

April 27, 2021

Sent via e-mail

Tacoma City Council
733 Market Street, Room 11
Tacoma, Washington 98402
cityclerk@cityoftacoma.org

Subject: Tideflats and Industrial Land Use Regulations

Dear Mayor Woodards and Councilmembers:

Thank you for this opportunity to provide comment on the important regulatory changes the City is contemplating. The issues and industries involved represent a complicated network of businesses and jobs that support our regional economy. A rushed deliberative process could have significant negative consequences for a business or resident. The City simply does not have very much industrial land within its boundaries, and the remaining land must be managed in a very thoughtful manner, with an eye to continued productive use of these critical, and limited, assets.

The Port commented in-depth at the Planning Commission review, and a subsequent staff discussion did result in limited improvements to this draft. There is still much work to do, however.

The Port remains concerned that while the city desires to offer a great place to live, work, and play, the consequences of the proposed amendments will result in quite the opposite. The proposed amendments are confusing, lead to unnecessary complexity in the City code, and are inconsistent with the intent of the One Tacoma Container Port Element.

Our chief concerns about the proposed amendments include the following:

1. A fully functioning and successful industrial area is vital to support our container port. The Tideflats needs to have flexible zoning that allows for a mix of industrial uses absent confusing and restrictive permitting of a 'case by case' conditional use permit process.
2. Public feedback from the community during our strategic planning process this past year has indicated that the number one priority is JOBS. Jobs that pay well and are accessible to people without a college degree are especially valued. New use limits and permitting requirements on manufacturing jobs will result in fewer jobs in Tacoma.
3. The City adopted the Container Port element in 2014 but has yet to implement those policies in the development regulations. Specifically, the code fails to properly limit non-industrial uses and we are dismayed to see a proposal that could allow residential uses on our limited industrial lands. The Port's January comments help improve consistency with the city's comprehensive plan, with such ideas as adopting similar protections for the Port MIC that have been granted to the regionally unrecognized South Tacoma MIC.
4. We understand you are compelled to address fossil fuels but urge you to reconsider any restrictions to existing businesses that would limit their ability to provide or transition to cleaner/greener fuels and practices, such as requiring conditional use permits. We are also concerned about impacts to capacity for vessel fueling and transmission of military fuels.

The Port of Tacoma is a countywide organization formed, and continues to operate, with the purpose of job creation, environmental stewardship, and promoting economic vitality. The Port shares the City's desire to make Tacoma a great place to live, work, and play. We endeavor to meet this purpose in parallel with the protection of natural resources and spreading economic impact and opportunity throughout the region.

To continue this endeavor, it is imperative that our maritime, manufacturing, and industrial lands are protected from encroachment and incompatible uses, and that a broad spectrum of industrial uses are allowed in the Tideflats. Attached, please find a technical memo and legal analysis letter about the April 7, 2021 Findings of Fact and Recommendations, as well as our previous comments, that we hope will provide further clarity regarding our concerns. These documents include specific detailed amendment language that we believe will be important to use in the final regulations.

The Port believes a collaborative approach by the City would be to embrace the intent and spirit of our comments. We stand ready to discuss or provide clarity and would be happy to meet with you if there are any questions. Should you or your staff have any questions, feel free to contact me directly or contact the Port of Tacoma Government Affairs Director, Sean Eagan, at 253/223-5117 or seagan@portoftacoma.com.

Sincerely,

A handwritten signature in blue ink that reads 'Eric Johnson'.

Eric Johnson
Port of Tacoma Executive Director

Attachments:

- Port legal counsel review comment letter
- Port staff technical review comment memorandum
- Port mark-up of the April 7, 2021 TMC proposed amendments

Courtesy copy via e-mail:

Bruce Dammeier, Pierce County Executive
Ryan Mello, Pierce County Councilmember
Mayor Kim Roscoe, City of Fife
Lisa McClellan, Fife Councilmember – Position 6
John McCarthy, Port of Tacoma Commissioner
Don Meyer, Port of Tacoma Commissioner
Chairman Bill Sterud, Puyallup Tribe of Indians
Annette Bryan, Puyallup Tribe of Indians Tribal Councilmember
John Wolfe, Northwest Seaport Alliance Chief Executive Officer
Jason Jordan, Northwest Seaport Alliance Environmental and Planning Director
Sean Eagan, Port of Tacoma Government Affairs Director
Deirdre Wilson, Northwest Seaport Alliance Senior Planning Manager
Heather Burgess, Port of Tacoma Legal Counsel
Elizabeth Pauli, Tacoma City Manager
Peter Huffman, Tacoma Planning and Development Services Director
Stephen Atkinson, Tacoma Principal Planner
Josh Brown, Puget Sound Regional Council Executive Director

April 27, 2021

TRANSMITTED VIA ELECTRONIC MAIL
cityclerk@cityoftacoma.org

Mayor Victoria Woodards
Tacoma City Council
City of Tacoma
747 Market Street, Room 345
Tacoma, Washington 98402

Re: April 27, 2021 Public Hearing
Port of Tacoma – Updated Legal Analysis and Suggested Revisions to Proposed
Tideflats and Industrial Land Use Regulation Amendments

Dear Mayor Woodards and Members of the Tacoma City Council:

This firm represents the Port of Tacoma (“Port”).

This letter provides the Port’s legal analysis of and suggested revisions to the Planning Commission’s proposed Tideflats and Industrial Land Use Regulation Amendments.

My comments are generally organized to follow the order of the proposed code revisions as presented in the Planning Commission Recommendations package. Our office also provided detailed comments to the Planning Commission, and, together with Port staff, discussed those comments with City planning and legal staff following the Planning Commission’s March 3, 2021 public hearing. For clarity of the record, this comment letter generally notes where the Port’s earlier comments on the Planning Commission were accepted.

TMC 13.05.010.A Conditional Use Permits

New Section 13.05.010.A.23 imposes specific Conditional Use Permit (“CUP”) standards for “Chemical Manufacturing, Processing, and Wholesale Distribution.” As a general matter, the Port does not support imposing a CUP requirement for these uses. However, if the City Council chooses to adopt this new requirement, the Port proposes the following revisions to this section:

Section A.23.b.(1) should be deleted in its entirety. It is unclear what “seek input” means as a matter of procedure, nor is it clear how the list of entities and agencies in this section was developed.

[from Planning Commission comments] Section A.23.2 should be revised to read as follows:

2. The Applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.

The Port's requested change was made and is reflected in Section A.23.b.(2).

[from Planning Commission comments] Section A.23.3 should be revised to read as follows:

3. The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

The Port's requested change was made and is reflected in Section A.23.b.(2).

Section A.23.b.(3) should be revised as follows.

Bullet #2 should be deleted as it appears to require prospective cleanup bonding for post-use remediation; it is difficult to see how a bond could be obtained for a use of unknown duration, and the provision assumes or presumes abandonment and/or reclamation of the site which is not required.

Bullet #3 should be deleted. This provision requires proof of insurance naming the City of Tacoma as an additional insured without specifying the type or quantity of insurance. It is not clear how this provision would work.

Bullet #4 should be deleted. Impacts to emergency services relating to toxic chemicals are already addressed in Section 7 of the SEPA checklist.

For clarity and ease of future reference, the Port generally recommends that the bullets in this section be replaced with alphanumeric subparagraph references.

Section A.23.b.(4) should be deleted in its entirety as these criteria are addressed through provisions of SEPA, adopted critical area codes, shoreline management act, the shoreline master program, and various federal laws. The Port notes that the City is not charged with and indeed lacks jurisdiction to enforce tribal fishing rights under applicable treaties. This provision in general creates additional and potentially conflicting standards for review of this than are found in other federal, state, and local laws and regulations.

[from Planning Commission comments] Section A.23.5 should be revised to read as follows:

5. The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts.

The Port's requested change was made and is reflected in Section A.23.(2)

[from Planning Commission comments] Section A.23.6 should be revised to read as follows:

6. The property on which the proposed facility is to be located, and the use can be appropriately mitigated, to avoid any adverse impacts on receipt of federal funding for affordable housing and community development in adjacent residential and mixed-use areas located within City limits. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.

The Port's requested change was made and is reflected in Section A.23.(2)

New Section TMC 13.05.010.A.26 addresses Non-Industrial Uses in the Port of Tacoma M/IC). The Port appreciates revisions to the proposed amendments made in response to earlier comments clarifying the Port of Tacoma's opportunity to review such applications. However, as detailed in Port staff's technical memorandum, the Port is concerned that some non-industrial uses that are presently prohibited under the interim regulations – including residential uses – will still be allowed with approval of a conditional use permit.

TMC 13.05.070 - Notice Process

The Port appreciates revisions to the proposed amendments made in response to its comments to the Planning Commission to ensure consistency with the new “public notice” and RCW 36.70B.110, which sets out requirements for a “Notice of Application” under the Growth Management Act (“GMA”) for purposes of integrated project and State Environmental Policy Act review for GMA jurisdictions. The Port also appreciates other clarifications made in the proposed amendments to this section regarding specific parties to be notified. However, the Port is concerned that some references in the City's existing code to the “Agreement Between the Puyallup Tribe of Indians, Local Governments, in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988 appear to have been deleted in the City Council review draft. While the City can certainly choose to provide additional notice to the Tribe if it desires, the Agreement remains a legally binding document and appropriate references should be maintained in the City's code. It is unclear to the Port why some references in the Agreement were maintained while others were deleted.

Proposed Amendments to TMC 13.05.070.I. – New Section – Expanded Notification for “Heavy Industrial Permits”

- TMC 13.05.070I.1. The proposed amendments triggering this notice refer to “all uses classified as ‘heavy industry’.” If this term is defined elsewhere in the code, a reference should be included. If the term is not defined, a definition should be provided.
- The Port continues to propose the following revised language for section TMC 13.05.070(I)(2):

In addition to any required public notice required pursuant to TMC 13.05.070.C-E, notice for designated heavy industrial projects shall be mailed via First-Class Mail to the SEPA consulted agency contact for all adjacent jurisdictions (Cities of Federal Way, Fife, Fircrest, Lakewood, and University Place, and Pierce County). For designated heavy industrial projects which constitute a “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments, in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988 (or as hereafter amended), the Puyallup Indian Tribe shall also receive notice. Any of the above groups may be notified by electronic means instead of, or in addition to, First-Class Mail, upon written notification to the Department that electronic transmittal is the preferred method.

The Port’s proposed revisions to this section accomplish the following:

- Combine new sections 2 and 3 into a single section consistent with the rest of TMC 13.05.070 instead of bifurcating the notice provisions into mail and email.
- Eliminate duplicate references to all parties who receive notice per the earlier provisions in the City’s existing code of all types of decisions (applicant, property owner, neighborhood councils pursuant to TMC 1.45 and business districts pursuant to TMC 1.47, qualified neighborhood or community organizations, and the Tribe subject to the Agreement).
- Change optional electronic means language to be the same as the prior section of the proposed amendments.
- Revise references to the Puyallup Tribe to incorporate the same Agreement references as other sections of the City’s existing code and, add “as later amended.”

Notification Distance – 13.05.070.I.4

The Port appreciates that the proposed amendments now include a map of the Port of Tacoma Manufacturing/Industrial Center (M/IC) for purposes of measuring the 2,500 feet from the boundaries “of that center” as requested in our earlier comments.

Public Meeting – 13.05.070.I.5

The Port appreciates revisions to the proposed amendments made in response to our earlier comments.

Additional Notification – 13.05.070.I.7

It remains unclear to the Port what standards will be used to determine when additional notification under this section is “necessary” or “appropriate.”

Proposed Amendments to TMC 13.05.070.J Notice for Public Hearings

The Port appreciates revisions to the proposed amendments made in response to our earlier comments. However, the Port believes that references in this section to notices to be given to the Tribe should incorporate the following language from the City’s existing codes to ensure consistency with the Land Claims Settlement:

For actions or projects which constitute a “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments, in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988 (or as hereafter amended), the Puyallup Indian Tribe shall also receive notice [of the public hearing].

New Section - TMC 13.06.070.G. Port of Tacoma Transition Overlay District

The proposed amendments include the creation of a new Port of Tacoma “Transition Overlay District” (the “District”). As a procedural matter, the Port notes that this new District is not found in the Container Port Element of the City’s adopted comprehensive plan (the One Tacoma Plan). The Port also notes that as proposed, the District includes only select portions of the NE Tacoma hillside. Other areas adjacent to the Container Port Core within City limits can and do contain potentially incompatible land uses, particularly in and around the Foss Waterway and Tacoma Dome Districts; however, the proposed amendments do not address or consider buffers to be applied to those areas. The Port believes the City should consider additional areas for inclusion within the District in order to ensure consistency with the Container Port Element.

The Port appreciates that some revisions were made to the standards in this section in response to our earlier comments; however, the Port continues to have the following concerns.

3.b. Minimum Lot Size. The minimum lot size is 1 acre for new development in this zone, and only single-family residential is allowed. It seems possible an unintended consequence of this larger lot size in combination with the multi-family prohibition would be to create larger, higher value residential R-1 properties inside the buffer area immediately adjacent to the industrial uses. The notice on title provisions may protect

against nuisance claims, but it is not clear that a larger lot size necessarily addresses residential encroachment on the Port as a regulatory matter. In traditional zoning models, one generally sees a range of intensity used to transition between zoning districts. R-1 is generally the least intense land use, where Port industrial is one of the most intense.

3.d. Location. This new section provides that:

“Residential development shall be located the greatest distance from the boundaries of the Port of Tacoma Manufacturing and Industrial Center as is feasible.”

It is unclear what this means. What determines feasibility? Is this intended to be a setback requirement applied to individual lots, subdivisions, or both? How will that be reconciled with other design or development standards in the City’s codes?

[from Planning Commission comments] 3.h. Notice on Title. The Port recommends revising this section to the following for clarity:

As a condition of subdivision approval or residential building permit issuance for properties within the Overlay Zone, the Applicant shall record a notice on title which attests that (1) the property is located within the Port of Tacoma Manufacturing and Industrial Center Overlay Zone, (2) Port of Tacoma industrial activities, including container terminal facilities, are operating and will continue to operate and may expand in the future. The Notice on Title shall include the specific distance of the property from the closest boundary of the Port of Tacoma Manufacturing and Industrial Center.

The Port’s requested change was made.

TMC 13.06.080 – Special Use Standards

Oil and Liquified Fossil Fuel

The proposed code amendments addressing this issue create expansive and cumbersome definitions for various types of fuel facilities (fossil fuel and renewable alike) and then imposes additional CUP review criteria for “Major Fossil Fuel Facilities” and “Renewable Fuel Facilities.”

The City’s approach to this issue and all facets of the corresponding proposed amendments appear to the Port to be overly complex, burdensome, and restrictive. The Port Commission has already acted to ban development of new bulk fossil fuel export facilities on Port-owned properties. If the City chooses as a policy matter to prevent future development of fossil fuel facilities on a broader basis, the Port believes a simpler and more logical approach would be to simply prohibit the development of new fossil fuel facilities (which can be far more simply defined) and allow existing facilities to continue as non-conforming uses pursuant to the City’s existing non-conforming use

restrictions, without additional layers of regulation or subjective review criteria. This approach creates certainty and predictability for current and future investment in the City while also achieving the City's policy goals with respect to fossil fuel use and greenhouse gas reduction. The Port is also concerned that there are not clearly defined exemptions to the new regulations for existing facilities in the Tideflats which fuel vessels and serve Joint Base Lewis-McChord.

The Port supports allowing the development of new renewable fuel facilities and conversion of existing fossil fuel facilities to renewable fuel uses. Unfortunately, the City's proposed amendments would appear to allow such facilities only with a CUP, and with new and onerous review criteria, including independent obligations to mitigate greenhouse gas emissions separate and apart from any state or federal regulatory framework. The Port believes these criteria and obligations will deter, rather than encourage, investment in and development of renewable fuel facilities necessary to achieve our collective emissions reduction goals.

Thank you for the opportunity to provide comments on the proposed amendments.

Yours very truly,



Heather L. Burgess
General Legal Counsel
Port of Tacoma

April 27, 2021

Memorandum

To: City of Tacoma Council

From: Port of Tacoma technical staff

Subject: Summary of technical comments on the [Planning Commission Findings of Fact and Recommendations Report to City Council, dated April 7, 2021](#)

1. The April 7, 2021 proposed amendments use the interim regulations as a baseline, which were assembled in haste without proper vetting. This is a flawed foundation for an amendment package.
2. Please find attached detailed edits to the non-industrial use allowances, see also the Port's January 11, 2021 suggested edits. Our suggestions are intended to implement and provide consistency with the existing polices of the Container Port Element.

The Port's January 11th proposal includes non-industrial use allowances and limits for the Port MIC zones like those adopted in 2008 for the South Tacoma MIC. The documents ignore this suggested approach. Worse yet, some non-industrial uses that are presently prohibited (such as residential) with the interim regulations would be allowed with approval of a conditional use permit. Importantly, this contradicts the Puget Sound Regional Council (PSRC) who recognizes the Port MIC and protection of industrial lands, but does not recognize the South Tacoma MIC.

We support the changes that prohibit certain non-industrial uses that may have significant impacts on core container shipping activities or that would convert a significant industrial land area to non-industrial use, including: Agriculture, Airports, Juvenile Community Facilities, Marijuana Retailers, High Intensity and Destination Park and Recreation facilities, Work Release Centers, public and private General K-12 Educational Facilities.

3. The proposed amendments introduce generous use of the conditional use permit (CU). CU is added to the use table 49 times - 29 of them in the industrial zones; plus 15 more times in the shoreline use table. This 'special review on a case-by-case basis' is intended to determine if such a use is appropriate at the proposed location, and if appropriate, identify any additional conditions of approval necessary. While this approach may seem desirable from a regulatory perspective because it gives the regulator maximum flexibility, from a business perspective it results in uncertainty and is inconsistent with the mission of the port and other industries who rely on certainty to make investments.
4. The proposed amendments introduce a new use type called **"High Impact Use."** Means any Type -H Occupancy primary use classification is allowed in the base zone, excluding uses otherwise classified as "Chemical Manufacturing, Processing, and Wholesaling," "Fossil Fuel Facility – Major," or "Renewable Fuel Facility – Major." All High Impact Uses require a CU, if allowed, our preference is that this new undefined use category not be added to the code. There is no link or further information provided to define applicability of the High Impact Use category. If this does get included, a link or list must be provided, and must clarify how accessory uses would be addressed.

From our research this appears to apply to: combustible dust, fiber, or liquid; consumer fireworks; cryogenic flammable, inert, or oxidizing; explosives; flammable gas, liquid, or solid; organic peroxide; oxidizer; oxidizing gas; pyrophoric; unstable (reactive); water reactive. These uses are noted in the Washington State Building Code as Group H hazardous materials for High-hazard Group H occupancy.

5. The Chemical manufacturing, processing, and wholesaling definitions introduce the term ‘sector’ and are unclear what uses fall into the use category. Also, we are unclear on the difference between a High Impact Use and a Chemical manufacturing, processing, and wholesaling of hazardous materials. Please delete the new term ‘High Impact Use’.

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

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

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

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

6. The proposed amendments add conditional use permits (CU) as a requirement for some industrial uses, as shown below. The new permit review time and uncertainty of the conditional use permit process and associated conditions will result in businesses choosing to look elsewhere to site industrial uses. This result would be inconsistent with both Port and City economic development goals.

M-1	-Chemical manufacturing, processing, wholesaling -High Impact Uses	Prohibited
M-2	-Chemical manufacturing, processing, wholesaling -High Impact Uses	Conditional use permit
PMI	-Chemical manufacturing, processing, wholesaling	Allowed
	-Chemical manufacturing, processing, wholesaling of hazardous materials -High Impact Uses	Conditional use permit
S10 S13	-Chemical manufacturing, processing, wholesaling -High Impact Use	Shoreline conditional use permit*
*Primary use prohibited, accessory water-dependent use requires CU. Note: Explosives, fertilizer, and petrochemical manufacturing are prohibited in all districts.		

The review of a conditional use permit has new added criteria. The new review criteria

sections:

- a. State that the Hearing Examiner makes the CU decision, but TMC 13.05.080 gives that authority to the Director.
 - b. Are unclear on timing of applicability, at time of pre-application, application, during the review process, or as a condition of approval.
 - c. Include 'consultation', a term that is used in the Puyallup Land Claims Settlement, resulting in unnecessary overlap and confusion.
 - d. Call for review according to HUD acceptable separation distances without any clear nexus for how a CU will resolve HUD funding concerns.
 - e. Include a section entitled 'Shoreline Resources and Shorelines of Statewide Significance' causing redundancy with the shoreline management regulations.
 - f. Call for steps to minimize impacts to fish and wildlife habitat and wetlands, resulting in redundancy with critical area regulations.
7. The proposed amendments introduce new use categories for *major* fuel facilities, but do not mention *minor* fuel facilities. If a non-Major fuel facility is considered a High Impact Use or Petrochemical manufacturing, then it appears all such uses would require a conditional use permit, if allowed. It is unclear how the new regulations would apply to an accessory fuel use.
 8. The proposed amendments do not allow additional capacity at a Major fuel facility. This could impact Major fuel facilities that supply commercial ships and military installations – which may need additional capacity. Our edits request a provision to exclude facilities that provide vessel fueling, and facilities that supply fuels to JBLM from this definition.
 9. The proposed amendments impose a conditional use permit for development of renewable fuel facilities, and do not allow for any capacity expansion at existing facilities. This is inconsistent with City and Port goals for carbon and greenhouse gas reduction and by not incentivizing a shift to cleaner fuel production.
 10. The proposed amendments include a new overlay district for the land on the hillside above Marine View Drive to limit residential density and encroachment. While we support limits on residential development, notice on title, and design standards to address potential impacts, this approach fails to address transitions and buffers on the other sides of the Port MIC as required by the GMA and the Container Port Element. We also question the process of creating a new overlay in the regulations without first completing a map amendment in the comprehensive plan.
 11. The proposed amendments identify M-1 and M-2 as "Buffer Areas". M-1 district "is an appropriate zone to apply as a transition between the industrial operations therein and the existing activities and character of the community in which the zoning adjacent to the M-1 district." Uses in M-1 and M-2 districts are not appropriate buffer areas. Buffer areas must extend outward from the Port MIC to preserve the industrial zoned lands.
 12. The proposed amendments introduce a conditional use permit in the Shoreline Management Regulations in S-10 Port Industrial Area and S-13 Marine Waters of the State, for Chemical Manufacturing, Processing, and Wholesale distribution, as well as

the proposed new High Impact Use (please delete). The following potentially untenable criteria that is duplicative of other regulations are proposed for uses that transport products and materials via marine vessel:

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

We request this new criteria be removed.

Additionally, the following new footnote could have significant impacts on industrial uses, notably, the document fails to indicate that footnotes 34-37 are new:

34 - Primary uses are prohibited. Supportive water-dependent facilities may be permitted subject to a conditional use permit.

Please see detailed edits provided in the attached markup.



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

TITLE 13

LAND USE REGULATORY CODE

Chapters:

Chapter 13.01	Definitions	2
Chapter 13.02	Planning Commission.....	8
Chapter 13.03	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.04	Platting and Subdivisions	Error! Bookmark not defined.
Chapter 13.05	Land Use Permits and Procedures	11
Chapter 13.06	Zoning.....	29
Chapter 13.06A	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.07	Landmarks and Historic Special Review Districts	Error! Bookmark not defined.
Chapter 13.08	Current Use Assessment	Error! Bookmark not defined.
Chapter 13.09	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.10	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.11	Critical Areas Preservation	Error! Bookmark not defined.
Chapter 13.12	Environmental Code	Error! Bookmark not defined.
Chapter 13.13	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.14	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 13.15	Commute Trip Reduction	Error! Bookmark not defined.
Chapter 13.16	Concurrency Management System	Error! Bookmark not defined.
Chapter 13.17	Mixed-Use Center Development	Error! Bookmark not defined.
Chapter 13.18	Affordable Housing Inclusionary Development Areas	Error! Bookmark not defined.

CHAPTER 13.01
DEFINITIONS

Sections:

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

13.01.010 Purpose.

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

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

13.01.060 Zoning Definitions.¹

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

* * *

13.01.060.C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These use classifications exclude uses that are otherwise defined herein as “Fossil Fuel Facilities – Major”, or “Renewable Fuel Facilities – Major.” Chemical Manufacturing excludes facilities engaged in vessel fueling and those facilities involved in storage and transmission of fuels supporting Joint Base Lewis McChord (JBLM).

Commented [WD1]: Please clarify which use category other fuel facilities fall into.

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

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

“Coal facilities.”

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

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

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

* * *

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

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

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

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

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

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

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

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

Commented [WD2]: Which use category do facilities less than 1 million fit into?

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

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

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

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

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

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

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

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

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

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

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

13.01.060.G

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

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

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

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

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

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

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

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

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

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

“Green roof.” See Vegetated roof.

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

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

Commented [WD3]: This should apply citywide.

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

13.01.060.H

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

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

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

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

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

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

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

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

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

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

Commented [WD4]: This new definition is complicated and does not tell the reader to what uses it applies – referring to Type H occupancy is not explicative or helpful.

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

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

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

* * *

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

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

Commented [WD5]: The format of defined terms should be consistent.

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

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

* * *

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

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

“Renewable Fuel Facilities - Major.”

This use classification applies to the following:

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

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

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

* * *

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

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

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

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

Commented [WD6]: Seems like the definition applies, there are just no applicable regulations unless they propose capacity expansion.

dependency treatment facilities, residential care facilities for youth, retirement homes, and staff residential homes.

13.01.090 South Tacoma Groundwater Protection District Definitions.¹

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

13.01.090.A

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

* * *

13.01.090.G

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

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

13.01.090.H

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

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

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

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

**CHAPTER 13.02
PLANNING COMMISSION**

Sections:

- 13.02.010 Creation – Appointment.
- 13.2.15 Establishment of advisory committees.
- 13.2.16 *Repealed.*
- 13.02.020 Meetings – Officers – Records.
- 13.02.030 Expenditures – Budget.
- 13.02.040 Duties and responsibilities.
- 13.02.043 *Repealed.*
- 13.02.050 Quorum.
- 13.02.053 *Repealed.*
- 13.02.057 *Repealed.*
- 13.02.060 Comprehensive Plan.

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

13.02.070 Comprehensive Plan amendment procedures.

13.02.070 Comprehensive Plan amendment procedures.¹

A. Adoption and amendment by ordinance.

* * *

G. Planning Commission review.

1. The Department will present the proposed amendment along with analysis conducted pursuant to Section 13.02.070.F to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.

2. In formulating its recommendations to the City Council concerning adoption or amendment of the Comprehensive Plan, the Planning Commission shall provide public notice and conduct at least one public hearing.

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

4. Planning Commission public hearings for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.

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

6. After a public hearing, the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration.

H. Findings and recommendations.

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

a. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and

b. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

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

I. City Council public hearing and action.

1. At least one City Council public hearing on adoption or amendment of the Comprehensive Plan shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.05.070.J.

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

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

J. Amendments considered under emergency situation.

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

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

CHAPTER 13.05
LAND USE PERMITS AND PROCEDURES ¹

Sections:

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

13.05.010 Land Use Permits.

A. Conditional Use Permits.²

1. Purpose.

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

2. General Criteria.

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

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

Commented [WD7]: How is this demonstrated?

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

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

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

- (1) The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.
- (2) Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
- (3) The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.

* * *

17. Surface Mining.¹

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

- a. Plans for surface mining shall consist of a topographic map showing ten-foot contours, with cross-sections to show the topography of the property and its relation to streets, alleys, and surrounding property, and a map showing the extent of the proposed surface mining and the finished contours of the ground after the removal of the material and replacement of topsoil has been completed.
- b. The plans shall be reviewed by the Department of Public Works, and the Department of Environmental Services which shall advise the Director regarding the effect of the intended surface mining upon streets and alleys, either existing or contemplated, and adjoining properties.
- c. The Director, before issuing a conditional use permit, shall make a finding whether the proposed surface mining will interfere with logical future development of the tract for building or other purposes in accordance with the Comprehensive Plan.
- d. Surface Mining is also subject to the standards in 13.06.080.O.

* * *

23. Chemical Manufacturing, Processing, and Wholesale Distribution

a. Decision: Hearing Examiner

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

(1) ~~Consultation~~ Planning and Development Services staff will seek input from:

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

(2) Public health and safety:

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

Commented [WD8]: According to TMC 13.05.080, the Director decides conditional use permits. 13.05.090 outlines what types of conditions can be imposed on a conditional use permit.

Commented [WD9]: This section needs to clarify which items are application items and which items could become conditions.

Commented [WD10]: This appears to be covered already in General Criteria about, 2.d..

Commented [WD11]: What would appropriate mitigation be to satisfy HUD requirements? It is unclear a conditional use permit addresses the issue of HUD funding.

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

methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development (HUD) in determining appropriate separation distances and on-site mitigation measures for this purpose.

Commented [WD12]: It would be helpful to include the list of uses that HUD exempts from ASD here – and exclude them from this criteria.

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

Commented [WD13]: Is this something already required for management hazardous substances? A management plan would be more appropriate as a condition of approval (with specifics discussed with the applicant ahead of time) rather than a standard review criteria.

(3) Emergency services and risk management:

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

Commented [WD14]: Is this not already a requirement for hazardous materials?

Commented [WD15]: How would 'any adverse impacts' be identified?

(4) Shoreline Resources and Shorelines of Statewide Significance.

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

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

Commented [WD16]: Does the city have authority to regulate transport of materials via marine vessel?

Commented [WD17]: Is this in addition to a shoreline permit? Why would this not be covered by the shoreline permit?

Commented [WD18]: Is this not covered by critical area regulations?

24. High Impact Uses

a. Decision: Hearing Examiner

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

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

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

- A management plan may be required. The Hearings Examiner may determine the level of detail to be disclosed in

~~the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, and other factors may be required;~~

- ~~• The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and~~

- ~~The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.~~

25.24. Renewable Fuel Facilities -

Major. a. Decision- Hearing Examiner

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

(1) Consultation:

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

(2) Public health and safety:

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

(3) Emergency services and risk management:

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

(4) Shoreline Resources and Shorelines of Statewide Significance.

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

- There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;

Commented [WD19]: According to TMC 13.05.080, the Director decides conditional use permits. 13.05.090 outlines what types of conditions can be imposed on a conditional use permit.

Commented [WD23]: Using the term 'consultation' causes confusion with the tribal settlement agreement.

Commented [WD24]: See comment above

Commented [WD25]: More appropriate as a condition of approval. Otherwise, make it clear the management plan is a required part of a complete application.

Commented [WD26]: Should not have targets in the zoning code for GHG.

Commented [WD27]: Unclear how 'increased' risk is determined.

Commented [WD28]: If appropriate to impose, shoreline conditions go in the shoreline permit, not the conditional use permit.

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

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

Center a. Decision: Hearing Examiner

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

- (1) ~~The location will not significantly interfere with container shipping facilities. Mitigation may be required to avoid and minimize disruptions to nearby industrial activity.~~
- (2) ~~The Activities at the location is-must be adequately buffered from potentially high-impacts from industrial facilities.~~
- (3) ~~The use will-must incorporate design elements to reduce impact on employees and customers from adjacent or nearby industrial activities.~~

* * *

B. Variances.¹

* * *

6. Application for an area-wide zoning reclassification.

- A proposed area-wide zoning reclassification may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.
- Area-wide zoning reclassifications initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations.
- Application fees shall be as established by City Council action.
- The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission.
- The application shall include, but not be limited to, the following:

(1) Project summary:

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

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

Commented [WD29]: If there are critical areas this would be covered by critical area permits and approvals, not appropriate in the conditional use permit.

Commented [WD30]: According to TMC 13.05.080, the Director decides conditional use permits. 13.05.090 outlines what types of conditions can be imposed on a conditional use permit.

(2) Background.

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

(3) Policy review.

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

(4) Objectives.

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

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

(5) Community outreach.

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

(6) Supplemental information.

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

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

f. Pre-Application meeting.

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

7. Assessment of proposed amendments.

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

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

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

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

- whether or not the application is complete, and if not, what information is needed to make it complete;

- whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
- whether or not the application will be considered, and if so, in which amendment cycle.

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

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

8. Analysis of proposed amendments.

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

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

- (1) A staff analysis of the application in accordance with the elements described in 13.05.030.B.6;
- (2) An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- (3) An analysis of the amendment options identified in the assessment report; and
- (4) An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

9. Planning Commission Review.

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

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

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

d. For area-wide zoning reclassifications, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, **and occupants** within, and within ~~2500400~~ feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

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

10. Planning Commission findings and recommendations.

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

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

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

11. City Council public hearing and action.

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

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

C. Site Specific Zoning Reclassifications.¹

a. Application submittal.

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

b. Criteria for rezone of property.

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

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

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

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

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

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

D. Amendments to the land use regulations.²

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

E. Moratoria and interim zoning.³

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

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

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

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

2. Moratoria or interim zoning may be initiated by either the Planning Commission or the City Council by means of determination at a public meeting that such action may be warranted. Where an emergency exists, prior public notice may be limited to the information contained in the public meeting agenda. City Council-initiated moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to action; provided, that where an emergency is found to exist by the City Council, it may act immediately and prior to the formulation of Planning Commission findings of fact and recommendation. The City Council shall hold a public hearing within at least 60 days of adopting any moratorium or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt findings of fact justifying the adoption of any moratorium or interim zoning before, or immediately after, the public hearing.

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

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

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

* * *

13.05.070 Notice process.¹

A. Purpose.

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

B. Administrative Determination.

1. A **public notice of application** is not required for Administrative Determinations. Examples of Administrative Determinations are minor variances, reasonable accommodation requests, review of non-conforming rights, zoning verification requests, and information requests.

2. Determinations of the Director shall be mailed to the applicant and the property owner (if different than the applicant) by first class mail **and/or electronic mail**.

3. At the discretion of the Director, notice of the Determination and/or summary of Determination may be provided to other qualified or interested parties.

C. Process I – Minor Land Use Decisions.

1. A **public notice of application** shall be provided, **and a notice of application published**, within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E. Examples of minor land use decisions are variances, Conditional Use Major Modifications, temporary shelters, wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.

2. **Public notice of application** shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); **and the Puyallup Tribe of Indians Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method, and to Notice shall also be mailed by first-**

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

class mail to occupants and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H.

3. Parties receiving public notice of application shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department. ~~The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. from the boundary of the PRD District.

3. Parties receiving ~~public notice of application~~ shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.070.G. ~~The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 30 days of the mailing of such notice, or who requests receipt of a copy of the decision.~~

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

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

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

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

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

E. Process III – Decisions Requiring a Public Hearing.

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

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

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

4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on

the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

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

F. Content of Public Notice and Notice of Application.

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

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

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

c. Preliminary environmental determination (or exemption);

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

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

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

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

a. Date of application;

b. Date of notice of completion for the application;

c. Date of the notice of application;

d. Description of the proposed project action;

e. List of permits included in the application;

f. List of studies requested;

g. Other permits which may be required;

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

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

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

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

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

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

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

G. Public Comment Provisions.

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

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

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

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

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

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the “public meeting” shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

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

H. Notice and Comment Period for Specified Permit Applications.

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

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

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

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Required	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years
Conditional use* (see TMC 13.05.070.1)	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
Conditional use, correctional facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years
Temporary Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet ⁷	No	No	14 days	Director	No ¹	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No ¹	No	5 years
Wetland/Stream/FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years*
Wetland/Stream/FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years*
Wetland/Stream/FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

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

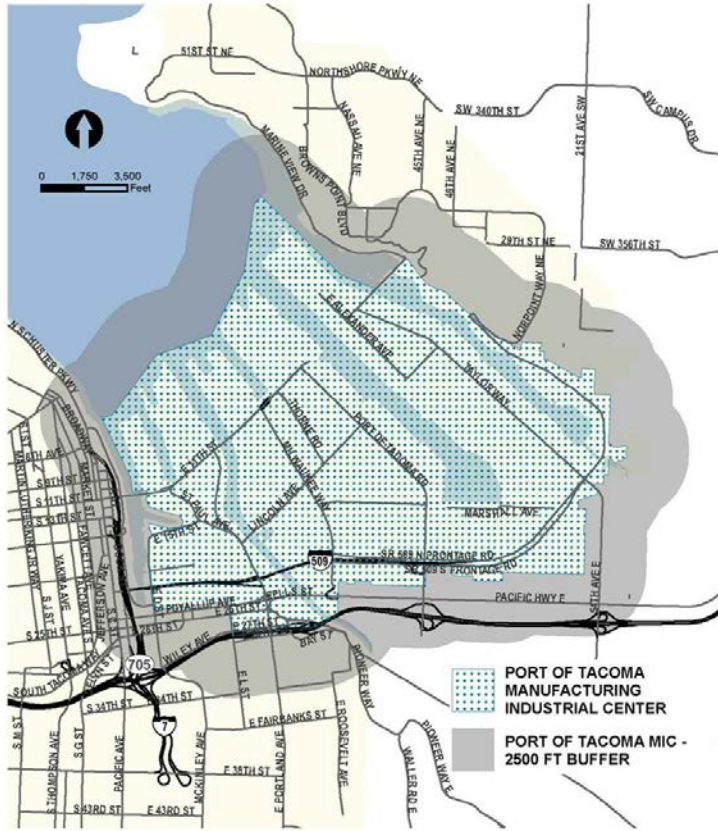
When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.110.C).

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

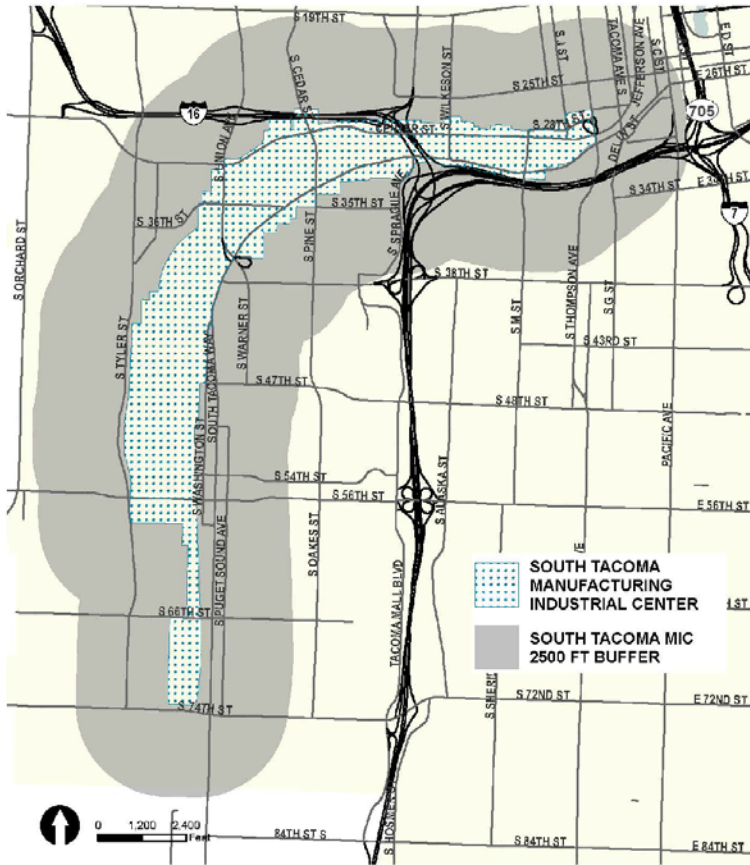
I. Expanded Notification for Heavy Industrial Permits.

1. Applicability. The following expanded notification standards apply to all uses classified as "heavy industry."
 2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.
 3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.
 4. Notification distance.
- (a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) will be 2,500 feet from the boundaries of that center, as depicted in the following map:

Commented [WD31]: This term needs to be defined.



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



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

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

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

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

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

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

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

J. Notice for public hearings.¹

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

2. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within ~~2500~~4000-feet of the subject area.

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

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

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

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

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

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

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

**CHAPTER 13.06
ZONING ¹**

Sections:

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

* * *

13.06.020 Residential Districts.²

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E. District use restrictions.

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

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

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

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

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

Tacoma Municipal Code

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

Tacoma Municipal Code

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

Tacoma Municipal Code

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

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

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

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

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

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

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

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

* * *

13.06.030 Commercial Districts.¹

* * *

E. District use restrictions.

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

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

[See next page for table.]

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

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3. Use table abbreviations.

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

4. District use table.

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

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

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

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

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

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

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Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3,4} (also see footnotes at bottom of table)
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	
Footnotes:					
<ol style="list-style-type: none"> 1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30th Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and offices. 2. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.05.010.A for additional details, limitations and requirements. 3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P. 4. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict. 					

13.06.040 Mixed-Use Center Districts.¹

E. District use restrictions.

1. Use requirements.

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

2. Use table abbreviations.

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

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

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3. District use table.

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

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

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

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

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

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Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
Nursery	P	P	P	N	P	N	N	N	
Office	P	P	P	P	P	P	N	N	Not subject to RCX residential requirement for properties fronting the west side of South Pine Street between South 40th Street and South 47th Street. ¹
Parks, recreation and open space	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement. ¹ Subject to the requirements of Section 13.06.080.L.
Passenger terminal	P	P	P	N	P	N	N	N	
Personal services	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District.
Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19 ⁶)	N	N	N	N	N	N	N	N	
Public safety and public service facilities	P	P	P	P	P	P	P	CU	In the NRX District, unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. Not subject to RCX residential requirement. ¹
Religious assembly	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. ¹
<u>Renewable fuel facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Repair services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited.
Research and development industry	N	N	CU	N	P	N	N	N	
Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In CCX, NCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.

⁶ Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

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

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

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Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.080.S. Prohibited at street level along frontage of designated pedestrian streets. ²
Warehouse, storage	N	N	CU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets. ²
Wholesale or distribution	N	N	CU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets. ²
Work/Live	P	P	P	P	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080.I. Prohibited in Commercial-only area of the UCX District.
Wireless communication facility	P / CU	P / CU	P / CU	P / CU	P / CU	P / CU	P / CU	P / CU	Wireless communication facilities are also subject to Section 13.06.080.Q.
Work release center	N	N	CU	N	CU	N	N	N	Permitted with no more than 15 residents in the UCX and no more than 25 residents in the CIX, subject to a Conditional Use Permit and the development regulations found in Section 13.06.080.R.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	
Footnotes: 1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted. 2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.010.D. for the list of designated pedestrian and core pedestrian streets. 3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. 4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P. 5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.090.C.									

13.06.050 Downtown.¹

* * *

C. Downtown Districts and uses.²

1. Downtown Commercial Core District (DCC).

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

2. Downtown Mixed-Use District (DMU).

This district is intended to contain a high concentration of educational, cultural, and governmental services, together with commercial services and uses.

3. Downtown Residential District (DR).

This district contains a predominance of mid-rise, higher density, urban residential development, together with places of employment and retail services.

4. Warehouse/Residential District (WR).

This district is intended to consist principally of a mixture of industrial activities and residential buildings in which occupants maintain a business involving industrial activities.

D. Primary pedestrian streets designated.

1. Within the Downtown, the “primary pedestrian streets” designated in 13.06.010.D are considered key streets in the intended development and utilization of the area due to pedestrian use, traffic volumes, transit connections, and/or visibility. The streetscape and adjacent development on these streets should be designed to support pedestrian activity throughout the day. They are designated for use with certain provisions in the Downtown zoning regulations, including setbacks and design requirements.

E. District use restrictions.³

1. Downtown Commercial Core District (DCC).

a. Preferred – retail, office, hotel, cultural, governmental.

b. Allowable – residential, educational, **light** industrial located entirely within a building.

c. Prohibited – industrial uses not located entirely within a building and automobile service stations/gasoline dispensing facilities other than those noted in Section 13.06.050.E.7.

2. Downtown Mixed-Use District (DMU).

a. Preferred – governmental, educational, office, residential, cultural.

b. Allowable – retail, residential, **light** industrial located entirely within a building.

c. Prohibited – **light** industrial uses not located entirely within a building, and automobile service stations/gasoline dispensing facilities, in addition to those noted in Section 13.06.050.E.7.

3. Downtown Residential District (DR).

¹ Code Reviser’s note: Previously codified as 13.06A (various sections); relocated to 13.06.050 per Ord. 28613 Ex. G.

² Code Reviser’s note: Previously codified as 13.06A.040 (Downtown Districts and uses); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 27995 Ex. G; passed Jun. 14, 2011; Ord. 26947 § 55; passed Apr. 23, 2002; Ord. 26733 § 5; passed Nov. 14, 2000; Ord. 26605 § 4; passed Mar. 28, 2000; Ord. 26556 § 5; passed Dec. 14, 1999.

³ Code Reviser’s note: Previously codified as 13.06A.050 (Additional use regulations); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28491 Ex. A; passed Feb. 20, 2018; Ord. 28361 Ex. B; passed May 24, 2016; Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28230 Ex. E; passed Jul. 22, 2014; Ord. 28182 Ex. A; passed Nov. 5, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 28088 Ex. B; passed Sept. 25, 2012; Ord. 27539 § 21; passed Oct. 31, 2006; Ord. 27245 § 23; passed Jun. 22, 2004; Ord. 26556 § 28; passed Dec. 14, 1999.

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- a. Preferred – residential.
- b. Allowable – retail, office, educational.
- c. Prohibited - industrial, other than those noted in Section 13.06.050.E.7.
- 4. Warehouse/Residential District (WR).
 - a. Preferred – **light** industrial located entirely in a building, residential.
 - b. Allowable – retail, educational, office, governmental.
 - c. Prohibited uses can be found in Section 13.06.050.E.7.
- 5. University of Washington, Tacoma Campus: Management of landscaping, street trees, parking (including ADA parking), telecommunications, street design (including pedestrian streets), ground floor uses, streetscape design, light and glare, storm drainage, signage, etc., shall all be addressed on a campus-wide basis. Please refer to the Campus Master Plan.
- 6. Use Categories.
 - a. Preferred. Preferred uses are expected to be the predominant use in each district.
 - b. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
 - c. Prohibited. Prohibited uses are disallowed uses (no administrative variances).
 - d. **Conditional. Conditional uses may be allowed if specific criteria can be met.**
- 7. **The following uses are conditional in all of the above districts:**
 - a. ~~High Impact Uses. See conditional use criteria in TMC 13.05.010.A.24 for uses classified as a Type H Occupancy.~~
 - 8. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:
 - a. Adult retail and entertainment.
 - b. Heliports.
 - c. Work release facilities.
 - d. Correctional and detention facilities.
 - e. Billboards
 - f. Drive-throughs not located entirely within a building.
 - 98. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.080.N.
 - 109. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.080.I.
 - 1140. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher and marijuana retailer).
Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.080.J. Marijuana producers, marijuana processors, and marijuana researchers shall be prohibited in all downtown districts.
 - 12. ~~Heavy industrial uses.~~
 - 13. ~~Mining and quarrying.~~

Commented [WD32]: Define this term.

* * *

13.06.060 Industrial Districts.¹

A. Applicability.

The following tables compose the land use regulations for all districts of Section 13.06.060. All portions of Section 13.06.060 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

B. Purpose.

The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City’s Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

C. Districts established.

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PMI Port Maritime & Industrial District

1. M-1 Light Industrial District.

This district is intended ~~to provide areas for light manufacturing, warehousing, and a limited mix of commercial or civic uses that are complementary and not detrimental to either existing or proposed industrial uses, or neighboring commercial or residential districts, as a buffer between heavy industrial uses and less intensive commercial and/or residential uses.~~ M-1 districts may be established in new areas of the City ~~and is an appropriate zone to apply as a transition between the industrial operations therein and the existing activities and character of the community in which the zoning adjacent to the M-1 district is located.~~ However, ~~†~~ This classification is only appropriate inside Comprehensive Plan areas designated ~~for medium and high intensity uses~~ Light Industrial.

2. M-2 Heavy Industrial District.

This district is intended to allow ~~most heavy~~ industrial ~~and manufacturing uses that can reasonably be accommodated without adverse impacts on the public’s health, welfare, or safety.~~ The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated ~~for Heavy Industrial medium and high intensity uses.~~

3. PMIPort Maritime & Industrial District.

This district is intended to ~~implement the use priorities of the Container Port Element of the Comprehensive Plan, specifically pertaining to the Core Maritime Industrial Area, and to protect the long-term function and viability of the area of a maritime port. These use priorities include: Cargo port terminal, port-related cargo container and industrial activity, compatible manufacturing, industrial- related office, cargo and auto yard, warehousing, transportation facilities and other similar uses, allow all industrial uses and uses that are not permitted in other districts, barring uses that are prohibited by City Charter.~~

The Port of Tacoma facilities, facilities that support the Port’s operations, and other public and private maritime and industrial activities make up a majority of the uses in this district. This area is characterized by proximity to deepwater berthing; sufficient backup land between the berths and public right-of-ways; 24-hour operations to accommodate regional and international shipping and distribution schedules; raw materials processing and manufacturing; uses which rely on the deep water berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads.

The PMI District is further characterized by heavy truck traffic and higher levels of noise and odors than found in other districts. The uses are primarily marine and industrial related, and include shipping terminals, which may often include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including

Commented [WD33]: What is the intent of this statement? It appears to add a qualifier to heavy industrial uses, contrary to the next sentence.

¹ Code Reviser’s note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair. Retail and support uses primarily serve the area’s employees.

Expansion beyond current PMI District boundaries should be considered carefully, as such expansion may decrease the distance between incompatible uses.

Expansion should only be considered contiguous to the existing PMI District. This classification is only appropriate inside Comprehensive Plan areas designated for high intensity uses.

D. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity. Refer to 13.06.010.D for Pedestrian Street Designations.

E. District use restrictions.

The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.

1. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.
2. Within the South Tacoma Manufacturing and Industrial Center (M/IC), the land use and development standards of this section are modified as specified in TMC 13.06.070.B, which shall prevail in the case of any conflict.
3. Use table abbreviations.

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

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Agriculture and Natural Resources				
Agricultural uses	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.
Mining and quarrying Surface mining	P*/N	P*/N	P*/N	*Surface mines, legally permitted at the time of adoption of this ordinance, are permitted allowed, subject to standards in Section 13.06.080.O.
Urban horticulture	P	P	P	
Residential Uses				
Dwelling Types				
Dwelling, accessory (ADU)	P/ CU*/N ~	N	N	Subject to additional requirements contained in 13.06.150. ~Not permitted within the South Tacoma M/IC Overlay District or the Port of Tacoma MIC. *Conditional use in the Port of Tacoma M/IC.
Dwelling, single-family detached	P/ CU**/ N*~	N*	N*	In M-1 districts, single-, two- and three-family and townhouse dwellings are prohibited, except for residential uses in existence on December 31, 2008, the effective date of adoption of this provision.

Commented [WD34]: This is misleading, the * should be placed with the N, there should be no P.

Commented [WD35]: Staff note: Policy CP-1.3 Clearly identify and prohibit uses that are entirely incompatible with the Core Area uses. Examples may include those that attract people to the area for non-industrial purposes or that would be incompatible with typical industrial area impacts (noise, truck movement, etc.). These may include residential, general retail, temporary lodging or other similar uses.

Commented [WD36]: If an ADU is allowed, it should be allowed accessory only to existing single-family homes. This is not an appropriate use for the M1 transitional zone of the Core Area without specific design and review standards.

Commented [WD37]: Single family homes should not be allowed, this is not an appropriate use for the M1 transitional zone of the Core Area.

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Dwelling, two-family	P/ <u>CU**</u> / N*~	N*~	N*~	In M-1 districts, new multi-family residential dwellings are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.
Dwelling, three-family	P/ <u>CU**</u> / N*~	N*~	N*~	*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
Dwelling, multiple-family	P/ <u>CU**</u> / N*~	N*~	N*~	~Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC</u> except for quarters for caretakers and watchpersons and temporary worker housing, as noted above.
Dwelling, townhouse	P/ <u>CU**</u> / N*~	N*~	N*~	<u>**Conditional use in the Port of Tacoma M/IC.</u>
Other Residential				
Adult family home	P/ <u>CU**</u> / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u> <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u>
Foster home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u>
Group housing	P/ <u>CU**</u> / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u> <u>**Conditional use in the Port of Tacoma M/IC.</u>
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Live/Work	P/ <u>CU*</u>	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. <u>*Conditional use in the Port of Tacoma M/IC.</u> Subject to additional requirements contained in Section 13.06.570.

Commented [WD38]: Duplex housing is not an appropriate use for the M1 transitional zone of the Core Area.

Commented [WD39]: Multi-family housing is not an appropriate use for the M1 transitional zone of the Core Area without specific design and review standards.

Commented [WD40]: Multi-family housing is not an appropriate use for the M1 transitional zone of the Core Area without specific design and review standards.

Commented [WD41]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD42]: Not appropriate use for the M1 transitional zone of the Core Area.

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Mobile home/trailer court	N	N	N	
Short-term rental	N	N	N	
Staffed residential home	P/ CU** / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u> <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Student housing	P/ CU** / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u> <u>**Conditional use in the Port of Tacoma M/IC.</u>
Retirement home	P/ CU** / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u> <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Medical and Health Services				
Continuing care retirement community	P/ CU** / N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u> <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.080.N.
Detoxification center	CU	CU	N	
Hospital	P/CU*~ ~	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC.</u> ~Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma M/IC.</u>

Commented [WD43]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD44]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD45]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD46]: Not appropriate use for the M1 transitional zone of the Core Area.

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Intermediate care facility	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District or Port of Tacoma MIC. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Residential care facility for youth	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District or Port of Tacoma MIC. <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
Residential chemical dependency treatment facility	P/ <u>CU**/</u> N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District or Port of Tacoma MIC. <u>**Conditional use in the Port of Tacoma M/IC.</u>
Community and Civic Facilities				
Assembly facility	<u>PC</u>	<u>PC</u>	N	
Cemetery/ Internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District or Port of Tacoma MIC.
Correctional facility	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>Not permitted in the Port of Tacoma MIC.</u>
Cultural institution	P/CU*	P/CU*	N	*Conditional use within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , unless an accessory use.
Detention facility*	<u>CU</u>	N	N	Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.130). A pre-application community meeting is also required (see Section 13.05.010.A.16). This CU is only available in the M-1 zones in place as of January 1, 2018.

Commented [WD47]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD48]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD49]: Not appropriate use for the M1 transitional zone of the Core Area.

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				The notification distance for a project within the M-1 zone will be 2,500 feet from the boundaries of that zone. <u>~Not permitted in the Port of Tacoma MIC.</u>
Juvenile community facility	P/ <u>CU*</u> / N*	P/N*	PN	See Section 13.06.530 for resident limits and additional regulations. <u>**Conditional use within the Port of Tacoma M/IC.</u> *Not permitted within the South Tacoma M/IC Overlay District <u>or in the M-2 District of the Port of Tacoma M/IC.</u>
Parks, recreation and open space	P/ <u>CU*</u>	P/ <u>CU*</u>	P/N=	Subject to the requirements of Section 13.06.560.D. <u>*High intensity/destination facilities are a conditional use not allowed in the Port of Tacoma M/IC. In the M-2 District, the use must be located indoors.</u> <u>~ High intensity/destination facilities are prohibited.</u>
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
School, public or private	P/ <u>CU</u> / N*	P/N*	P/N*	<u>~Conditional use permit in the Port of Tacoma M/IC.</u> *General K through 12 education not permitted in the <u>PMI and M-2 District of the Port of Tacoma M/IC or in the South Tacoma M/IC Overlay District or Port of Tacoma MIC.</u>
Work release center	<u>CU/N*</u>	<u>CU/N*</u>	PN	Subject to development standards contained in Section 13.06.550. <u>*Not permitted within the Port of Tacoma M/IC</u>
Commercial Uses				
Craft Production	P	P	P	
Hotel/Motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC.</u>
Office				
Work/Live	<u>P/</u> <u>CU*</u>	N	N	Projects incorporating live/work in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570. <u>*Requires a conditional use permit in the Port of Tacoma MIC.</u>
Eating and Drinking Establishments				<u>Within the Port of Tacoma MIC, unless an accessory use, use is limited to 10,000 square feet of floor area per development site in the M-2 and PMI and 15,000 square feet in the M-1.</u>
Brewpub	P	P	<u>P/</u> <u>CU*</u>	<u>*Conditional use within the Port of Tacoma MIC.</u>
Eating and drinking	P	P	<u>P/</u> <u>CU*</u>	<u>*Conditional use within the Port of Tacoma MIC.</u>
Microbrewery/winery	P	P	<u>P/</u> <u>CU*</u>	<u>*Conditional use within the Port of Tacoma MIC.</u>

Commented [WD50]: Not appropriate use for the M1 transitional zone of the Core Area.

Commented [WD51]: Public schools are not appropriate for the M1 transitional zone of the Core Area.

Commented [WD52]: Consistent with Live/Work above.

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Entertainment and Recreation					
	Adult retail and entertainment	<u>PN</u>	<u>PN</u>	<u>PN</u>	Subject to development standards contained in Section 13.06.525.
	Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District

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Commercial recreation and entertainment	P/CU*	P/CU* ~	N	*Within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. ~Within the Port of Tacoma M/IC, only indoor facilities are permitted in the M-2 District.
Golf Courses	P/N*	P/N*	N	*Not permitted within the Port of Tacoma M/IC.
Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma M/IC</u> .
Retail	P~	P~/CU*~	P~N	~ Size limitations: Limited to 7,000 square feet of floor area, per development site, in the PMI District and JBLM Airport Compatibility Overlay District. Within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. Outside of the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, limited to 65,000 square feet per use, unless approved with a conditional use permit. *Conditional use within the Port of Tacoma M/IC.
Marijuana retailer	P~	P~/CU*	N	~Within the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. <u>*Conditional use within the Port of Tacoma M/IC.</u> <u>Size limitations apply as noted above.</u> See additional requirements contained in Section 13.06.565.
Nursery	P	P/CU*	N	*Conditional use within the Port of Tacoma M/IC. <u>Size limitations apply as noted above.</u>
Services				
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
Building material and services	P	P	P	
Business support services	P	P	P	
Day care center	P	P	<u>CU~</u>	Subject to development standards contained in Section 13.06.155.
Funeral home	P	P	N	

Commented [WD53]: Not sure what this is trying to achieve.

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	Personal services	P	P	P	
	Repair services	P	P	P	
Storage Uses					
	Warehouse/ storage	P	P	P	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable.
	Wholesale or distribution	P	P	P	
	Self-storage	<u>P/CU*</u>	<u>P/CU*</u>	<u>PN</u>	See specific requirements in Section 13.06.503.B. Conditional use permit required in the Port of Tacoma MIC.
Vehicle Related Uses					
	Drivethrough with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.090.A.
	Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.080.S.
High Impact Use					
	<u>High Impact Use*</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>*This use category applies only to uses that are otherwise permitted but are determined to be a Type H occupancy per Washington State Fire Code. See conditional use criteria in TMC 13.05.010.A.24.</u>
Industrial					
	Industry, heavy	N	P	P	Animal slaughter, fat rendering, acid manufacture, smelters , and blast furnaces allowed in the PMI District only.
	<u>Coal facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	
	<u>Chemical manufacturing, processing and wholesale distribution</u>	<u>N</u>	<u>CU/N~</u>	<u>P/CU*/N~</u>	<u>*A conditional use permit is required for the manufacture, processing, and wholesaling of hazardous materials, subject to conditional use criteria in Section 13.05.010.A.23.</u> <u>~Explosives, fertilizer, and petrochemical manufacturing prohibited in all districts.</u>

Commented [WD54]: Occupancy classifications appear to be in the building code, not the fire code. Links to all references should be included, it's difficult to determine what and where the applicable information can be found.

Commented [WD55]: [High-hazard Group H occupancy](#) includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or [health hazard](#) in quantities in excess of those allowed in [control areas](#) complying with [Section 414](#), based on the maximum allowable quantity limits for [control areas](#) set forth in [Tables 307.1\(1\)](#) and 307.1(2).
Group H hazardous materials: combustible dust, fiber, or liquid; consumer fireworks; cryogenic flammable, inert, or oxidizing; explosives; flammable gas, liquid, or solid; organic peroxide; oxidizer; oxidizing gas; pyrophoric; unstable (reactive); water reactive.

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	<u>Fossil fuel facility - major</u>	<u>N</u>	<u>P*/N</u>	<u>P*/N</u>	<u>*Facilities legally permitted at the time of adoption of this ordinance are permitted, subject to special use standards in Section 13.06.080.G. Otherwise prohibited.</u>
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Commented [WD56]: There should be no 'P' here if new facilities are prohibited.

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	Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*	*Preferred use.
	Renewable fuel facility - major	NP	CU*P	CU*P	*Subject to conditional use criteria in 13.05.010.A.25 and special use standards in TMC 13.06.080.G.
	Smelting	N	N	N	
Industry, light					
	Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
	Research and development industry	P	P	N	
	Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Utilities, Transportation and Communication Facilities					
	Airport	CUN	CUN	CUN	
	Communication facility	P	P	P	
	Heliport	CU	CU	CU	
	Passenger terminal	P	P	P	
	Transportation/ freight terminal	P	P	P	
	Utilities	P	P	P	
	Wireless communication facility	P*/	P*/	P*/	*Wireless communication facilities are also subject to Section 13.06.545.D.1.
		CU**	CU**	CU**	**Wireless communication facilities are also subject to Section 13.06.545.D.2.
Accessory and Temporary Uses					
	Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
	Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.635.
Unlisted Uses					
	Uses not prohibited by City Charter and not prohibited herein	N	N	PCU	
Footnotes:					
1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.					

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F. District development standards.

	M-1	M-2	PMI
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Maximum Lot Coverage	None	None	None
Minimum Front Setback	In all districts listed above, 0 feet, unless: <ul style="list-style-type: none"> Created by requirements in Sections 13.06.090.B or 13.06.090.J; or Abutting a dwelling district, then equal to the dwelling district setback for the first 100 feet from that side. The above setback requirements may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Sections 13.06.090.B or 13.06.090.J, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Sections 13.06.090.B or 13.06.090.J, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Maximum Height Limit	75 feet	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
Maximum Height Exceptions	Certain specified uses and structures are allowed to extend above height limits, per Sections 13.06.010.E and 13.06.080.Q.		

G. Residential Development.

1. Minimum Usable Yard Space.

Residential development shall provide usable yard space in accordance with the provisions of 13.06.020 based on the building type.

2. Tree canopy coverage.

Residential uses shall meet the tree canopy coverage requirements in 13.06.020 in accordance with the R-4 District.

H. References to other common requirements.

- 13.01 Definitions.
- 13.05.010 For Land use permits, including conditional use and variance criteria.
- 13.06.010 General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
- 13.06.070 Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
- 13.06.090.B Landscaping standards.
- 13.06.090.C Off-street parking areas.
- 13.06.090.D Loading spaces.
- 13.06.090.I Signs standards.
- 13.06.100 Building design standards.

(Ord. 28725 Exs. A and F; passed Dec. 8, 2020; Code Reviser's note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28604 Ex. A; passed Sept. 10, 2019; Ord. 28592 Ex. A; passed Jun. 25, 2019; Ord. 28518 Ex. 6; passed Jun. 26,

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2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Exs. B, D; passed Nov. 21, 2017: Ord. 28429 Ex. B; passed May 9, 2017: Ord. 28417 Ex. A; Mar. 7, 2017: Ord. 28376 Exs. B, D; passed Aug. 16, 2016: Ord. 28361 Ex. B; passed May. 24, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28327 Ex. C; passed Nov. 3, 2015: Ord. 28281 Ex. A; passed Feb. 17, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. D; passed Jun. 30, 2009: Ord. 27772 §§ 2, 3, 5-18; passed Dec. 9, 2008: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27680 § 2; passed May 13, 2008: Ord. 27665 §§ 11, 13; passed Dec. 4, 2007: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27574 §§ 2, 3; passed Mar. 20, 2007: Ord. 27539 § 15; passed Oct. 31, 2006: Ord. 27362 § 3; passed Jun. 7, 2005: Ord. 27245 § 11; passed Jun. 22, 2004: Ord. 27079 §§ 24-28; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.070 Overlay Districts.

* * *

B. South Tacoma Manufacturing/Industrial Overlay District.

1. Applicability.

a. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply.

b. Map.

2. Purpose.

To provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan.

3. Expansion.

Expansion of the overlay district beyond the current boundaries can only be done in conjunction with an expansion of the designated South Tacoma M/IC Center in the Comprehensive Plan. Expansion beyond current boundaries should be carefully considered, as such expansion may decrease the distance between incompatible uses and will impose additional restrictions on the development of residential and commercial uses in affected areas.

4. District use restrictions.

a. Prohibited uses.

- Adult family home
- Confidential shelter
- Continuing care retirement community
- Day care, family
- Dwellings, not permitted except quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
- Emergency and transitional housing
- Extended care facility
- Foster home
- Golf course
- Group Housing
- Hospital uses are prohibited in the M-2 District
- Hotel Motel
- Animal slaughter, fat rendering, smelters, and blast furnaces
- Intermediate care facility
- Juvenile community facility

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- Residential care facility for youth
 - Residential chemical dependency treatment facility
 - Retirement home
 - General K through 12 education facilities
 - Staffed residential home
 - Student housing
 - Theater
- b. Conditional uses.
- Commercial recreation and entertainment facilities over 10,000 square feet in the M-1 District and 15,000 square feet in the M-2 District.
 - Cultural institution.
 - Hospital uses in the M-1 District
- c. Temporary uses.
- Carnival
5. District Development Standards
- Office: unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.
 - Marijuana retailer: limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.
 - Retail: unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.

* * *

G. Port of Tacoma Transition Overlay District

1. Applicability.

a. The Port of Tacoma Transition Overlay District applies to all residential platting, subdivision, and land uses within the district boundaries established herein:

Commented [WD57]: Can the city impose an overlay district in the regulations without first establishing it in the comprehensive plan?



b. Standards established through the overlay ~~zone~~-district are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply.

2. Purpose. The purpose of the Port of Tacoma Transition Overlay ~~Zone~~-District is to maintain an appropriate separation between port/industrial activity in the Port of Tacoma Manufacturing and Industrial Center and residential neighborhoods, to avoid and minimize off-site impacts on residential areas, and to minimize disruption to port operations and associated industrial activity resulting from residential encroachment, consistent with the Container Port Element of the One Tacoma Plan and the Growth Management Act.

3. District Development Standards

a. Prohibited uses. Multifamily dwelling units, including duplex, triplex, cottage housing, and fourplex, are prohibited as stand-alone primary uses or as part of a mixed-use development.

b. Maximum density. Subdivision of existing lots shall not average less one lot per acre.

c. Use and Maximum Density Exception: A Planned Residential Development (PRD) for a lot that abuts the northern edge of the overlay district and has access from the top of the slope may utilize the dwelling type allowances and density bonuses provided in TMC 13.06.070.C. In this Overlay District the base density used for PRD density bonus calculations will be one unit per acre.

d. Location. Residential ~~development~~-dwellings shall be located the greatest distance from the boundaries of the Port of Tacoma Manufacturing and Industrial Center as is feasible.

e. Site Development Standards. Residential development shall be designed to minimize disruptions to Port/industrial operations, including ~~minimizing limiting clearing and grading to access, building foundation, utilities, and driveways, and vegetation/tree canopy removal.~~

f. Building Design Standards. Residential buildings will incorporate design elements to reduce, to the greatest extent practicable, impacts on occupants from noise and light impacts from nearby port/industrial activity.

g. Accessory uses and structures. Uses and structures accessory to a single dwelling unit are permitted in the Overlay district consistent with established development standards for accessory uses in the base zone.

h. Notice on Title. As a condition of subdivision approval or residential building permit issuance for properties within the Overlay ~~Zone~~District, the Applicant shall record a notice on title which attests that (1) the property is located within the

Port of

Tacoma Municipal Code

Tacoma Manufacturing and Industrial Center Overlay Zone, (2) Port of Tacoma industrial activities, including container terminal facilities, are operating and will continue to operate and may expand in the future. The Notice on Title shall include the specific distance of the property from the closest boundary of the Port of Tacoma Manufacturing and Industrial Center.

13.06.080 Special Use Standards

* * *

g. Major Fossil Fuel Facilities and Renewable Fuel Facilities.^[1]

1. Applicability: The following standards apply to all "Fossil Fuel Facilities - Major" and "Renewable Fuel Facilities – Major." Fossil fuel Facility - Major excludes facilities engaged in vessel fueling and those facilities involved in storage and transmission of fuels supporting Joint Base Lewis McChord (JBLM).

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

3. Baseline established.

a. The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available prior to June 2, 2021:

(1) Crude oil refining baseline capacity shall be established in the June 2020 U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day (<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.

(2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.

(3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.

(4) If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

4. Fossil Fuel Facilities - Major

a. New "Fossil Fuel Facilities – Major" are prohibited.

b. Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:

(1) Existing facilities shall not exceed the established baseline as of June 2, 2021.

(2) Prohibited improvements:

- New driveways, private rail sidings, docks, piers, wharves and floats.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
- New storage tanks, refining or processing facilities.

(3) Except for those improvements prohibited in Subsection G.4.b.(1) above, existing uses may address existing deficiencies, conduct repairs, improvements, maintenance, modifications, and remodeling, including changes to fuel products stored or refined on-site, provided that a conditional use permit is not otherwise required.

Commented [WD58]: Not sure if or how we should comment on this. It seems there are other permitting mechanisms in place to address all of these – and that this statement presumes that those other mechanisms are insufficient. Is there a companion comprehensive plan policy?

^[1] Code Reviser's note: Previously codified as 13.06.580 (Interim Industrial Use Restrictions); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24,

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(3) Where a "Fossil Fuel Facility – Major" provides direct to vessel fueling, new development that is necessary to support vessel fueling may be allowed subject to a conditional use permit (TMC 13.05.010.A General Criteria) so long as overall facility storage and refining does not exceed the established baseline.

(4)(3) Improvements are limited to property owned or occupied by the use as of the adoption of this ordinance. (5) Change of Use:

(a) The addition of renewable fuel refining or storage facilities to an existing "Fossil Fuel Facility – Major" that exceeds the established fuel baseline shall be permitted as a new "Renewable Fuel Facility – Major" per the requirements of Subsection G.5 Renewable Fuel Facility – Major.

(b) A change of use of a "Renewable Fuel Facility – Major" to a "Fossil Fuel Facility – Major" is prohibited.

(5)(4) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

5. Renewable Fuel Facility – Major.

a. "Renewable Fuel Facilities – Major" are allowed, subject to a Conditional Use Permit and the criteria in 13.05.010.A.25.

b. New facilities or expansion of existing facilities beyond the established baseline shall meet the following special use standards:

(1) Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

i. Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

ii. Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

iii. Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

- Within the City of Tacoma;
- Within the Puyallup River Watershed;
- Within Pierce County;
- Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

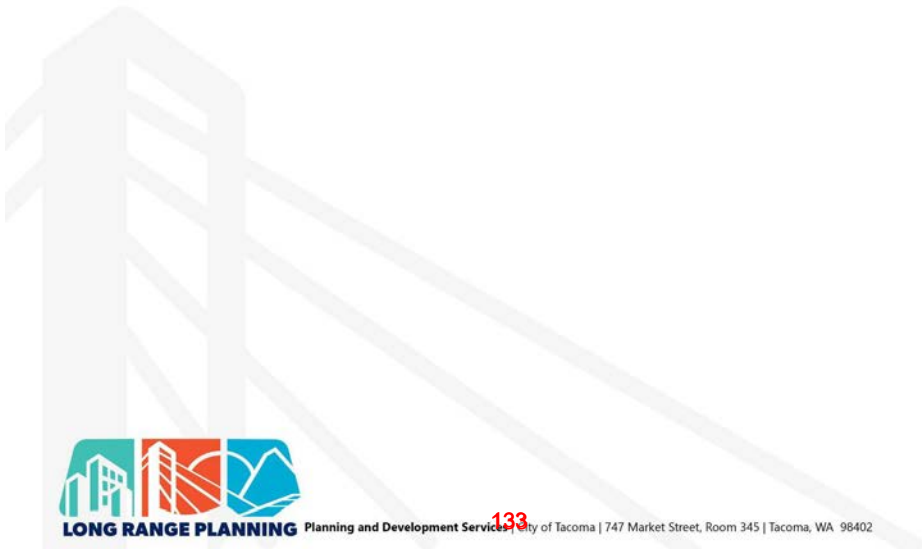
(2) The applicant shall provide annual reporting of the following:

- The number of vessel transfers of renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting renewable fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.

Chapter III

Section B

Exhibit: Title 19 Shoreline Master Program





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

TITLE 19

Shoreline Master Program

SHORELINE MASTER PROGRAM

An Element of the Comprehensive Plan and
Title 19 of the Tacoma Municipal Code



Tacoma CITY OF TACOMA, WASHINGTON

City Council

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Chris Beale
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Conor McCarthy
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Keith Blocker
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Andrew Strobel

Planning and Development Services Department

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Planning Services Division

Brian Boudet, Manager
Stephen Atkinson
Elliott Barnett
Larry Harala
Mesa Sheriff
Lihuang Wung

Development Services Division

Shannon Brenner
Sue Coffman
Karla Kluge
Craig Kuntz
Jana Magoon
Shirley Schultz
Lisa Spadoni

Other City Departments

Adriana Abramovich, GIS
Mike Carey, Environmental Services
Nancy Grabinski-Young, GIS
Mike Murnane, GIS
Desiree Radice, Environmental Services
Steve Victor, Deputy City Attorney

Shoreline Master Program And Land Use Regulatory Code

The City of Tacoma's *Shoreline Master Program* is an element of the City's *Comprehensive Plan* and *Land Use Regulatory Code*. The *Master Program* was developed in compliance with the Washington State Shoreline Management Act and Washington State Growth Management Act. The *Comprehensive Plan* is the City's official statement concerning future growth and development and includes goals, policies and strategies for the health, welfare, safety and quality of life of Tacoma. The *Land Use Regulatory Code* consists of development regulations which control land use activities and includes zoning, platting, and shoreline regulations.

September 24, 2019

Tacoma City Council Ordinance 28612

City of Tacoma
Planning and Development Services Department
Planning Services Division
747 Market Street, Room 345
Tacoma, WA 98402-3793
(253) 591-5030
www.cityoftacoma.org/planning



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 591-5030 (voice) or (253) 591-5820 (TTY).

Tacoma Municipal Code

DEDICATED TO DONNA STENGER
A dear friend, mentor, and devoted public servant.

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CHAPTER 1 INTRODUCTION

1.1 Introduction

The shorelines of Tacoma have great social, ecological, recreational, cultural, economic and aesthetic value. Wapato Lake, the Puyallup River and Tacoma's marine shoreline areas provide citizens with clean water; deepwater port and industrial sites; habitat for a variety of fish and wildlife including salmon, shellfish, forage fish, and waterfowl; archaeological and historical sites; open space; and areas for boating, fishing, and other forms of recreation. However, Tacoma's shoreline resources are limited and irreplaceable. Use and development of shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

The City of Tacoma Shoreline Master Program (TSMP or the Program) is a result of Washington State legislation requiring all jurisdictions to adequately manage and protect shorelines of the state. Washington's Shoreline Management Act (SMA or Act) (Revised Code of Washington [RCW] 90.48) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm of uncoordinated and piecemeal development of the state's shorelines." The Act specifically states:

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

The City of Tacoma prepared this SMP to meet the requirements of the Washington State SMA. This SMP provides goals, policies, and regulations for shoreline use and protection and establishes a permit system for administering the Program. The goals, policies, and regulations contained herein are tailored to the specific geographic, economic, and environmental needs of the City of Tacoma.

The Shoreline Management Act and its implementing legislation (Washington Administrative Code [WAC] 173-26 or Shoreline Guidelines) establish a broad policy giving preference to shoreline uses that:

- Depend on proximity to the shoreline ("water-dependent uses");
- Protect biological and ecological resources, water quality and the natural environment; and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The overall goal of this SMP is to:

Develop the full potential of Tacoma's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function.

In implementing this Program, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the State shall be preserved to the greatest extent feasible. Implementing the SMP must

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protect the ecological functions of shorelines and, at a minimum, achieve 'no net loss' of ecological functions. Single-family residences; ports; shoreline recreational uses (including but not limited to parks, marinas, piers, and other improvements); water-dependent industrial and commercial developments; and other developments that depend on a shoreline location shall be given priority. Permitted shoreline uses shall be designed and conducted to minimize damage to the ecology of the shoreline and/or interference with the public's use of the water and, where consistent with public access planning, provide opportunities for the general public to have access to the shorelines.

The City of Tacoma adopted its first SMP in December 1976 which was subsequently updated in 1996, 2013, and 2016. Since the last comprehensive update in 2016, there have been only minor changes in the way shorelines are regulated. In 2016, new scientific data and research methods were incorporated to improve our understanding of shoreline ecological functions and their value in terms of fish and wildlife, water quality and human health. This information also helped us understand how development in these sensitive areas impacts these functions and values. The new Shoreline Guidelines, upon which the 2016 SMP is based, reflect this improved understanding and place a priority on protection and restoration of shoreline ecological functions. The 2019 minor update was undertaken as part of the state's required periodic review of the City's shoreline program.

* * *

1.2 Purpose and Intent

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

1. Prevent the inherent harm of uncoordinated and piecemeal development of the state's shoreline.
2. Implement the following laws or the applicable elements of the following:
 - a. Shoreline Management Act: RCW 90.58;
 - b. Shoreline Guidelines: WAC 173-26;
 - c. Shoreline Management Permit and Enforcement procedures: WAC 173-27; and
 - d. To achieve consistency with the following laws or the applicable elements of the following:
 - i. The Growth Management Act: RCW 36.70A;
 - ii. City of Tacoma Comprehensive Plan; and
 - iii. Chapter 13 of the City of Tacoma Municipal Code;
3. Guide the future development of shorelines in the City of Tacoma in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).

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4. Promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Tacoma's shorelines; and
5. Ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

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

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

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

1.3 Title

This document shall be known and may be cited as the Tacoma Shoreline Master Program (the "Program", "Master Program" or "TSMP").

1.4 Governing Principles

1. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the Washington Administrative Code (WAC). The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.

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2. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
3. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
4. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
5. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the Tacoma Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
6. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecology from such impairments in the following ways:
 - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 - b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.
 - c. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
 - d. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified.

* * *

CHAPTER 2 ADMINISTRATION

* * *

2.3.7 Shoreline Conditional Use Permit

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner which will be consistent with the policies of RCW 90.58, particularly where denial of the application would thwart the policies of the Shoreline Management Act.
2. When a conditional use is requested, the Director shall be the final approval authority for the City, unless otherwise specified. However, shoreline conditional uses must have approval from the state. Department of Ecology shall be the final approval authority under the authority of WAC 173-27-200.
3. Conditional use permits shall be authorized only when they are consistent with the following criteria:
 - a. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all provisions of this Program;
 - b. The use will not interfere with normal public use of public shorelines;
 - c. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
 - d. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Program;
 - e. The public interest will suffer no substantial detrimental effect;
 - f. Consideration has been given to cumulative impact of additional requests for like actions in the area.
4. Conditional use permits for additions to a non-conforming single-family, overwater structure to expand the overall height of the structure shall be granted when they are consistent with the general Shoreline Conditional Use Permit criteria (TSMP 2.3.7.3), as well as the following:
 - a. The expansion may increase the height up to no higher than 25 feet from the deck level.
 - b. The proposed development shall result in improvements in public safety, a reduction in environmental impacts, and increased conformity with flood hazard and building standards.
5. Conditional use permits for Chemical Manufacturing, Processing, and Wholesale Distribution

Commented [WD59]: It seems this results in a shoreline conditional use permit and a regular conditional use permit.

Tacoma Municipal Code

a. Decision: Hearing Examiner

Commented [WD60]: The conditional use permit authority by the Director is not modified in Title 13.

b. Criteria: In addition to the general criteria, the following apply:

i. Consultation:

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

ii. Public health and safety:

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

Commented [WD61]: Seems like it would be difficult to determine that there are no adverse impacts. Please explain how this permit resolves issues with HUD funding.

iii. Emergency services and risk management:

- The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;
- Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;

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- Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
- Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.

iv. Shoreline Resources and Shorelines of Statewide Significance. For uses that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

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

6. High Impact Uses

a. Decision: Hearing Examiner

b. Criteria: In addition to the general criteria, the following apply:

- The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying these criteria the City shall consider impacts to Trust Lands of the Puyallup Tribe of Indians, employee dense businesses in the Tideflats, as well as detention/correctional facilities and people detained within those facilities:
 - A management plan may be required. The Hearings Examiner may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, and other factors may be required;

Commented [WD62]: This needs to occur earlier in the review process.

Tacoma Municipal Code

- ~~The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and~~
- ~~The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.~~

7. ~~Renewable Fuel Facilities Major.~~

a. ~~Decision: Hearing Examiner~~

b. ~~Criteria:~~

i. ~~Consultation:~~

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

ii. ~~Public health and safety:~~

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

Tacoma Municipal Code

- ~~The proposed facility shall meet a minimum 50% reduction in lifecycle GHG per Clean Air Act at the time of occupancy and 80% reduction by 2050;~~

iii. ~~Emergency services and risk management:~~

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

iv. ~~Shoreline Resources and Shorelines of Statewide Significance.~~

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

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

~~8.6~~ Other uses which are not classified or set forth in this Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Program. However, uses specifically prohibited by this master program shall not be authorized.

~~9.7~~ The burden of proving that a proposed shoreline conditional use meets the criteria of this program in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

Tacoma Municipal Code

~~40.8.~~ The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

CHAPTER 4 SHORELINES OF THE STATE

4.1 Shoreline Jurisdiction

The shoreline area to be regulated under the City of Tacoma's SMP includes all "shorelines of statewide significance", "shorelines of the state" and their adjacent "shorelands" (defined as the upland area within 200 feet of the Ordinary High Water Mark (OHWM)), as well as any associated wetlands. "Associated wetlands" are wetlands in proximity to and either influence or are influenced by tidal waters or lake or streams subject to the SMA (WAC 173-22-030(1)). Water bodies in Tacoma regulated under the SMA and this Program include the marine shorelines of Puget Sound and Commencement Bay, the Puyallup River, Hylebos Creek, and Wapato Lake.

For the purposes of this Program, shoreline jurisdiction shall include designated floodways and the 100-year floodplain, that is within 200 feet of the designated floodway. For other critical areas that occur within shoreline jurisdiction, such as geologically hazardous areas, only that portion of the critical area that is within 200 feet of the OHWM of a marine or freshwater shoreline shall be regulated by this Program. That portion of the critical area that occurs outside 200 feet of the OHWM shall be regulated by TMC 13.11. For any critical area buffer (including wetlands and streams), that portion of the buffer that occurs within 200 feet of the OHWM of a marine or freshwater shoreline shall be regulated by this program. That portion of the critical area buffer that occurs outside 200 feet of the OHWM shall be regulated by TMC 13.11. To avoid dual regulatory coverage of a critical area by the TSMP and TMC 13.11 Critical Areas, TMC 13.11 shall not apply to any portion of a critical area and/or its associated buffer that is within the jurisdiction of this Program.

4.2 Designation of Shorelines of Statewide Significance

In accordance with RCW 90.58.030(2)(f), the following City of Tacoma shorelines are designated shorelines of statewide significance:

1. The Puyallup River and associated shorelands within the City boundary consistent with RCW 90.58.030(2)(f)(v)(A) and (vi); and
2. Those areas of the Puget Sound and Commencement Bay within the City lying seaward from the line of extreme low tide.

4.3 Statewide Interests Protected

In accordance with RCW 90.58.020, the City shall manage shorelines of statewide significance in accordance with this section and in accordance with this Program as a whole. Preference shall be given to uses that are consistent with the statewide interest in such shorelines. Uses that are not consistent with this section or do not comply with the other applicable policies and regulations of this Program shall not be permitted on shorelines of statewide significance. In managing shorelines of statewide significance, The City of Tacoma shall:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Seek long-term benefits over short-term benefit;
4. Protect the resources and ecology of the shoreline;

5. Increase public access to publicly owned areas of the shoreline;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4.4 Policies for Shorelines of Statewide Significance

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

1. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.
2. The Washington Departments of Fish and Wildlife and Ecology, the Puyallup Tribe, and other resource agencies should be consulted for development proposals that could affect anadromous fisheries.
3. The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternative sites are available.
4. Potential short term economic gains or convenience should be measured against potential long term and/or costly impairment of natural features.
5. Protection or enhancement of aesthetic values should be actively promoted in new or expanding development.
6. Resources and ecological systems of shorelines of statewide significance should be protected.
7. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected to the maximum extent feasible.
8. Erosion and sedimentation from development sites should be controlled to minimize adverse impacts on ecosystem processes. If site conditions preclude effective erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be not be permitted.
9. Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.
10. Public and private developments should be encouraged to provide trails, viewpoints, water access points and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.
11. Development not requiring a waterside or shoreline location should be located upland so that lawful public enjoyment of shorelines is enhanced.

Tacoma Municipal Code

12. Lodging and related facilities should be located upland and provide for appropriate means of access to the shoreline.

* * *

CHAPTER 5 GENERAL POLICIES AND REGULATIONS

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

5.1 Shoreline Use

Shoreline uses refer to specific common uses and types of development (e.g. residential recreation, commercial, industrial, etc.) that may occur in the City's shoreline jurisdiction. Shoreline areas are a limited ecological and economic resource and are the setting for multiple competing uses. The purpose of this section is to establish preferred shoreline uses. These preferences are employed in deciding what uses should be allowed in shorelines and resolving use conflicts. Consistent with the Act and Guidelines, preferred uses include, in order of preference: shoreline enhancement and restoration; water-dependent uses; water-related and enjoyment uses; and single-family development when developed without significant impacts to shoreline functions. Mixed-use developments may also be considered preferred if they include and support water-oriented uses. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of this Program.

* * *

CHAPTER 6 GENERAL USE POLICIES AND REGULATIONS

Development and use proposals may involve a number of uses and shoreline modifications and must comply with the policies and regulations for each. For example, uses associated with a new marina may include boat launches, parking facilities, and recreational facilities. Construction of a marina may involve numerous shoreline modifications, including dredging, dredge material disposal, a breakwater, and perhaps landfill. Each project is reviewed for compliance with the applicable "use" policies and regulations in these regulations and with the applicable "modification" policies and regulations in TSMP Chapter 8.

All shoreline developments and uses must comply with the standards of this Master Program whether or not a shoreline substantial development permit is required. Specific conditions that ensure such compliance may be attached as a condition of permit approval of a shoreline permit or shoreline exemption.

This chapter provides specific policies and regulations for the following types of specific uses. Refer to Chapter 8 for shoreline modifications.

1. Aquaculture
2. Boating Facilities
3. Commercial Use
4. Port and Industrial Use
5. Recreational Development
6. Residential Development

7. Signs
8. Parking
9. Transportation
10. Solid Waste Disposal
11. Utilities

The following policies and regulations shall apply in all City of Tacoma shoreline districts.

6.2 Prohibited Uses

The following uses are prohibited in all shoreline environments:

1. Agriculture;
2. Forest Practices;
3. Coal facilities;
4. Smelting;
5. Petrochemical, explosives, and fertilizer manufacturing;
6. Mining and quarrying; and
7. Marijuana uses pursuant to the standards in TMC 13.06.565.

* * *

6.3 Port/Industrial Use

The past geologic development of the Puget Sound Basin has created one of the few areas in the world which provides several deepwater inland harbors. The use of Puget Sound waters by deep-draft vessels is increasing due in part to its proximity to the Pacific Rim countries. This increased trade will attract more industry and more people which will put more pressure on the Sound in the forms of recreation and the requirements for increased food supply.

The Port of Tacoma is a major center for waterborne traffic and as such has become a gravitational point for industrial and manufacturing firms. Heavy industry may not specifically require a shoreline location, but is attracted to the port because of the variety of transportation modes available.

In applying the regulations of this section, the following definitions are used:

- “Port” means a center for water-borne commerce and traffic.
- “Industrial” means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

Some port and industrial developments are often associated with a number of uses and modifications that are identified separately in this Master Program (e.g., parking, dredging). Each use activity and every

type of shoreline modification should be carefully identified and reviewed for compliance with all applicable sections.

For the purposes of determining to which uses and activities this classification applies, the use of moorage facilities, such as a wharf or pier, for the layberthing, or lay-by berthing of cargo, container, military, or other oceangoing vessels shall be permitted only where port and industrial uses are allowed. This use category shall likewise apply to facilities that handle the loading and unloading of cargo and materials associated with port and/or industrial uses. Facilities for the loading and unloading of passengers associated with passenger vessels, such as ferries, cruise ships, and water taxis shall be classified as a transportation facility or commercial activity as applicable.

Port and/ industrial facilities are intensive and have the potential to negatively impact the shoreline environment. When impacts cannot be avoided, they must be mitigated to assure no net loss of the ecological function necessary to sustain shoreline resources.

6.3.1 Policies

A. General Policies

1. Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.
2. Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.
3. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and -dependent port and industrial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property per TSMP Section 6.5, Public Access.
4. Expansion or redevelopment of water-dependent port and industrial facilities and areas should be encouraged, provided it results in no net loss of shoreline functions.
5. Port and industrial uses and related redevelopment projects are encouraged to locate where environmental cleanup can be accomplished.
6. The preferred location for future non-water-dependent industry is in industrial areas away from the shoreline.
7. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.
8. Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad construction. Where feasible, transportation and utility corridors should not be located in the shoreline to reduce pressures for the use of waterfront sites.
9. Port and industrial uses should be encouraged to permit viewing of harbor areas from viewpoints, and similar public facilities which would not interfere with operations or endanger public health and safety.

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10. Special attention should be given to the design and development of facilities and operational procedures for fuel handling and storage in order to minimize accidental spills and to the provision of means for satisfactorily handling those spills which do occur.

B. "S-8" Thea Foss Shoreline District

1. Improvements to existing industrial uses, such as the aesthetic treatment of storage tanks, cleanup of blighted areas, landscaping, exterior cosmetic improvements, landscape screening, and support of the Waterway environmental cleanup and remediation plan effort are encouraged.

6.3.2 Regulations

A. General Regulations

1. Water-dependent port and industrial uses shall have shoreline location priority over all other uses in the S-7 and S-10 Shoreline Districts.
2. The location, design, and construction of port and industrial uses shall assure no net loss of ecological functions.
3. New non-water-oriented port and industrial uses are prohibited unless they meet one of the following criteria:
 - a. The use is part of a mixed-use development or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program;
 - b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program; and,
 - c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.
4. Deep-water terminal expansion shall not include oil super tanker transfer or super tanker storage facilities.
5. Where shoreline stabilization or in-water structures are required to support a water-dependent port or industrial use, the applicant shall be required to demonstrate:
 - a. That the proposed action shall give special consideration to the viability of migratory salmonids and other aquatic species;
 - b. That contaminated sediments are managed and/or remediated in accordance with state and federal laws;

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- c. That public access to the water body is provided where safety and operation of use are not compromised; and,
- d. That shading and water surface coverage is the minimum necessary for the use.
- 6. Port and industrial development shall comply with all federal, state, regional and local requirements regarding air and water quality.
- 7. Where possible, oxidation and waste stabilization ponds shall be located outside the Shoreline District.
- 8. Best management practices shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels.
- 9. All developments shall include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any water pollution which they cause.
- 10. Petroleum products sump ponds shall be covered, screened, or otherwise protected to prevent bird kill.
- 11. Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water.

B. Fossil Fuel Facilities and Renewable Fuel Facilities.^[1]

- Applicability: The following standards apply to all “Fossil Fuel Facilities - Major” and “Renewable Fuel Facilities – Major.” Fossil fuel Facility - Major excludes facilities engaged in vessel fueling and those facilities involved in storage and transmission of fuels supporting Joint Base Lewis McChord (JBLM).

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

2. Baseline established.

a. The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available prior to June 2, 2021:

- (1) Crude oil refining baseline capacity shall be established in the June 2020 U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day (<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.
- (2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.
- (3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.

^[1] Code Reviser’s note: Previously codified as 13.06.580 (Interim Industrial Use Restrictions); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28470 Ex. D; passed Nov. 21, 2017.

Tacoma Municipal Code

(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.

3. Fossil Fuel Facilities - Major

a. New “Fossil Fuel Facilities – Major” are prohibited.

b. Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:

(1) Existing storage and refining facilities shall not exceed the established baseline as of June 2, 2021.

(2) Prohibited improvements:

- New driveways, private rail sidings, docks, piers, wharves and floats.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
- New storage tanks, refining or processing facilities.

(3) Except for those improvements prohibited in Subsection G.4.b.(1) above, existing uses may address existing deficiencies, conduct repairs, improvements, maintenance, modifications, and remodeling, including changes to fuel products stored or refined on-site, provided that a conditional use permit is not otherwise required and that the improvements do not increase storage or refining in excess of the established baseline.

(4) Where a “Fossil Fuel Facility – Major” provides direct-to-vessel fueling, new development that is necessary to support vessel fueling may be allowed subject to a conditional use permit (TMC 13.05.010.A General Criteria) so long as overall facility storage and refining does not exceed the established baseline.

(5) Improvements are limited to property owned and or occupied by the use as of the adoption of this ordinance.

(6) Change of Use:

(a) The addition of renewable fuel refining or storage facilities to an existing “Fossil Fuel Facility – Major” that exceeds the established fuel baseline shall be permitted as a new “Renewable Fuel Facility – Major” per the requirements of Subsection G.5 Renewable Fuel Facility – Major.

(b) A change of use of a “Renewable Fuel Facility – Major” to a “Fossil Fuel Facility – Major” is prohibited.

(5) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

4. Renewable Fuel Facility – Major.

a. “Renewable Fuel Facilities – Major” are allowed, subject to a Conditional Use Permit and the criteria in 13.05.010.A.25.

b. New facilities or expansion of existing facilities beyond the established baseline shall meet the following special use standards:

(1) Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

i. Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

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ii. Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

iii. Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

- Within the City of Tacoma;
- Within the Puyallup River Watershed;
- Within Pierce County;
- Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

(2) The applicant shall provide annual reporting of the following:

- The number of vessel transfers of renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting renewable fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.

Commented [WD63]: Annual report to whom?

C. Log Rafting and Storage

1. New log rafting and storage shall only be allowed in the “S-10” Port Industrial Area Shoreline District, the “S-11” Marine View Drive Shoreline District and in the associated portions of the “S-13” Marine Waters of the State Shoreline District.
2. Restrictions shall be considered in public waters where log storage and handling are a hindrance to other beneficial water uses.
3. Offshore log storage shall only be allowed on a temporary basis, and should be located where natural tidal or current flushing and water circulation are adequate to disperse polluting wastes.
4. Log rafting or storage operations are required to implement the following, whenever applicable:
 - a. Logs shall not be dumped, stored, or rafted where grounding will occur.
 - b. Easy let-down devices shall be provided for placing logs in water. The freefall dumping of logs into water is prohibited.
 - c. Bark and wood debris controls and disposal shall be implemented at log dumps, raft building areas, and mill-side handling zones. Accumulations of bark and wood debris on the land and docks around dump sites and upland storage sites shall be kept out of the water. After cleanup, disposal shall be at an upland site where leachate will not enter surface or ground waters.

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- d. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill sites.
 - e. Stormwater management facilities shall be provided to protect the quality of affected waters.
5. Log storage facilities shall be located upland and properly sited to avoid fish and wildlife habitat conservation areas.
 6. Log storage facilities must be sited to avoid and minimize the need for dredging in order to accommodate new barging activities at the site.
 7. Log booming shall only be allowed offshore in sub-tidal waters in order to maintain unimpeded nearshore migration corridors for juvenile salmonids and to minimize shading impacts from log rafts. Log booming activities include the placement in or removal of logs and log bundles from the water, and the assembly and disassembly of rafts for waterborne transportation.
 8. Log storage and log booming facilities shall be adequately maintained and repaired to prevent log escapement from the storage site.
 9. A Debris Management Plan describing the removal and disposal of wood waste must be developed and submitted to the City. Debris monitoring reports shall be provided, where stipulated.
 10. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under ESA shall be reevaluated if use is discontinued for two (2) years or more, or if substantial repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.

* * *

may be permitted on an interim basis for a period up to 10 years, with a 5 year extension contingent upon approval by the Director. A new mixed-use structure adjacent to Dock Street or the esplanade may be permitted under this provision so long as the development standards in Table 9-2 and TSMP Section 9.10 are met.

- E. District-Specific Development Standards. In addition to the development standards included in Table 9-2 and the general regulations included in this Chapter, development in the S-8 Thea Foss Waterway Shoreline District shall comply with all requirements included in the following three subsections. The development standards section is divided into three separate subsections. The first subsection is applicable to the west side of the Waterway; the second subsection is applicable to the east side of the Waterway; and the third subsection is applicable to both sides of the Waterway.

7.10.2 West Side of the Waterway

The following regulations apply to the west side of the Waterway. Any new building, structure or portion thereof erected on the west side shall be subject to the following standards.

1. Area Regulations
 - a. Due to the significant public ownership on the west side of the Waterway, the areas bounded by Dock Street, designated public access/view corridors between Dock Street and the Waterway, and shoreline edge areas designated for public use and access, are termed "development sites." The development sites are defined and depicted in the Foss Waterway Master Redevelopment Strategy.
 - b. The Foss Waterway Development Authority (FWDA) shall administer development of publicly- owned properties and shall conduct design review of projects on public property on the west side of the Waterway. Developers of private property are encouraged, but not required, to participate in the design review process conducted by the FWDA. If the FWDA design review process is not utilized for development on private property, City staff shall conduct the design review as part of the shoreline permit process and shall solicit comments from the FWDA. The required design review shall utilize the guidelines and other requirements found in the current adopted design guidelines and shall include consideration of view impacts, as further described in TSMP Section 6.7. The findings and/or comments of the FWDA's design review shall be referenced in shoreline permit decisions and given substantial weight in determining whether a proposed project is consistent with this Program and its design requirements.
 - c. Blank walls (walls that do not contain doors, windows, or ventilation structures) between two feet and eight feet above the adjacent sidewalk shall be no longer than 20 feet in length.
 - d. Frontage Requirements. For all structures adjacent to Dock Street or the esplanade, seventy-five percent (75%) of the esplanade frontage and twenty percent (20%) of the Dock Street frontage shall be designed and constructed to accommodate water-oriented uses. New mixed-use structures that cannot meet the use requirements in TSMP Section 9.10(D) above, and are permitted subject to 9.10(D) above, shall design and construct those frontages not occupied by water-oriented uses at the time of permitting, for future conversion to water-oriented uses. The required frontages shall meet the following standards:

Tacoma Municipal Code

- i. The distance from the finished floor to the finished ceiling above shall be at least 12 feet. The area must have a minimum average depth of 25 feet measured from the sidewalk or esplanade level façade.
 - ii. The sidewalk or esplanade level facades must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the required uses in TSMP Section 9.10(D) above.
 - iii. At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to preferred uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.
2. Public Access/View Corridors.
- a. Fourteen public access/view corridors are located adjacent to the development sites and are defined below. By specifically designating these areas for public use and access, setbacks are not required on the front (Dock Street), side and rear edges of the development sites (except as specifically required below); provided, that the required public access areas, amenities and area-wide design features are provided.
 - b. Fourteen 80-foot wide public access/view corridors between Dock Street and the inner harbor line and generally aligned with the extension of the urban street grid are hereby established. Two primary public access/view corridors are established at the alignment with South 15th and 17th Streets. Twelve secondary public access/view corridors are established immediately south of the Dock Building, north and south of the Puget Sound Freight Building, north of the Municipal Dock Building, and at the alignment of South 9th, 11th, 12th, 13th, 14th, 16th, 18th, and 20th Streets.
 - c. Public access/view corridors shall be developed concurrent with improvements on adjacent development sites. These corridors shall be designed and constructed in coordination with the FWDA. All developments abutting a public access/view corridor(s) shall be required to develop one-half of all public access/view corridors abutting their development site(s).
 - d. Buildings are not permitted in any designated waterfront esplanade, boardwalk, or public access/view corridor, except that weather protection features, public art, or areas provided primarily for public access, such as viewing towers and pedestrian bridges, may be located in or over these areas. Pedestrian bridges over secondary public access/view corridors between development sites are permitted provided they are a maximum of 10 feet in width and 12 feet in height, and with a minimum clearance of 25 feet from the ground to the underside of the structure.
 - e. Primary public access/view corridors may not be reduced in width and are generally fixed in location, but may be moved up to 25 feet in either direction to accommodate site development. Secondary public access/view corridors may be moved to accommodate site development, although the total corridor width must not be reduced. To move public access/view corridors, the applicant must demonstrate the following:

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- i. The movement is necessary to facilitate site design and would not compromise future development on remaining development sites;
 - ii. The new public access/view corridors created provide the same or greater public use value; and,
 - iii. Building design reflects the original public access/view corridor by reducing building height in this area or by providing additional public access and viewing opportunities.
- f. If the distance between any two public access/view corridors is greater than 500 lineal feet, an additional public access between Dock Street and the esplanade must be provided. This public access must be a minimum of 20 feet in width, signed for public access, open to the public, and may be either outdoors or within a structure.
- g. Development over public access/view corridors established at the alignment of South 16th and 18th Streets may occur; provided, the structure meets the following conditions:
- i. The height to the underside of the structure is a minimum of 25 feet;
 - ii. The height does not exceed 50 feet;
 - iii. The structure is set back a minimum of 20 feet from the Dock Street facade of adjacent development sites; and,
 - iv. The total depth does not exceed 80 feet.
- h. Pedestrian bridges, “lids,” or other features that connect the Waterway to the surrounding environment shall not be subject to the height limitations of this Chapter. When located within public access/view corridors, care should be taken to preserve access and views from Dock Street and to provide safe, usable space under the bridge.
- i. Municipal Dock Site. Buildings on the Municipal Dock site shall be setback at least 10 feet from the edge of the public access/view corridor between the Municipal Dock site and Development Site 10. This additional setback area shall be designed and developed to facilitate additional public access and function as an extension of the abutting public access/view corridor. This setback requirement is not subject to variance.

Table 9-2. Shoreline Use and Development Standards

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE																	
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Shoreline Uses																	
Agriculture																	
Agriculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Aquaculture																	
Aquaculture	U	N	N	N	N	U	N	U	U	N	N	N	U	N	U	N	U
Artwork																	
Artwork	P	P	P	P	P	P	P	P	P	P	P	P	P	P	U	P	P
Boating Facilities																	
Marinas	P	N	N	N	N	P	N	U	P	P	N	P	P	N	P/U ¹	N	P
Launch Ramps and Lifts	P	N	U	N	N	P	N	U	N	P ²	N	P	P	N	P	N	P
Non-motorized Boat Launch	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Development																	
Water-dependent	P	N	P	N	N	P ⁵	P	P	P	P	P	P	P	N	P	N	P
Water-related	P	N	P	N	N	P ⁵	P	P	P	P	P	N	P	N	N/P ³	N	P
Water-enjoyment	P	P	P	N	N	P ⁵	P	P	P	P	P	N	P	N	N/P ³	N	P
Non-Water-oriented ⁴	U	N	N	N	N	U ⁵	U	U	U	U ⁶	CU/P	U	U	N	N/P	N	P/U ⁷
Essential Public Facilities	Essential Public Facilities will be reviewed and permitted as the closest use described in the use table under the normal use categories with the determination to be made by the Director.																
Educational, Cultural and Scientific																	
Educational, Cultural and Scientific	P	U	P	P	P	P	P	P	P	P	P	P	P	P	PN ⁸	P	P
Forest Practices																	
Forest Practices	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Port/Industrial Development																	
Water-dependent	U ⁹	N	N	N	N	N	N	U	P	P ¹⁰	N	P	N ¹¹	N	P	N	N
Water-related	U ⁹	N	N	N	N	N	N	U	P	P ¹⁰	U	P	N	N	N	N	N
Non-Water-oriented ¹¹	N	N	N	N	N	N	N	N	N	U ¹⁰	U	U	N	N	N	N	N
Cargo Terminal	N	N	N	N	N	N	N	U	P	P ¹⁰	N	P	N	N	N	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 ¹² /U ¹³	N	N	N ¹⁴ /U ¹⁵	N	N
Smelting	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Fossil Fuel Facility-Major	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Renewable Fuel Facility-Major	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
High Impact Uses	U	N	N	N	N	U	U	U	U	U	U	N	U	N	N	N	U
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	U	P	P ¹⁰	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																	

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Water-oriented (including public and private facilities and off-street bicycle and pedestrian paths and trails)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Non-Water-oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential Development																	
Single-family ²²	N	P	P	N	N	N	N	N	N	N	N	N	P ³	N	N	P	N ⁴
Multifamily—standalone	NCU ⁵	N	N	N	N	N	N	N	N	NCU ⁶	N	N	N ^{3,15}	N	N	N	P ^{7,18} /N ⁸
Multifamily apartment mixed-use development	P	N	N	N	N	N	N	N	N	P ⁶	N	N	P ³	N	N	N	P ⁷
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	P ³	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/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	NP ²²	NP ²²	N	P	P	N	N	N	N	N
Expansion of Existing Facilities	P	CU	P	N	N	P	P	P ²²	P ²²	CU	P	P	P	N	CU	P	P
Passenger only terminals or 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	NCU ¹⁹
Seaplane Floats	CU	N	N	N	N	N	CU	CU	N	P	N	P	CU	N	P	N	N
Non-motorized facilities, new expansion (on-street)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities²⁰																	
Major	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU/P ²³	P	P
Minor	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU/P ²³	P	P
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU/P ²³	P	P
Wireless Communications Facility	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Shoreline Modification²¹																	
Shoreline Stabilization																	
For water-dependent uses ²²	P	P	P	N	N	P	P	P	P	P	P	P	P	N	P	P	P
For Non-water-dependent uses	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-maintenanced dredging	CU	N	N	N	N	N	CU	N	N	CU	CU	P	CU	N	CU	N	CU
Maintenanced dredging	P	N	N	N	N	P	P	P	P	P	P	P	P	N	P	P	P
As part of Ecological Restoration/Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Fil and Excavation																	
Fil and Excavation Below CHMM	U	U	N	N	U	U	U	U	U	CU	N	U	N	U	N	N	U
Below CHMM for Ecological Restoration and Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Above CHMM	P	P	P	N	P	P	P	U	U	P	U	P	U	U	N/A	P	P
Flood Control Works and In-stream Structures																	
Flood Control Works and In-stream Structures	N	N	N	N	N	N	N	N	N	N	U	U	N	U	U	N	N
Ecological Restoration/Enhancement/Mitigation																	
Ecological Restoration/Enhancement/Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mooring Facilities²³																	
Piers, Wharves, Docks and Floats																	
Associated with Residential Uses	N	P	N	P	N	N	N	N	N	N	N	N	N	N	P	N	N
Associated with Public Access Uses	P	P	N	P	N	P	P	P	P	P	N	P	P	N	P	P	P
Associated with Water Dependent Uses	P	N	N	P	N	P	P	P	P	P	N	P	P	N	P	N	N
Mooring Buoy ²⁴	P	P	P	P	P	P	P	P	P	N	N	P	P	N	P	N	P
Mooring Buoy Field	P	N	N	N	N	P	U	U	P	N	N	P	P	N	U	N	P
Navigational Aids	P	P	P	P	P	P	P	P	P	P	N	P	P	N	P	N	P
Covered Moorages/Boat Houses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
General Minimum Development Standards																	
Marine Shoreline Buffers, per TSVP Chapter 6 ²⁵	50ft. from CHMM	50ft. from CHMM	115ft. from CHMM	200ft. from CHMM	200ft. from CHMM	115ft. from CHMM	115ft. from CHMM	115ft. from CHMM	115ft. from CHMM	50ft. from CHMM	150ft. from CHMM	50ft. from CHMM	115ft. from CHMM	150ft. from CHMM	N/A	200ft. from CHMM ²⁶	50ft. from CHMM
Height Limit ²⁷	35ft within marine buffer; 75 ft upland and outside marine buffer with view study	35ft	35ft	35ft	35ft	35ft	35ft	35ft	35ft	100ft for deep water facilities otherwise 35ft ²⁸	Refer to S-8 Shoreline District Regulations	35ft	100ft ²⁹	35ft	35ft	35ft	35ft within 100ft of CHMM; 50ft from 100-200 ft; 80ft outside 200ft of CHMM ³⁰
Side Yard/View Corridor ³¹	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	0ft ²⁹	30% of shoreline frontage	30% of shoreline frontage	N/A	30% of shoreline frontage	30% of shoreline frontage
Front Yard Setback	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft	20ft	0ft ²⁹	20ft	20ft	N/A	20ft	20ft
Critical Area buffers setback from edge of outer view when no buffer is present, the setback is measured from the rear property line.	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	0ft ²⁹	10ft	10ft	N/A	10ft	10ft
Lot Area																	
Minimum Ave. Width	50ft	50ft	50ft	50ft		50ft	50ft				50ft		50ft	50ft	N/A	50ft	
Minimum Lot Frontage	25ft	25ft	25ft	25ft		25ft	25ft				25ft		25ft	25ft	N/A	25ft	

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARD TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
DistrictName	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen.
ShorelineDesignation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
MinimumLotAreaforSFDwelling	5,000sqft	5,000sqft	5,000sqft	5,000sqft		5,000sqft	5,000sqft				5,000sqft		5,000sqft	5,000sqft	N/A	5,000sqft	
MinimumLotAreaforMFDwelling	6,000sqft	6,000sqft	6,000sqft	6,000sqft		6,000sqft	6,000sqft				6,000sqft		6,000sqft	6,000sqft	N/A	6,000sqft	

Key:
P Permitted
N Prohibited
CU Conditional Use

Tacoma Municipal Code

Notes:

- 1 Expansion of an existing marina shall be permitted provided it is consistent with the TSMP, new marina development shall be a conditional use.
- 2 Boat ramps shall be permitted only in that area on the east side of the Foss Waterway north of the Centerline of 15th Street.
- 3 Water-enjoyment and -related commercial uses shall be permitted over-water only as a reuse of an existing structure or when located within a mixed-use structure.
- 4 Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP Section 7.5.2 and only as a conditional use except where otherwise specified for the S-8 and S-15 Shoreline Districts.
- 5 New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the Point Defiance Marina Complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.
- 6 Non-water-oriented commercial uses shall be permitted as part of a mixed-use development with a water-oriented component; Non-water-oriented commercial uses in a mixed use development without a water-oriented component shall be permitted as a conditional use consistent with TSMP Section 9.10(D). In all other circumstances, non-water-oriented uses shall be processed as a conditional use
- 7 Non-water-oriented commercial uses shall be permitted outside 150 feet of OHWM only, except as specified in note 18. Commercial uses that are located outside shoreline jurisdiction and are consistent with the EIS for the Point Ruston development are allowed, those uses that are not consistent with the EIS shall be processed as a conditional use permit in accordance with the procedures in TMC 13.06.
- 8 New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Marine Waters of the State) only when water-dependent or as a reuse of an existing structure.
- 9 Water-dependent and -related port/industrial uses shall be permitted only in existing structures.
- 10 Port and industrial development shall be permitted on the easterly side of the Thea Foss Waterway, north of the centerline of East 15th Street and in addition, in that area to the east of East D Street.
- 11 Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP Section 7.6.2.
- 12 New single-family residential development shall only be permitted in upland locations. Existing over-water single family residences are considered a legally non-conforming use.
- 13 In the "S-11" District, new single family and multi-family residential development is permitted only in areas north of 5410 Marine View Drive.
- 14 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.
- 15 New stand-alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in TSMP Section 7.8.2.
- 16 Residential development shall be permitted in upland locations on the west side of the waterway and on the east side only south of the East 11th Street right of way, and shall be designed for multiple-family development only, excluding duplex and/or triplex development. Hotel/Motel uses are permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway only south of the centerline of 11th Street. Residential and Hotel/Motel uses are prohibited to the east of East D Street.
- 17 Multifamily residential uses shall be permitted in upland locations, outside 150' of OHWM.
- 18 No more than 24 total townhouse units may be permitted in upland locations up to 100' from OHWM as an outright permitted use so long as such townhouses are constructed on the southeasterly shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100' from OHWM as a conditional use in all other locations. Townhouses in the S-15 may include an office use on the ground floor.
- 19 Helicopter landing pads are only allowed outside of shoreline jurisdiction as a conditional use and only as part of an approved structure.
- 20 Above ground utilities are only allowed consistent with TSMP 7.13.2.
- 21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted uses (not including conditional uses) in the upland Shoreline District. See TSMP Section 9.15(D)(1)(a).
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 8.2.2.
- 23 See application requirements in TSMP Section 2.4.4.
- 24 With the exception of the S-7, S-10 and S-11 Shoreline Districts, mooring buoys shall be designed, located and installed only for transient recreational boating, or in association with a single family residential development or a permitted marina. In the S-7, S-10 and S-11 Shoreline Districts mooring buoys may be designed, located and installed to accommodate port and industrial uses including the remote storage of oceangoing vessels and barges.
- 25 Buffer reductions allowed for water-dependent uses per TSMP Section 6.4.3(C).
- 26 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 27 District specific height limitations shall not apply to bridges in the shoreline. Bridges should be kept to the minimum height necessary and shall provide a view study to determine whether the structure will cause any significant impacts to public views of the shoreline.
- 28 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 29 Any building, structure, or portion thereof hereafter erected (excluding equipment for the movement of waterborne cargo between storage and vessel, vessel and storage) shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
- 30 Maximum heights on Slag Peninsula are limited to 35 feet.
- 31 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set-back is maintained from either lot line.
- 32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.
- 33 Storm water outfalls are a permitted use except those proposed in a Natural Environmental Designation, where a CUP will be required.

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- 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 [Fossil Fuel](#) facilities are prohibited. Existing facilities are permitted but subject to development standards in Chapter 7, Section 7.6.
- 37 Primary use Renewable Fuel Facilities are prohibited. Water-dependent facilities, such as piers, wharves, docks, and floats and accessory facilities, such as parking and loading areas, may permitted within shoreline jurisdiction as a conditional use.

Commented [WD64]: 34-37 are new footnotes not shown marked.

CHAPTER 8 DEFINITIONS

1. Act

The "Act" is the Washington State Shoreline Management Act of 1971, as amended, RCW 90.58.

2. Accessory Structure

An "accessory structure" is a subordinate building or use incidental to the use of the main building or use.

3. Agriculture

"Agriculture" refers to agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops conducting agricultural operations; and maintaining agricultural lands under production or cultivation;

4. Amendment

An "amendment" is a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

5. Approval

An "approval" is an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to Ecology for review and official action pursuant to this chapter; or an official action by Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

6. Appurtenance

An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program.

7. Aquaculture

"Aquaculture" refers to the farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater, and may include development such as structures, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoduck on state-owned lands. Wildstock geoduck harvest is a fishery. Aquaculture does not include recreational shellfish harvesting for personal use and consumption; harvesting for educational projects; or improvements of habitats.

8. Artisan/craftsperson

"Artisan/craftsperson" are commercial activities that may have industrial characteristics such as noise, vibrations, odors, use of mechanical equipment or material storage, but provide public involvement or public access to unique artistic, crafts, or heritage skills. Examples include glass blowing, wooden boat building or restoration, pottery, and artist studios and schools.

9. Associated Wetlands

“Associated Wetlands” are those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake, stream or river subject to the Shoreline Management Act.

10. Average Grade Level

"Average grade level" is the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

11. Barge

“Barge” means a low draft, flat-bottomed boat or vessel used chiefly for the transport of goods and materials. Basic barges have uncovered (open) tops and are either pushed or towed. A “house barge” is a barge that has been converted or constructed for residential use with living quarters.

12. Base Flood Elevation

“Base Flood Elevation” means the elevation above mean sea level as calculated by reference to the National Geodetic Vertical Datum (NGVD) of floodwaters in a particular area during floods having a one (1) percent chance of occurring in any given year. Base flood elevation is shown on the latest version of the FIRM (Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map).

13. Bedlands

“Bedlands” are those submerged lands, including tidelands where appropriate, underlying navigable waters.

14. Biodiversity Areas

“Biodiversity Areas” include those areas that contain native vegetation that is diverse with a mosaic of habitats and microhabitats. They include areas dominated by a vertically diverse assemblage of native vegetation containing multiple canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats. They also include areas with rare or uncommon plant species and associations designated by the City or identified by Federal and State agencies such as the Department of Natural Resources Heritage Program. They are not associated with a specific priority species and their overall habitat function may be limited due to their location in a highly urbanized area; however, they are diverse relative to other areas in the City and support common urban species.

15. Biodiversity Corridors

“Biodiversity Corridors” are areas of relatively undisturbed and unbroken tracts of vegetation that serve as a corridor connecting Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines, the absence of which would prevent movement of common urban species between the two areas.

16. Bioengineering

"Bioengineering" refers to project designs or construction methods which use living plant material or a combination of living plant material and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

17. Boat

See definition under "Vessel."

18. Boat Lift

A "boat lift" is a mechanical device that can hoist vessels out of the water for storage and place vessels into the water. These devices are usually located along a pier.

19. Boating Facilities

"Boating facilities" are marinas, including foreshore and backshore types, dry storage and wet-moorage types, covered moorage, boat launches, and marine travel lifts. For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

20. Boat House

A "boat house" is a covered moorage that includes walls and a roof to protect the vessel.

21. Breakwater

A "breakwater" is an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

22. Buffer

A "buffer" means the area adjacent to a critical area and/or marine shoreline that is required for the continued maintenance, function, and/or structural stability of the critical area and/or marine shoreline. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. Buffer areas are intended to be left undisturbed, or may need to be enhanced to support natural processes, functions, and values.

23. Building

A "building" is any structure having a roof supported by columns or walls for the housing, shelter, or enclosure of persons, animals, or chattels; when separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building.

24. Bulkhead

A "bulkhead" is a solid, open pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective wall resistant to water and wave action.

25. Buoy

"Buoys" are floating devices anchored in a waterbody for navigational purposes or moorage. See also "moorage buoy."

26. Cargo Terminal

A "cargo terminal" is a facility in which quantities of bulk, roll on roll off or other goods or container cargo are stored without undergoing any manufacturing processes, transferred to other modes of transportation or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, support and fender pilings, cargo handling equipment and offices.

27. "Chemical Manufacturing."

The production, processing, and wholesale distribution of chemicals and allied products, including:

Tacoma Municipal Code

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

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

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

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

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

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

28. City

“City” is the City of Tacoma, Washington

29. Clearing

“Clearing” is the destruction or removal of logs, scrub shrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

30. “Coal facilities.”

a. Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power, or for wholesale distribution.

b. Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

31. Commercial

“Commercial” is a business use or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.

32. Commercial Fishing

“Commercial fishing” is the activity of capturing fish and other seafood under a commercial license.

33. Conditional Use

“Conditional uses” are uses, developments, or substantial developments which are classified as a conditional use or not classified within the Master Program.

34. Covered Moorage

“Covered moorages” are boat moorages, with or without walls, that have a roof to protect the vessel.

35. Crime Prevention Through Environmental Design (CPTED)

“CPTED” is an approach to planning and development that reduces opportunities for crime and liability and risk to the property owner. CPTED is part of a comprehensive approach to crime prevention. By emphasizing modifications to the physical environment it can reduce liability, and complement community-based policing and social programs that address some of the root causes of criminal behavior.

36. Critical Saltwater Habitat

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

37. Cumulative Impact

“Cumulative Impacts” are impacts on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

38. Department of Ecology

The “Department of Ecology” is the Washington State Department of Ecology.

39. Development

"Development" is an activity consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level. Development does not include demolition involving only the dismantling or removal of structures if there is no other associated development or re-development.

40. Development Regulations

"Development regulations" are the controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

41. Dike

A “dike” is an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

42. Director

The “Director” refers to the Director of the Planning and Development Services Department or his/her designee.

43. Dock

A “dock” is a place or structure that connects with the shore and provides access to a boat vessel from the land.

44. Document of Record

Tacoma Municipal Code

The "Document of record" is the most current shoreline master program officially approved or adopted by rule by Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

45. Dredging

"Dredging" is the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical or hydraulic means.

46. Dredging spoils

"Dredging spoils" are the bottom materials obtained from dredging.

47. Drift Cell

"Drift cell," "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

48. Driftway

"Driftway" means that portion of the marine shore process corridor, primarily the upper foreshore, through which sand and gravel are transported by littoral drift. The driftway is the essential component between the feeder bluff(s) and accretion shoreform(s) of an integral drift sector. Driftways are also characterized by intermittent, narrow berm beaches.

49. Ecological Functions

"Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

50. Ecology

"Ecology" refers to the Washington State Department of Ecology.

51. Ecosystem-wide Processes

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

52. Educational Facilities

"Educational facilities" means a building or place for teaching and learning; or for the acquisition, conservation, study, assembly and public display and/or exhibition, and educational interpretation of objects having historical, cultural, scientific, or artistic value such as a museum.

53. Emergency

An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

54. Environmental Remediation

"Environmental remediation" consists of those actions taken to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment. Such actions include any

investigative, site remediation, and monitoring activities undertaken with respect to any release or threatened release of a hazardous substance.

55. Essential Public Facilities

“Essential public facilities” are broadly defined in RCW 36.70A.200 as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, the following:

- a. Airports
- b. State education facilities
- c. State and regional transportation facilities
- d. State and local correctional facilities
- e. Solid waste handling facilities
- f. Inpatient facilities
- g. Mental health facilities
- h. Group Homes

56. Exempt

"Exempt" developments are those set forth in TSMP Section 2.3 (Exemptions from Substantial Development Permit) of this Program which are not required to obtain a Shoreline Substantial Development Permit but which must otherwise comply with applicable provisions of the act and the local master program.

57. Extreme Low Tide

"Extreme low tide" means the lowest line on the land reached by a receding tide.

58. Fair Market Value

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

59. Feasible

"Feasible" means, for these purposes, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose;
- c. The action does not physically preclude achieving the project's primary intended legal use;
- d. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant; and,
- e. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

60. Feeder Bluff Exceptional

“Feeder Bluff Exceptional” means relatively rapidly eroding bluff segments identified by the presence of landslide scarps, bluff toe erosion, and a general absence of vegetative cover and/or portions of bluff face fully exposed. Other indicators included the presence of colluvium (slide debris), boulder or cobble lag deposits, and fallen trees across the beachface. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

61. Fill

“Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Disposal of hazardous substances and other materials in conjunction with an environmental cleanup in accordance with State and Federal regulations is considered environmental remediation.

62. Fixed-wing landing areas

“Fixed-wing landing areas” means a cleared and paved area used for the takeoff and landing of fixed-wing aircraft.

63. Float

“Float” means a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

64. Floating Home

A “floating home” is any vessel or any building constructed on a float, hull or barge, which is used in whole or in part as a residence. A vessel shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes (see also “live-aboard vessel”).

65. Floating on-water residence

“Floating on-water residence” means any floating structure other than a floating home, as defined by this chapter: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

66. Flood Hazard Reduction

“Flood hazard reduction” means measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

67. Floodplain

“Floodplain” is synonymous with the one hundred-year floodplain and refers to the land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

68. Floodway

Tacoma Municipal Code

"Floodway" means the area, as identified in a master program that has been established as such in effective federal emergency management agency (FEMA) flood insurance rate maps (FIRM) or floodway maps. The floodway shall not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

69. FLUPSY

"FLUPSY" is an acronym for a floating upweller system used for aquaculture seed nurseries.

70. Footprint

"Footprint – building" means that area defined by the exterior walls of a structure.

71. Forest Land

"Forest land" means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.

72. Forest Practices

Forest practice means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber, including but not limited to: road and trail construction and maintenance; harvest, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

73. "Fossil fuels."

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

74. "Fossil-Fuel Refinery."

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

75. "Fossil Fuel Facility – Major."

This definition includes the following facilities:

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

76. Geotechnical Report

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected

land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

77. Grading

"Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

78. Grey Water

"Grey water" means wastewater generated by water-using fixtures and appliances such as sinks, showers, and dishwashers, but excluding the toilet.

79. Groin

A "groin" is a barrier structure extending from the shore to the water. It is used to interrupt lateral sediment movement along the shore.

80. Guidelines

"Guidelines" means those standards adopted by Ecology to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending master programs.

81. "Greenhouse gas emissions."

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

82. "Greenhouse gas emissions – Facility emissions."

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

83. "Greenhouse gas emissions – Lifecycle emissions."

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

84. Habitat Improvement

"Habitat improvement" means any actions taken to intentionally improve the overall processes and functions of critical habitats, including wetland, stream, and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal, and include, but are not limited to, restoration, creation, enhancement, preservation, acquisition, maintenance, and monitoring

85. Harbor Area

Tacoma Municipal Code

“Harbor area” means the area of navigable tidal waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the Board of Natural Resources acting as the State Harbor Lines Commission as established by Section 1 of Article XV of the Washington State Constitution. This area may be leased but never sold by the State, and must be reserved for the purpose of navigation and commerce.

86. Hazardous Substances

“Hazardous substances” means those wastes designated by WAC 173-340-200, and regulated as hazardous substances by Ecology.

87. Hearings Board

“Hearing[s] board” or “State Shorelines Hearings Board” means the shoreline[s] hearings board established by RCW 90.58. This is the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shoreline substantial development permits, conditional uses, or variances.

88. Height

“Height” is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

89. Helicopter Landing Pad

“Helicopter Landing Pad” means a facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft.

90. “High Impact Use.”

Means any [Type Group-H Occupancy according to the Washington State Building Code](#) when the primary use classification is allowed in the base zone, excluding uses otherwise classified as “Chemical Manufacturing, Processing, and Wholesaling,” “Fossil Fuel Facility – Major”, or “Renewable Fuel Facility – Major.”

Commented [WD65]: This needs a link.

91. Industrial Use

“Industrial use” is the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

92. Inner Harbor Line

The “inner harbor line” is the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the “bulkhead line”).

93. In-stream Structure

An “in-stream structure” is a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

94. Jetty

A “jetty” is a structure that is generally perpendicular to shore extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

95. Lay-berth or Lay-by Berthing

“Lay-berth or lay-by berthing” is the berthing of oceangoing ships of at least 300 feet in length, typically while awaiting deployment, repair and maintenance, and/or while awaiting a berth at a separate facility.

96. Live-aboard vessel

A “Live-aboard vessel” is a licensed vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. residence vessel shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. The following are the minimum requirements to qualify as a live-aboard vessel:

- a. The vessel has:
 - 1) Steerage and self-propulsion;
 - 2) Decks fore and aft for line handling;
 - 3) Symmetric embarkation stations to allow boarding from both sides;
 - 4) Symmetric mooring hardware; and
 - 5) Detachable utilities.
- b. The delivery voyage from place of purchase to moorage location was made without assistance and the vessel is capable of navigating in open water without assistance;
- c. The superstructure or deckhouse is constructed on neither a barge nor a float.
- d. The hull design must meet U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems.

97. Local Government

“Local government” is the City of Tacoma.

98. Log Booming

“Log booming” is placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility.

99. Log Storage

“Log storage” is the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility

100. Lot Frontage

“Lot frontage” is that portion of a lot abutting upon the lot line running parallel to and farthest landward of the ordinary high water mark.

101. Low Impact Development (LID)

“Low impact development” is a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. “LID” can include the following:

- Permeable pavements;
- Vegetated roofs;
- Rainwater harvesting; and
- Bioretention areas (rain gardens).

For further information, please refer to http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

102. Maintenance Dredging

“Maintenance dredging” refers to dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project.

103. Marina

A “marina” is a water-dependent facility that provides launching, storage, supplies, moorage and other accessory services for five or more pleasure and/or commercial water craft.

104. Marine

“Marine” refers to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

105. Maritime Facility

A “maritime facility” is a facility which is open to the public and in which the primary activities relate to the commercial fishing industry; boat building and repair; or other maritime activities or the history thereof.

106. Master Program

“Master program” shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

107. May

“May” means the action is acceptable, provided it conforms to the provisions of this Master Program.

108. Mean Higher High Water

“Mean Higher High Water” is the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands.

109. “Mining and Quarrying.”

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

identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction as well as surface mining as defined in TMC 13.01.060.S.

110. Mitigation

“Mitigation” is a negotiated action involving the avoidance, minimization, or compensation for possible adverse impacts.

111. Mixed-use Development

“Mixed-use developments” are developments that combine water-dependent/ water-related uses with water-enjoyment uses and/or non-water-oriented uses. Mixed-use developments can be a tool for increased water-dependent activities, civic revitalization, and public access to the shoreline. To encourage mixed-use developments that achieve a public benefit, special provisions can be included in a master program that offer a potential developer incentives or more latitude than normal master program requirements. In return, the developer’s proposal must include elements that further the objectives of the Shoreline Management Act and benefit the public. Implicit in the concept of mixed-use provisions is that additional development incentives must be justified by increased and long-term public benefit resulting from the project and that the public benefit must relate to SMA objectives. Generally in mixed-use developments the water-oriented uses and non-revenue recreation uses are “subsidized” by the economic advantages of the other uses in the sense that the water-oriented uses could not be economically developed without support from viable non-water-oriented uses.

112. Mixed-Use Facility

A “mixed-use facility” is a structure that combines non-water-oriented uses such as transient accommodations, residential units, or retail with one or more water-oriented uses in a manner that takes advantage of a shoreline location and which, as a general characteristic of the use, provides shoreline recreational and aesthetic enjoyment for a substantial number of people. In order to meet the definition of a mixed use facility, the facility must be designed to protect views to the shoreline, must be open to the general public and must be devoted to the specific aspects of the use that foster shoreline enjoyment.

113. Moorage

“Moorage” is a pier, dock, buoy or float, either fixed or floating, to which vessels may be secured. “Covered moorage” is moorage which has a roof.

“Individual mooring facilities” are moorage facilities for single vessels.

A “moorage dolphin” is a freestanding structure in a port or elsewhere that extends above the water line and can be used to tie up ships. Such structures are usually separate from the shore or docks and typically consist of a number of arranged wooden or concrete poles spaced at regular intervals.

114. Moored Boat

A “moored boat” is a vessel that is secured to a pier, float, dock, buoy or other vessel.

115. Mooring Buoy

A “mooring buoy” is an anchored floating device in a water body used for the landing of a vessel or water craft.

116. Mooring Buoy Field

A “mooring buoy field” is 12 or more mooring buoys in a contiguous area.

117. Multifamily Residential Development

“Multifamily residential development” is a building or portion thereof designed for or used as the residence of four or more families living independently of each other.

118. Must

"Must" means a mandate; the action is required.

119. Natural Topography

"Natural topography" or "existing topography" are the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

120. Navigational Channels

"Navigational channels" are those logical routes on the waters of Tacoma beyond the outer harbor line, commonly used by ships for useful commerce.

121. Navigable Waters

"Navigable waters" are waters which are, in fact and without substantial alteration, capable of being used practically for the carriage of commerce. Navigable waters include waters meandered by government surveyors as navigable unless otherwise declared by a court. Navigable waters do not include waters inside an inner harbor line.

122. Nexus

"Nexus" is the rational relationship between a probable adverse impact from a proposed development on a legitimate governmental interest or purpose.

123. Non-conforming Use/Structure

"Non-conforming use/structure" are shoreline uses or structures which were lawfully constructed or established prior to the effective date of the applicable Act or Master Program provision, and which no longer conform to the applicable shoreline provisions.

124. Normal Maintenance

"Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

125. Normal Protective Bulkhead

A "normal protective bulkhead" is a structural or nonstructural development installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion (see WAC 173-27-040).

126. Normal Repair

"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

127. Ordinary High Water Mark

"Ordinary high water mark" is that mark on all lakes, streams, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local

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government or Ecology: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

128. Outer Harbor Line

The "outer harbor line" is the line located and established by the State Department of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

129. Over-water Structure

An "over-water structure" is a structure or other construction located waterward of the Ordinary High Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

130. Parking

"Primary use parking" is parking which is the principal use on the property and is not accessory to another use.

"Accessory Parking" is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves an approved shoreline use.

131. Party of Record

The "party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

132. Permit

A "Permit" is any Substantial Development, Variance, Conditional Use Permit, or revision authorized under RCW 90.58.

133. Person

A "Person" is an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

134. Pier

A "Pier" is a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

135. Port

"Port" refers to a center for water-borne commerce and traffic.

136. Practicable

"Practicable" refers to a requirement or provision for a use or development that is capable of being put into practice or of being done or accomplished.

137. Priority Habitat

"Priority habitat" is a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- f. Comparatively high fish or wildlife density;

- g. Comparatively high fish or wildlife species diversity;
- h. Important wildlife habitat;
- i. Important fish or wildlife seasonal range;
- j. Important fish or wildlife movement corridor;
- k. Rearing and foraging habitat;
- l. Important marine mammal haul-out;
- m. Refugia habitat;
- n. Limited availability;
- o. High vulnerability to habitat alteration;
- p. Unique or dependent species; or
- q. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

138. Priority Species

A "priority species" is a species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- r. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- s. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- t. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- u. Criterion 4. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

139. Provisions

"Provisions" are policies, regulations, standards, guideline criteria or environment designations.

140. Public Access Area

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A “public access area” is an area, pathway, road, or structure open to use by the general public and affording contact with or views of public waters.

141. Public Access

“Public access” is the provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

142. Public Interest

“Public interest” is the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

143. Qualified professional

A “qualified professional” is a person who, at a minimum, has earned a degree from an accredited college/university in the relevant scientific or engineering discipline appropriate to the critical area subject and two years of related professional work experience; or eight years of professional work experience in the relevant critical area subject.

144. Recreation

“Recreation” is the refreshment of body and mind through forms of play, sports, relaxation, or contemplation. Water-oriented recreation includes activities such as boating, fishing, swimming, skin diving, scuba diving, and enjoying the natural beauty of the shoreline or its wildlife through nature walks, photography, wildlife observation, and hiking.

145. Recreational Development

“Recreational development” includes commercial and public facilities designed and used to provide recreational opportunities to the public.

146. “Renewable Fuel.”

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

147. “Renewable Fuel Facilities - Major.”

This use classification applies to the following:

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

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

148. Residential Development

“Residential development” is the development of single-family residences, including appurtenant structures and uses. Residential development also includes multifamily development and the creation of new residential lots through land division.

149. Restore

“Restore,” “restoration” or “ecological restoration” are the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

150. Revetment

A “revetment” is a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.

151. Rip-Rap

“Rip-rap” is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

152. Rough Proportionality Test

“Rough proportionality test” is a case by case determination by the City that a particular condition of approval on a proposed project is reasonably related to both the character and the degree of a probable impact of the project on the public health, safety and welfare.

153. Setback

A “setback” is a space unoccupied by structures except where intrusions are specifically permitted by this Program.

154. Setback, Front

A “front setback” is the space abutting a street right-of-way, access easement or private road either from which the lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights-of-way, space abutting each right-of-way extending the full width of the lot.

155. Setback, Rear

A “rear setback” is the space abutting a property line or landward edge of the marine buffer, as established by this Program, and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot or buffer. If more than one rear setback or more than one front setback exists, the Director shall designate the rear setback.

156. Setback, Side

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A "side setback" is the space abutting a property line, access easement or private road and generally between the required front and rear setbacks. Any setback not defined as a front or rear setback is a side setback.

157. Sewage

"Sewage" is wastewater associated with human habitation, including that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as "black water."

158. Shall

"Shall" means a mandate; the action must be done.

159. Shared Moorage

"Shared Moorage" or "joint use moorage" are moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides commercial services or is of a large scale (more than four slips), it shall be considered a marina. Shared moorage proposed to be leased to upland property owners shall also be considered a marina. If a proposal includes covered moorage, commercial sale of goods or services, or a means of launching other than a ramp, swinging boom, or davit style hoist, it shall be considered a marina.

160. Shorelands/Shoreland Areas

"Shoreland" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark, floodways and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act.

161. Shoreline Environmental Designations

"Shoreline Environmental Designations" or "SEDs" are the six shoreline environments defined and designated to exist on the shorelines of the City of Tacoma. The shoreline environmental designations are summarily defined in subsection 5.3 of this Program.

162. Shoreline Jurisdiction

"Shoreline jurisdiction" is all "shorelines of the state" and "shorelands."

163. Shoreline Master Program

The "shoreline master program (TSMP)" or "master program" is the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under RCW 90.58 shall be considered an element of the city's comprehensive plan. All other portions of the shoreline master program for a city adopted under RCW 90.58, including use regulations, shall be considered a part of the city's development regulations.

164. Shoreline Modifications

"Shoreline modifications" are those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

165. Shoreline Stabilization

"Shore stabilization" works include actions taken to stabilize the shoreline, addressing erosion impacts to property and improvements caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization. Structural methods can be "hard" or "soft. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These are static structures traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization methods also often result in vegetation removal and damage to near-shore habitat and shoreline corridors. The following methods of shoreline stabilization are organized from "soft" to "hard". The use of "soft" methods is the preferred "best practices" choice (if non-structural methods cannot be used or are insufficient) when considering shoreline stabilization measures.

"Soft"

- Vegetation enhancement;
- Upland drainage control;
- Bioengineering/biotechnical measures;
- Beach enhancement;
- Anchor trees; and
- Gravel enhancement.

"Hard"

- Rock revetments;
- Gabions;
- Groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

What constitutes normal repair and maintenance? As applied to shoreline stabilization, "normal repair" and "normal maintenance" include the patching, sealing, or refinishing of existing structures and the replenishment of sand or other material that has been washed away if part of a previous authorized activity. Normal maintenance and normal repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant ecological impact is not considered normal maintenance and repair.

What constitutes replacement? As applied to shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function when an existing structure can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures are considered new structures under this Master Program.

In addition, repairs that exceed a certain threshold are also effectively "replacement," providing a meaningful opportunity for the project applicant to consider and implement softer solutions to an existing hard structural stabilization. The following are thresholds for considering a repair to be effectively replacement: 1) when any repair is being conducted along more than 50 percent of the shoreline stabilization on the subject property, or 2) when repair is being conducted along more than 25 feet of

shoreline stabilization when that repair work includes removal and replacement of the stabilization measure's foundation material. Exemptions if the relevant exemption criteria are met; however, the replacement provisions of these regulations will apply.

166. Shoreline Substantial Development Permit

A "Shoreline Substantial Development Permit" is the permit required by this Master Program for uses which are substantial developments in shoreline jurisdiction.

167. Shorelines

"Shorelines" are all of the water areas of the City, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

168. Shorelines of Statewide Significance

"Shorelines of Statewide Significance" are the following shorelines of the State:

- v. The area between the ordinary high water mark and the western boundary of the State from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
- w. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
 - (1) Nisqually Delta – from DeWolf Bight to Tatsolo Point,
 - (2) Birch Bay – from Point Whitehorn to Birch Point,
 - (3) Hood Canal – from Tala Point to Foulweather Bluff,
 - (4) Skagit Bay and adjacent area – from Brown Point to Yokeko Point, and
 - (5) Padilla Bay – from March Point to William Point;
- x. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;
- y. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high water mark;
- z. Those natural rivers or segments thereof, as follows:
 - (1) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more, and
 - (2) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;
- aa. Those shorelands associated with paragraphs a, b, d, and e above.

Within the City of Tacoma, the Puyallup River is designated as a shoreline of statewide significance.

169. Shorelines of the City

"Shorelines of the City" are the total of all "shorelines" and "shorelines of statewide significance" within the City.

170. Shorelines of the State

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

171. Should

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

172. Sign

A "sign" is any device, flag, light, figure, picture, letter, work, message, symbol, plaque, poster or building face that is visible from outside the lot on which it is located and that is designed to inform or attract the attention of the public through visual communication, excluding murals or architectural designs that do not advertise a business, product or service.

173. Sign, Directional

A "directional sign" is an attached or freestanding railroad, highway, road, or traffic sign or signal erected, constructed, or maintained for the purpose of providing safety and directional information within public and private properties or rights-of-way for the movement of pedestrian and vehicular traffic.

174. Sign, Freestanding

A "freestanding sign" is a self-supporting sign placed off and away from the building or use to which it is related. Freestanding signs may be single faced or consist of two parallel and fully connected faces. The square footage of such signs shall be determined by the dimensions of the frame or edges of the sign, regardless of whether it is one- or twofaced.

175. Sign, Interpretive

An "Interpretive sign," means a sign designed to impart educational, instructive, or historic information, or to identify parks or other public recreational facilities.

176. Significant Vegetation Removal

"Significant vegetation removal" is the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

177. Single Family Residence

A "Single-family residence" is a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program.

178. "Smelting."

Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base

metals. This use category includes all smelting activities identified in NAICS codes 331411, 331313, and 331410.

179. Solid Waste

“Solid waste” is all solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

180. Solid Waste Facility

A “solid waste facility” or “transfer facility” is any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

181. State Master Program

The "State Master Program" is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

182. Stockpiling of Materials

“Stockpiling of materials” is the accumulation and storage of raw materials, equipment, apparatus and/or supplies by an individual, business, or organization. Stockpiling of materials as a primary use activity is subject to all applicable shoreline permits. Stockpiling of materials as a secondary use activity pursuant to a valid shoreline permit is considered a permitted use activity.

183. Stream

A “stream” is a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel.

184. Streamway

A “streamway” is the bed and banks of a stream.

185. Structure

A "structure" is a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

186. Substantial Development

A "substantial development" is any development of which the total cost or fair market value exceeds seven thousand forty-seven dollars (\$7,047), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.

187. Substantially Degrade

To "substantially degrade" means to cause significant ecological impact.

188. Support

“Support” means that a non-water-oriented component of a mixed-use development is necessary to pay the costs of or provide a basis for the existence and ongoing subsistence of the water-oriented component.

189. Terminal

A “terminal” is a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

190. Townhouse

A “townhouse” is a building on its own separate parcel of land containing one single-family dwelling unit that occupies space from the foundation to the roof and is attached to one or more other townhouse dwelling units by at least one common wall. In the S-15 Shoreline District, the townhouses will not include a separate parcel of land and will include only the area from the foundation to the roof.

191. Transient

“Transient” means passing through or by a place, staying 10 days or less.

192. Transmit

“Transmit” means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

193. Transportation Facility

A “transportation facility” includes roads and railways, related bridges and culverts, fills, embankments, causeways, parking lots, parking structures, and bus and truck terminals. Not included is off-street bicycle or recreational trails.

194. Underground Utilities

“Underground utilities” are services which produce and carry electric power, gas, sewage, communications, oil, water, and storm drains below the surface of the ground.

195. Uplands

“Uplands” are dry lands landward of OHWM.

196. Utilities

“Utilities” are services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. Utilities have been categorized in this Master Program as primary, accessory, and personal wireless facilities:

1. Primary utilities are services and facilities that produce, transmit, carry, store, process or dispose of power, gas, water, sewage, communications (excepting wireless facilities, see below), oil and the like. For example: sewage treatment plants and outfalls, public high-tension utility lines, power generating or transfer stations, gas distribution lines and storage facilities.
2. Accessory utilities are small-scale distribution services directly serving a permitted shoreline use. For example, power, telephone, cable, communication antennas, water, sewer lines, including stormwater systems.
3. Personal wireless facilities meaning any unstaffed facility for the transmission and/or reception of personal wireless services. This can consist of an equipment shelter or cabinet,

a support structure or existing structure used to achieve the necessary elevation, and the antenna or antenna array.

197. Variance

A "variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

198. Vegetation Conservation

"Vegetation conservation" are activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement.

199. Vessel

A "vessel" is a ship, boat, barge, or any other floating watercraft which is designed and used for navigation and does not interfere with the normal public use of the water.

200. Water-dependent

A "Water-dependent use" is a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boat ramps and transient moorage, aquaculture, and float plane facilities.

201. Water-enjoyment

A "Water-enjoyment use" is a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, view towers, interpretive centers and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, and public markets, provided, that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

202. Water-oriented

A "water-oriented use" is a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

203. Non-water-oriented

A "non-water-oriented uses" is a use which has little or no relationship to the shoreline and is not considered a priority use under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores and gas stations.

204. Water Quality

"Water quality" is the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

205. Water-Related Use

A "water-related use" is a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include, but should not be limited to, manufacturers of large materials for which transportation cost becomes a significant factor, professional services serving primarily water-dependent activities, warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

206. Watershed Restoration

A "watershed restoration project" is a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

3. A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
4. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
5. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

207. Watershed Restoration Plan

A "watershed restoration plan" is a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a

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stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21C, the State Environmental Policy Act.

208. Weir

A “weir” is a structure in a stream or river for measuring or regulating stream flow.

209. Wetlands

A "wetland" is an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.