



Issues & Recommendations: Shoreline Master Program Periodic Review

06/19/19

The following is a summary of the topics and recommendations included in the Tacoma Shoreline Master Program (TSMP) Periodic Review. These topics were identified through the project scoping process, as summarized in the June 2018 *Assessment and Scoping Report*. They combine issues identified by the State Department of Ecology (DOE) as mandatory review items, issues identified through the public scoping process, and issues identified by City staff and the project consultants. The scope of the required SMP Periodic review, per the Washington Shoreline Management Act (SMA), is as follows:

- To ensure that the master program complies with applicable state law and guidelines in effect at the time of the review;
- To assure consistency of the master program with the local government’s comprehensive plan and development regulations;
- To consider whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data, and whether the significance of the changed circumstances, new information or improved data warrants amendments.

Row	Topic	Summary	Action
1.	<p>Changes required by Ecology</p> <p>The Washington Department of Ecology (DOE) provides this checklist intended for use by counties, cities and towns conducting the required “periodic review” of their Shoreline Master Programs (SMPs). This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.</p>	<p>Update Tacoma’s SMP (TSMP) as follows:</p> <p>Definitions & Classifications</p> <ul style="list-style-type: none"> • Update the definition of “development” so that it does not include demolition activities. • Reclassify existing floating on-water residences as a non-conforming use and add definition. <p>Cost Thresholds</p> <ul style="list-style-type: none"> • Adjust the cost thresholds for substantial development and replacement docks consistent with OFM and state statute. <p>Exceptions & Exemptions</p> <ul style="list-style-type: none"> • Provide a section for exceptions to local review consistent with state rules. • Create an exemption for retrofitting existing structures to comply with the Americans with Disabilities Act. 	<p>Updates incorporated into multiple sections of the TSMP.</p> <p><i>See the DOE Periodic Review Checklist for a guide to the changes by section.</i></p>



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		<p>Review Procedures</p> <ul style="list-style-type: none"> Update the current permitting filing process to include a stipulation regarding return receipt requested mail. Incorporate a 90-day target for review of WSDOT projects. <p>Code Citations</p> <ul style="list-style-type: none"> Include appropriate RCW and WAC code citations for state rules regarding periodic reviews and SMP amendments. 	
2.	<p>Geologically Hazardous Areas</p> <p>The last substantive update to the City’s standards for Geologically Hazardous Areas occurred in 2004. Since that date, progress has been made in scientific understanding of the associated risks related to development near erosion and landslide hazard areas.</p>	<p>Update the SMP regulations related to Geologic Hazards, including Erosion and Landslide Hazards</p> <p>These updates include:</p> <ul style="list-style-type: none"> Update classifications to be consistent with state requirements. Add Shoreline Erosion Hazard Areas as a subcategory to Erosion Hazard Areas. Include Active Landslide Areas as a subcategory for Landslide Hazard Areas. Add standards for each category to be consistent with Best Available Science and guidance. Clarify that the geological buffer extends from the edge of the entire geological hazard areas, including top and toe of slope. Clarify that buffer modifications are subject to mitigation sequencing as is the case with all other critical areas. Update allowances for small projects approval without a geotechnical analysis. Specify submittal requirements for Geological Reports. Specify that the City may require Third Party Review when the professional opinions of an applicant’s representative and the Department’s reviewers cannot be reconciled. 	<p>Integrate code revisions into TSMP 6.4.7 – Geologically Hazardous Areas.</p>



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		<ul style="list-style-type: none"> Use of 2017 Washington State Dept. of Natural Resources (DNR) Landslide Survey for Pierce County in City’s landslide hazard mapping. <p>The recommended updates reflect the latest information and standards protecting steep slopes, based upon review by Robinson-Noble, Inc. – a geotechnical firm. The analysis and recommendations are detailed in the Draft Gap Analysis Matrix (Robinson-Noble, Inc., February 2019).</p>	
3.	<p>Biodiversity Areas and Corridors</p> <p>The City adopted amendments to TMC 13.11 (the Critical Areas Protection Ordinance) to standards for Fish and Wildlife Habitat Conservation Areas, specifically Biodiversity Areas/Corridors which are a listed Priority Habitat. These standards were adopted in 2018 and currently apply outside of Shoreline Districts, providing enhanced and clarified protections for these natural assets.</p>	<p>Integrate the Biodiversity Areas/Corridors standards from CAPO 13.11 into the TSMP critical areas provisions</p> <p>This action would make critical area review in Shoreline Districts consistent with the rest of the City. The regulations create a consistent approach to allow reasonable use of property located within biodiversity areas/corridors while ensuring that impacts will be limited in a manner to ensure no net loss to the environmental function of the natural asset.</p>	<p>Additions to code in TSMP 6.4.4.A.1.b.</p>
4.	<p>Sea Level Rise</p> <p>In 2015, the City’s Comprehensive Plan update included new policies on planning for, mitigating, and</p>	<p>Incorporate policies related to sea level rise previously adopted into the Comprehensive Plan.</p> <p>These policies highlight the significance of climate change-related sea level rise and support future actions to understand, plan for and</p>	<p>Additions to General policies to TSMP 6.1.1.</p> <p>Additions to Site Planning policies to TSMP 6.2.1.</p>



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	adapting to climate change, including sea-level rise. The Shoreline Master Program does not specifically incorporate or address these policies.	mitigate the effects of sea level rise. They initiate at the policy level future potential regulatory and other actions related to this issue.	
5.	<p>Base Flood Elevation</p> <p>The Federal Emergency Management Agency (FEMA) base flood elevations were increased in 2017. In some cases, the change in flood elevation and requirements to raise structures to meet those elevations has resulted in a shrinking building envelope that impacts the viability of new development.</p>	<p>Modify TSMP standards to allow building height to exceed maximums by the difference between Average Grade/Ordinary High Water Mark and Base Flood Elevation.</p> <p>This change would effectively allow development to occur as envisioned in the SMP while recognizing the effect of rising Base Flood Elevation (BFE). In so doing, the overall height of structures would be permitted to increase. Therefore, the proposal also requires view impact assessment of structures utilizing this provision, as required by the Shoreline Management Act for potential significant view impacts.</p>	Added to View Regulations, TSMP 6.7.4.A.
6.	<p>Salmon Beach Community</p> <p>The circumstances at Salmon Beach are unique in Washington State, given the location of the homes overwater and at the base of a geologically hazardous steep slope. While the TSMP already allows minimal building expansions, any further allowance must be closely reviewed to ensure that the outcomes will</p>	<p>(1.) Add a statement to the S-3 Shoreline District Specific Intent recognizing Salmon Beach as an existing, historic over-water community.</p> <p>(2.) Update TSMP regulations to allow second-story additions to non-conforming structures under limited circumstances.</p> <p>These proposed changes are intended to strike a balance between reasonable use and expansion of existing, non-conforming houses in the Salmon Beach community, and the City’s obligation under the SMA to protect life and property and to ensure no net loss to environmental functions and values of the shorelines.</p> <p>Specifically, the changes would:</p>	<p>Added statement to S-3 Shoreline District Specific intent for Salmon Beach, TSMP 9.4.A.</p> <p>Added to Non-Conforming Structures, TSMP 2.5.B.4.</p> <p>Added to Conditional Use Permit, TSMP 2.3.7.</p>



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	<p>result in improved safety and reduced environmental impacts.</p>	<ul style="list-style-type: none"> • Recognize the value and significance of the historic overwater Salmon Beach community • Allow for second-story additions for heights up to 25 feet, with approval under a Shoreline Conditional Use Permit process • Maintain classification of these structures as “legally non-conforming uses” to be consistent with the WAC definition 	
<p>7.</p>	<p>Review Process clarification</p> <p>Staff have noted opportunities to clarify the SMP review process for certain activities that do not meet the definition of “development”. These are subject to the standards of the SMP, but do not trigger a permit review. One example is vegetation clearing in shoreline jurisdiction not occurring as part of a development proposal.</p>	<p>Make changes to clarify the review process for activities that do not meet the definition of “development”.</p> <p>Ecology provided some draft guidance related to regulating vegetation clearing and tree removal that does not occur as part of a development. Revisions were made to establish an administrative review process for any clearing or vegetation removal below the threshold of a standard “clear and grade” permit.</p>	<p>Revisions to TSMP Section 6.6.2 Regulations for Vegetation Conservation.</p> <p>Add administrative review process in Section 6.6.2.3.</p>
<p>8.</p>	<p>Improve consistency with citywide development standards</p> <p>Staff have noted opportunities to clarify how development standards contained in other sections of the Tacoma Municipal Code do, or do not, apply in Shoreline Districts.</p>	<p>Make changes as appropriate to improve consistency and achieve the intent of the SMP.</p> <p>The SMP contains linkages with other code sections, which creates the potential for inconsistencies. Because the SMP is a stand-alone document, it may need to be separately updated to reflect changes to other code sections. Standards such as landscaping, parking, street design and building design have been updated more recently than the SMP.</p>	<p>Integrate code revisions into TSMP.</p> <p>Commercial Development, TSMP 7.5.2 regarding building design standards and pedestrian access.</p> <p>Residential Development TSMP 7.8.2 regarding building design standards and pedestrian access.</p>



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		This action would clarify that certain citywide parking, bicycle facilities, landscaping and building design standards apply in Shoreline Districts.	
9.	<p>Language and terminology clarifications</p> <p>Staff have noted opportunities for minor clarifications to make the language clear and consistent.</p>	<p><i>Integrate clarifications as appropriate.</i></p> <p>The consultant and staff have reviewed the TSMP and identified minor language edits and clarifications. These are generally non-substantive, and will assist in interpreting and implementing the TSMP.</p>	<p>Integrate minor language clarifications throughout the SMP (various pages).</p> <p>Additional non-substantive changes.</p>