Facilities <sup>23</sup>														
Piers, Wharves, Docks and Floats														
Associated with Residential Uses	<a href="#">N</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>
Associated Public Access Uses	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>
Associated with Water Dependent Uses	<a href="#">P</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">N</a>
Mooring Buoy <sup>24</sup>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>
Mooring Buoy Field	<a href="#">P</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>
Navigational Aids	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">N</a>	<a href="#">P</a>
Covered Moorages/Boat Houses	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>



**19.08.030 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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 8.1.)

**19.08.0340 Shoreline Stabilization, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-Stream Structures.**

A. 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;

## **Tacoma Municipal Code**

- 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.

#### **B. 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.

#### **C. Regulations.**

1. Regulations – Stabilization.

- a. Shoreline stabilization shall be designed, located, and mitigated to achieve no net loss of ecological functions.
- b. Shoreline stabilization shall be permitted only where appropriate to the specific type of shoreline and environmental conditions for which it is proposed.
- c. 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.
- d. New development, including newly created parcels, shall be designed and located so as to prevent the need for future shoreline stabilization.
- e. 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.
- f. Shoreline stabilization structures shall not be permitted for the direct or indirect purpose of creating land by filling behind the structure.
- g. 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.
- h. New structural shoreline armoring may be permitted and existing structural shoreline armoring may be expanded when one or more of the following apply:
  - (1) When necessary to support a project whose primary purpose is enhancing or restoring ecological functions;
  - (2) As part of an effort to remediate hazardous substances pursuant to RCW 70.105;
  - (3) When necessary to protect public transportation infrastructure or essential public facilities and other options are infeasible;
  - (4) 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;
- i. Proposals for new, expanded, or replacement structural shoreline armoring permitted under this Program shall clearly demonstrate all of the following:
  - (1) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
  - (2) 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;
  - (3) 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;
  - (4) The erosion control structure will not result in a net loss of shoreline ecological functions.
- j. 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:
  - (1) No action (allow the shoreline to retreat naturally);
  - (2) Increased building setbacks and/or relocated structures;
  - (3) Use of flexible/natural materials and methods, vegetation, beach nourishment, protective berms or bioengineered shoreline stabilization.
- k. 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:

- (1) 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
    - (2) Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.
  - l. 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.
  - m. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
  - n. 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 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.
  - o. Shoreline stabilization structures shall be limited to the minimum size necessary.
  - p. Public access, consistent with TSMP Section 19.06.050.D, is required, where feasible, as part of any shoreline stabilization construction or replacement project on public land or using public funds.
  - q. 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.
  - r. Impacts to sediment conveyance systems shall be avoided or minimized.
  - s. 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.
2. Regulations - Breakwaters, Jetties, Groins, and Weirs.
- a. 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.
  - b. 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.
  - c. A shoreline conditional use permit is required for all breakwaters, jetties, groins and weirs.
  - d. The construction of breakwaters, jetties, groins and weirs shall be permitted only in cases where overall public benefit can be demonstrated.
  - e. Breakwaters and jetties shall incorporate public access to the maximum extent feasible.
  - f. Construction of breakwaters, jetties and groins shall not create significant interference with the public use of the water surface.
  - g. 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.

- h. 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.
- i. 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.

3. Regulations - Flood Control Works and In-stream Structures.

- a. 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.
- b. The following regulations shall be applied to proposed flood control and in-stream structures:
  - (1) 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;
  - (2) No bank stabilization shall create hydrodynamic changes which may necessitate additional bank stabilization downstream;
  - (3) Dikes, levees, berms, and similar flood control structures shall be shaped and planted with native vegetation suitable for wildlife habitat;
  - (4) Materials capable of supporting growth used in construction of shoreline protection structures shall be revegetated with plants native to the area; and,
  - (5) Flood control works and in-stream structures shall also be subject to the stabilization standards in TSMP Section 19.08.030.B.1, above.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 8.2.)

**19.08.0450 Fill and Excavation, Dredging and Dredge Material Disposal**

\* \* \*

**19.08.0560 Clearing and Grading**

\* \* \*

**19.08.0670 Ecological Restoration and Enhancement.**

\* \* \*

**19.08.0780 Moorage Facilities.**

\* \* \*





## CHAPTER 19.09

### DISTRICT-SPECIFIC REGULATIONS

Sections:

- 19.09.010 S-1A Western Slope South S (HI).
- 19.09.020 S-1b Western Slope South N (SR).
- 19.09.030 S-2 Western Slope Central (UC).
- 19.09.040 S-3 Western Slope North (N). 158
- 19.09.050 S-4 Point Defiance Natural (N).
- 19.09.060 S-5 Point Defiance Conservancy (UC).
- 19.09.070 S-6 Ruston Way (UC).
- 19.09.080 S-6/7 Schuster Parkway Transition (UC).
- 19.09.090 S-7 Schuster Parkway (HI). 164
- 19.09.100 S-8 Thea Foss Waterway (DW).
- ~~19.09.110 S-9 Puyallup River (UC)~~
- ~~19.09.120 S-10 Port Industrial Area (HI)~~
- 19.09.130 S-11 Marine View Drive (UC).
- ~~19.09.140 S-12 Hylebos Creek (N)~~
- 19.09.150 S-13 Marine Waters of the State (A).
- 19.09.160 S-14 Wapato Lake (UC).
- 19.09.170 S-15 Point Ruston / ~~Slag~~Dune Peninsula (HI)

#### **19.09.010 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.

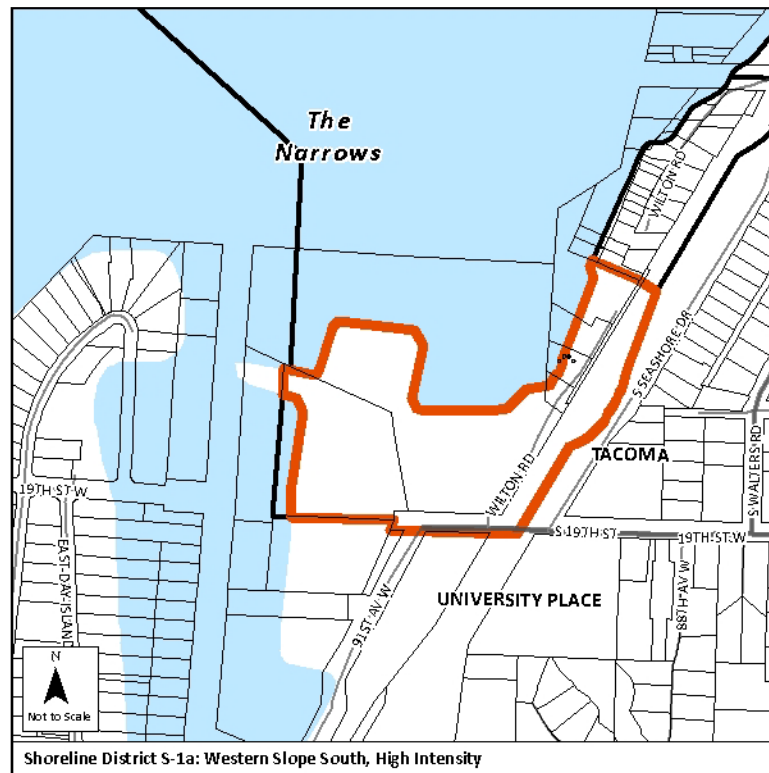
B. District Boundary Description.

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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.1.)

**19.09.020 S-1b Western Slope South N (SR).****A. Intent.**

The intent of the S-1b shoreline district is to maintain the existing residential uses while allowing new water-oriented uses only when they are compatible with the existing character of the district.

**B. District Boundary Description.**

The S-1b Shoreline District includes two separate and distinct areas. The first is located at 26th and Lemons Beach Road and includes that area within City of Tacoma jurisdiction that is upland within 200 feet of the OHWM, but separated from the shoreline by University Place jurisdiction. The second area is contiguous to the S-1a Shoreline District, from the southern edge of parcel #0220044096 at the end of the 1600 block of Wilton Road, north to the centerline of 6th Avenue (extended) and including that area upland 200 feet from the ordinary high water mark or to the centerline of the BNSF railroad right of way, whichever is greater.

**C. Map of District.**

Refer to Figure 9-2 below for a map of the S-1b Western Slope South Shoreline District boundaries:

**Figure 9-2. Western Slope South (SR)**

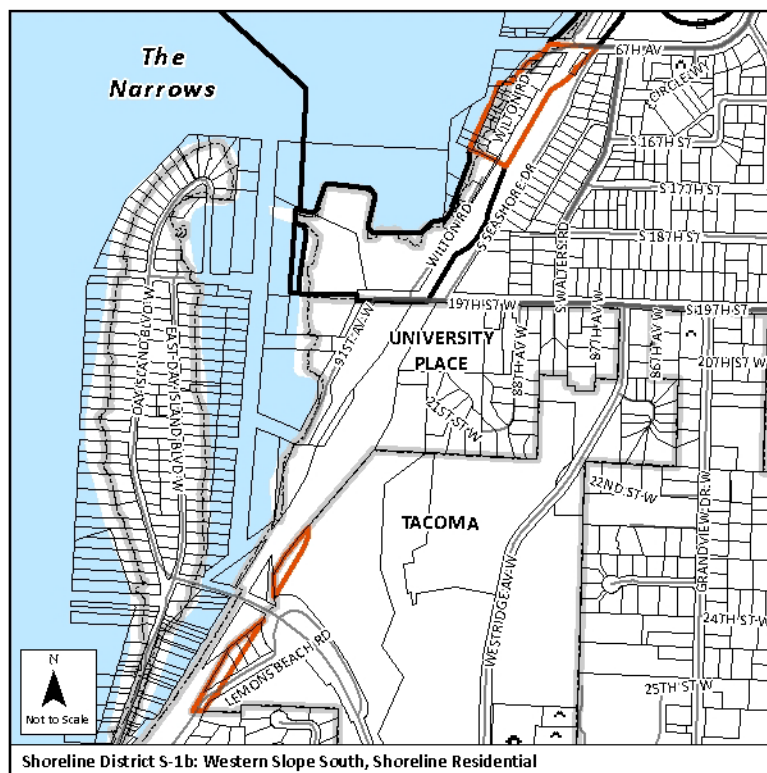
**D. District-Specific Use Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

**E. Development Standards.**

All permitted uses in the S-1b Western Slope South district shall comply with the standards included in Table 9-2 and the general regulations in this Chapter.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.2.)

**19.09.030 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.

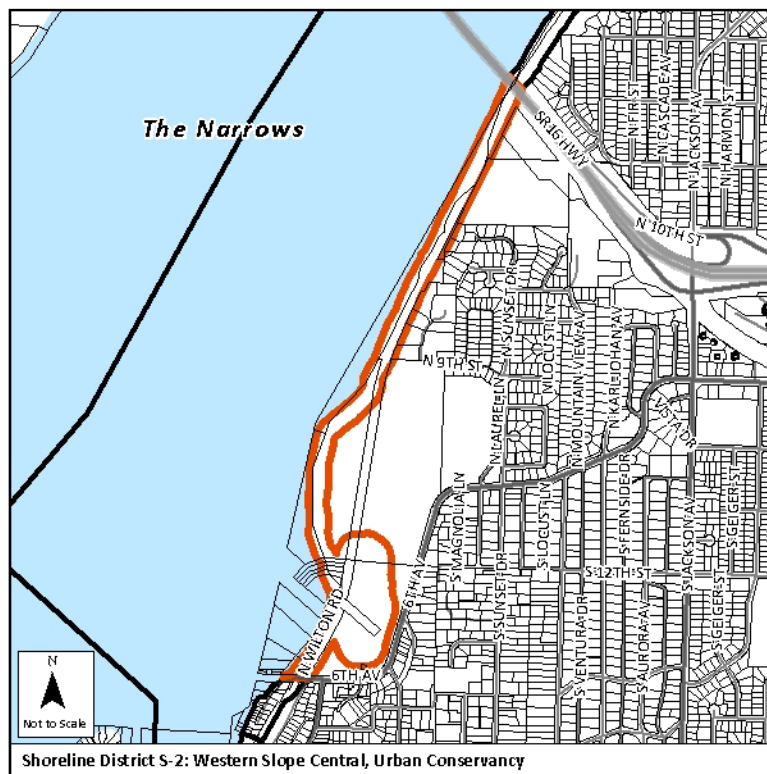
B. District Boundary Description.

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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.3)

**19.09.040 S-3 Western Slope North (N).****A. Intent.**

The intent of the S-3 Shoreline District is to limit residential encroachment along the steep slopes of the shoreline, to retain the existing vegetation and critical areas in a natural state, to encourage enhancement of the shoreline adjacent to the railroad, to promote public access trails and viewpoints consistent with the public access plan, and to recognize and support the continuation of the historic Salmon Beach community which exists at the toe of the coastal bluff.

**B. District Boundary Description.**

The S-3 Shoreline District extends north from the centerline of the Highway 16 right-of-way to the centerline of the North Park Avenue (extended) right-of-way, including that area upland within 200 feet of the OHWM and associated wetlands.

**C. Map of District.**

Refer to Figure 9-4 below for a map of the S-3 Western Slope South district boundaries:

**Figure 9-4. Western Slope North**

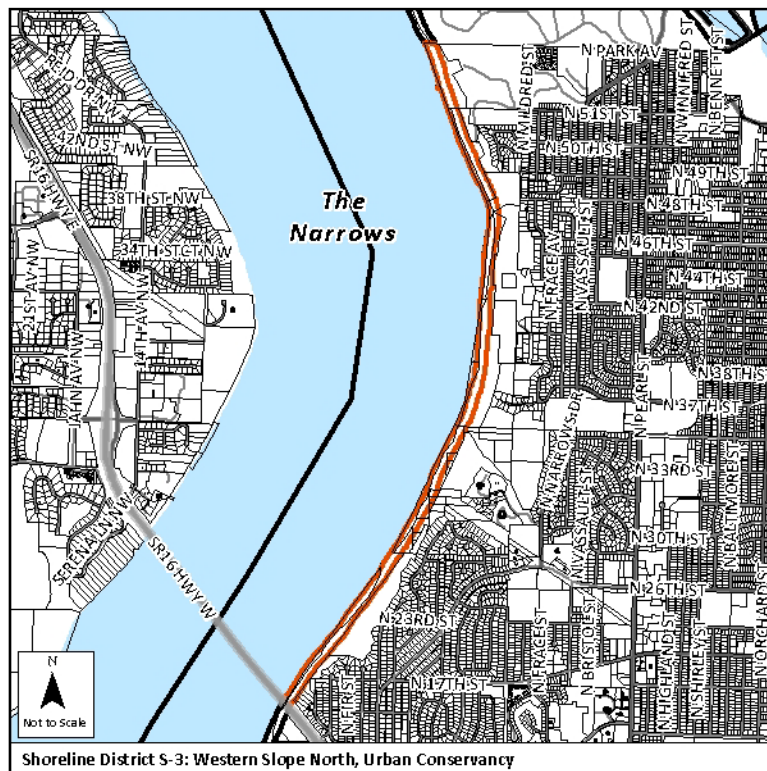
**D. District-Specific Use Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

**E. Development Standards.**

All permitted uses in the S-3 shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.4.)

**19.09.050 S-4 Point Defiance Natural (N).**

A. Intent.

The intent of the S-4 Shoreline District is to protect the existing natural environment of the area, provide for perpetual utilization for park purposes, and encourage the creation and improvement of view areas and trail systems.

B. District Boundary Description.

The S-4 Shoreline District extends from North Park Avenue (extended), at the northern edge of the Salmon Beach Community, and around Point Defiance to the start of the concrete promenade at Owen Beach, and including only those areas upland within 200 feet of the OHWM.

C. Map of District.

Refer to Figure 9-5 below for a map of the S-4 Point Defiance district boundaries:

**Figure 9-5. Point Defiance Natural (N)**



D. District-Specific Use Regulations.

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

E. Development Standards.

All permitted uses in the S-4 shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.5.)

**19.09.060 S-5 Point Defiance Conservancy (UC).****A. Intent.**

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)**

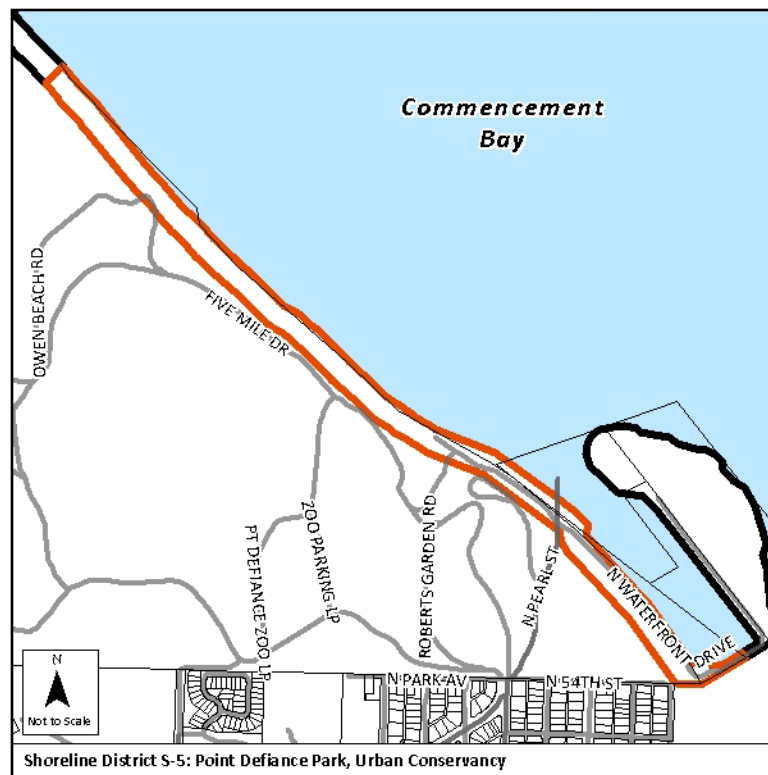
**D. District-Specific Use Regulations.**

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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.6.)



**19.09.070 S-6 Ruston Way (UC).**

**A. Intent.**

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.

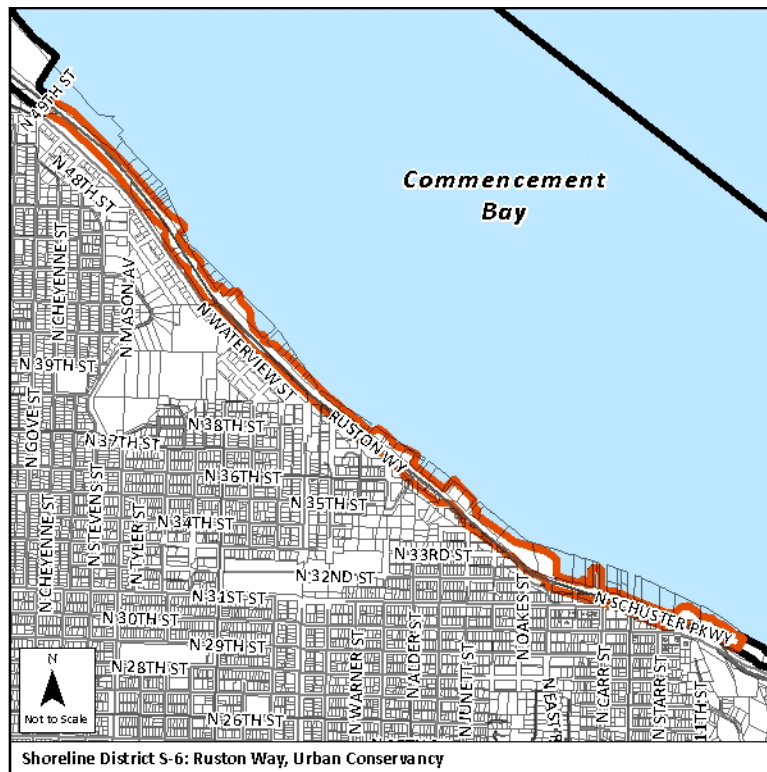
**B. District Boundary Description.**

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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.7.)

**19.09.080 S-6/7 Schuster Parkway Transition (UC).****A. Intent.**

The intent of the S-6/7 Schuster Parkway Transition Shoreline District is: to recognize that trends in the character and use of the area have focused on shoreline restoration and environmental clean-up, open space, and public recreation, and that these trends are expected and encouraged to continue over time; to conditionally allow for low intensity port/industrial uses associated with the natural deep water that are demonstrably compatible with the adjacent residential areas, business district, schools, recreation and park properties; and to encourage the continued transition to low intensity water-oriented commercial, recreational, and open space activities. Considerations for determining compatibility should include an evaluation of, at a minimum, possible view impacts, noise, light, emissions, and interference with the public use of public shorelines and the long term vision for enhanced public access. Any development within the District must contribute to the extension of public access from the Ruston Way Shoreline District promenade to the Thea Foss Waterway esplanade.

**B. District Boundary Description.**

The S-6/7 Shoreline District extends from the northwestern boundary of the Tahoma Saltmarsh NRDA site to the south-easternmost extent of the Sperry Ocean Dock site (parcel #8950002312), including only those areas upland within 200' of the OHWM.

**C. Map of District.**

Refer to Figure 9-8 below for a map of the S-6/7 Schuster Parkway Transition Shoreline District boundaries:

**Figure 9-8. Schuster Parkway Transition**

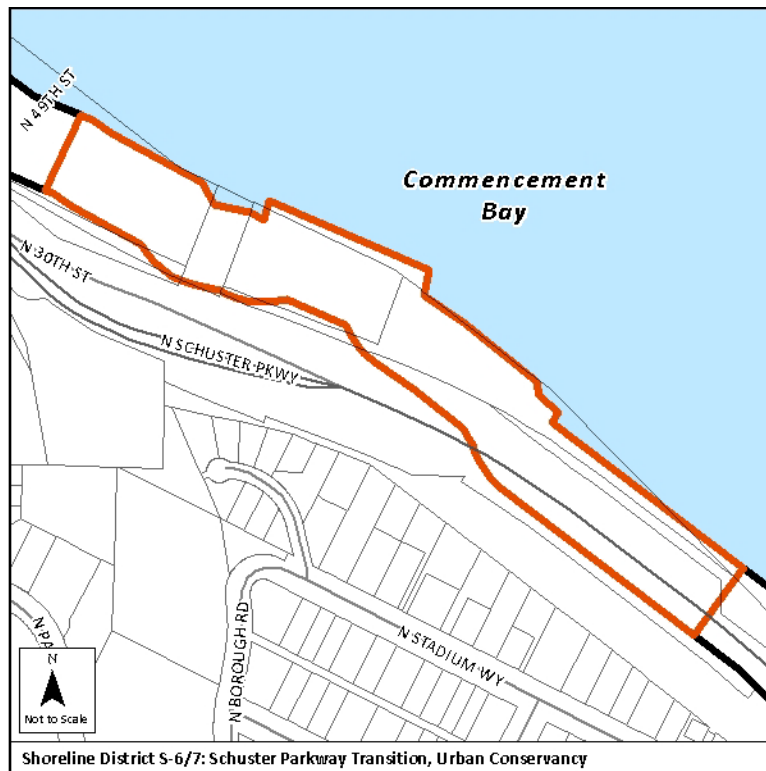
**D. District-Specific Use Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

**E. Development Standards.**

## **Tacoma Municipal Code**

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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.8.)

**19.09.090 S-7 Schuster Parkway (HI).****A. Intent.**

The intent of the S-7 Schuster Parkway Shoreline District is to allow development of deep water terminal and light industrial facilities, support and retain water dependent commodity export business(es), and to preserve the character and quality of life in adjoining residential areas, school and park properties.

**B. District Boundary Description.**

The S-7 Shoreline District extends from the south-easternmost extent of the Sperry Ocean Dock site (parcel #8950002312) to the northernmost extent of Thea's Park, and including those areas upland within 200 feet of the OHWM.

**C. Map of District.**

Refer to Figure 9-9 below for a map of the S-7 Schuster Parkway Shoreline District boundaries:

**Figure 9-9. Schuster Parkway**

**D. District-Specific Use Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

**E. Development Standards.**

All permitted developments and uses in the S-7 Schuster Parkway Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.9.)

### 19.09.100 S-8 Thea Foss Waterway (DW).

#### A. Intent.

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.

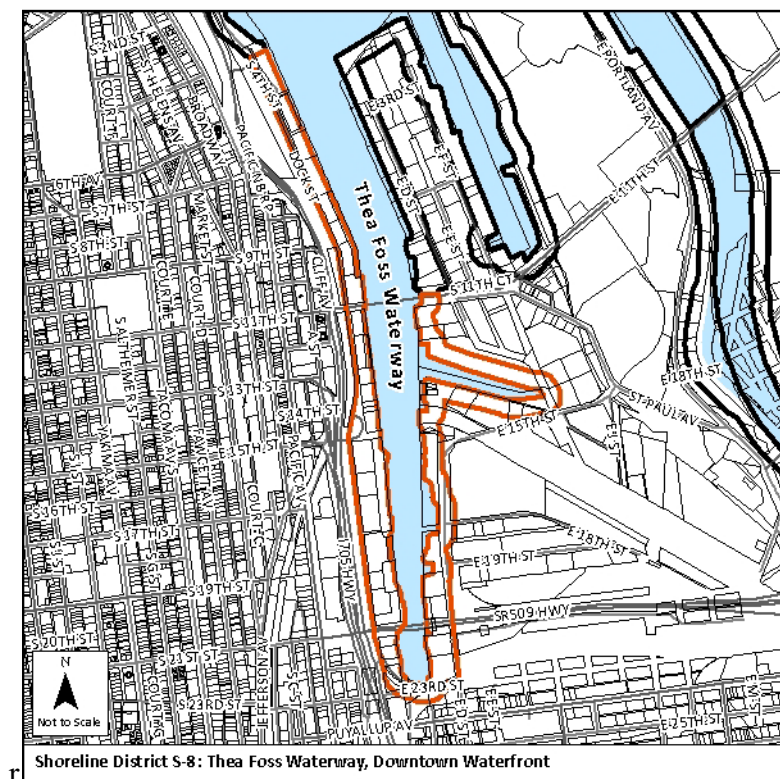
#### B. District Boundary Description.

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 19.06.010.B.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 19.09.100 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 19.06.010.B.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 19.09.100 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.

##### 1. 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.

- a. Area Regulations.
  - (1) 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.
  - (2) 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 19.06.070. 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.
  - (3) 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.
  - (4) 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 19.09.100.D above, and are permitted subject to 19.09.100.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:

- (a) 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.
- (b) 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 19.09.100.D above.
- (c) 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.

**b. Public Access/View Corridors.**

- (1) 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.
- (2) 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.
- (3) 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).
- (4) 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.
- (5) 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:
  - (a) The movement is necessary to facilitate site design and would not compromise future development on remaining development sites;
  - (b) The new public access/view corridors created provide the same or greater public use value; and,
  - (c) 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.
- (6) 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.

- (7) 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:
  - (a) The height to the underside of the structure is a minimum of 25 feet;
  - (b) The height does not exceed 50 feet;
  - (c) The structure is set back a minimum of 20 feet from the Dock Street facade of adjacent development sites; and,
  - (d) The total depth does not exceed 80 feet.
- (8) 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.
- (9) 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.

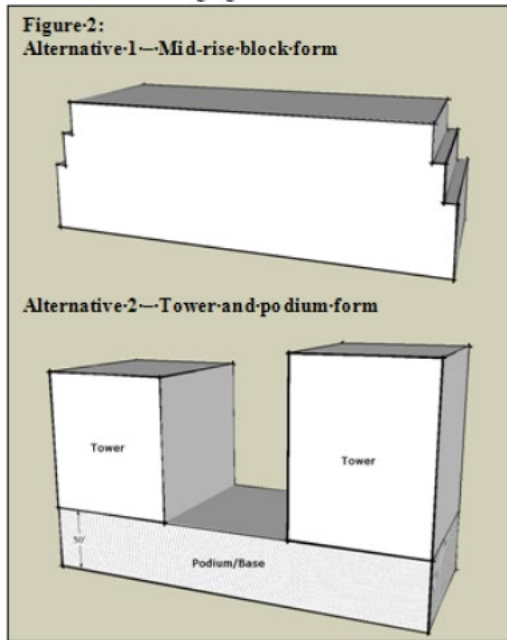
	North end of Waterway to center of secondary view/access corridor between Development Site 11 and the Seaport Building	Center of the secondary view/access corridor between Development Site 11 and the Seaport Building to center of the secondary view/access corridor between Development Site 10 and Municipal 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 19.09.100.F.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
<b>Footnotes:</b> 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 19.09.100.F.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 19.07.100.F 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 19.09.100.F.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 19.09.100.F.6.**
- a. That portion of the structure exceeding the underlying height limit or contained within the required modulation:
    - i. Is designed primarily as an architectural or artistic feature and does not include signage or exterior mechanical equipment;
    - ii. Does not provide habitable floor space;
    - iii. Does not exceed the underlying height limit by more than 25 feet;
    - iv. Has a cumulative width of 15 percent or less of the development site's Dock Street frontage;
    - v. Does not extend waterward of ordinary high water; and
    - vi. Is designed to minimize view impacts from neighboring properties through the use of location, materials, and orientation.
  - b. The reduction of the required modulations and/or the increased height will not adversely affect the intended character of the shoreline district and will secure for neighboring properties substantially the same protection that a literal application of the regulation would have provided.
  - c. The reduction of the required modulations and/or the increased height will not be contrary to the intent of the Shoreline Management Act.
- 6. Alternative 2 Development Option.**

As noted in the building envelope standards in Table 9-1 above, within the area between the center of the public access/view corridor between Development Site 11 and the Seaport Building and the center of the secondary public access/view corridor between Development Site 10 and Municipal Dock site, there are two basic development alternatives. Alternative 1 represents a midrise block form of building design. The basic development standards associated with Alternative 1 are mostly provided in the table and subsections above. Alternative 2 represents a tower and podium form of building design, which utilizes a combination of a low-rise block form with one or more tower elements that project up from the base (see Figure 2).



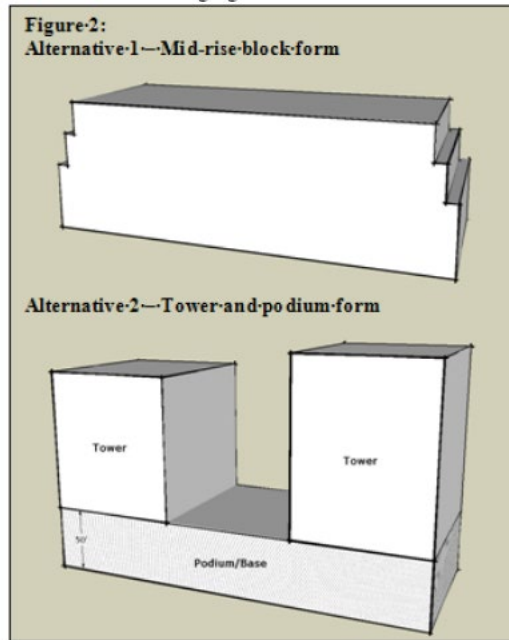
Most of the development standards associated with Alternative 2 do not fit within the format of the above table and subsections and, therefore, are provided below. For projects utilizing Alternative 2, the following additional development standards shall apply:

a. Podium Height.

The height of the podium shall be no greater than 50 feet. Mechanical equipment and parapet walls, as well as railings, planters, seating, shelters, and other similar amenities associated with the use of the podium roof as recreational space, shall be permitted up to a maximum height of 60 feet.

b. Tower Height.

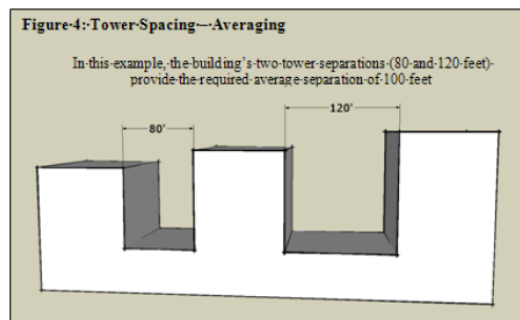
The maximum height for any tower shall be 180 feet. Any portion of a building extending above the maximum height of the podium shall be considered a part of a tower. For projects with multiple towers on a single development site, only one of the towers shall be permitted to the maximum height limit. The maximum allowable height for each additional tower on that development site shall be progressively reduced by at least 20 feet. For example, a project with three towers could have one tower up to 180 feet tall, one tower up to 160 feet tall and one tower up to 140 feet tall (see Figure 3).



Additionally, the tallest tower on each development site shall be the southernmost tower and additional towers shall step down in elevation as they progress to the north; provided, an alternative tower arrangement can be permitted if it is found to provide improved public access and reduced view impacts. This height limit is not subject to variance.

c. Tower Spacing.

For buildings that incorporate multiple towers, the minimum spacing between towers shall be an average of 100 feet, with no less than 80 feet between any portions of any two towers (see Figure 4).



For single projects with multiple buildings and multiple towers, the average spacing between towers may be calculated based on all of the towers contained in that project.

d. Tower Width.

The maximum width of any tower shall be 125 feet. For purposes of this requirement, the width shall be measured in a north-south direction, parallel to Dock Street.

e. Tower Floorplate.

The maximum floorplate area per floor for the portion of any tower above 50 feet in height shall be 15,000 square feet. The maximum floorplate area per floor for the portion of any tower above 100 feet in height shall be 12,000 square feet.

f. Podium Setback.

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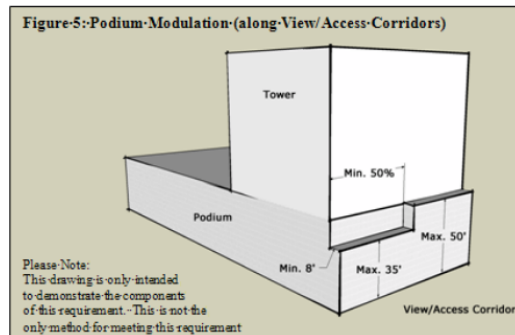
The podium portion of any building shall be setback at least 10 feet from the edge of any public access/view corridor. This additional setback area shall be designed and developed to facilitate additional public access and function as an extension of the abutting public access/view corridor. This setback 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.

### F. 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.

### G. 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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.10.)

**19.09.110—S-9 Puyallup River (UC)****A.—Intent:**

The intent of the S-9 Puyallup River Shoreline District is to encourage recreational development of the riverfront, ecological restoration activities that restore historic floodplain processes and functions, while allowing industrial development of adjacent upland areas, and to encourage continued preservation of Clear Creek, its associated wetlands, and related ecosystems. Permitted industrial uses will develop and operate in a manner that is compatible with shoreline ecological functions.

**B.—District Boundary Description:**

The S-9 Shoreline District boundary extends from the centerline of the East 11th Street Bridge to the southern City limits, including the open water portion of the River, those areas upland within 200 feet of the OHWM on both west and east banks, as well as the Gog-le-hi-te wetland and that portion of Clear Creek that is tidally influenced, and any associated wetlands.

**C.—Map of District:**

Refer to Figure 9-11 below for a map of the S-9 Puyallup River Shoreline District Shoreline District boundaries:

**Figure 9-11. Puyallup River**

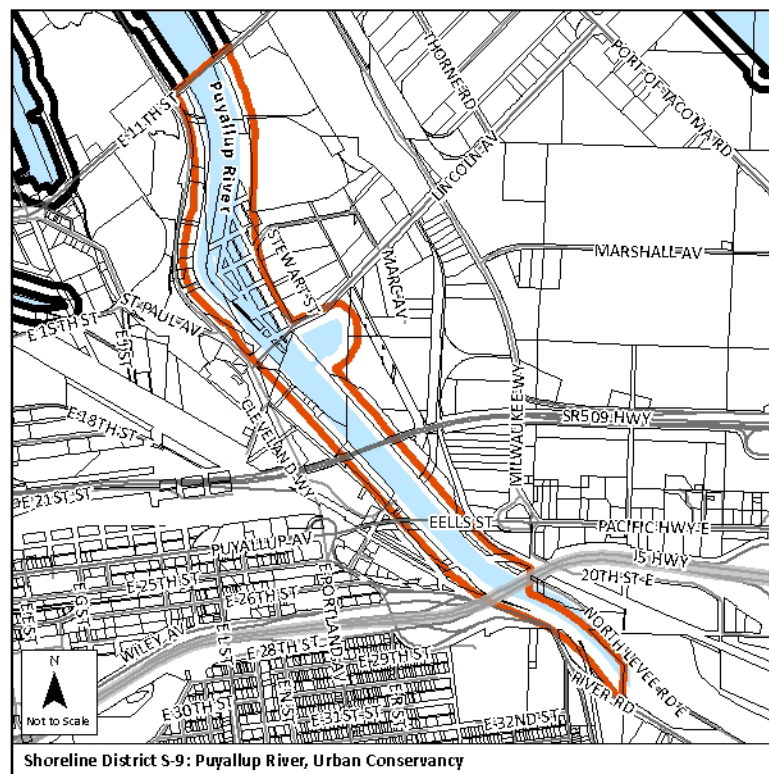
**D.—District Specific Use and Modification Regulations:**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

**E.—District Specific Development Standards:**

Development in the S-9 Puyallup River Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

(Ord. 28612-Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.11.)

**19.09.120—S-10 Port Industrial Area (HI).**

**A.—Intent.**

The intent of the S-10 Port Industrial Area Shoreline District is to allow the continued development of the Port Industrial Area, with an increase in the intensity of development and a greater emphasis on terminal facilities within the City.

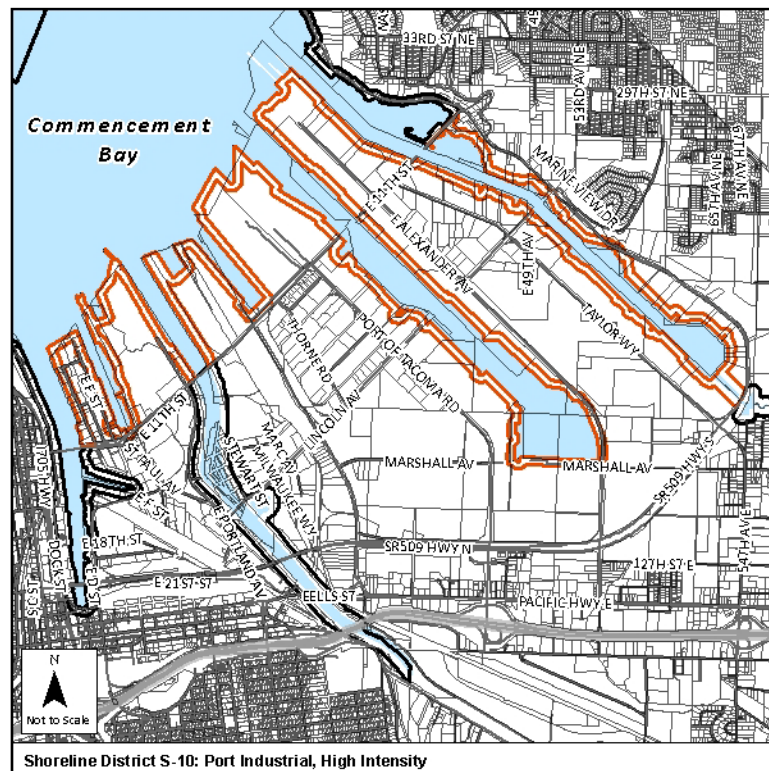
**B.—District Boundary Description.**

The S-10 Shoreline District extends from the E 11th Street right of way on the Thea Foss Waterway, to the Hylebos Waterway, including only those areas upland 200 feet of the OHWM and except that portion of the Puyallup River southeast of East 11th Street and including that portion of Hylebos Waterway and Hylebos Creek waterward of SR 509.

**C.—Map of District.**

Refer to Figure 9-12 below for a map of the S-10 Port Industrial Area Shoreline District Shoreline District boundaries:

**Figure 9-12. Port Industrial Area**



**D.—District Specific Use and Modification Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

**E.—District Specific Development Standards.**

Developments in the S-10 Port Industrial Area Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.12.)

**19.09.130 S-11 Marine View Drive (UC).**

### A. Intent.

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.

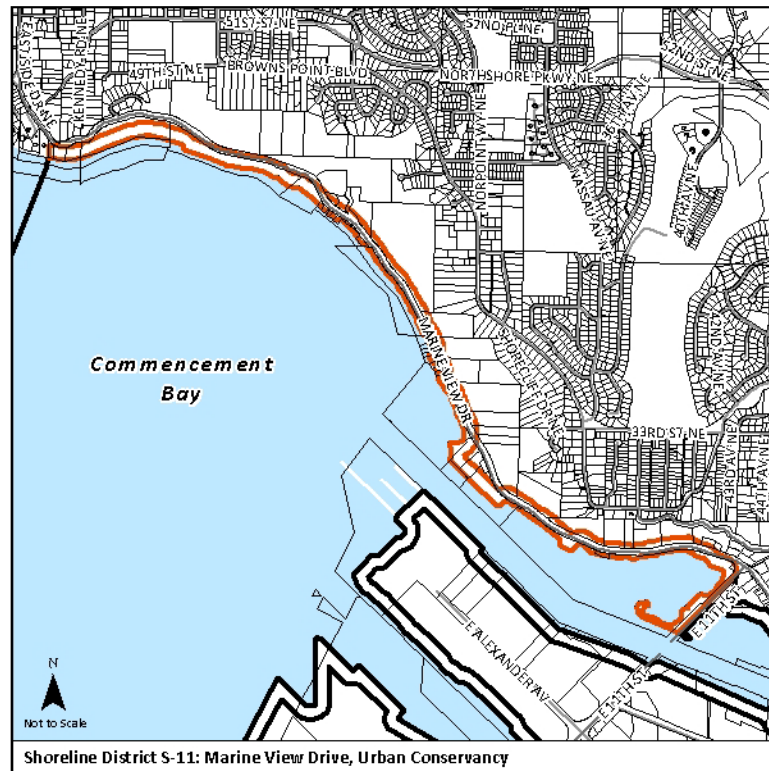
### B. District Boundary Description.

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**



#### 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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.13.)



**~~19.09.140—S-12 Hylebos Creek (N).~~**

**~~A.—Intent.~~**

~~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.~~

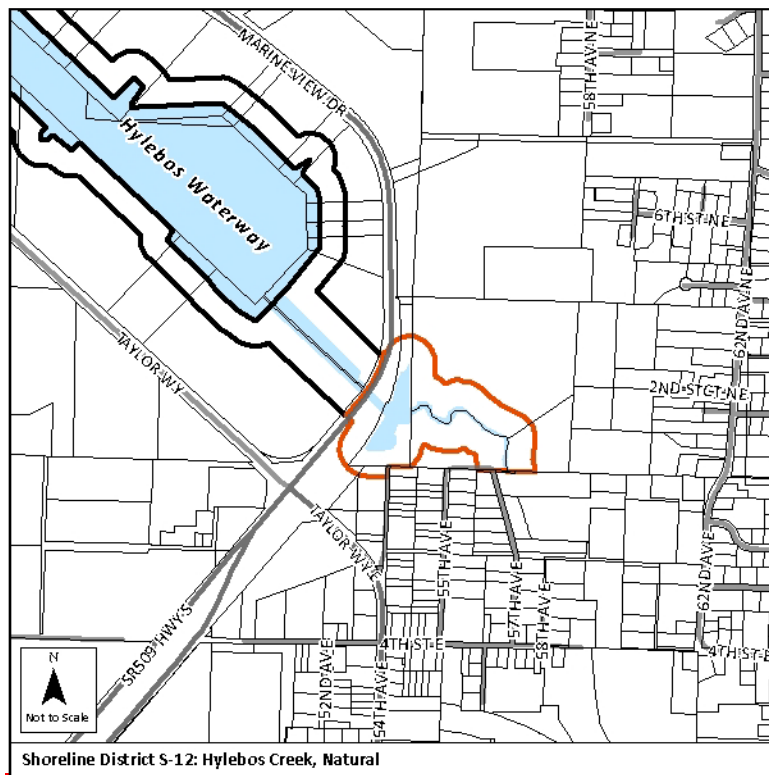
**~~B.—District Boundary Description.~~**

~~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**



**~~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.~~

~~(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.14.)~~

**19.09.150 S-13 Marine Waters of the State (A).****A. Intent.**

The intent of the S-13 Marine Waters of the State Shoreline District is to maintain these water bodies for the use by the public for navigation, commerce and recreation purposes and to manage in-water structures in a consistent manner throughout the City's shorelines.

**B. District Boundary Description.**

The S-13 Shoreline District boundary includes all marine waters waterward from the ordinary high water mark to the seaward City limit common to the City of Tacoma and Pierce County, except that area lying within the Town limits of the Town of Ruston. S-13 also includes the portion of the Puyallup River waterward of the OHWM and downstream of 11th Street.

**C. Map of District.**

Refer to Figure 9-15 below for a map of the S-13 Marine Waters of the State Shoreline District boundaries:

**Figure 9-15. Marine Waters of the State**

**D. District-Specific Use Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. The following regulations shall apply to overwater uses and development within the S-13 Shoreline District:
  - a. New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is also permitted in the upland Shoreline District. In determining whether an in-water use or development is associated with an upland shoreline district, those uses or development occurring between ordinary high water mark and the Outer Harbor Line shall be considered 'associated' with the upland zoning. Uses or development occurring entirely

beyond the outer harbor line shall be permitted in accordance with the provisions of the S-13 Shoreline District. The in-water use or development will be considered 'associated' with whichever upland Shoreline District is closest or that district with which the use or development has a direct physical connection. Where two or more shoreline districts are equidistant from a proposed use or development that does not have a physical upland connection, the more restrictive zone shall apply.

- b. New overwater residential structures are prohibited. This prohibition does not apply to live-aboards, which must comply with the regulations in TSMP Section 19.07.04.0.B.11.
- c. New over-water structures shall only be permitted for water-dependent uses, restoration projects, and public access.
- d. New structures for non-water-dependent or non-public access uses are strictly prohibited.
- e. The size of new over-water structures shall be limited to the minimum necessary to support the structure's intended use.
- f. Non-water-oriented uses shall only be permitted on existing over-water structures as part of a permitted mixed-use development that contains a water-dependent component.
- g. Water-oriented commercial uses shall only be permitted overwater on existing overwater structures.
- h. Improvement or modifications to residential or non-water-oriented commercial uses on existing overwater structures shall be permitted; provided, that the modifications do not result in an increase in overwater coverage or shading, that the improvements are designed consistent with Washington Department of Fish and Wildlife standards to limit impacts on the aquatic environment and fisheries habitat, do not adversely affect the public use of the shoreline area or surface waters, and are consistent with the standards in TSMP Section 19.02.050.
- 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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.15.)

**19.09.160 S-14 Wapato Lake (UC).****A. Intent.**

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**

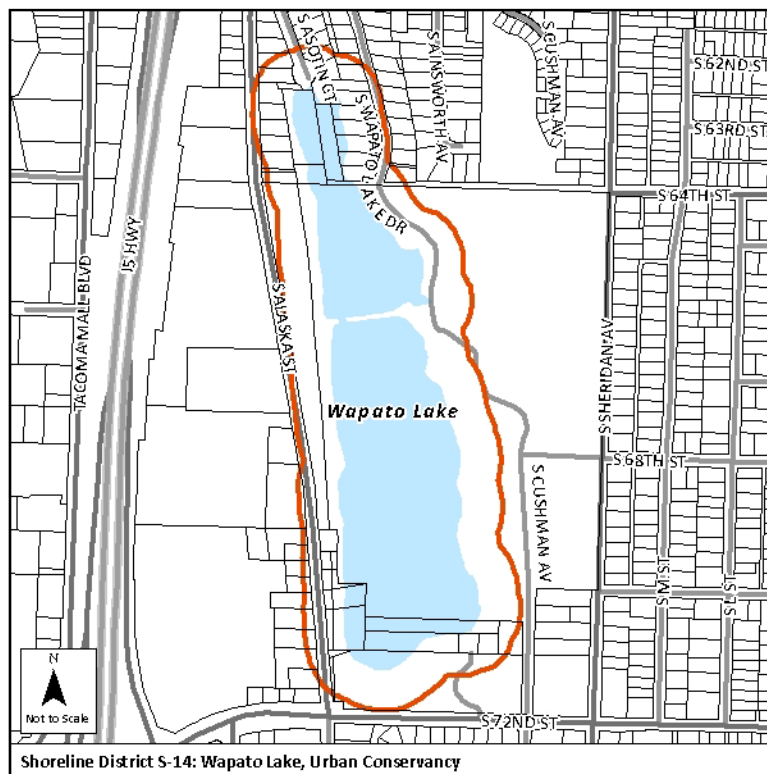
**D. District-Specific Use Regulations.**

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.

(Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.16.)

**19.09.170 S-15 Point Ruston / ~~Slag~~ Dune Peninsula (HI)**

**A. Intent.**

The intent of the S-15 Point Ruston / ~~Slag~~ Dune 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.

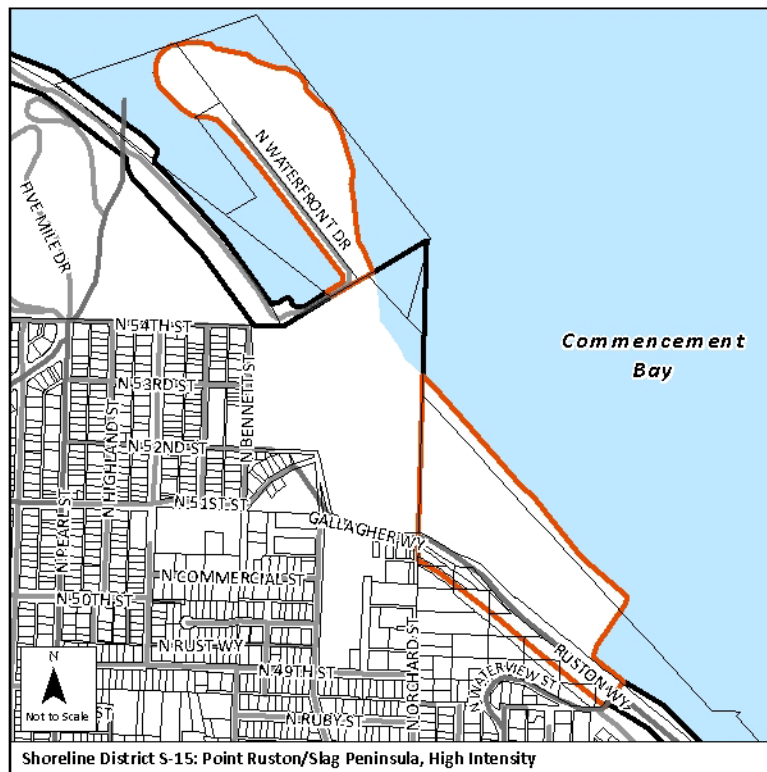
**B. District Boundary Description.**

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~~ Dune 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~~ Dune Peninsula Shoreline District boundaries:

**Figure 9-17. Point Ruston/~~Slag~~Dune Peninsula**



**D. District-Specific Use Regulations.**

Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

**E. District-Specific Development Standards.**

Developments in the S-15 Point Ruston / ~~Slag~~ Dune 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 <sup>21</sup>	Wapato Lake	Point Ruston / SlagDune 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 <sup>1</sup>	N	P
Launch Ramps and Lifts	P	N	CU	N	N	P	N	CU	N	P <sup>2</sup>	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 <sup>5</sup>	P	P	P	P	P	P	P	N	P	N	P
Water-related	P	N	P	N	N	P <sup>5</sup>	P	P	P	P	P	N	P	N	N/P <sup>3</sup>	N	P
Water-enjoyment	P	P	P	N	N	P <sup>5</sup>	P	P	P	P	P	N	P	N	N/P <sup>3</sup>	N	P
Non Water-oriented <sup>4</sup>	CU	N	N	N	N	CU <sup>5</sup>	CU	CU	CU	CU <sup>6</sup>	CU/P	CU	CU	N	N/P	N	P/CU <sup>7</sup>
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 <sup>8</sup>	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 <sup>9</sup>	N	N	N	N	N	N	CU	P	P <sup>10</sup>	N	P	N <sup>24</sup>	N	P	N	N
Water-related	CU <sup>9</sup>	N	N	N	N	N	N	CU	P	P <sup>10</sup>	CU	P	N	N	N	N	N
Non water-oriented <sup>11</sup>	N	N	N	N	N	N	N	N	N	CU <sup>10</sup>	CU	CU	N	N	N	N	N
Cargo Terminal	N	N	N	N	N	N	N	CU	P	P <sup>10</sup>	N	P	N	N	P	N	N
Coal Facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Chemical Manufacturing, Processing, and Wholesale	N	N	N	N	N	N	N	N	N	N	N	N <sup>34</sup> /CU <sup>35</sup>	N	N	N <sup>34</sup> /CU <sup>35</sup>	N	N
Smelting	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Petroleum Fuel Facility	N	N	N	N	N	N	N	N	N	N	N	N/P <sup>36</sup>	N	N	N/P <sup>36</sup>	N	N
Cleaner Fuel Infrastructure	N	N	N	N	N	N	N	N	N	N	N	N/P <sup>37</sup>	N	N	N/P <sup>37</sup>	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 <sup>10</sup>	N	P	P	N	P	N	N
Mining and Quarrying																	
Mining and Quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Parking																	
Associated with an Approved Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
As a Primary Use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Development																	
Water-oriented (including public and private facilities and off-street bicycle and pedestrian paths	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE <sup>1</sup>																	
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 <sup>21</sup>	Wapato Lake	Point Ruston / SlagDune Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
and trails)																	
Non-Water-oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential Development																	
Single-family <sup>12</sup>	N	P	P	N	N	N	N	N	N	N	N	N	p <sup>13</sup>	N	N	P	N <sup>14</sup>
Multifamily – stand alone	N/CU <sup>15</sup>	N	N	N	N	N	N	N	N	N/CU <sup>16</sup>	N	N	N/CU <sup>13,15</sup>	N	N	N	p <sup>17,18</sup> /CU <sup>18</sup>
Multifamily as part of a mix-use development	P	N	N	N	N	N	N	N	N	p <sup>16</sup>	N	N	p <sup>13</sup>	N	N	N	p <sup>17</sup>
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	p <sup>13</sup>	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 <sup>32</sup>	N/p <sup>32</sup>	N	P	P	N	N	N	N	N
Expansion of Existing Facilities	P	CU	P	N	N	P	P	p <sup>32</sup>	p <sup>32</sup>	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 <sup>19</sup>
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 <sup>20</sup>																	
Major	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU/p <sup>33</sup>	P	P
Minor	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU/p <sup>33</sup>	P	P
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU/p <sup>33</sup>	P	P
Wireless Communications Facility	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Shoreline Modification <sup>21</sup>																	
Shoreline Stabilization																	
For water-dependent uses <sup>22</sup>	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 OHW/M	CU	CU	N	N	CU	CU	CU	CU	CU	CU	N	CU	N	CU	N	N	CU

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	<del>S-9</del>	<del>S-10</del>	S-11	<del>S-12</del>	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	<del>Puyallup River</del>	<del>Port Industrial Area</del>	Marine View Drive	<del>Hylebos Creek</del>	Marine Waters of the State <sup>21</sup>	Wapato Lake	Point Ruston / <del>Slag</del> <a href="#">Dune</a> Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	<del>UC</del>	<del>HI</del>	UC	<del>N</del>	A	UC	HI
<del>Below OHWM for Ecological Restoration and Enhancement</del>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<del>Above OHWM</del>	P	P	P	<del>N</del>	P	P	P	<del>CU</del>	<del>CU</del>	P	<del>CU</del>	P	<del>CU</del>	<del>CU</del>	<del>N/A</del>	P	P
<del>Flood Control Works and In-stream Structures</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>CU</del>	<del>CU</del>	<del>N</del>	<del>CU</del>	<del>CU</del>	<del>N</del>	<del>N</del>
<del>Ecological Restoration / Enhancement / Mitigation</del>																	
<del>Ecological Restoration / Enhancement / Mitigation</del>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<del>Mooring Facilities<sup>23</sup></del>																	
<del>Piers, Wharves, Docks and Floats</del>																	
<del>Associated with Residential Uses</del>	<del>N</del>	P	<del>N</del>	P	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	P	<del>N</del>	<del>N</del>
<del>Associated Public Access Uses</del>	P	P	<del>N</del>	P	<del>N</del>	P	P	P	P	P	<del>N</del>	P	P	<del>N</del>	P	P	P
<del>Associated with Water Dependent Uses</del>	P	<del>N</del>	<del>N</del>	P	<del>N</del>	P	P	P	P	P	<del>N</del>	P	P	<del>N</del>	P	<del>N</del>	<del>N</del>
<del>Mooring Buoy<sup>24</sup></del>	P	P	P	P	P	P	P	P	P	<del>N</del>	<del>N</del>	P	P	<del>N</del>	P	<del>N</del>	P
<del>Mooring Buoy Field</del>	P	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	P	<del>CU</del>	<del>CU</del>	P	<del>N</del>	<del>N</del>	P	P	<del>N</del>	<del>CU</del>	<del>N</del>	P
<del>Navigational Aids</del>	P	P	P	P	P	P	P	P	P	P	<del>N</del>	P	P	<del>N</del>	P	<del>N</del>	P
<del>Covered Moorages/Boat Houses</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
General Minimum Development Standards																	
Marine Shoreline Buffers, per TSMP Chapter 19.06 <sup>25</sup>	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	<del>150 ft. from OHWM</del>	<del>50 ft. from OHWM</del>	115 ft. from OHWM	<del>150 ft. from OHWM</del>	N/A	200 ft. from OHWM <sup>26</sup>	50 ft. from OHWM
Height Limit <sup>27</sup>	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 <sup>28</sup> otherwise 35 ft <sup>29</sup>	Refer to S-8 Shoreline District Regulations	<del>35 ft</del>	<del>100 ft<sup>29</sup></del>	35 ft	<del>35 ft</del>	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 <sup>30</sup>
Side Yard/View Corridor <sup>31</sup>	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 <sup>29</sup>	30% of shoreline frontage	<del>30% of shoreline frontage</del>	<del>0 ft<sup>29</sup></del>	30% of shoreline frontage	<del>30% of shoreline frontage</del>	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 <sup>29</sup>	20 ft	<del>50 ft from centerline of Puyallup river Dike</del>	<del>0 ft<sup>29</sup></del>	20 ft	<del>20 ft</del>	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 <sup>29</sup>	10 ft	<del>10 ft</del>	<del>0 ft<sup>29</sup></del>	10 ft	<del>10 ft</del>	N/A	10 ft	10 ft
Lot Area																	
Minimum Ave. Width	50 ft	50 ft	50 ft	50 ft		50 ft	50 ft				<del>50 ft</del>		50 ft	<del>50 ft</del>	N/A	50 ft	
Minimum Lot Frontage	25 ft	25 ft	25 ft	25 ft		25 ft	25 ft				<del>25 ft</del>		25 ft	<del>25 ft</del>	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				<del>5,000 sq ft</del>		5,000 sq ft	<del>5,000 sq ft</del>	N/A	5,000 sq ft	



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	<del>S-9</del>	<del>S-10</del>	S-11	<del>S-12</del>	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	<del>Puyallup River</del>	<del>Port Industrial Area</del>	Marine View Drive	<del>Hylebos Creek</del>	Marine Waters of the State <sup>21</sup>	Wapato Lake	Point Ruston / <del>Slag</del> <a href="#">Dune</a> Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	<del>UC</del>	<del>HI</del>	UC	<del>N</del>	A	UC	HI
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				<del>6,000-sq-ft</del>		6,000 sq ft	<del>6,000-sq-ft</del>	N/A	6,000 sq ft	

Key:

P

N

CU

Permitted

Prohibited

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 15<sup>th</sup> 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 19.07.050.B 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 19.09.100.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 19.07.060.B.
- 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 19.07.080.B.
- 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 19.07.130.B.
- 21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall

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- 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 19.09.150.D.1.a.
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 19.08.030.B.
- 23 See application requirements in TSMP Section 19.02.040.D.
- 24 With the exception of the S-7, ~~S-10~~ and S-11 Shoreline Districts, [and the Seaport Environment](#), 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, [and the Seaport Environment](#), 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 19.06.040.E.3 [or 19.06.040.H.4](#).
- 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~~ [Dune](#) Peninsula are limited to 35 feet.
- 31 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set-back is maintained from either lot line.
- 32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.
- 33 Storm water outfalls are a permitted use except those proposed in a Natural Environmental Designation, where a CUP will be required.
- 34 Primary uses are prohibited. Supportive water-dependent facilities may be permitted subject to a conditional use permit.
- 35 Prohibited in all districts: Petrochemical manufacturing, Explosives manufacturing, and Fertilizer Manufacturing
- 36 New facilities are prohibited. Improvements and expansions to existing facilities are permitted but subject to development standards in TSMP Section 19.07.060. Expansion of existing nonwater-oriented facilities, and expansion of existing nonwater-dependent facilities over water, shall require a conditional use permit. Expansion of overwater coverage for a nonwater-dependent facility is prohibited.
- 37 Primary use Cleaner Fuel Infrastructure is prohibited. Supportive water-dependent facilities, such as piers, wharves, docks, and floats and accessory facilities, such as loading areas, may be permitted within shoreline jurisdiction. Nonwater-oriented supportive facilities, such as parking and expanded cleaner fuel infrastructure, shall require a conditional use permit. Nonwater-dependent supportive facilities shall require a conditional use permit to locate over water. Expansion of overwater coverage for a nonwater-dependent facility is prohibited.

(Ord. 28828 Ex. B; passed Aug. 30, 2022; Ord. 28786 Ex. B; passed Nov. 16, 2021; Ord. 28612 Ex. A; passed Sept. 24, 2019. Code reviser's note: previously codified as TSMP Section 9.17.)

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