

APPENDIX E-1

Critical Areas Minor Development Permit

**TACOMA
PERMITS^{on}**
CITY OF TACOMA

Planning & Development Services Department
747 Market St, Rm 345 | Tacoma, WA 98402

NOTICE OF DECISION

Date of Decision: 05/10/2018

Appeal Period Ends: 05/24/2018

Decision Final: 05/25/2018

Decision: Approved, subject to conditions

Applicant: Josh Jensen, Anchor QEA
For Port of Tacoma, Carol Rhodes

Location: 2940 Port of Tacoma Rd/3400 Taylor Way
Parcels: 0321354035, 0321363036,
0321363025

Application No.: LU18-0026

Proposal: Critical Area Minor Development Permit to
allow wetland buffer modification for new rail
improvements and utility infrastructure at the
Port of Tacoma EB1 Terminal on the Blair
Waterway and adjacent Parcel 77 for a future
automobile import terminal.

For further information regarding the proposal, **log on to the website at tacomapermits.org and select "Public Notices".** The case file may be viewed in
Planning and Development Services, 747 Market Street, Rm 345.

Reconsideration: Any person having standing may request reconsideration
of the Director's decision, based upon errors of procedure or fact, by
submitting a request in writing to Planning and Development Services at the
address below.

Appeal to Hearing Examiner: Any aggrieved person or entity may appeal to
the Hearing Examiner by filing a written Notice of Appeal and submitting the
filing fee of **\$332.46** to the Hearing Examiner (747 Market St., Rm 720) which
contains the following:

A brief statement showing how the appellant is aggrieved or adversely affected.
A statement of the grounds for the appeal, explaining why the appellant believes the
administrative decision is wrong.
The requested relief, such as reversal or modification of the decision.
The signature, mailing address and telephone number of the appellant and any
representative of the appellant.

The fee shall be refunded to the appellant should the appellant prevail.

Staff Contact: Karla Kluge, Senior Environmental Specialist, 747 Market St, Room 345, (253) 591-5773, kkluge@cityoftacoma.org

Environmental Review: Per SEPA, WAC 197-11-340, the Lead Agency has issued an environmental determination for the project. For further
information regarding SEPA, please contact the project applicant.



*To request this information in an alternative format, please contact Planning and Development Services by phone
at (voice) 253-591-5030. TTY or STS users please dial 711 to connect to Washington Relay Services*



City of Tacoma
Planning & Development Services Department
747 Market St. Rm 345
Tacoma, WA 98402

NOTICE OF DECISION



City of Tacoma
Office of the Director
Report and Decision

**CRITICAL AREAS
MINOR DEVELOPMENT PERMIT
APPLICATION FOR:**

FILE NO. LU18 – 0026

Josh Jensen
Anchor QEA
720 Olive Way, Suite 1900
Seattle, WA 98101

Port of Tacoma
Carol Rhodes/ Mark Rettmann
One Sircum Plaza
Tacoma, WA 98421

SUMMARY OF REQUEST:

A Critical Area Minor Development Permit for a buffer modification associated with the development of an Auto Import Terminal Facility. Buffer reduction is proposed to allow the construction of railroad lines and access areas for the rail and vehicle import and transport near Wetland EB1B in accordance with *TMC 13.11.330.E*. Mitigation will be provided for impacts. The permit application is associated with a separate Shoreline Substantial Development – Conditional Use Permit (LU18-0013) that is being processed separately for actions within the marine buffer and shoreline district.

LOCATION:
3400 Taylor Way, Parcel Number 03213633033

SUMMARY OF DECISION:

The request for a Critical Area - Minor Development Permit is **Approved**, subject to conditions.

Notes:

The appeal period on this decision closes May 24, 2018, and the effective date of this decision is the following business day, provided no requests for reconsideration or appeals are timely filed as identified in APPEAL PROCEDURES of this report and decision.

The Director has jurisdiction in this matter per *TMC 13.05.030*. The applicant bears the burden of proof to demonstrate the proposal is consistent with the provisions of the *TMC*, the applicable provisions and policies of the City's *Comprehensive Plan*, and other applicable ordinances of the City.

For additional information concerning this land use permit please contact:

Karla Kluge
Planning and Development Services Department
747 Market Street, Room 345, Tacoma, WA 98402
253-591-5773 or kkluge@cityoftacoma.org

SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachments:

- Attachment "A": Site Plans including vicinity, project site, wetland map and mitigation plantings
- Attachment "B": Technical Memorandum, Karla Kluge, Senior Environmental Specialist, April 6, 2018

Exhibits¹:

- Exhibit "A": Joint Aquatic Resources Permit Application with Civil Plans
- Exhibit "B": Critical Areas Report for Port of Tacoma Parcel 77 Auto Import Terminal Facility, Anchor QEA, February 2018 (Revised)
- Exhibit "C": City Response Letter to Incomplete Application
- Exhibit "D": Comment Matrix for Critical Areas Permit LU18-0026, with Mitigation Plan, updated April 10, 2018
- Exhibit "E": Agency/Staff Comments

FINDINGS

Proposal:

1. The proposal is for a Critical Area Minor Development Permit for a buffer modification associated with the development of an Auto Import Terminal Facility in accordance with *TMC 13.11.330.E*. Buffer reduction is proposed to allow the construction of a railroad lines and access areas for the rail and access near Wetland EB1B in accordance with *TMC 13.11.330.E*. Mitigation will be provided for all impacts. The permit application is associated with a separate Shoreline Substantial Development – Conditional Use Permit (LU18-0013) that is being processed separately for actions within the marine buffer and shoreline district. The purpose of the project is to provide an automobile terminal, to receive cars by ship and then process and transport to other parts of the country primarily by rail.
2. Buffer reduction is proposed to allow the construction of a railroad lines and access areas for the rail and access near Wetland EB1B in accordance with *TMC 13.11.330.E*. Buffer reduction will result in a pinch point or a point of limited distance where the buffer will be reduced from 75 feet to 13.7 feet. Currently, the vegetated buffer along Wetland EB1B is limited to 6.1 feet where the buffer abuts a concrete retaining wall along asphalt on the subject site. The restoration proposal includes the removal of the asphalt followed by the restoration of the underlying area. The concrete retaining wall will remain. Mitigation is proposed for the impacts associated with the permanent reduction in buffer distances along the railroad and associated access. The remaining portion of the wetland buffer will be fully restored and enhanced. Invasive and non-native plants will be removed and native shrubs and grass will be installed within this area.
3. The proposed site plans depicting the wetland buffer modification and the future automobile Import Terminal site layout is included in Attachment "A".

¹ All Exhibits are contained in Planning and Development Services Department File No. LU16-0153. They are referenced and incorporated herein as though fully set forth.

Project Site:

4. The project site is located at 3400 Taylor Way, Parcel Number 03213633033, on a site located between the Blair Waterway and Hylebos Waterway. The site is frequently referred to as "Parcel 77" and was formerly used for an aluminum smelter and has been the site of extensive environmental cleanup activities.
5. The site is located within the PMI – Port Maritime and Industrial District, "S-13" shoreline District – Marine Waters of the State, and "S-10" Shoreline District – Port Industrial.
6. The City's *Comprehensive Plan* locates the subject site within the Northeast Tacoma.
7. No wetlands were found on the subject site. However, four existing wetlands were found to the south of the subject property on the adjacent Bonneville Power Administration (BPA)-owned property. On the BPA property, one wetland is located on the northwest corner (Wetland Q), two wetlands located on the eastern portion of the adjacent property (Wetlands BPA-C and BPA-E) and the remaining wetland is a Port-restored wetland located near the northwest corner (Wetland EB1B). All four wetlands currently contain buffers interrupted by roads, parking lots, or existing development.
8. A stormwater ditch is located along the east boundary of the site. It flows to the Drainage District 23 Ditch, which ultimately discharges to the Hylebos Creek on the east side of Highway 509. This ditch does not meet the criteria of a wetland or stream because it was intentionally created from upland areas specifically to manage stormwater. However, according to the Critical Area Report, the ditch does meet the criteria of a jurisdictional ditch under the Army Corps of Engineers.
9. The project site is primarily vacant with sparse vegetation mixed in with gravel surfaces, a few areas of paved surfaces and remnant structure foundations. Vegetation within the proposed development portion of the site is primarily limited to patches of weedy grass and herbaceous vegetation in disturbed areas with gravel or patches of broken paved surfaces. Non-native invasive species such as Himalayan blackberry (*Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*) are present in patches and cracks in pavement. Native tree and shrub vegetation is limited to areas adjacent to stormwater ponds, wetland features adjacent to the site to the south and vegetation along the shoreline.
10. Isolated 100-year floodplain areas are mapped on the project site. These mapped floodplain areas are reportedly due to ponds that were previously located on the site and that were filled decades ago. The Port is pursuing a map change demonstrating that there are no current floodplains on site and has provided current base flood information demonstrating compliance with the building code and critical area code. No habitat areas are present within the proposed development area.

Surrounding Area:

11. The surrounding properties are either also included within the PMI – Port Maritime and Industrial District. Tribal properties lie to the northwest, west, and along eastern boundary of the development site. Industrial properties associated with City of Tacoma Power Authority and the Bonneville Power Administration occurs to the south of the development site.

Additional Information:

12. The application was received on January 23, 2018. The application was determined to be complete on March 7, 2018.
13. The Port of Tacoma, acting as SEPA Lead Agency, issued a Determination of

Environmental Non-Significance (DNS) with the Shoreline Substantial Development Permit. The Determination requires mitigation for traffic impacts associated with the development and which will be carried forward with the development permits. The proposal will be fully compliant with the Critical Area Code.

Notification and Comments:

14. Public Notice was sent to all owners of property within 100 feet of the site as indicated by the Pierce County Assessor/Treasurer's records, the neighborhood council, and qualified neighborhood groups, allowing for at least 14 days of comment period. A public notice sign was posted on the site within seven days of the start of the comment period. Written notice of the application and copies of the project application were transmitted to reviewing local, state and federal resource agencies.
15. No public comments were received in response to the public notice.
16. Substantive subject matter expert comments were received from Karla Kluge, Senior Environmental Specialist; and Karina Stone, Site Development; Shelly Shaffer, Tacoma Water; Ronda Cornforth, Real Property Services; Dan Reed, Tacoma Power. Additional advisory comments were received from other City of Tacoma reviewers. Comments that may impact the overall development proposal are addressed as conditions of approval and advisory notes where applicable within this report and decision. Refer to Exhibit "E".
17. Karla Kluge, Senior Environmental Specialist (SES), the critical area subject matter expert, conducted a site visit at the subject site to review and verify the wetland classification and delineation. Ms. Kluge also reviewed the "*Critical Areas Report for Port of Tacoma Parcel 77 Auto Import Terminal Facility, Anchor QEA, February 2018 (Revised)*" and the mitigation plan contained within the "*Comment Matrix, Updated April 10, 2018*" indicating that the proposal complies with the requirements of TMC 13.11. Ms. Kluge concurs with the wetland analysis and proposed wetland buffer modification. The Director would note that substantial weight is given to Ms. Kluge's review of the proposal for potential effects on critical areas and her Technical Memorandum is included in Attachment "B".
18. Comments received from Karina Stone, Site Development, refer to required compliance with the Storm Water Management Manual. In addition, Ms. Stone concluded that the applicant was in compliance with balancing the pre and post development flows to the offsite wetlands. Refer to Exhibit "E".
19. Comments were received from Scott Beard, Planning and Development Services, regarding the applicant's description of the site and floodplain areas and compliance with the floodplain requirements. Refer to Exhibit "E".

Applicable Regulations and Analysis:

20. TMC Section 13.11.220 Application Types

B. The three types of permits are as follows:

- 2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Director determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Director will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must*

comply with the following:

- a. *The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and*
- b. *Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.*
- c. *For buffer modification, the project meets the following:*
 - (1) *Buffer averaging as allowed within Section 13.11.330 and 13.11.430; or*
 - (2) *Buffer reduction as allowed within Section 13.11.330.*

Analysis: The applicant's proposed development and wetland buffer reduction to allow the construction of railroad lines and access areas for the rail and site access near Wetland EB1B complies with TMC 13.11.330.E. The proposed EB1B wetland buffer modification is a reduction in excess of 25%; however, with restoration and enhancement of the remaining portion of the buffer, would be allowed per Section 13.11.330.

21. TMC 13.11 250. General Standards

- A. *General Permit Standards. No regulated activity or use shall be permitted within a Critical Area without prior approval and without meeting the provisions of this section.*
 1. *The applicant has taken appropriate action to first avoid, adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;*
 2. *The result of the proposed activity is no net loss of Critical Area functions;*
 3. *The existence of plant or wildlife species appearing on the federal or state endangered or threatened species list will not be jeopardized;*
 4. *The proposal will not lead to significant degradation of groundwater or surface water quality; and*
 5. *The proposal complies with the remaining standards of this chapter, which include those pertaining to wetland compensation and the provision of bonds.*

Analysis: The Port provided information demonstrating that physical site layout changes are not feasible due to the complexities associated with vehicle access, rail access and safety, vehicle parking needs, and development costs. The Port's proposal completely avoids the regulated wetlands, and through design changes has also avoided the buffer of Wetland Q where the initial design included the placement of a bioretention swale within the buffer of Wetland Q. Revisions during the permitting process resulted in relocating the bioretention swale immediately outside the buffer of Wetland Q.

The proposed activity includes mitigation to restore and enhance the remaining portion of the buffer for Wetland EB1B, thus there will be no net loss of Critical Area functions, and the resulting restored and enhanced buffer is expected to result in an increase of functions.

No plant or wildlife species appearing on federal or state endangered or threatened species list will be jeopardized by the proposed project.

Stormwater will be treated by bioretention swales and water treatment vaults. An impermeable liner will be used to prevent intrusion of groundwater. The bioretention systems will be planted with vegetation adding to the complexity of the vegetation

throughout the site. Thus, the water quality of the stormwater released from the site will be enhanced.

The Port of Tacoma is a public agency and is not required to bond per code; however, the proposal will comply with all remaining standards of the critical area code.

22. TMC Section 13.11.310 Wetland Classification

A. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the revised Washington State Wetlands Rating System for Western Washington developed by the Washington Department of Ecology, Publication Number 04-06-025, August 2004.1.

2. Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.

Category II wetlands include the following types of wetlands: Estuarine wetlands, Intertidal wetlands, and wetlands that perform functions as well and score between 20-22 points.

3. Category III wetlands are those that perform functions moderately well and score between 16-19 points, and intertidal wetlands between 0.1 and 1 acre in size. These wetland have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.
4. Category IV wetlands are those that have the lowest levels of functions (less than 30 points) and are often heavily disturbed.

Analysis: The offsite wetlands were delineated using the Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement as required under TMC 13.11.230. The wetlands were rated using most current version of the Department of Ecology Guidance in the Washington State Wetland Rating System-Western Washington: 2014 Update (Hruby 2014) and according to City of Tacoma wetland rating criteria, as defined in the Tacoma Municipal Code. The rating forms were evaluated and found to be correctly applied.

23. TMC Section 13.11.320 Wetland Buffers

A. General. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. Buffers adjacent to wetlands are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. A permit may be granted if it has been demonstrated that no adverse impact to a wetland will occur and a minimum buffer width will be provided in accordance with this section. The buffer shall be measured horizontally from the delineated edge of the wetland. The buffer shall be vegetated with the exception of areas that include development interruptions as described within this chapter.

B. Minimum Requirement.

1. Wetlands. Wetland buffer widths shall be established according to the following tables which are based on wetland classification, habitat function, land use intensity, and local significance:

Table 1. Examples to Minimize Disturbance*

<i>Disturbance Element</i>	<i>Minimum measures to minimize impacts</i>	<i>Activities that may cause the disturbance</i>
<i>Lights</i>	<i>Direct lights away from wetland</i>	<i>Parking Lots, Warehouses, Manufacturing, High Density Residential</i>
<i>Noise</i>	<i>Place activity that generates noise away from the wetland</i>	<i>Manufacturing, High Density Residential</i>
<i>Toxic runoff</i>	<i>Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland</i>	<i>Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping</i>
<i>Change in water regime</i>	<i>Infiltrate or treat, detain, and disperse into buffer new runoff from surface</i>	<i>Any impermeable surface, lawns, tilling</i>
<i>Pets and Human disturbance</i>	<i>Fence around buffer, Plant buffer with "impenetrable" natural vegetation appropriate for region</i>	<i>Residential areas</i>
<i>Dust</i>	<i>Best Management Practices for dust</i>	<i>Tilled fields</i>

**Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3*

Table 2

Level of Function	Habitat Score in Rating System
<i>High (H)</i>	<i>8-9</i>
<i>Medium (M)</i>	<i>5-7</i>
<i>Low (L)</i>	<i>3-4</i>

Table 3. Buffer width for all wetlands *

Wetland Category	Buffer Width (feet)
<i>Category I</i>	<i>H and M – 200 L - 175</i>
<i>Category II</i>	<i>H and M – 150 L - 100</i>
<i>Category III</i>	<i>H, M, L - 75</i>
<i>Category IV</i>	<i>H, M, L - 50</i>

**Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers and modified by CAPO Focus Group, 2012.*

24. TMC Section 13.11.330 Wetland Buffer Modifications

A. Buffer Requirements. The standard buffer widths in Table 2 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The use of the standard buffer widths requires the implementation of the measures in Table 1, where applicable, to minimize the impacts of the adjacent land uses. The applicant shall demonstrate mitigation sequencing when using buffer averaging or buffer reduction.

E. Buffer Averaging or Buffer Reduction beyond the minimum standards indicated above may be allowed to allow a reasonable use of a legal lot of record when all of the following criteria are met:

- a. There are no feasible alternatives to the site design that could be accomplished with the standard buffer averaging or buffer reduction provision above; and*
- b. The averaged or reduced buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert, and*
- c. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community, and*
- d. The project shall meet the requirements of one of the three legal tests; No Practicable Alternatives, Public Interest, or Reasonable Use.*

Analysis:

- a. The applicant went through several design iterations to avoid and minimize impacts to the wetland buffers. The primary constraints to the rail alignments are the property lines, the vertical grades and the required horizontal geometry for safe train operation. In addition, moving the rail alignment further outside the EB1B wetland buffer reduces the useable vehicle storage space on site by 12 to 15 percent, and would likely require a new at-grade rail crossing at Taylor Way which would make the project economically infeasible.*
- b. The existing wetland buffer area of Wetland EB1B has limited functions due to areas of broken pavement, gravel and sparse grass and shrub vegetation primarily comprised of Scotch Broom and Himalayan blackberry. All wetland areas have been avoided and the area where the wetland buffer will be reduced is already the most heavily impacted area where there are old building foundations, gravel, and paved areas.*
- c. The applicant argues that there is no encroachment on existing functioning vegetated buffer. While the City recognizes that these areas are "low" functioning buffers, the City does not consider these completely non-functioning buffer areas. The remaining wetland buffer area between EB1B and the development site will be enhanced or restored following the removal of all invasive species.*
- d. The applicant provided information documenting that there are no Port owned vacant lots within the region that are within close proximity to a functional automobile import*

terminal such as the East Blair EB1B Terminal that would also result in fewer impacts to critical areas.

25. The *One Tacoma: Comprehensive Plan*, which sets forth policy regarding development in the City of Tacoma, provides the following policy guidance relative to development within and adjacent to wetlands and streams:

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

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

Policy EN-3.19 *Protect and retain wetlands, rivers, streams and lakes through use of best management practices, managing and treating stormwater runoff, protecting adjacent native vegetation, removing invasive plant species and limiting the use of fertilizers/pesticides or other chemicals.*

CONCLUSIONS²

1. Provided the conditions of approval are met, the proposal meets the criteria identified in TMC 13.11 for approval of a Critical Area Minor Development Permit as follows:
 - a. The proposal, if conditioned appropriately, has been found to be consistent with the policies and procedures of the Tacoma Municipal Code Critical Area Preservation Ordinance.
 - b. The applicant has demonstrated avoidance of all four of the entire regulated wetlands including Wetland "EB1B" according to TMC 13.11.250.
 - c. The applicant has minimized impacts to the extent feasible for Wetland EB1B and has provided mitigation for unavoidable impacts.
 - d. The applicant has avoided impacts to buffers for the remaining wetlands (Wetland Q, Wetland BPA-C, and Wetland BPA-E).
2. Provided the conditions of approval are met, the proposal meets the criteria identified in TMC 13.11.330.E as follows:
 - a. There are no feasible alternatives to the site design that could be accomplished with providing the standard buffer averaging or buffer reduction provisions available and thus the provision utilizing additional buffer reduction is necessary.
 - b. The averaged or reduced buffer will not result in degradation of the Wetland EB1B's functions and values as demonstrated by a report from a qualified wetland expert and the City is in agreement that large scale sites under the Port of Tacoma ownership with the unique transport facilities including access, rail and shipping are not available within the immediate or general local area.
 - c. The remaining buffer area on site for Wetland EB1B shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanted with a native plant community that will elevate the existing functions in the remaining portions of the buffer for Wetland EB1B. The planting of native vegetation will offset the limited buffer area where the reduction of the buffer exceeded the minimum requirements by providing an elevated functional buffer compared to the functions currently provided. This reduction is necessary for the use of the site while

² Conclusions are based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the Comprehensive Plan, and the Attachments and Exhibits listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

maintaining access areas for adjacent sites.

- d. The project shall meet the requirements of one of the three legal tests; No Practicable Alternatives, Public Interest, or Reasonable Use. The applicant has met the requirements for the No Practicable alternatives Legal Test due to site limitations, vehicle import and transport industry standards and processes, the limited availability of large scale sites within the vicinity, and the proposed mitigation to offset all impacts associated with the requirements of the proposal.

As conditioned per this decision, the Project proposal reducing the wetland buffer will not result in degradation of the wetland's existing functions and will result an in enhanced functional wetland buffer area that will be protected in perpetuity providing additional vegetative cover and habitat for the urban animals that utilize the area and protecting the areas through fencing and signage.

DECISION

Based upon the above findings and conclusions, the request for a Critical Areas Minor Development Permit is **Approved**, subject to the following conditions:

Conditions:

1. The applicant must record Notice on Title per *TMC* Section 13.11.280.A.1.
2. The applicant shall conduct mitigation in accordance with the approved mitigation plan prepared by Anchor QEA in a letter dated April 10, 2018.
3. The applicant shall submit an as-built report to the City of Tacoma following the installation of the vegetation by October 1st following installation.
4. The applicant shall monitor the mitigation area for a period of 5 years and provide monitoring reports in years 1, 3, and 5 to the City for review and approval. The monitoring report shall be submitted to the City for review by October 1st each monitoring year.
5. The applicant shall attend a preconstruction meeting with the City's Senior Environmental Specialist prior to the issuance of any development permits for the site.
6. High visibility fencing shall be installed along the proposed wetland buffer area to prevent impacts to the wetland and buffer prior to work commencing on the site. All plans must be reviewed and approved by the City's Senior Environmental Specialist.
7. A split rail fence or similar permanent fence shall be installed along the wetland buffer. Signs shall be attached to the fence approximately every 50 feet to alert property owners of the protected area.

Advisory Notes:

The below notes are meant to provide additional information to the applicant relative to the specific development proposal and are not conditions of the permit.

1. This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Modifications to this proposal and future activities or development within the regulated buffers may be subject to further review and additional permits as required in accordance with the *Tacoma Municipal Code*.

2. The applicant must obtain other approvals prior to construction as required by other local, state and federal agencies including the Army Corps of Engineers and State Department of Fish and Wildlife which have requirements regarding work within regulated waters that may be applicable to the project.
3. Comments received from Shelly Shaffer, Tacoma Water, include the following:
 - Existing 1" service with 3/4" meter currently provides service to the proposed project from a 36" steel water main in E Alexander Ave. 2- 8" services with 8" meters also serve this proposed project from a 16" CI water main in Taylor Way. Calculated pressure is approximately 102 psi.
 - Continue coordinating this proposed project with Ryan Cox at (253) 396-3323 or rrcox@ci.tacoma.wa.us.
 - Existing water meter(s) to subject parcel may be utilized by the owner provided size requirements for intended use are adequate, as approved by Tacoma Water. Tacoma Water shall review proposed plans prior to final approval. Contact Jesse Angel at (253) 502-8280 with any questions.
 - If new water services are required, they will be sized and installed by Tacoma Water. New water services will be installed after payment of the Service Construction Charge and the Water Main Charge. New meters will be installed by Tacoma Water after payment of the System Development Charge. Contact Tacoma Water at (253) 502-8280.
 - The Uniform Plumbing Code requires that a pressure-reducing valve (PRV) be installed on the customer's property side service line if pressure exceeds 80 PSI.
 - If a new fire hydrant is required at a location with an existing water main, the hydrant will be installed by Tacoma Water after payment of an installation charge.
 - If existing water facilities need to be relocated or adjusted due to street improvements for this proposal they will be relocated by Tacoma Water at the owners' expense.
 - Tacoma Water facilities must remain accessible at all times. Any damage to Tacoma Water facilities will be repaired by Tacoma Water crews at the expense of the developer.
 - Sanitary sewer mains and side sewers shall maintain a minimum horizontal separation of ten (10) feet from all water mains and water services. When extraordinary circumstances dictate the minimum horizontal separation is not achievable, the methods of protecting water facilities shall be in accordance with the most current State of Washington, Department of Ecology "Criteria For Sewage Works Design".
 - For utilities other than sanitary sewer, the proposed facilities shall have a minimum horizontal separation of five (5) feet and vertical separation of twelve (12) inches from Tacoma Water facilities.
4. Comments received from Dan Reed, Tacoma Power advise that the Tacoma Power has overhead 115kv transmission line in the project area and 13.8kv overhead distribution along Alexander Ave and Taylor Way, beware and understand WAC 296-155-53408 when working near energized electrical conductors and equipment. The system has poles, down guys, anchors, overhead and underground electrical conductors and miscellaneous fixtures and devices on and off site.
5. Comments received from Ronda Cornforth advise that a Vacation of Right of Way is required for Occupancy. A Right of Way Occupancy Permit (ROCC) is required for utilities installed

within Alexander Avenue. The applicant must also provide documentation for the crossing of Tribal lands with rail track.

ORDERED this 10th day of May, 2018



Peter Huffman
Director, Planning and Development
Services Department

FULL DECISION TRANSMITTED by first class mail to:

Josh Jensen, Anchor QEA, 720 Olive Way, Suite 1900, Seattle, WA 98101
Mark Rettmann, Port of Tacoma, P.O. Box 1837, Tacoma, WA 98401
Jenn Stebbings, Port of Tacoma, P.O. Box 1837, Tacoma, WA 98401
Pierce County Assessor-Treasurer, Darci Brandvold, 2401 South 35th Street, Room 142, Tacoma, WA 98409

Interoffice Email:

Neighborhood Planning Team Members: Brian Boudet, Ian Munce, and Carol Wolfe, Shari Hart
Karla Kluge, Planning and Development Services
Shirley Schultz, Planning and Development Services
Karina Stone, Site Development
Shelly Shaffer, Tacoma Water
Chris Seaman, Fire Department
Lucas Shadduck, Site Development
Dan Reed, Tacoma Power
Brennan Kidd, Traffic
Vicki Marsten, Signal/Streetlights
Ronda Cornforth, Real Property
Scott Beard, Planning and Development Services

SUMMARY OF DECISION TRANSMITTED by first class to the following:

All property owners within 100 feet of the subject site
North East Tacoma Neighborhood Council
Tahoma Audubon Society, Executive Director, 2917 Morrison Road West, University Place, WA 98466

PURSUANT TO RCW 36.70B.130, YOU ARE HEREBY NOTIFIED THAT AFFECTED PROPERTY OWNER(S) RECEIVING THIS NOTICE OF DECISION MAY REQUEST A CHANGE IN VALUATION FOR PROPERTY TAX PURPOSES CONSISTENT WITH PIERCE COUNTY'S PROCEDURE FOR ADMINISTRATIVE APPEAL. TO REQUEST A CHANGE IN VALUE FOR PROPERTY TAX PURPOSES YOU MUST FILE WITH THE PIERCE COUNTY BOARD OF EQUALIZATION ON OR BEFORE JULY 1ST OF THE ASSESSMENT YEAR OR WITHIN 30 DAYS OF THE DATE OF NOTICE OF VALUE FROM THE ASSESSOR-TREASURER'S OFFICE. TO CONTACT THE BOARD CALL 253-798-7415 OR <WWW.CO.PIERCE.WA.US/BOE>.

APPEAL PROCEDURES

Any request for RECONSIDERATION and/or any APPEALS must be submitted in the applicable manner as outlined below on or before May 25, 2018.

RECONSIDERATION:

Any person having standing under the ordinance governing this application and feeling that the decision of the Director is based on errors of procedure or fact may make a written request for review by the Director within fourteen (14) days of the issuance of the written order. This request shall set forth the alleged errors, and the Director may, after further review, take such further actions as deemed proper, and may render a revised decision. A request for RECONSIDERATION of the Director's decision in this matter must be filed in writing to the staff contact listed on the first page of this document.

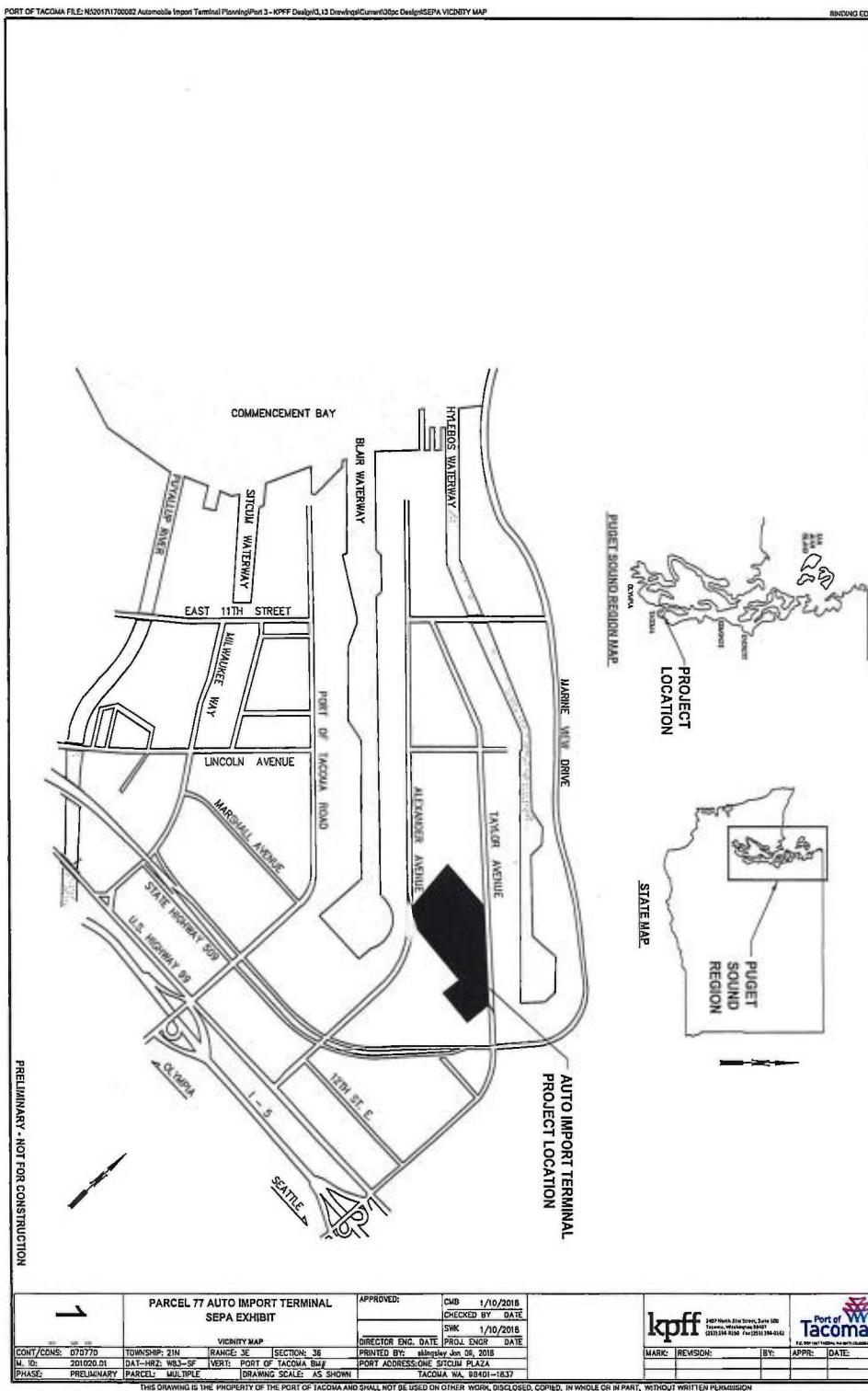
APPEAL TO HEARING EXAMINER:

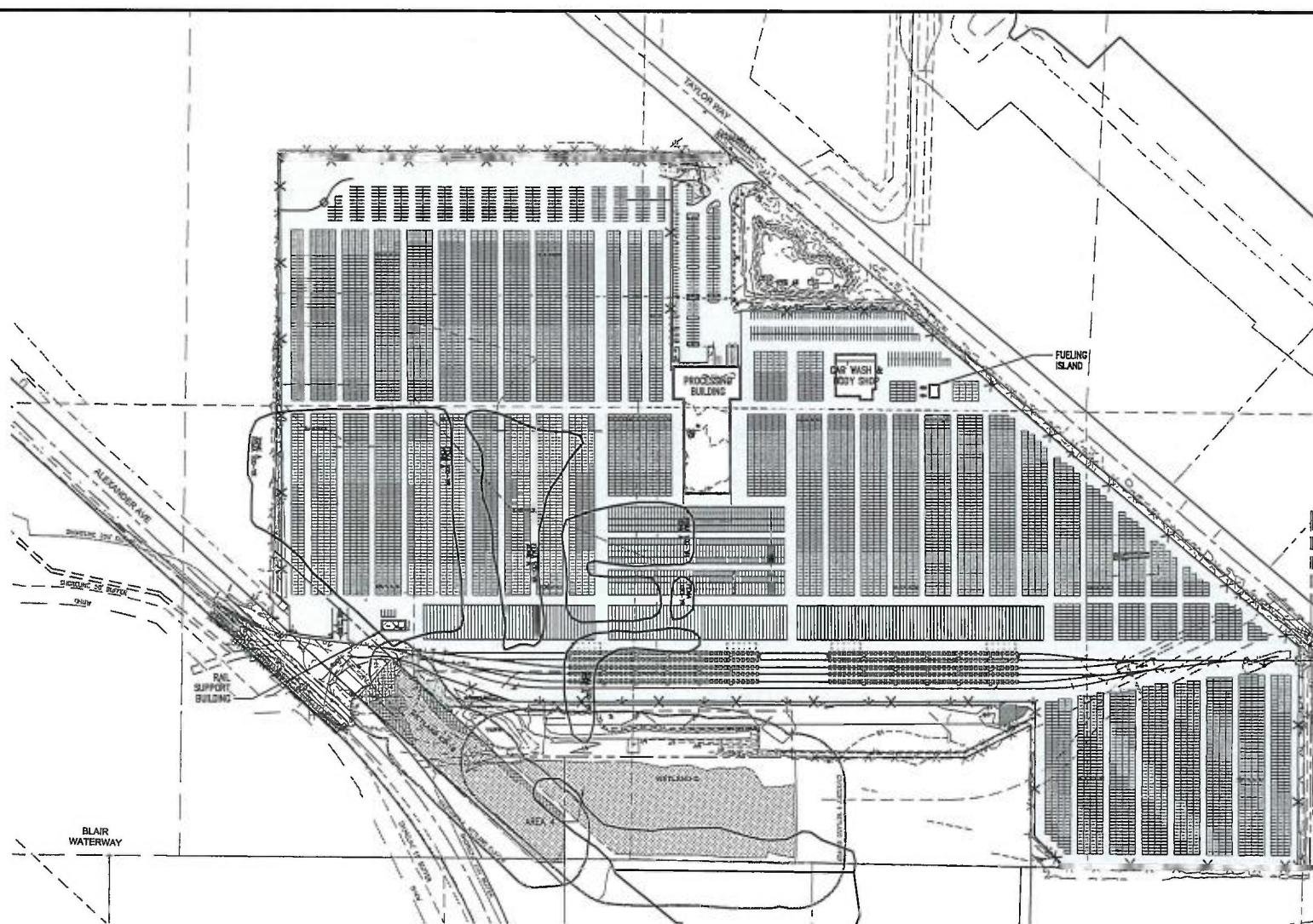
Any decision of the Director may be appealed by any aggrieved person or entity as defined in Section 13.05.050 of the *Tacoma Municipal Code*, within fourteen (14) days of the issuance of this decision, or within seven (7) days of the date of issuance of the Director's decision on a reconsideration, to appeal the decision to the Hearing Examiner.

An appeal to the Hearing Examiner is initiated by filing a Notice of Appeal accompanied by the required filing fee of **\$332.46**. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee has been received. THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL. (Pursuant to Section 2.09.020 of the *Tacoma Municipal Code*, fees for appeals shall be waived for qualifying senior citizens and persons who are permanently handicapped who are eligible for tax exemption because of financial status.)

The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (1) A brief statement showing how the appellant is aggrieved or adversely affected.
- (2) A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- (3) The requested relief, such as reversal or modification of the decision.
- (4) The signature, mailing address and telephone number of the appellant and any representative of the appellant.





GENERAL NOTES

FEMA FLOODPLAIN LIMITS SHOWN ON PLANS ARE BASED ON THE CITY OF TACOMA GIS MAPPING OF FLOOD INSURANCE RATE MAPS EFFECTIVE MARCH 7, 2017
100-YEAR BASE FLOOD ELEVATION IN THE HYLEBO'S WATERWAY AND BLAIR WATERWAY ARE 12 FT (NAVD88).

ALL ELEVATIONS BELOW REPORTED IN NAVD88.

RAIL SUPPORT BUILDING
FINISH FLOOR: 15.18
SQUARE FOOTAGE: 2,220 SF
GROUND ELEVATION
ADJACENT TO BUILDING: 15.18

FUEL ISLAND
FINISH FLOOR: 17.08
SQUARE FOOTAGE: 1,260 SF
GROUND ELEVATION
ADJACENT TO BUILDING: 17.08

CAR WASH
FINISH FLOOR: 16.83
SQUARE FOOTAGE: 15,254 SF
GROUND ELEVATION
ADJACENT TO BUILDING: 16.83

PROCESSING BUILDING
FINISH FLOOR: 17.48
SQUARE FOOTAGE: 62,870 SF
GROUND ELEVATION
ADJACENT TO BUILDING: VARIES
17.10-17.48

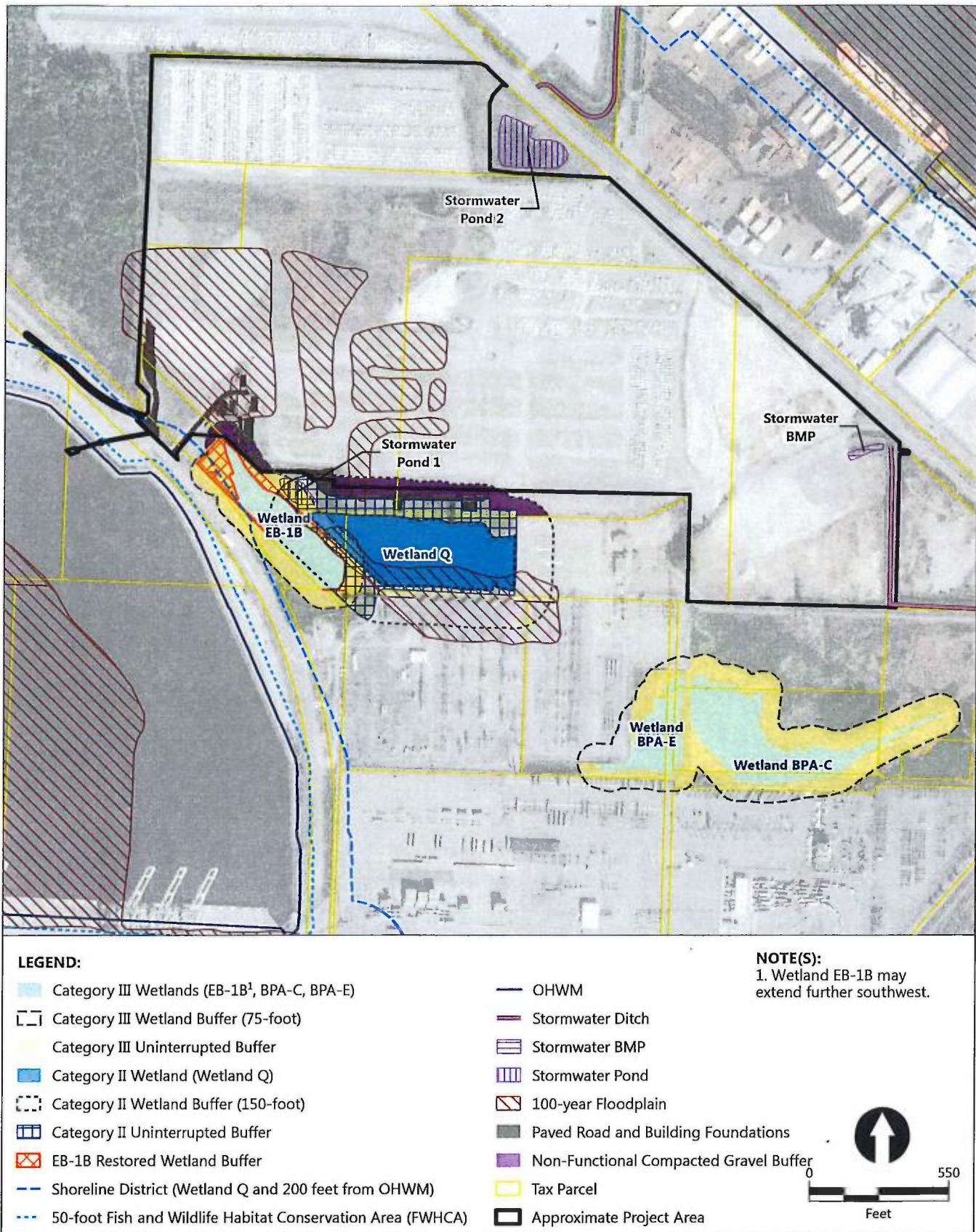


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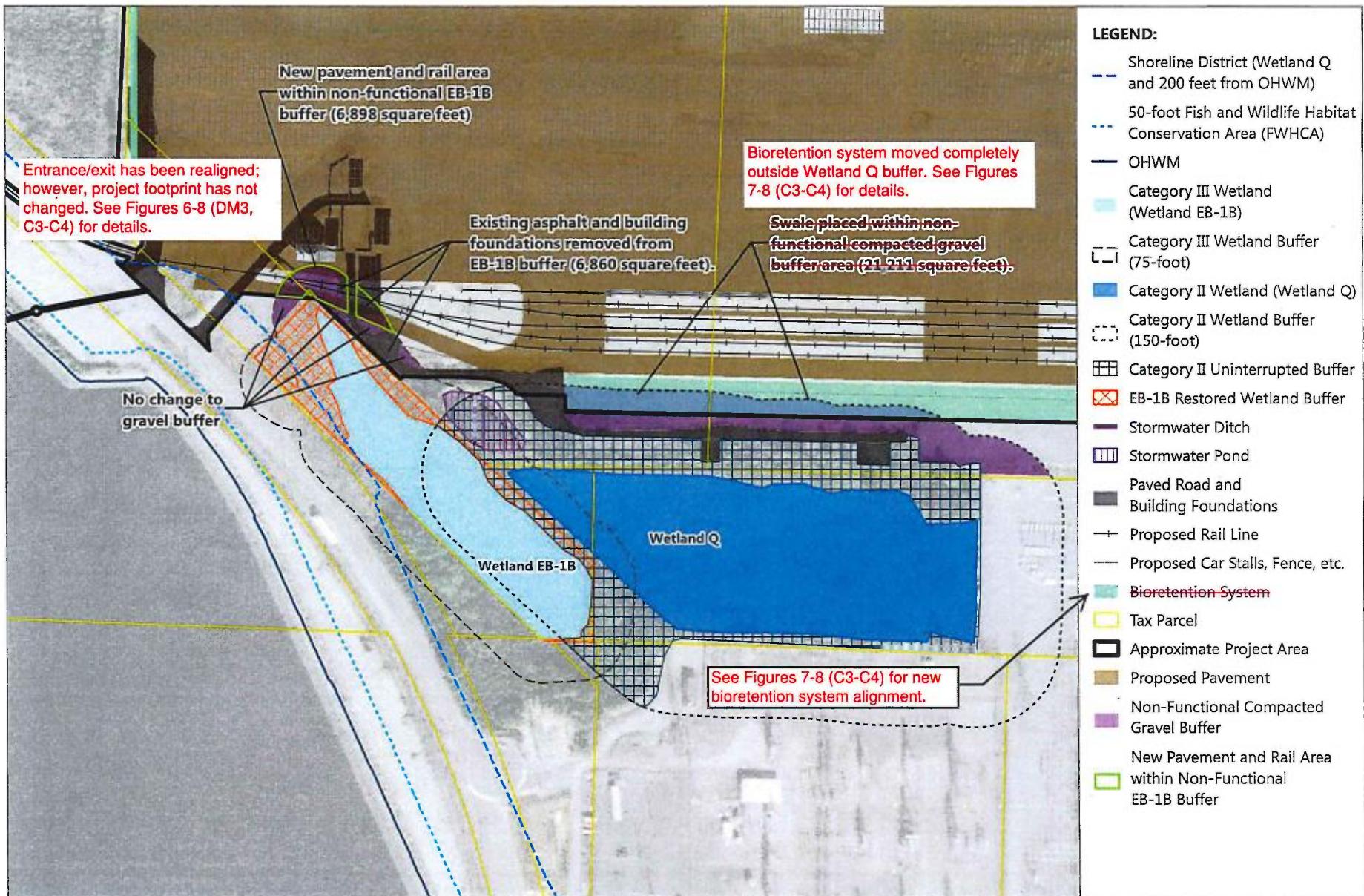
Port of Tacoma
100 North 11th Street, Suite 500
Tacoma, Washington 98402
(253) 244-5150 Fax (253) 244-5112

MARK: BY: APPROV. DATE:

REV. DATE:

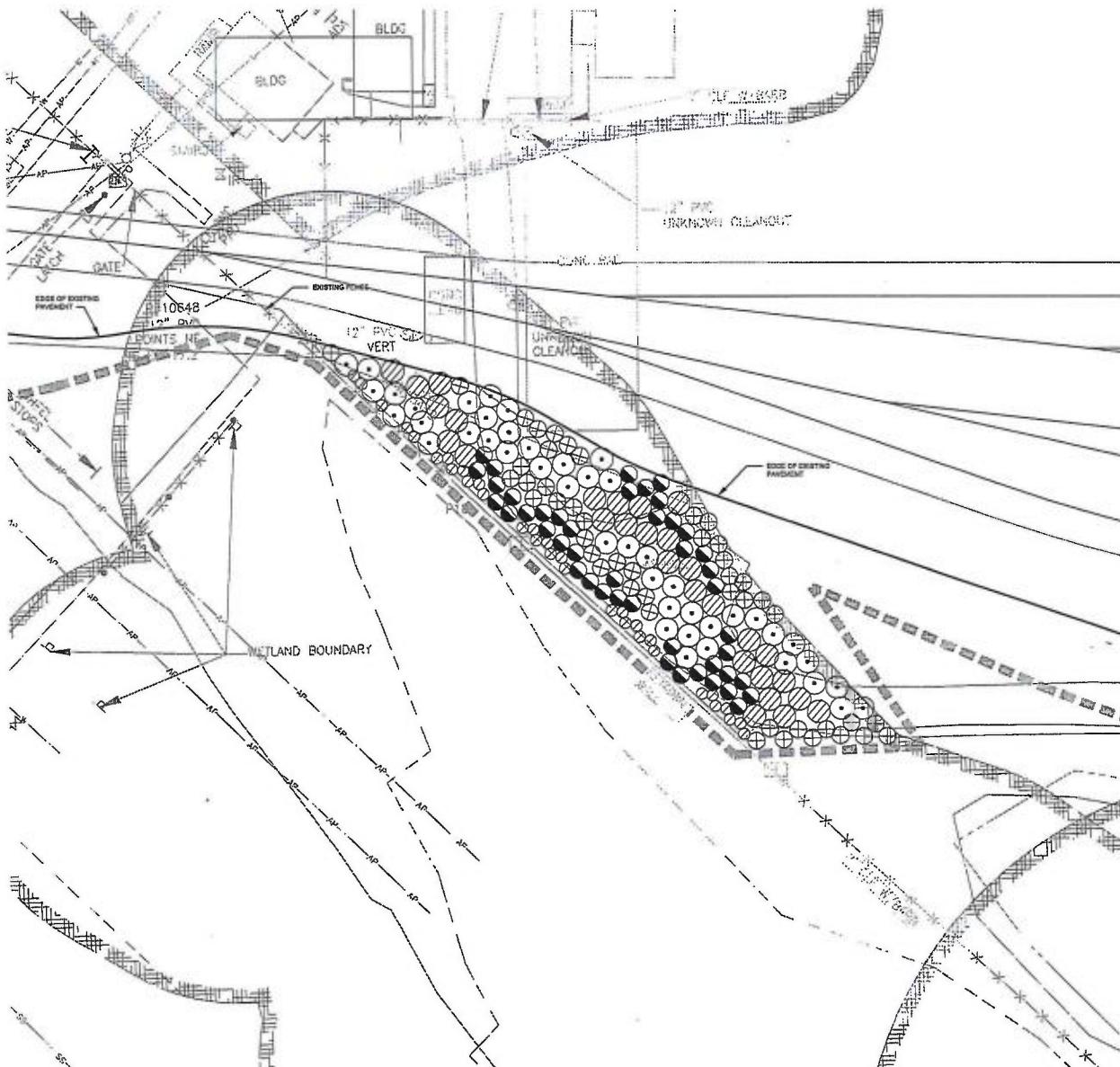


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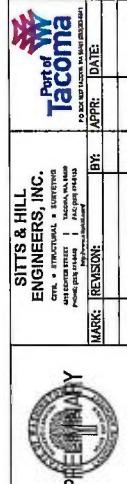
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Figure 5
Proposed Development
 Critical Areas Report
 Port of Tacoma



PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE/SPACING	CONDITION	COUNT
○	MYRICA CALIFORNICA	PACIFIC WAX MYRTLE	1 GALLON, 6' ON CENTER	CONTAINER	46
⊕	ROSA NUTKANA	NUDTKA ROSE	1 GALLON, 6' ON CENTER	CONTAINER	46
○	MAHONIA AQUIFOLIUM	TALL OREGON GRAPE	1 GALLON, 4' ON CENTER	CONTAINER	33
○	AMELANCHIER ALNIFOLIA	WESTERN SERVICEBERRY	1 GALLON, 10' ON CENTER	CONTAINER	29
○	RIBES GRANDINUM	FLOWERING RED CURRANT	1 GALLON, 6' ON CENTER	CONTAINER	45



SITTS & HILL

ENGINEERS, INC.

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EX1		PARCEL 77 AUTO IMPORT TERMINAL		APPROVED:	RJU	04/09/2018	
		LANDSCAPE PLAN				CHECKED BY DATE	
CON'T/CONT'S:	001/070	TONNAGE:	21N	RANGE:	SE	04/09/2018	
M.I./P.D.:	20100301	DATE 1:	07/05/2012	DATE 2:	07/05/2012	PRINTED BY:	
P.HASE:	W/M SET	PARCEL:	W/M SET	DRIVING SCALE:	AS SHOWN	DIR. ENGR. DATE:	
				KUREHIBA, AD. 10, 2018		PROJ. ENGR. DATE:	
				PART ADDRESS: SUCHEON PLAZA		PRINT. ADDRESS: SUCHEON PLAZA	
						TACO-HA WA. 98401-1487	



City of Tacoma
Planning and
Development Services
Technical Memorandum

April 23, 2018

To: File LU18-0026

From: Karla Kluge, Senior Environmental Specialist

**Subject: Port of Tacoma Parcel 77 – Auto Import Terminal Facility
Critical Area Minor Development Permit
3400 Taylor Way, Parcel No. 0321363033
File No. LU18-0026**

Proposal

A Critical Area Minor Development Permit for a buffer modification associated with the development of an Auto Import Terminal Facility. Buffer reduction is proposed to allow the construction of a railroad lines and access areas for the rail and vehicle access near Wetland EB1B in accordance with TMC 13.11.330.E. Mitigation will be provided for all impacts. The permit application is associated with a separate Shoreline Substantial Development – conditional Use Permit (LU18-0013) that is being processed separately for actions within the marine buffer and shoreline district.

Documents provided to the City of Tacoma

- Joint Aquatic Resources Permit Application with Civil Plans
- Critical Areas Report for Port of Tacoma Parcel 77 Auto Import Terminal Facility, Anchor QEA, February 2018 (Revised)
- City Response Letter to Incomplete Application
- Comment Matrix for Critical Areas Permit, LU18-0026, with Mitigation Plan, updated April 10, 2018

Project Site Description

1. A Critical Area Minor Development Permit for a buffer modification associated with the development of an Auto Import Terminal Facility. The permit application is associated with a separate Shoreline Substantial Development Permit (LU18-0013) that is being processed separately for actions within the marine buffer and shoreline district.
2. Buffer reduction is proposed to allow the construction of a railroad lines and access areas for the rail and access near Wetland EB1B in accordance with TMC 13.11.330.E. Buffer reduction will result in a pinch point or a limited distance where the buffer will be reduced to 13.7 feet. The current pinch point of the vegetated buffer along Wetland EB1B is 6.1 feet where the buffer abuts a concrete retaining wall and asphalt. The restoration proposal includes the removal of the asphalt followed by the restoration of the underlying area. The concrete retaining wall will remain providing a topographic break; however, native vegetation will continue on both sides of the wall. Mitigation is proposed for the impacts associated with the permanent reduction in buffer distances along the railroad and associated access. The remaining portion of the wetland buffer will be fully restored and enhanced. Invasive and non-native plants will be removed and native shrubs and grass will be installed within this area.
3. The project is located on the Blair Hylebos peninsula between the Blair Waterway and Hylebos Waterway. A portion of the project will occur within the Blair Waterway 200-foot shoreline districts designated as S-10 Port-Industrial Area and S-13 Marine Waters of the

State. The project site is addressed as 3400 Taylor Way and the total development area is comprised of approximately 96 acres.

4. No wetlands were found on the subject site. No wetlands were found on the subject site. However, four existing wetlands were found to the south of the subject property on the adjacent Bonneville Power Administration (BPA)-owned property. On the BPA property, one wetland is located on the northwest corner (Wetland Q), two wetlands located on the eastern portion of the adjacent property (Wetlands BPA-C and BPA-E) and the remaining wetland is a Port-restored wetland located near the northwest corner (Wetland EB1B). All four wetlands currently contain buffers interrupted by roads, parking lots, or existing development.
5. Wetland EB1B is a 1.98-acre, Category III freshwater emergent wetland. Wetland EB1B is not mapped by USFWS or WDFW. Wetland EB1B is a restored wetland that is the result of a restoration project following unpermitted filling of the original wetland area. Wetland EB1B was re-delineated and evaluated for restoration potential as reported in *Wetland EB1B Final Wetland Assessment Report and Restoration Plan Report* (Grette Associates LLC. 2014). Wetland EB1B has a 75-foot required buffer. The buffer for wetland EB1B has been fully restored to the property boundary where Wetland EB1B is located. The buffer area that extends on to the subject site is interrupted by developed areas including existing asphalt and building foundations. According to the 2014 report, Wetland EB1B receives stormwater runoff from adjacent developments. The buffer on site is highly impacted and contains compacted gravel, some grass and weedy herbaceous species with some Scotch Broom growing in areas with compacted gravel. The buffer is partially interrupted by a 3-foot tall concrete retaining wall with a security fence on top.
6. Wetland Q is a 3.98-acre, Category II estuarine wetland that is connected to the Blair Waterway via a 24-inch culvert that exchanges saltwater during high tide. This wetland is an associated wetland and is regulated under the City of Tacoma shoreline code. Wetland Q is mapped by USFWS as a freshwater pond and emergent wetland system and WDFW identifies Wetland Q as a freshwater emergent wetland system. However, Wetland Q is described as dominated by emergent salt marsh vegetation with two large areas of open water and a mudflat habitat following direct inspection. Water levels within the wetland are reported to fluctuate approximately 1 foot with the tides. Salinity samples measured 24 to 27 parts per thousand. Wetland Q has a code required 150-foot buffer and the existing buffer is interrupted by an existing asphalt road and former building foundations. The existing buffer area conditions on the north side of the asphalt road are highly impacted due to compacted gravel and little vegetation that contains many invasive plants.
7. Wetland BPA-C and BPA-E are 3.33 and 1.30-acres, respectively, Category III freshwater emergent and shrub wetland systems as reported in the *Blair-Hylebos Terminal Redevelopment Project Revised Wetland, Stream and Stormwater Delineation and Assessment Report* (Grette Associates LLC 2008) and in the *North Lead Rail Improvement Critical Areas Report and Mitigation Plan* (Grette Associates LLC). Both of these wetlands have 75-foot required buffer.
8. A stormwater ditch is located along the east boundary of the site. It flows to the Drainage District 23 Ditch, which ultimately discharges to the Hylebos Creek on the east side of Highway 509. This ditch does not meet the criteria of a wetland or stream because it was intentionally created from upland areas specifically to manage stormwater. However, according to the Critical Area Report, the ditch does meet the criteria of a jurisdictional ditch under the Army Corps of Engineers.
9. The project site is predominantly impervious gravel surfaces with some areas of paved surfaces and remnant structure foundations. Vegetation within the site is primarily limited to patches of weedy grass and herbaceous vegetation in disturbed areas with gravel or patches of paved surfaces. Non-native invasive species such as Himalayan blackberry (*Rubus*

armeniacus) and Scotch broom (*Cystisus scoparius*) are present in patches and cracks in pavement. Tree and shrub vegetation is limited to areas adjacent to stormwater ponds, wetland features adjacent to the site to the south and vegetation along the shoreline.

10. The shoreline vegetation along the Blair Waterway is limited to areas above the Ordinary High Water Mark (OHWM). Invasive species including Himalayan blackberry, butterfly bush (*Buddleja davidii*), and upland weed species. A few native trees are located at the top of the shoreline slope including red alder (*Alnus rubra*) and the Pacific madrone (*Arbutus menziesii*).
11. Isolated 100-year floodplain areas are mapped on the project site. These mapped floodplain areas are reportedly due to ponds that were previously located on the site and that were filled.
12. A Biological Evaluation was prepared for the proposed Project (Anchor QEA 2017). Federally listed species that may occur in the project area include Chinook Salmon, Puget Sound steelhead trout, Bull trout, Bocaccio, Yellow-eye rockfish, Killer whale, Humpback Whale, and Marbled Murrelet. However, no ESA-listed plant or insect species are identified as potentially occurring on the project site. All seven of the ESA-listed aquatic species identified in Table 2 are documented in Puget Sound and are known to occur in Commencement Bay. However, only the three fish species (Chinook salmon, Steelhead trout, and Bull trout) may occur in the Blair Waterway. Marbled murrelets are not expected to occur on site or in the near vicinity of the site and the closest known critical area habitat to Commencement Bay is located approximately 40 miles northwest on the Olympic Peninsula.

Tacoma Municipal Code (TMC) Critical Areas Pertinent Regulations and Analysis

The intent of Chapter 13.11 is to ensure that the City's remaining critical areas are preserved and protected from degradation caused by improper use and development as described under *TMC 13.11.120*.

TMC 13.11.220 Application Types.

A. This chapter allows three types of wetland/stream/fish and wildlife habitat conservation area (FWHCA) applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.

B. The three types of permits are as follows:

2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Director determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Director will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:

- a. The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and*
 - b. Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.*
 - c. For buffer modification, the project meets the following:*
- (1) Buffer averaging as allowed within Sections 13.11.330 and 13.11.430; or*
 - (2) Buffer reduction as allowed within Section 13.11.330.*

TMC 13.11.330 Wetland Buffer Modifications.

A. Buffer Requirements. The standard buffer widths in Table 2 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The use of the standard buffer widths requires the implementation of the measures in Table 1, where applicable, to minimize the impacts of the adjacent land uses. The applicant shall demonstrate mitigation sequencing when using buffer averaging or buffer reduction.

TMC 13.11.330.E. Buffer Averaging or Buffer Reduction beyond the minimum standards indicated above may be allowed to allow a reasonable use of a legal lot of record when all of the following criteria are met:

- a. There are no feasible alternatives to the site design that could be accomplished with the standard buffer averaging or buffer reduction provision above; and*

The applicant provided information demonstrating their attempts to avoid and minimize impacts to all wetland and buffers where possible. The original design included pacing the site to the property boundary to the south, heavily impacted the functioning Wetland Q buffer. Another design included placing the stormwater bioretention facility on the south side of the existing paved road, which also impacted the functioning Wetland Q buffer. A subsequent design placed the bioretention facility north of the asphalt road, but still within the buffer of Wetland Q. The current design completely avoids all wetlands and the wetland buffer for Wetland Q completely and the buffer for Wetland EB1B to maximum extent possible due to the limitations described below.

The current rail alignment utilizes existing rail alignments at Alexander Avenue and Taylor Way. The applicant states that the property lines, vertical grades and the required horizontal geometry for safe train operation significantly limits the possibility of moving the rail alignment further outside of the EB1B wetland buffer. In addition, the reduction of usable vehicle storage would be 12-15 percent, and require a new at-grade rail crossing at Taylor Way which would result in the project being not economically viable.

- b. The averaged or reduced buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert, and*

The applicant describes the buffers as non-functioning due to impacted gravel and invasive species and that the reduction of these buffers areas for development within these areas will not negatively affect the buffers. While the applicant's assessment views these areas as non-functioning, it is recognized that these areas would be more accurately described as low functioning or very low functioning. Invasive and non-native species, while not preferred, do provide habitat refuge, food, stormwater attenuation, noise and light control for a nearby wetland habitat. In an urban environment resident animals will make use of all levels of habitat where it exists, even a low habitat area if it provides access to a higher habitat area such as EB1B.

- c. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community, and*

The applicant has proposed to remove approximately 4,250 square feet of asphalt and to restore and enhance the remaining area of the buffer with a native shrub layer consisting of Pacific wax myrtle (*Myrica californica*), Nootka rose (*Rosa nutkana*), Tall Oregon grape (*Mahonia aquifolium*), Western serviceberry (*Amelanchier alnifolia*), Flowering currant (*Ribes sanguineum*). In addition, the applicant notes that additional stormwater treatment will be provided which will improve the water quality at the site, and that the bioretention swale will be located near the buffer edge and provide an additional area of native vegetation that will provide additional habitat features not currently on the site. In addition, a protection fence or approved delimiter will be erected along the buffer perimeter with signage identifying the area as a protective buffer.

d. The project shall meet the requirements of one of the three legal tests; No Practicable Alternatives, Public Interest, or Reasonable Use.

The applicant evaluated alternative sites and configurations for the Project as described above and the Port has determined that this is the only practicable alternative available. There are no other Port-owned vacant lots of comparable size in the region that are within close proximity to a functional automobile import terminal such as EB1B Terminal that would result in fewer impacts to critical areas.

The design, as proposed, provides the necessary number of vehicle storage spaces to make the Project economically viable. The Port reviewed alternatives for moving the rail spurs at the south end of the Project property outside of the Wetland EB1B buffer. However, as discussed above, moving the proposed rail spurs further north would reduce the useable storage for vehicles on site by approximately 12 to 15 percent, impacting the economic viability of the Project. The work proposed within the buffer is due to the property constraints requiring the proposed location of the rail. The rail turn radius is also a limiting factor in the connections to north Alexander Avenue and Taylor Way and the footprint of the rail on the site. These rail connections minimize traffic impact to adjacent street and railroad tracks. The Project also requires paved on both side of the rail to support site operations.

Conclusions

The reported wetland delineations and ratings that were re-verified under the current required manuals meet the requirements of *TMC 13.11.310 Wetland Classification* and *TMC 13.11.320 Wetland Buffers*. I concur with the delineated wetland boundary and analysis provided.

The project has completely avoided impacts to all wetlands (Wetland EB1B, Wetland Q, Wetlands BPA-C and BPA-E and has provided the minimum wetland buffer widths for Wetland Q and Wetlands BPA-C and BPA-E required under the buffer provision contained in *TMC 13.11.320*.

There is no net loss of wetland area for Wetland EB1B and the buffer reduction will not result in a functional loss of the wetland. The proposed buffer restoration and enhancement for EB1B will result in a higher functioning, protective buffer of dense shrubs that will allow the proposed development to occur while allowing greater protection of the recently restored EB1B over time and a slightly expanded and enhanced habitat for invertebrates and vertebrates that may use the area. The fencing and protection of the wetland will also provide continued protected functioning of the wetland over time.

The applicant has provided information regarding pre and post-development flows to all offsite wetlands and the post development hydrology will function in a similar manner as the pre-development hydrology due to existing interruptions including a concrete retaining wall, paved access roads and limited infiltration offsite that will not be captured and treated through a bioretention swale(s) that discharge into the Blair waterway.

Based on the above findings, the requested project is consistent with the provisions of the City's Critical Areas Preservation Ordinance *TMC 13.11*. Therefore it has been determined that if properly conditioned this project can be approved without the need for a Development Permit as allowed according to *TMC 13.11*.

Conditions

1. The applicant must record Notice on Title per *TMC Section 13.11.280.A.1*.
2. The applicant shall conduct mitigation in accordance with the approved mitigation plan prepared by Anchor QEA in a letter dated April 10, 2018.
3. The applicant shall submit an as-built report to the City of Tacoma following the installation of the vegetation by October 1st following installation.

4. The applicant shall monitor the mitigation area for a period of 5 years in years 1, 3, and 5. The monitoring report shall be submitted to the City for review by October 1st each monitoring year.
5. The applicant shall attend a preconstruction meeting with the City's Senior Environmental Specialist prior to the issuance of any development permits for the site.
6. High visibility fencing shall be installed along the proposed wetland buffer area to prevent impacts to the wetland and buffer prior to work commencing on the site. All plans must be reviewed and approved by the City's Senior Environmental Specialist.
7. A split rail fence or similar permanent fence shall be installed along the reduced wetland buffer boundary. Signs shall be attached to the fence approximately every 25 feet to alert people to the protected area.

Advisory Notes

1. This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Modifications to this proposal and future activities or development within the regulated buffers may be subject to further review and additional permits as required in accordance with the *Tacoma Municipal Code*.
2. The applicant must obtain other approvals prior to construction as required by other local, state and federal agencies including the Army Corps of Engineers and State Department of Fish and Wildlife which have requirements regarding work within regulated waters that may be applicable to the project.

APPENDIX E-2

Hydraulic Project Approval



Washington Department of
FISH and WILDLIFE

HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: April 11, 2018
Project End Date: February 15, 2023

Permit Number: 2018-6-151+01
FPA/Public Notice Number: N/A
Application ID: 13757

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Port of Tacoma ATTENTION: Mark Rettmann One Sicutum Plaza Tacoma, WA 98421	Anchor QEA, LLC ATTENTION: Joshua Jensen 720 Olive Way, Ste 1900 Seattle, WA 98101-1847

Project Name: Parcel 77 Auto Import Terminal Project

Project Description: The Port is proposing the Project at their 96-acre property located between the Blair and Hylebos Waterways at 3400 Taylor Way in Tacoma, Washington. The Project includes redeveloping the Project property into an automobile import terminal. Underground piping will be installed, connecting the underground stormwater vault installed for the interim pump station structure to the new 48-inch outfall. Once the connection is made, the interim pumping equipment will be removed from the vault, and stormwater from the Project property will be discharged entirely by gravity flow. Stormwater will be treated on site prior to discharging to the Blair Waterway. The proposed outfall will be located at an elevation of approximately 2.2 feet MLLW, or approximately 9.6 feet below the OHWM. The outfall will be installed from the interim pump station structure to the Blair Waterway using trenching. The new outfall will be installed within a cast-in-place concrete headwall and anchor block located at an elevation of approximately 11 feet below the OHWM at 0 feet MLLW. Concrete used below OHWM will include a marine-grade concrete to maintain compliance with state water quality standards. During outfall installation, approximately 90 cy of existing armor stone/riprap and 41 cy of underlying fill will be excavated below OHWM with the following being placed below OHWM: 30 cy of gravel, 12 cy of bedding soil, 80 cy riprap, and 24 cy of concrete. The new outfall will be installed from the stormwater vault installed for the interim pump station to the Blair Waterway using directional drilling and trenching. Any excavated material will be returned to the ground after the piping and outfall is installed.

PROVISIONS

AUTHORIZED WORK TIMES

1. **TIMING LIMITATION:** To protect migrating juvenile salmonids, work below the ordinary high water line must occur from July 15 through February 15 of calendar years 2018 - 2022.
2. **APPROVED WORK:** Install a 48-inch stormwater outfall on the Blair Waterway. The outfall will be constructed using trenching, the pipe and outfall will be installed, and the trench will be backfilled with the excavated material.
3. **APPROVED PLANS:** Work must be accomplished per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled "2018-04-03_JARPA Update Memo_Parcel 77", dated April 3, 2018, and attached E-mail entitled, 'WDFW-Port Email Questions March 16, 2018', received on March 19, 2018, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project construction.

NOTIFICATION

4. **PRE- AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: April 11, 2018
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Permit Number: 2018-6-151+01
FPA/Public Notice Number: N/A
Application ID: 13757

Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

5. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

STAGING, JOB SITE ACCESS AND EQUIPMENT

6. Establish the staging area (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants like petroleum products, hydraulic fluid, fresh concrete, chemicals, or any other toxic or harmful materials from entering waters of the state.

7. Use of equipment on the beach must be held to a minimum, confined to a single access point, and limited to a 25-foot work corridor parallel to the pipeline. Construction materials shall not touch the beach outside this work corridor.

8. Clearly mark boundaries to establish the limit of work associated with site access and construction.

9. Check equipment daily for leaks and complete any required repairs before using the equipment in or near the water.

10. Lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols are recommended for use in equipment operated in or near water.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

11. Do not conduct project activities when the work area is inundated by tidal waters.

12. Prevent contaminants from the project, such as petroleum products, hydraulic fluid, fresh concrete, sediments, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

13. Use tarps or other methods to prevent treated wood, sawdust, trimmings, drill shavings and other debris from contacting the bed or waters of the state.

CONSTRUCTION MATERIALS

14. Do not use native bed material, other than material excavated for the trenching, for project construction or fills.

15. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over any exposed wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.

OUTFALL

16. The outfall must be installed according to the WDFW approved plans.

17. Ensure all catch basins, culverts, energy dissipation devices, and pipeline outfalls are free of obstructions for the life of the project to ensure proper functioning of the stormwater management system.

18. Install an inline Tideflex check valve in Catch Basin #2 to prevent fish from entering the upstream storm drainage system, as shown in the approved plans.

19. Bury the top of the pipeline/anchors a minimum of 18 inches below the existing beach grade.

20. Keep surface gravels and deeper excavated sediments in separate stockpiles and back-fill trenches in reverse order of excavation. Do not stockpile excavated materials containing silt, clay, or fine-grained soil waterward of the



Washington Department of
FISH and WILDLIFE

HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: April 11, 2018
Project End Date: February 15, 2023

Permit Number: 2018-6-151+01
FPA/Public Notice Number: N/A
Application ID: 13757

ordinary high water line.

21. Prior to tidal inundation, backfill all trenches, depressions, or holes created during construction waterward of the ordinary high water line.

IN-WATER WORK AREA ISOLATION USING A COFFERDAM STRUCTURE

22. Use a cofferdam, dike, or similar structure to exclude water from the work area if necessary.

23. Maintain water quality when installing and removing the cofferdam, dike or similar structure.

24. Install the cofferdam, dike or similar structure prior to the start of other work in the wetted perimeter.

25. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

DEMOBILIZATION/CLEANUP

26. Reshape beach area depressions created during project activities to preproject beach level upon project completion.

27. Additional rip-rap material can be placed below the Ordinary High Water Line to create a uniform slope in the excavated area. The rip-rap must be clean, angular material of a sufficient durability and size to prevent its being broken up or washed away by high water or wave action.

28. Remove all trash and unauthorized fill in the project area, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, that is waterward of the ordinary high water line and deposit upland.

29. Remove all debris or deleterious material resulting from construction from the beach area or bed and prevent from entering waters of the state.

LOCATION #1:	Site Name: 3400 Taylor Way 3400 Taylor Way, Tacoma, WA 98421					
WORK START:	April 11, 2018			WORK END:	February 15, 2023	
WRIA	<u>Waterbody:</u>			<u>Tributary to:</u>		
10 - Puyallup - White	Wria 10 Marine			<u>Longitude:</u>	<u>County:</u>	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
SW 1/4	36	21 N	03 E	47.25944444	-122.36888889	Pierce
<u>Location #1 Driving Directions</u>						
From Interstate 5: 1. Take Exit 137 2. Turn north onto 54th Avenue East 3. Continue straight onto Taylor Way East 4. Destination is on the left at 3400 Taylor Way						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

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This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAApplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

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Project End Date: February 15, 2023

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Application ID: 13757

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
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Permit Number: 2018-6-151+01
FPA/Public Notice Number: N/A
Application ID: 13757

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAApplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist elizabeth.bockstiegel@dfw.wa.gov
Elizabeth Bockstiegel 360-480-2908

A handwritten signature in blue ink, appearing to read "El Bockstiegel".

for Director
WDFW

APPENDIX E-3

Approved Shoreline Conditional Use Permit



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

Port of Tacoma

JUN - 6 2018

Environmental Dept.

June 5, 2018

Port of Tacoma
Attn: Carol Rhodes
PO Box 1837
Tacoma, WA 98401

Re: City of Tacoma Local Permit #LU18-0013
Port of Tacoma - Applicant
Approved Shoreline Conditional Use Permit #1215

Dear Mrs. Rhodes:

On May 9, 2018, the Department of Ecology (Ecology) received the City of Tacoma decision on your Shoreline Conditional Use Permit for a stormwater outfall, rail improvements, and utility infrastructure at EB1 terminal on the Blair Waterway and adjacent parcel 77 property, in preparation to redevelop the property into an automobile import terminal.

By law, Ecology must review Conditional Use Permits for compliance with:

- The Shoreline Management Act (Chapter 90.58 RCW)
- Ecology's Conditional Use Permit approval criteria (Chapter 173-27-160 WAC)
- The City of Tacoma Local Shoreline Master Program.

After reviewing Conditional Use Permits for compliance, Ecology must decide whether to approve, approve with conditions, or disapprove them.

Our Decision:

Ecology approves your Conditional Use Permit, provided your project complies with the conditions required by City of Tacoma. **Please note, however, that other federal, state, and local permits may be required in addition to this shoreline permit.**

What Happens Next?

Before you begin activities authorized by this permit, the law requires you to wait at least 21 days from the date of this letter, the "date of filing." This waiting period allows anyone (including you) who disagrees with any aspect of this permit to appeal the decision to the state Shorelines Hearings Board. You must wait for the conclusion of an appeal before you can begin the activities authorized by this permit.



Port of Tacoma
June 5, 2018
Page 2 of 2

We recommend contacting the Shorelines Hearings Board at (360) 664-9160 before beginning permit activities to ensure that no appeal has been filed. Information on appeals is also posted at http://www.eluho.wa.gov/Decision/Search_Cases. Select "Shorelines Hearings Board" from the drop down menu labeled "Board" and enter "Search." The most current appeal will appear on top.

If **you** want to appeal this decision, you can find appeal instructions (Chapter 461-08 WAC) at the Shorelines Hearings Board website above. They are also posted on the website of the Washington State Legislature at: <http://apps.leg.wa.gov/wac>.

If you have any questions, please contact Zach Meyer at (360) 407-6167.

Sincerely,


Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program

By Certified Mail 9489 0090 0027 6019 1529 58

cc: Karla Kluge, City of Tacoma



Planning & Development Services Department
747 Market St, Rm 345 | Tacoma, WA 98402

NOTICE OF DECISION

Date of Decision: 4/24/2018
Last date to request reconsideration: 5/8/2018
Decision Final: 5/9/2018

Decision: Approved, subject to conditions

Applicant: Josh Jensen, Anchor QEA
for Port of Tacoma, Mark Rettmann

Location: 2940 Alexander Ave
(3400 Port of Tacoma Road)
Parcels 0321354035, 0321363036, 0321363025

Application No.: LU18-0013

Proposal: Shoreline Substantial Development and Conditional Use permits for new stormwater outfall, rail improvements, and utility infrastructure at EB1 terminal on the Blair Waterway and adjacent Parcel 77 property, in preparation to redevelop the property into an automobile import terminal. Conditions required to address water quality and transportation impacts.

For further information regarding the proposal, **log on to the website at tacomapermits.org and select "Public Notices".** The case file may be viewed in Planning and Development Services, 747 Market Street, Rm 345.

Reconsideration: Any person having standing may request reconsideration of the Director's decision, based upon errors of procedure or fact, by submitting a request in writing to Planning and Development Services at the address below.

Appeal to Shoreline Hearings Board: If no reconsideration request is timely filed, the decision shall become final and shall be transmitted to the Department of Ecology. Upon receipt of the final decision, Ecology shall conduct a 21-day appeal period. The Decision may be appealed by any person aggrieved by the granting, denying or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140, who may seek review from the shorelines hearings board by filing a petition for review.

Information on filing an appeal of a Shoreline Substantial Development Permit may be obtained by contacting the State of Washington Environmental and Land Use Hearings office at www.aho.wa.gov or PO Box 40903 Olympia, WA 98504-0903, 360-664-9160, elaho@elaho.wa.gov

Staff Contact: Shirley Schultz, Principal Planner, 747 Market St, Room 345, (253) 591-5121, shirley.schultz@cityoftacoma.org

Environmental Review: Per SEPA, WAC 197-11-340, the Port of Tacoma, acting as SEPA Lead Agency, has issued an environmental determination for the project. For further information regarding SEPA, please contact the project applicant.



To request this information in an alternative format, please contact Planning and Development Services by phone at (voice) 253-591-5030. TTY or STS users please dial 711 to connect to Washington Relay Services



City of Tacoma
Planning & Development Services Department
747 Market St. Rm 345
Tacoma, WA 98402

NOTICE OF DECISION



City of Tacoma
Planning and Development Services
Report And Decision

**SHORELINE SUBSTANTIAL DEVELOPMENT AND
SHORELINE CONDITIONAL USE PERMIT FOR:**

File No. LU18-0013

Port of Tacoma
Carol Rhodes/Mark Rettmann
One Sitcum Plaza
Tacoma, WA 98421

SUMMARY OF REQUEST:

A Shoreline Substantial Development - Conditional Use Permit for new temporary and permanent stormwater outfall, rail improvements, and utility infrastructure at EB1 terminal on the Blair Waterway and adjacent Parcel 77 property, in preparation to redevelop the property into an automobile import terminal on a site zoned "S-10" Shoreline District – Port Industrial, "S-13" Shoreline District – Marine Waters of the State, and "PMI" Port Maritime Industrial District.

LOCATION:

3400 Taylor Way (Parcel Numbers 0321354035, 0321363036, 0321363025)

DECISION:

The request for a Shoreline Substantial Development - Conditional Use Permit is **Approved**, subject to conditions.

Notes:

The reconsideration period on this decision closes May 8, 2018; the decision will be final on **May 9, 2018** and will be transmitted to the Department of Ecology at that time, provided no requests for reconsideration are timely filed as identified in APPEAL PROCEDURES of this Report and Decision. Upon receipt by Department of Ecology, a 21-day appeal period will begin.

For additional information concerning this land use permit please contact:

Shirley Schultz, Principal Planner
Planning and Development Services Department
747 Market Street, Room 345, Tacoma, WA 98402
253-591-5121 | shirley.schultz@cityoftacoma.org

SUMMARY OF RECORD

The following exhibits and attachments constitute the administrative record:

Attachments:

Attachment A: Site Plans, March 13, 2018

Attachment B: Technical Memorandum from Karla Kluge, Senior Environmental Specialist

Attachment C: Traffic Memorandum from Joshua Diekmann, City Traffic Engineer

Exhibits:¹

Exhibit A: JARPA, January 12, 2018

Exhibit B: Critical Areas Report, January 24, 2018

Exhibit C: Code Narrative, January 23, 2018

Exhibit D: SEPA Determination of Non-Significance, including Checklist

Exhibit E: Agency/Staff comments

Exhibit F: Public Access Interlocal Agreement

FINDINGS

Proposal:

1. The Port of Tacoma is proposing to develop a 96-acre property (the “full site”) into an automobile import terminal. Automobiles will be received from the Port’s adjacent EB1 Terminal and transferred to the Project property across Alexander Avenue for processing and shipping. Automobiles will primarily be transported to inland markets from the Project property via rail. Trucks will also transport automobiles from the Project property. It is projected that between 80% and 90% of the imported automobiles will be transported inland by rail. Work proposed includes the following:

- Demolishing existing buildings and foundations;
- Grading the full site to accommodate vehicle storage;
- Installing new rail spurs and rail loadlines on the southerly portion of the property;
- Constructing new processing/administration, car wash, body shop, rail support maintenance, and guard house buildings;
- Installing a fueling station and above-ground fuel tanks;
- Installing security fencing;
- Providing parking spaces and associated landscaping;
- Installing associated utilities to support the development, including on-site stormwater treatment; and
- Installing an interim pump station to connect to existing stormwater infrastructure.

The Port is also pursuing a vacation of a portion of the Alexander Avenue right-of-way, to allow for transfer of vehicles from EB1 to the upland portion of the site, to allow for the rail crossing, and to allow for utility crossings.

2. In the Shoreline Jurisdiction, within 200 feet of the Ordinary High Water Mark (OHWM) of the Blair Waterway, proposed work includes the following:

- Removal of asphalt and existing storm and other utility infrastructure;
- Grading to accommodate haulway areas;

¹ All Exhibits are contained within associated file of the Planning and Development Services Department. They are referenced and incorporated herein as though fully set forth.

- Installation of a rail spur connection from the site to the existing Tacoma Rail track;
 - Realignment of driveways and crossings of Alexander Avenue;
 - Trenching to allow installation of stormwater infrastructure;
 - Installation of a 10-foot diameter catch basin and stormwater pumping system;
 - Installation of a 26" force main across the site to an existing catch basin and outfall ; and
 - Installation of permanent stormwater infrastructure, including a 48-inch diameter pipe and 42-inch outfall into the Blair Waterway.
3. The construction of the new outfall would include the following proposed measures:
- Underground piping connecting the underground stormwater vault (installed for the interim pump station) to the new outfall to discharge by gravity flow.
 - The proposed outfall will be located at an elevation of approximately 2.2 feet MLLW, or approximately 9.6 feet below the OHWM. The outfall will be installed from the interim pump station structure to the Blair Waterway using trenching. Any excavated material will be returned to the ground after the piping is installed.
 - The underground piping from the treatment vault will be approximately 48-inch diameter PVC, or similar, pipe that is routed approximately 300 lf under Alexander Avenue and the Tacoma Rail railroad track.
 - Approximately 2,180 cy of material will be excavated to install the underground piping from the Project property to the new outfall.
 - The new outfall will be installed within a cast-in-place concrete headwall and anchor block located at an elevation of approximately 11 feet below the OHWM at 0 feet Port Datum. Concrete used below OHWM will include a marine-grade concrete to maintain compliance with state water quality standards. Approximately 41 cy of existing riprap and underlying fill will be excavated to install the new outfall. The new outfall will be installed from the stormwater vault installed for the interim pump station to the Blair Waterway using directional drilling and trenching. Any excavated material will be returned to the ground after the piping and outfall is installed.
 - Construction activities for the new outfall will occur below OHWM; however, in-water work will be minimized to the greatest extent possible, with work along the shoreline occurring during low tide to minimize water quality effects. Other best management practices (BMPs) will be employed during outfall construction to minimize aquatic impacts, including employing a debris boom during in-water work and minimizing the amount of disturbed soils in the work area below OHWM that could be inundated during tide cycles.
4. The purpose of the project is to provide an automobile terminal, to receive cars by ship and then process and transport to other parts of the country – primarily by rail. Given the shipping needs the use and development are considered to be water-dependent.
5. The stormwater infrastructure has been sized based on preliminary site development plans and analyses of the upland development, as well as presumed locations of the utility lines across Alexander Avenue.
6. Stormwater outfalls and other utilities are permitted uses in the “S-10” District and conditional uses in the “S-13” District.
7. Site plans and elevations are appended to this report and decision as attachment A.

Project Site:

8. The project is located at 3400 Taylor Way, on a site located between the Blair Waterway and Hylebos Waterway. The site is frequently referred to as “Parcel 77” or “Kaiser Site”. The property was formerly used for an aluminum smelter and has been the site of extensive environmental cleanup activities.

9. The full site is approximately 96 acres and includes the East Blair 1 (EB1) ship terminal. The site has access via Taylor Way and Alexander Avenue (which is partly to fully vacated). The site is also accessed by rail lines from Tacoma Rail; rail infrastructure will be improved to serve the proposed use.
10. The site is primarily vacant, but is being used for automobile imports and other breakbulk and roll on/roll off activities (which will continue at the site).
11. Vegetation on the full site is invasive shrubs, grasses, and fobs. There are no wetland areas on the site; however, adjacent properties have wetland areas for which the buffers extend onto the full site. These buffer areas are not regulated within the shoreline jurisdiction and are subject to separate permitting review under the City's Critical Areas Ordinance.
12. The area within the shoreline jurisdiction is fully paved, with a heavily armored riprap shoreline.
13. The SMP designates critical areas, which includes marine waters of Fish and Wildlife Habitat Conservation Areas (FWHCAs). The Blair Waterway is classified as a FWHCA and has a 50-foot marine buffer that extends from OHWM and on to the subject site.
14. The portion of the site that is located within the shoreline is zoned "S-10" Shoreline District – Port Industrial. The intent of the "S-10" Port Industrial Shoreline District is to allow the continued development of the Port Industrial Area, with an increase in the intensity of development and a greater emphasis on terminal facilities within the City. See TMC 13.10.9.12.
15. The stormwater outfall will be located within the "S-13" Shoreline District – Marine Waters of the State. The intent of the "S-13" Shoreline District is to maintain these water bodies for the use by the public for navigation, commerce, and recreation purposes. See TMC 13.10.9.15.
16. The portion of the site that is located within the shoreline is classified as a "High Intensity" environment by the TSMP. The purpose of the "high-intensity" environment is to provide for high-intensity water-dependent and water-oriented mixed-use commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Surrounding Area:

17. The property to the north of the site is owned by the Puyallup Tribe of Indians. It is vacant and is partially used for automobile import and storage.
18. Property to the south is owned by Bonneville Power Administration and is occupied by a power substation.
19. The surrounding area is also zoned "PMI" Port Maritime Industrial, "S-13" Shoreline District – Marine Waters of the State, and "S-10" Shoreline District – Port Industrial.

Additional Information:

20. The application was received on January 16, 2018. The application was determined to be complete on January 19, 2018.
21. The Port of Tacoma, acting as SEPA Lead Agency, issued Determination of Environmental Non-significance (DNS), which is attached as Exhibit D to this report and decision. The Determination requires mitigation for traffic impacts associated with the development and which will be carried forward with the development permits. The decision was final March 15, 2018.

Notification and Comments:

22. Public notice was sent to all owners of property within 400 feet of the site, as well as qualified neighborhood groups on January 25, 2018 and a property sign was posted within seven days of the start of the 30-day comment period. Written notice of the application and copies of the

project plans and the JARPA were transmitted to reviewing local, state, and federal resource agencies.

23. No public comments were received as a result of the public notice.
24. Substantive subject matter expert comments were received from Karla Kluge, Senior Environmental Specialist; Karina Stone, Site Development; and Josh Diekmann, Traffic Engineering. Additional advisory comments were received from other City of Tacoma reviewers. Comments that may impact shoreline development are addressed as conditions of approval and advisory notes where applicable within this report and decision.
25. Staff have noted that additional analyses and information are needed to fully assess the upland portions of the project. The initial modeling that was used to design and determine the stormwater infrastructure (including the outfall) appears to have resulted in an adequate utility plan; however, further refinement of the upland development plans may impact the development within the shoreline district. (Exhibit E)
26. Public Works, Traffic Engineering staff have noted that the project, including the proposed rail work within the Alexander Avenue right-of-way (partially within the shoreline district) will have impacts on traffic operations around the proposed site. (Attachment B)
 - Trains leaving the site will block roadways, primarily Alexander Avenue and Taylor Way.
 - Alexander Avenue, pending street vacation, will be used for private purposes including train movements and the movement of vehicles from the EB1 pier to the main facility.

Applicable Regulations and Analysis:

27. Tacoma Municipal Code (TMC) 13.10.1.2 states that the purpose and intent of the Tacoma Shoreline Master Program is 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;
 - d. and 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.

Analysis: By incorporation of the City's Comprehensive Plan, the proposal is also reviewed for compliance with the goals and policies of the City's Transportation Master Plan (an element of the Comprehensive Plan) and the implementing projects in the Transportation Improvement Program.

Transportation Master Plan policy 3.17 calls for using Intelligent Transportation System tools to “[boost] the efficiency, improve the safety, and reduce the environmental impact of the multimodal transportation system...” The TMP emphasizes the need to construct ITS improvements concurrently with alterations in the rail system and operations to mitigate for traffic flow impacts. The City of Tacoma's Six-Year Transportation Improvement Program, adopted June 27, 2017, establishes an Intelligent Transportation System planning and funding mechanism for projects within the Tacoma Tideflats Area.

Review by the City of Tacoma Public Works Department, Traffic Engineering Division, indicates that the proposal will impact traffic flow on the surrounding streets. Comments

provided April 17, 2018, by Joshua Diekmann, City Traffic Engineer, set forth conditions on this project to ensure compliance with the goals and policies of the Comprehensive Plan. As Mr. Diekmann is the City's subject matter expert, the Director would place substantial weight on his analysis and requested conditions. (Attachment C)

28. WAC 173-27-140 allows that:

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

Analysis: The applicant has followed all procedures for application for a Shoreline Substantial Development Permit and has demonstrated compliance with applicable regulations and policies as analyzed below. The permit review will ensure consistency with both the SMA and Tacoma's SMP. No structures are proposed within the Shoreline jurisdiction; the height requirement is therefore not applicable.

29. WAC 173-27-150 allows that:

- (1) A substantial development permit shall be granted only when the development proposed is consistent with:
 - (a) The policies and procedures of the act;
 - (b) The provisions of this regulation; and
 - (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- (2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

Analysis: The proposal has been designed and will be developed in such a way as to meet all requirements, as conditioned, of the Tacoma Municipal Code and Shoreline Master Program.

30. WAC 173-27-160 and TMC 13.10.2.3.6 allow that:

- (1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - (b) That the proposed use will not interfere with the normal public use of public shorelines;
 - (c) 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 shoreline master program;
 - (d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - (e) That the public interest suffers no substantial detrimental effect.

Analysis: The applicant has requested Shoreline Conditional Use Permits to allow the installation of a utility (stormwater outfall) at and waterward of the Ordinary High Water Mark. (See Attachment A and Exhibit A.)

The Director would note that the priorities of the SMA are for water-dependent development, public access, and ecological restoration.

The master program states that the intended purpose of the "S-10" Shoreline District – Port Industrial is to increase the intensity of industrial and port-related uses. Redevelopment of the now-vacant site with an automobile import and distribution facility, a shipping use, will meet this purpose. The proposed outfall will be designed and operated in such a way as to avoid any negative impacts on water quality or shoreline function. The new outfall will provide enhanced stormwater treatment where there is currently no enhanced treatment of stormwater from the site.

There is no public access to the shoreline currently at this site; the TSMP allows for alternative public access to be provided by public agencies when approved through a plan or interlocal agreement.

The proposed development is consistent and compatible with other industrial water-related and non-water-related uses in the "S-10" and "PMI" districts.

New uses and development in the "S-13" Shoreline District associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted use. The proposed outfall is consistent with and accessory to the permitted use.

- (2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Analysis: The proposal will improve the shoreline environment through the installation of a new stormwater management system, which will ensure water quality, protecting the shoreline environment. Enhanced water quality treatment will be provided.

31. Per TMC 13.10.6.4.3.B, the associated marine buffer extends 50 feet from the OHWM.
32. Per TMC 13.10.6.4.2.C, Modification of a shoreline or critical area buffer is subject to the site review requirements in Tacoma Shoreline Master Program (TSMP) Section 2.4.2 General Mitigation Requirements.
 1. If modification to a marine shoreline, wetland, stream, FWHCA, or buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated so as to result in no net loss of shoreline and/or critical area functions or processes.
 2. Mitigation shall occur in the following prioritized order:
 - a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
 - b. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
 - c. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
 - d. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;

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

33. TMC 13.10.6.4.3.B. Marine Shoreline Buffers

1. A buffer area shall be maintained on all marine shorelines for all non-water-dependent and public access uses adjacent to the marine shoreline to protect and maintain the integrity, functions and processes of the shoreline and to minimize risks to human health and safety. The buffer shall be measured horizontally from the edge of the ordinary high water mark landward.
2. Buffers shall consist of an undisturbed area of native vegetation or areas reserved for priority uses (water-dependent uses and public access), including restoration established to protect the integrity, functions and processes of the shoreline. Required buffer widths shall reflect the sensitivity of the shoreline functions and the type and intensity of human activity proposed to be conducted nearby.

Analysis: Karla Kluge, Senior Environmental Specialist, reviewed and assessed the proposal for impacts to the marine buffer and Fish and Wildlife Habitat Conservation Area. As the City's subject matter expert, the Director would place substantial weight on Ms. Kluge's analysis. (Attachment B)

Ms. Kluge has concluded that the proposed work within the shoreline will not disturb any existing vegetation and will not result in loss of functional habitat for terrestrial or aquatic species. Specifically, the installation of the new stormwater outfall does not disturb or replace any vegetation and is located in an area designed for stability with the rip rap and does not currently provide suitable habitat for terrestrial or aquatic species.

The proposed project outfall is designed to improve water quality by treating stormwater runoff which will improve the overall aquatic habitat available in the near vicinity.

In summary, if conditioned properly, Ms. Kluge has concluded that the proposed activities meet the intent and requirements of the critical area provisions of the SMP. As conditioned herein, the project should not result in a loss of critical area functions and values.

34. Per TMC 13.10.6.5.2.C.12, 12. In the "S-10" Port Industrial Area Shoreline District, when new uses or development are required to provide public access, the access may be provided on-site or off-site or via a public access fund contribution and shall not be subject to the on-site preference or waiver criteria in 6.5.2(C)(1) and (6).

Analysis: The Port of Tacoma has entered into an Interlocal Agreement with the City of Tacoma (Exhibit F), referencing a "flexible approach to shoreline public access provision." Per Section 7.3 of the ILA, the Port's "Place of Circling Waters" is credit for shoreline permits associated with the East Blair Terminal.

35. TMC 13.10.7.13.2.D

1. The design, location, and maintenance of utilities shall be undertaken in such a manner as to assure no net loss of ecological functions, preserve the natural landscape, and minimize conflicts with present and planned and shoreline uses.
2. Utilities shall be installed in such a manner that all banks are restored to a stable condition replanted, and provided maintenance care until the newly planted vegetation is established. Planting shall be native species or be similar to vegetation in the surrounding area.

3. Construction of new storm drains or other outfalls into water bodies and improvements to existing facilities shall be accomplished to meet all applicable standards of water quality.
4. Outfalls shall be located and constructed in accordance with regulations of the Washington Department of Ecology, the U.S. Environmental Protection Agency and any other agency having regulatory jurisdiction.

Analysis: The new stormwater outfall will be constructed using best management practices and will incorporate enhanced water quality treatment to ensure continued water quality of discharge. The outfall will be constructed by excavating a narrow trench from the interim pump station to the Blair Waterway. The new outfall would be installed within a concrete headwall approximately 11 feet below OHWM; work will be done at low tide to the greatest extent possible. Following construction, the disturbed area will be restored.

CONCLUSIONS²

1. Provided the conditions of approval are met, the proposal meets the criteria identified in *WAC 173-27-150* for approval of a Substantial Development Permit as follows:
 - a. The proposal, if conditioned appropriately, has been found to be consistent with the policies and procedures of the Shoreline Management Act.
 - b. The proposal, if conditioned appropriately, has been found to be consistent with the provisions of *WAC 173-27-150*.
 - c. The proposal, if conditioned appropriately, has been found to be consistent with the City of Tacoma's Master Shoreline Program.
2. Provided the conditions of approval are met, the proposal meets the criteria identified in *WAC 173-27-160* for approval of a Shoreline Conditional Use Permit as follows:
 - a. The proposed use is consistent with the policies of *RCW 90.58.020* and the master program.
 - b. The proposed use will not interfere with the normal public use of public shorelines.
 - c. 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 shoreline master program.
 - d. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.
 - e. The public interest suffers no substantial detrimental effect.

DECISION

Based upon the above findings and conclusions, the request for a Shoreline Conditional Use and Shoreline Substantial Development Permit is **Approved**, subject to the following conditions:

Conditions:

1. Best Management Practices shall be used for construction of the stormwater outfall.
2. The area disturbed for placement of the outfall will be the minimum needed for construction.
3. Construction of the outfall must be completed at low tide within the approved in-water work window.

² Conclusions are based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the Comprehensive Plan, and the Attachments, Exhibits, and Findings of Fact listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

4. All work waterward of the ordinary high water mark/line will follow the restrictions and criteria approved by WDFW and/or the USACE. A copy of the approvals must be submitted to the City prior to issuance of building permits.
5. The outfall must be constructed in accordance with regulations of the Washington Department of Ecology, the U.S. Environmental Protection Agency and any other agency having regulatory jurisdiction.

Advisory Notes:

The below notes are meant to provide additional information to the applicant relative to the specific development proposal. These notes are not conditions of the permit nor do they constitute a complete review of the project.

1. The decision set forth herein is based upon representations made and information submitted, including development plans and proposals, submitted to the Director. Any substantial change(s) or deviation(s) in such development plans, proposals, or conditions of approval imposed shall be subject to the approval of the Director, and may require additional permitting and public notification and comment.
2. The applicant must obtain other approvals prior to obtaining permits for construction from the City as required by other local, state and federal agencies including the Army Corps of Engineers, Washington State Department of Ecology and Department of Fish and Wildlife.
3. Per SWMM Volume 3, Section 9.3.3.2, the starting tailwater elevation to be used in the backwater analysis for pipe systems is the water surface elevation of the next downstream pipe at an assumed depth of 90 percent full. For discharges to tidally influenced areas, the tailwater elevation shall be the mean high tide which is 4.64 feet using the current City of Tacoma datum. Provide calculations showing that this requirement has been met.
4. Per Volume 3, Section 9.3 of the SWMM, single event modeling shall be used for designing conveyance systems. Revise all conveyance calculations to use a single event model. Continuous simulation modeling is not accepted.
5. Provide a profile for the private storm crossing under Alexander Avenue and ensure all minimum vertical clearances are met per City Standards.
6. For the upland portions of the development, show together on the same site plan sheet:
 - The building footprint and finished floor level.
 - The flood plains with designation. (The flood plains near the building are "Approximate A" zones.)
 - The design flood elevation for each. This is either determined by Flood Analysis Calculation, or is 3 feet higher than the highest ground elevation immediately adjacent to the flood zone. (Be aware that the second method, while much easier, also results in higher flood insurance rates.) Also, provide the ground elevations adjacent to the flood zones and at the building footprint.
7. To address impacts for delays due to train crossings, within one month of receiving notice that the Taylor Way Roadway Project (TWRP) has been awarded, the Port of Tacoma shall submit \$200,000 to the City of Tacoma toward the funding of this project.
 - In the event that the City does not proceed with the Taylor Way Roadway Project, within two months of receiving notification that the TWRP is not moving forward, the Port shall either submit \$475,000 to the City of Tacoma toward a City-led ITS improvement project along the Taylor Way corridor, or the Port shall notify the City that it intends to issue a contract to independently construct the identified ITS improvements. If the Port proceeds

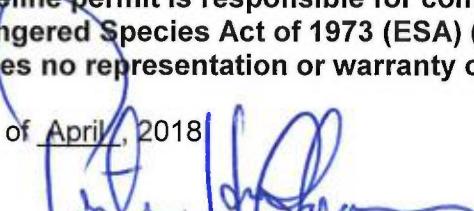
with an independent contract, construction must be completed within one year of the original notification date.

8. In order to address impacts to Alexander Avenue, the following conditions shall be met:
 - Two months prior to the opening of the terminal and the start of operations, the Port of Tacoma shall meet with the City of Tacoma's Public Works Director and Traffic Engineer to review the status of the pending street vacation and status of the Interim Traffic Control Plan, including design elements and implementation plans.
 - During the first six months of operations, active control may be achieved through the use of a certified flagger or off-duty police officer, or by early implementation of an intermediate measure such as a gate system, or similar approved alternative. Each measure shall be designed to prevent the mixing of project cargo and general traffic.
 - If after 4 months of operation the street vacation is not complete, the Port of Tacoma shall meet with the City of Tacoma's Public Works Director and Traffic Engineer to review the status of the pending street vacation and to review plans, including design elements, for the implementation of more permanent controls.
 - If the street vacation is not complete after 6 months of operation, or a longer period as determined by the City of Tacoma's Public Works Director, the Port of Tacoma shall activate a gate system or equivalent, designed to prevent the mixing of project cargo and general traffic. This system or equivalent shall remain in effect until completion of the street vacation.
9. This permit may be rescinded pursuant to RCW 90.58.140(8) of the Shoreline Management Act of 1971 and Section 13.10.330 of the *Tacoma Municipal Code* in the event the permittee fails to comply with any condition thereof.
10. Construction shall be commenced within two (2) years after the effective date of the permit. Local government may, however, authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date. Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit, however, a single extension for a period not to exceed one year may be granted by local government if a request for extension has been filed before the expiration date.
11. Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the "date of filing" with the Washington State Department of Ecology, as that term is defined in WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the "date of filing" have been terminated.

ENDANGERED SPECIES ACT WARNING:

The holder of this shoreline permit is responsible for compliance with the applicable provisions of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 et seq.), and this shoreline permit includes no representation or warranty of ESA compliance.

ORDERED this 24th day of April, 2018


PETER HUFFMAN, DIRECTOR

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

FULL DECISION TRANSMITTED by first class mail / email to:

Mark Rettmann, Port of Tacoma, PO Box 1837, Tacoma, WA 98401-1837
Josh Jensen, Anchor QEA, 720 Olive Way, Suite 1900, Seattle, WA 98101
Christine Wolf, Northwest Seaport Alliance, P.O. Box 2985, Tacoma, WA 98401-2985
Puyallup Tribe of Indians, Andrew Strobel and Char Naylor, 3009 Portland Avenue, Tacoma, WA 98404
Pierce County Office of the Assessor-Treasurer, Darci Brandvold, 2401 South 35th Street, Room 142, Tacoma, WA 98409-7460

Interoffice Email:

Neighborhood Planning Team Members: Brian Boudet, Ian Munce, and Carol Wolfe, Shari Hart
Karla Kluge, Planning and Development Services
Karina Stone, Site Development
Scott Beard, Planning and Development Services
Brennan Kidd, Public Works/Traffic Engineering

SUMMARY OF DECISION TRANSMITTED by first class or electronic mail to the following:

All property owners within 400 feet of the subject site
Northeast Tacoma Neighborhood Council
Citizens for a Health Bay, Melissa Malott, 535 Dock Street, Suite 213, Tacoma, WA 98402
Tahoma Audubon Society, Executive Director, 2917 Morrison Road West, University Place, WA 98466
Foss Waterway Development Authority, Norm Gollub, 535 Dock Street, Tacoma, WA 98402

PURSUANT TO RCW 36.70B.130, YOU ARE HEREBY NOTIFIED THAT AFFECTED PROPERTY OWNER(S) RECEIVING THIS NOTICE OF DECISION MAY REQUEST A CHANGE IN VALUATION FOR PROPERTY TAX PURPOSES CONSISTENT WITH PIERCE COUNTY'S PROCEDURE FOR ADMINISTRATIVE APPEAL. TO REQUEST A CHANGE IN VALUE FOR PROPERTY TAX PURPOSES YOU MUST FILE WITH THE PIERCE COUNTY BOARD OF EQUALIZATION ON OR BEFORE JULY 1ST OF THE ASSESSMENT YEAR OR WITHIN 30 DAYS OF THE DATE OF NOTICE OF VALUE FROM THE ASSESSOR-TREASURER'S OFFICE. TO CONTACT THE BOARD CALL 253-798-7415 OR <WWW.CO.PIERCE.WA.US/BOE>.

APPEAL PROCEDURES

RECONSIDERATION:

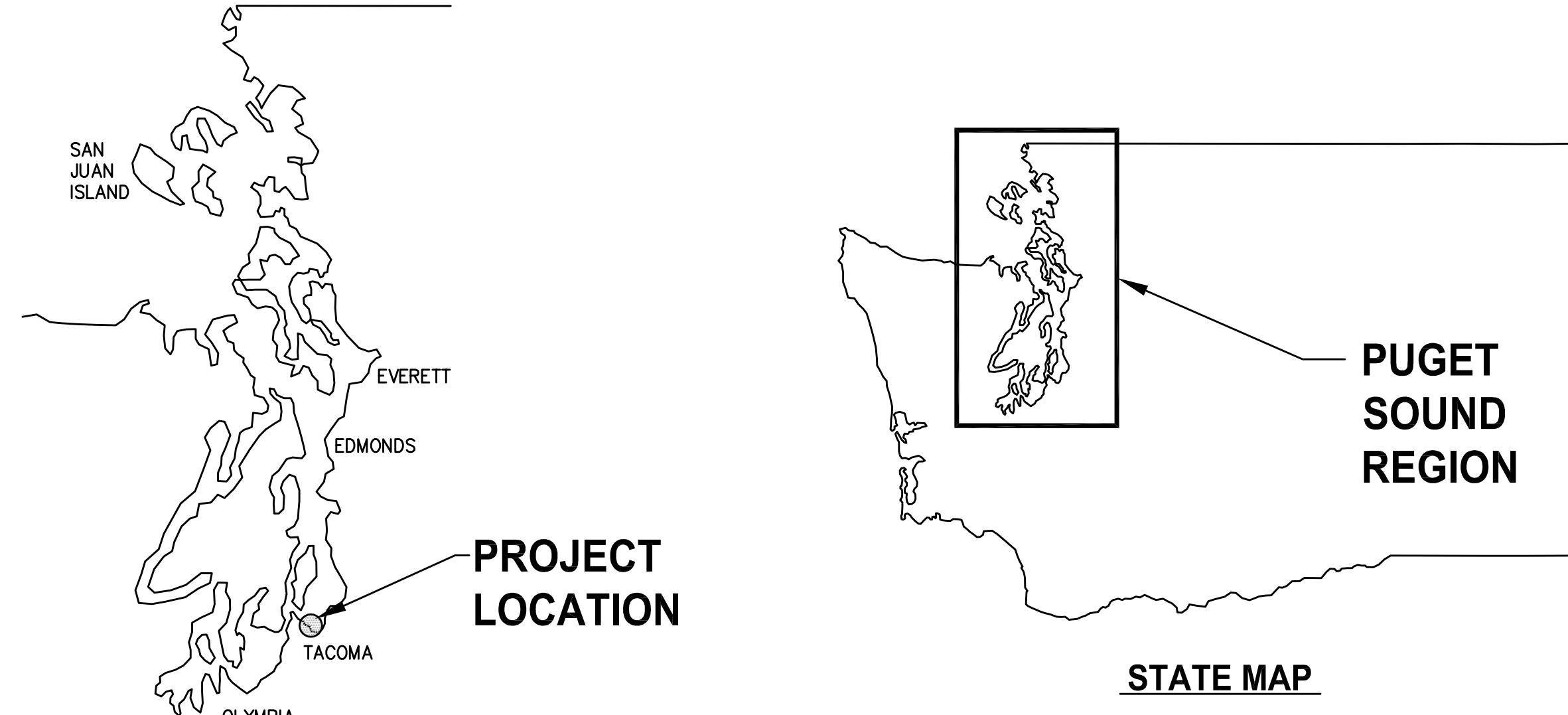
Any person having standing under the ordinance governing this application and feeling that the decision of the Director is based on errors of procedure or fact may make a written request for review by the Director within fourteen (14) days of the issuance of the written order. This request shall set forth the alleged errors, and the Director may, after further review, take such further actions as deemed proper, and may render a revised decision. A request for RECONSIDERATION of the Director's decision in this matter must be filed in writing with Planning and Development Services, Room 345, Third Floor, Tacoma Municipal Building, 747 Market Street, Tacoma, WA 98402, on or before May 8, 2018.

Should no reconsideration be requested, this Decision will be considered final and will be mailed via certified mail to the Department of Ecology on May 9, 2018.

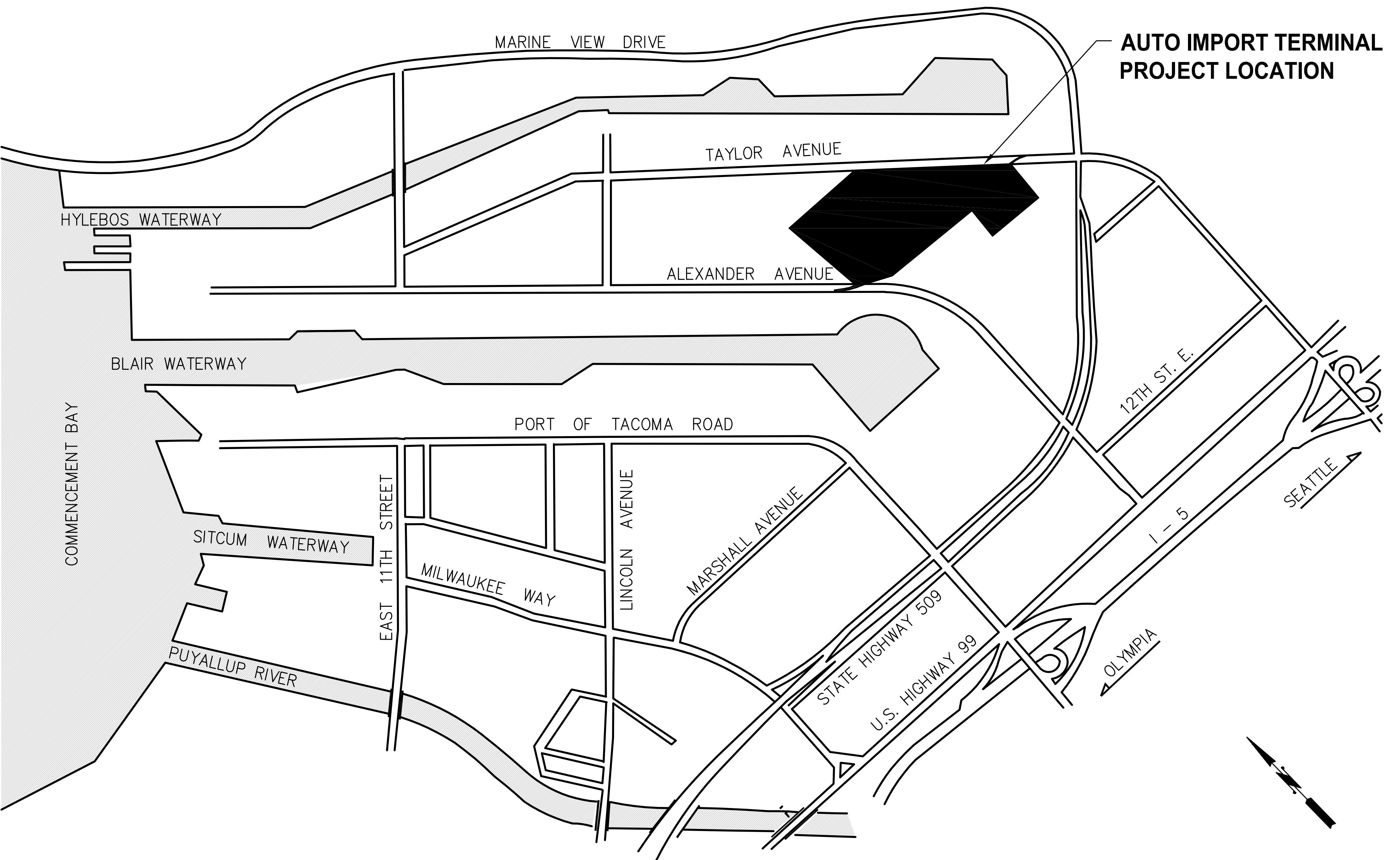
APPEAL TO SHORELINE HEARINGS BOARD:

The decision of the Director of Planning and Development Services may be appealed by any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140, who may seek review from the shorelines hearings board by filing a petition for review within twenty-one (21) days of the date of filing of the decision as defined in RCW 90.58.140(6), which states that the "date of filing" is "the date of actual receipt by the department of the local government's decision".

Information on filing an appeal of a Shoreline Substantial Development Permit may be obtained by contacting the State of Washington's Environmental and Land Use Hearings Office at www.aho.wa.gov, or PO Box 40903, Olympia WA 98504-0903, (360) 664-9160, email: eluhoh@eluhoh.wa.gov

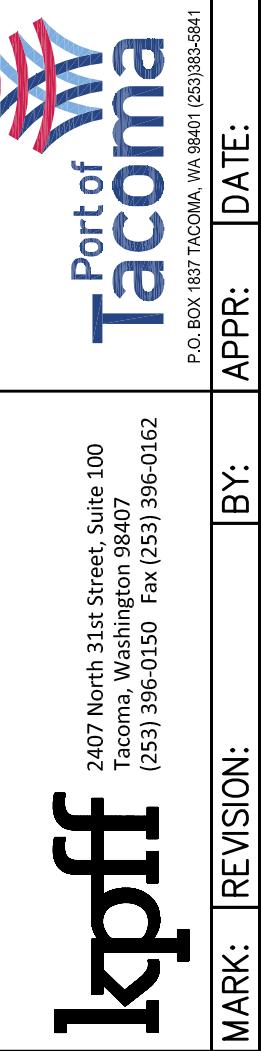


PUGET SOUND REGION MAP



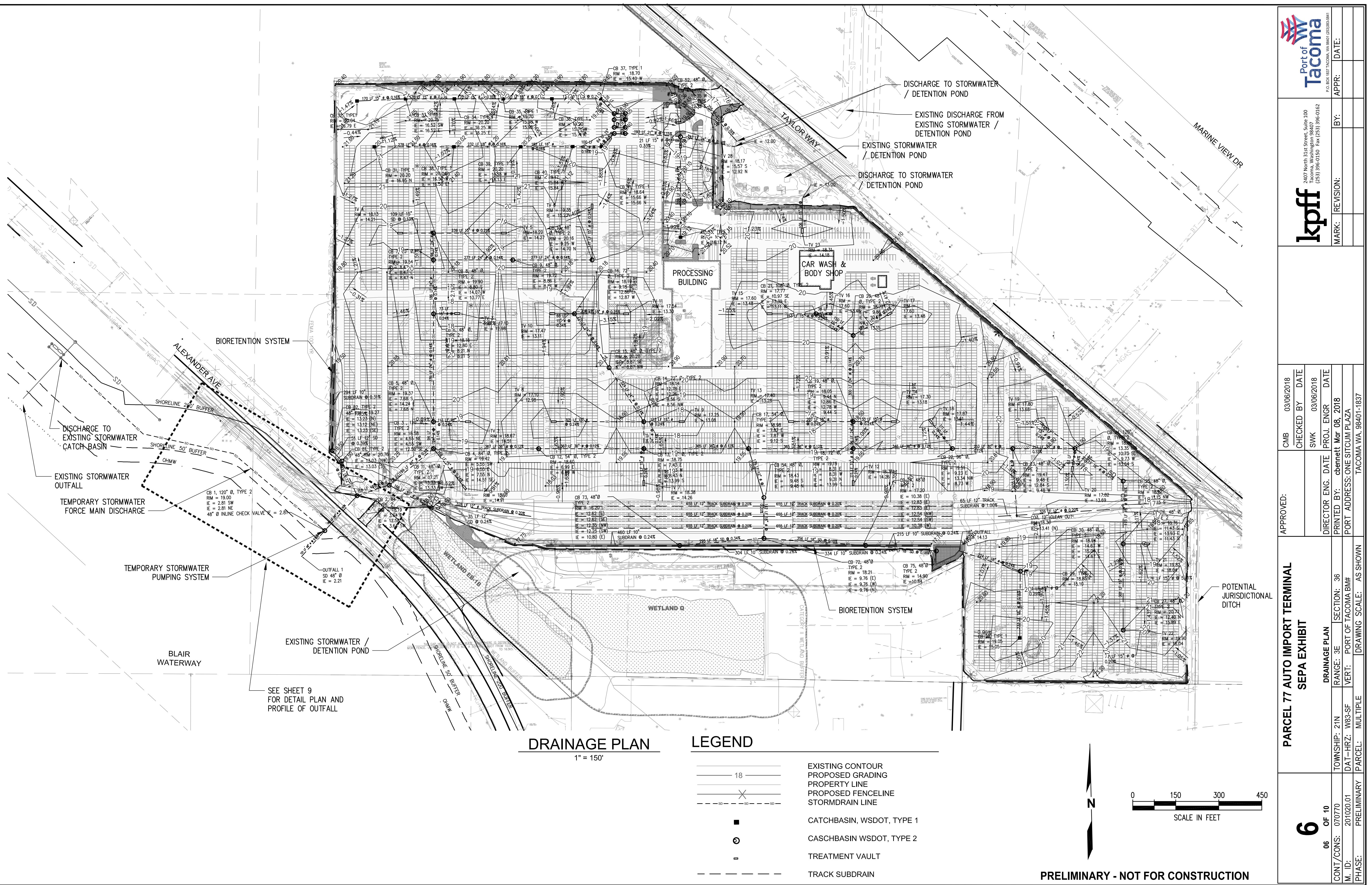
PERMIT SUBMITTAL

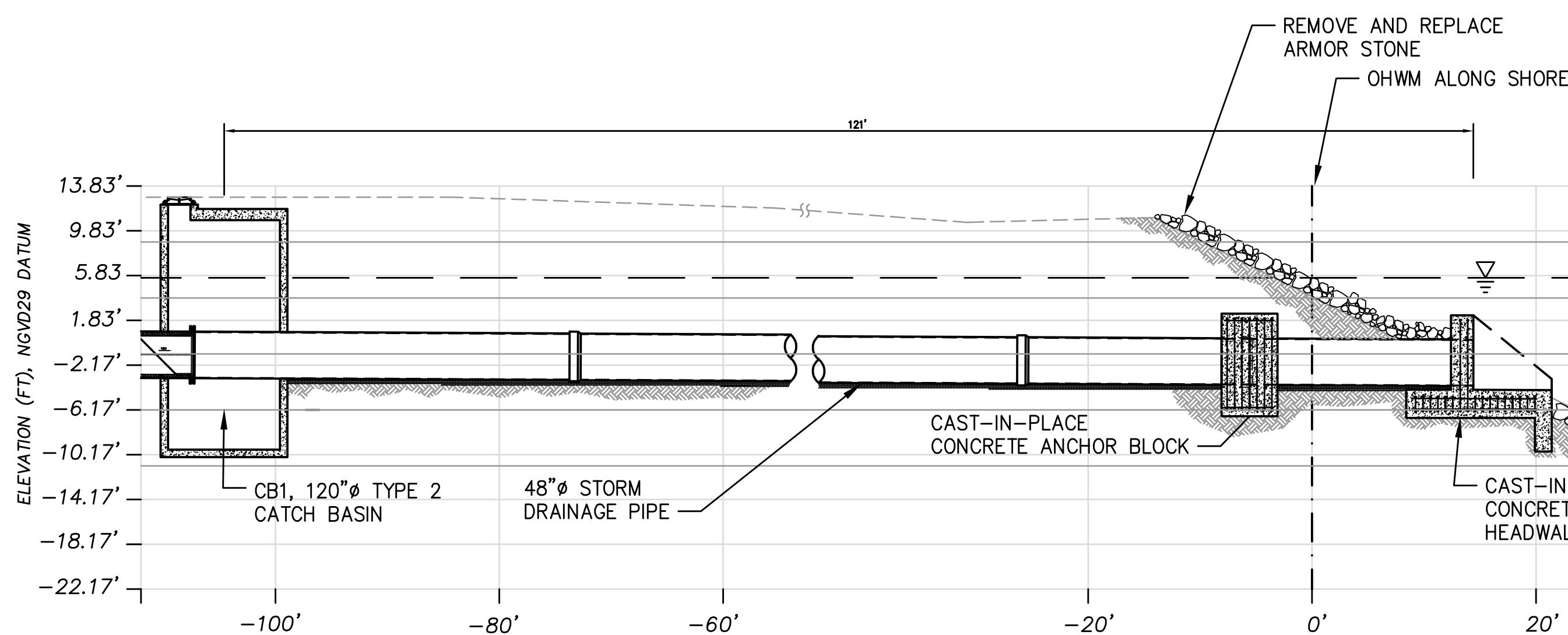
1		PARCEL 77 AUTO IMPORT TERMINAL SEPA EXHIBIT		APPROVED: <input type="checkbox"/> CMB 03/06/2018 CHECKED BY <input type="checkbox"/> SWK 03/06/2018		
		VICINITY MAP		DIRECTOR ENG. DATE <input type="checkbox"/> PROJ. ENGR. DATE		
01 OF 10	CONT/CONS: 070770	TOWNSHIP: 21N	RANGE: 3E	SECTION: 36	PRINTED BY: chennett Mar. 06, 2018	
	M. ID: 201020.01	DA T-HRZ: W83-SF	VERT: PORT OF TACOMA BM#		PORT ADDRESS: ONE SITCUM PLAZA	
	PHASE: PRELIMINARY	PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN		TACOMA WA, 98401-1837	



P.O. BOX 1837 TACOMA, WA 98401 (253) 396-0150 FAX (253) 396-0162

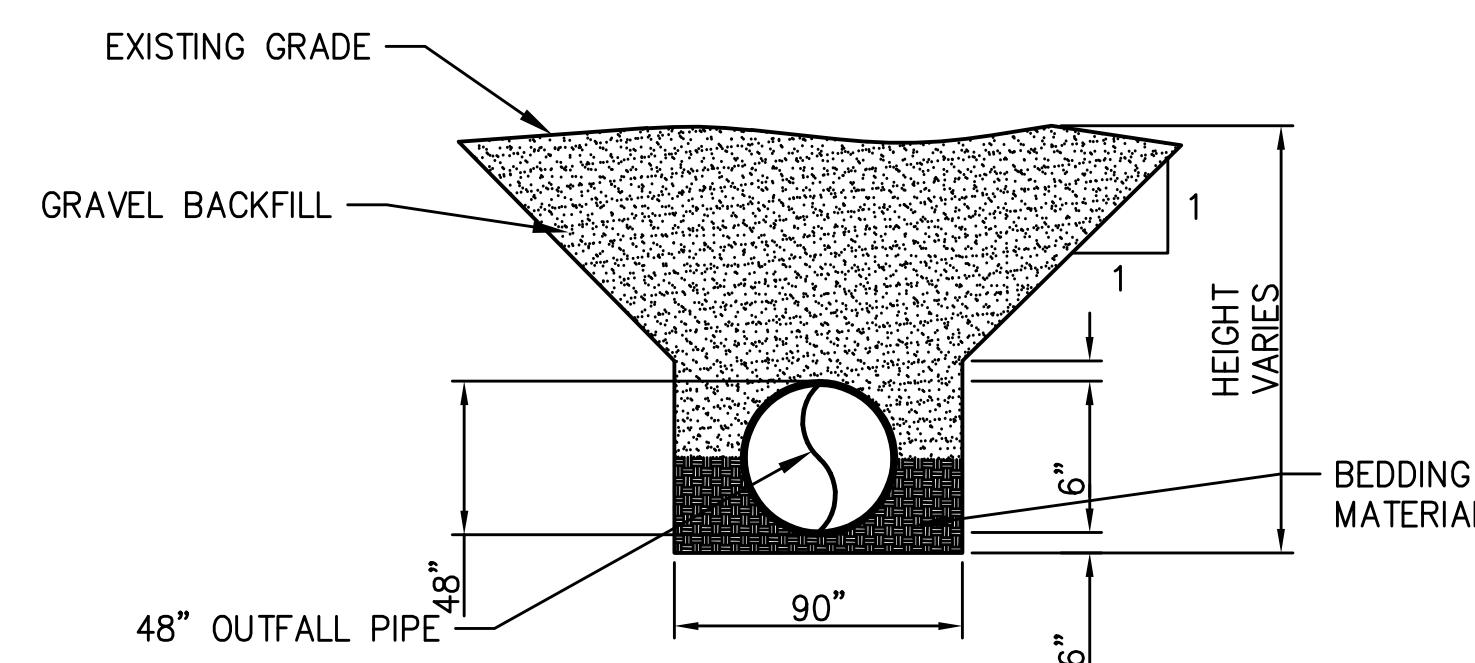
MARK: REVISION: BY: APRR: DATE:





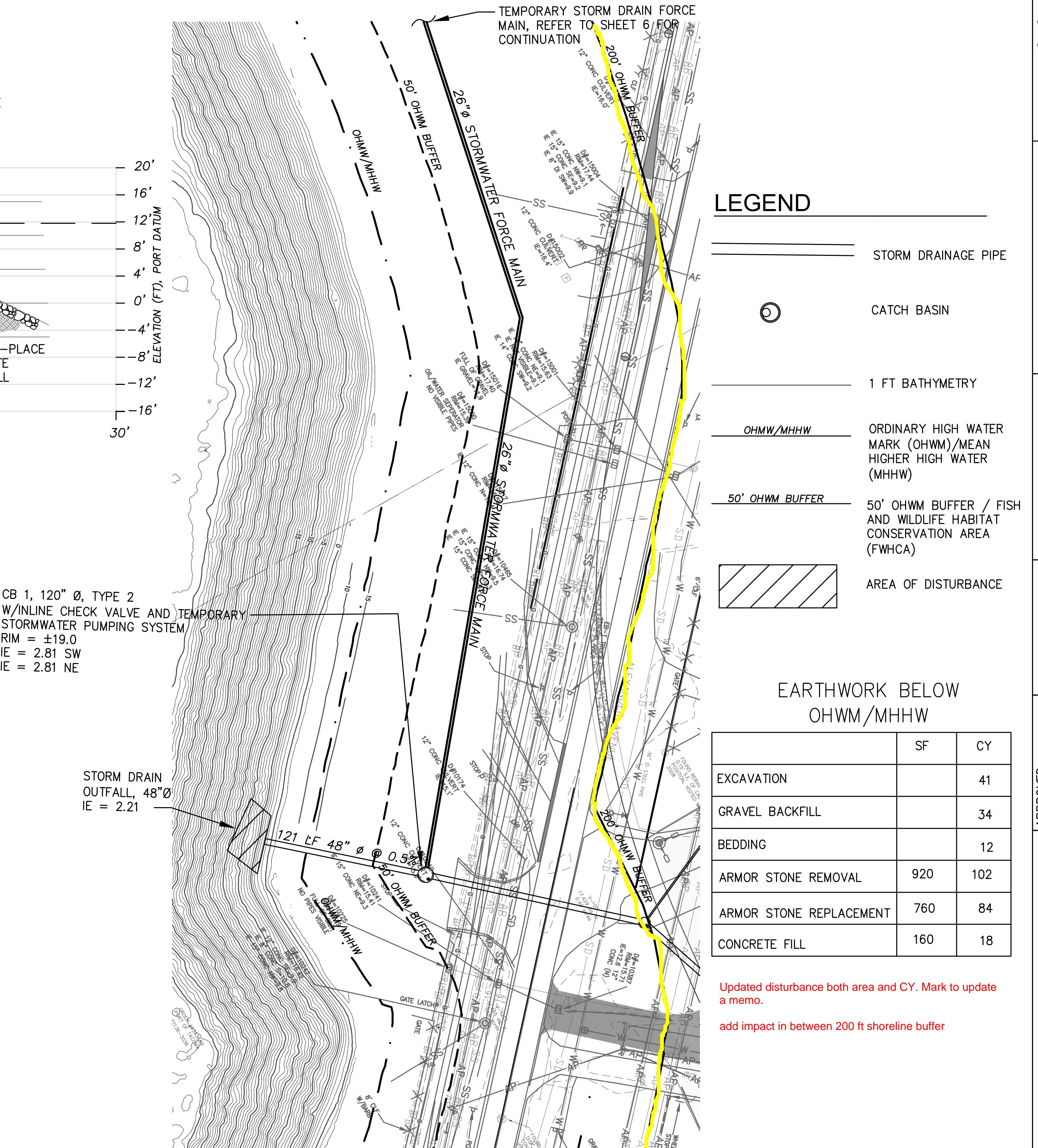
**BLAIR WATERWAY
OUTFALL PROFILE**

1" = 10'



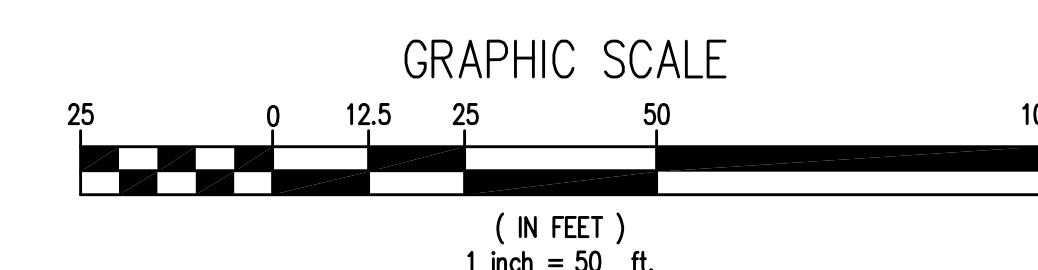
**TYPICAL TRENCH SECTION
OUTFALL PIPE**

1" = 5'



SITE PLAN

1" = 50'



PRELIMINARY - NOT FOR CONSTRUCTION

9		PARCEL 77 AUTO IMPORT TERMINAL SEPA EXHIBIT	
		BLAIR WATERWAY OUTFALL	
		PLAN AND PROFILE	SECTION: 36
		RANGE: 3E	VERT: PORT OF TACOMA BM#
CONT/CONS: 070770	TOWNSHIP: 21N	PRINTED BY: rambert Mar 07, 2018	PORT ADDRESS: ONE STICUM PLAZA
M. ID: 201020.01	DATA-HRZ: W83-SF	APPR: DATE:	TACOMA WA, 98401-1837
PHASE: PRELIMINARY	PARCEL: MULTIPLE	APPR'D BY:	
		REVISION:	
		APPR'D DATE:	

2407 North 21st Street, Suite 100
Tacoma, Washington 98401
(253) 396-0150 Fax (253) 396-0151
P.O. BOX 1837 TACOMA, WA 98401-1837



City of Tacoma
Planning and
Development Services
Technical Memorandum

March 21, 2018

To: File LU18-0013

From: Karla Kluge, Senior Environmental Specialist

Subject: Port of Tacoma Parcel 77 – Auto Import Terminal Project
Shoreline Substantial Development Permit
3400 Taylor Way, Parcel No's. 032136303, 0321363013, 0321363037
File No. LU18-0013

Proposal

A Shoreline Substantial Development and Conditional Use permits for new stormwater outfall, rail improvements, and utility infrastructure at EB1 terminal on the Blair Waterway and adjacent Parcel 77 property, in preparation to redevelop the property into an automobile import terminal. A separate Critical Area Minor Development Permit (LU18-0026) is being processed separately for wetland buffer modification.

Documents provided to the City of Tacoma

- Joint Aquatic Resources Permit Application
- Critical Areas Report for Port of Tacoma Parcel 77 Auto Import Terminal Facility, Anchor QEA, January 2018
- SEPA Determination (pending Port determination)

Project Site Description

1. A Shoreline Substantial Development and Conditional Use permit for new stormwater outfall, rail improvements, and utility infrastructure at EB1 terminal on the Blair Waterway and adjacent Parcel 77 property, in preparation to redevelop the property into an automobile import terminal.
2. A separate Critical Area Minor Development Permit (LU18-0026) is being processed separately for wetland buffer modification. The project is located on the Blair Hylebos peninsula between the Blair Waterway and Hylebos Waterway. A portion of the project will occur within the Blair Waterway 200-foot shoreline districts designated as S-10 Port-Industrial Area and S-13 Marine Waters of the State. The project site is addressed as 3400 Taylor Way and is comprised of approximately 0.97 acres.
3. A 50-foot marine buffer is located above the OHWM within this shoreline district. The new permanent outfall is proposed to be constructed within the rip-rapped revetment located in the marine buffer. All work will occur within the footprint of existing developed areas within the shoreline and will not affect ecological functions. The new outfall will be installed on an armored slope that has been highly modified from natural conditions. Thus, no natural shoreline will be altered by the proposed project and no mitigation is required.
4. Stormwater and water quality BMP's will be implemented during construction and operations of the project. Stormwater will be conveyed, retained, and treated per the requirements of the current Port of Tacoma Stormwater Management Guidance Manual. Water conveyed through the proposed culvert will be treated prior to release.

5. No wetlands were found on the subject site. However, four existing wetlands were found on the adjacent Bonneville Power Administration (BPA)-owned property, with one wetland located on the northwest corner (Wetland Q), two wetlands located on the eastern portion of the adjacent property (Wetlands BPA-C and BPA-E) and the remaining wetland is a Port-restored wetland located near the southwest corner of the subject site (Wetland EB1B).
6. Wetland EB1B is a 1.98-acre, Category III freshwater emergent wetland. Wetland Q is a 3.98-acre, Category II estuarine wetland that is connected to the Blair Waterway via a 24-inch culvert that exchanges saltwater during high tide. This wetland is an associated wetland and is regulated under the COT shoreline code. Wetland BPA-C and BPA-E are 3.33 and 1.30-acre, respectively, Category III freshwater emergent and shrub wetland systems. All four wetlands contain buffers interrupted by roads, parking lots, or existing development, which meet the definition of interrupted buffers defined in Tacoma Municipal Code.
7. A stormwater ditch is located along the east boundary of the site. It flows to the Drainage district 23 Ditch, which ultimately discharges to the Hylebos Creek on the east side of Highway 509. This ditch does not meet the criteria of a wetland or stream because it was intentionally created from upland areas specifically to manage stormwater. However, according to the Critical Area Report, the ditch does meet the criteria of a jurisdictional ditch under the Army Corps of Engineers.
8. The project site is predominantly impervious gravel surfaces with some areas of paved surfaces and remnant structure foundations. Vegetation within the site is primarily limited to patches of weedy grass and herbaceous vegetation in disturbed area with gravel or patches of paved surfaces. Non-native invasive species such as Himalayan blackberry (*Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*) are present in patches and cracks in pavement. Tree and shrub vegetation is limited to areas adjacent to stormwater ponds, wetland features adjacent to the site to the south and vegetation along the shoreline.
9. The shoreline vegetation along the Blair Waterway is limited to areas above the Ordinary High Water Mark (OHWM). Invasive species including Himalayan blackberry, butterfly bush (*Buddleja davidii*), and upland weed species. A few native trees are located at the top of the shoreline slope including red alder (*Alnus rubra*) and the Pacific madrone (*Arbutus menziesii*).
10. There is no vegetation present on the rocked revetment area where the new culvert and outfall is proposed. The proposed permanent outfall will be installed within a cast-in-place concrete headwall and anchor block located at an elevation below the OHWM. Concrete used below the OHWM will include marine grade concrete to maintain compliance with state water quality standards. Approximately 41 cy of existing riprap and underlying fill will be excavated to install the new outfall. The new outfall will be installed from the same stormwater vault that is installed for the interim pump station to the Blair Waterway using directional drilling and trenching. Any excavated material will be retained onsite after the piping and outfall is installed.
11. An interim pump station and temporary stormwater line may be required to be installed prior to the issuance of the Army Corps of Engineers Section 404 permit for the permanent outfall. Near the southwest corner of the subject site, the Port is proposing to install an interim pump station west of Alexander Avenue to pump stormwater to an existing storm drainage system and outfall location within the limits of the EB1 Terminal. The pump will be installed to new piping and a stormwater vault. Trenching required from the subject site to connect the interim pump station force main discharge to the existing EB1 catch basin. All trenching and the interim pump station is located outside of the marine buffer.
12. The applicant prepared a Biological Assessment identifying all listed species on site and within the general area and waters of the subject site. Three species are likely to occur within

the narrow and relatively shallow water of the Blair Waterway in the vicinity of the Project site. These three species are Chinook Salmon (Puget Sound ESU), Steelhead trout (Puget sound ESU), Bull trout (Coastal-Puget sound DPS). There are five ESA-listed species identified by the USFWS and NMFS as potentially occurring in the Project Area that do not occur in the Blair Waterway or the vicinity of the Project site based on the species life history and habitat requirements. Other noted species that may occur in the general vicinity will likely avoid the area during construction and in the future during normal operations.

Applicable Regulations and Policies:

TMC 13.10.6.4 Marine Shoreline and Critical Areas Protection Intent:

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

The Shoreline Management Act (SMA) mandates the preservation of the ecological functions of the shoreline by preventing impacts that would harm the fragile shorelines of the state. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources.

TMC 13.10.6.4.2.A General Regulations

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

TMC 13.10.6.4.2.B. Critical Area Buffer Modification

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

- Modification is necessary to accommodate an approved water-dependent or public access use, including trails and/or pedestrian/bicycle paths; provided, that such development is operated, located, designed and constructed to minimize and, where possible, avoid disturbance to shoreline functions and native vegetation to the maximum extent feasible.

TMC 13.10.6.4.2.C Modification of a shoreline or critical area buffer is subject to the site review requirements in TSMP Section 2.4.2 General Mitigation Requirements

- If modification to a marine shoreline, wetland, stream, FWHCA, or buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated so as to result in no net loss of shoreline and/or critical area functions or processes.
- Mitigation shall occur in the following prioritized order:
 - Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
 - Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
 - Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
 - Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;
 - Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures;
 - Monitoring the impact and compensation projects and taking appropriate corrective measures.

TMC 13.10.6.4.3.A Classification

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

TMC 13.10.6.4.3.B. Marine Shoreline Buffers

1. A buffer area shall be maintained on all marine shorelines for all non-water-dependent and public access uses adjacent to the marine shoreline to protect and maintain the integrity, functions and processes of the shoreline and to minimize risks to human health and safety. The buffer shall be measured horizontally from the edge of the ordinary high water mark landward.
2. Buffers shall consist of an undisturbed area of native vegetation or areas reserved for priority uses (water-dependent uses and public access), including restoration established to protect the integrity, functions and processes of the shoreline. Required buffer widths shall reflect the sensitivity of the shoreline functions and the type and intensity of human activity proposed to be conducted nearby.
3. Buffer widths shall be established according to table 6-1. Under Table 6-1, the required marine buffer width for the Blair Waterway, an S-10 Shoreline District, is 50 feet.

TMC 13.10.7.13.2.D

1. The design, location, and maintenance of utilities shall be undertaken in such a manner as to assure no net loss of ecological functions, preserve the natural landscape, and minimize conflicts with present and planned and shoreline uses.
2. Utilities shall be installed in such a manner that all banks are restored to a stable condition replanted, and provided maintenance care until the newly planted vegetation is established. Planting shall be native species or be similar to vegetation in the surrounding area.
3. Construction of new storm drains or other outfalls into water bodies and improvements to existing facilities shall be accomplished to meet all applicable standards of water quality.
4. Outfalls shall be located and constructed in accordance with regulations of the Washington Department of Ecology, the U.S. Environmental Protection Agency and any other agency having regulatory jurisdiction.

Conclusions

The proposed work within the shoreline will not disturb any existing vegetation and will not result in loss of functional habitat for terrestrial or aquatic species. Specifically, the installation of the new stormwater outfall does not disturb or replace any vegetation and is located in an area designed for stability with the rip rap and does not currently provide suitable habitat for terrestrial or aquatic species.

The proposed project outfall is designed to improve water quality by treating stormwater runoff which will improve the overall aquatic habitat available in the near vicinity.

Based on the above findings, the requested project is consistent with the provisions of the City's Shoreline Management Plan and if properly conditioned should not result in a loss of critical area functions and values.

Conditions

1. Best Management Practices shall be used for construction of the stormwater outfall. The area disturbed for placement of the outfall will be the minimum needed for construction. Construction of the outfall must be completed at low tide within the approved in-water work window.
2. All work waterward of the ordinary high water mark/line will follow the restrictions and criteria approved by WDFW and/or the USACE. A copy of the approvals must be submitted to the City prior to issuance of building permits.

Advisory Notes

1. This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Modifications to this proposal and future activities or development within the regulated buffers may be subject to further review and additional permits as required in accordance with the *Tacoma Municipal Code*.

2. The applicant must obtain other approvals prior to construction as required by other local, state and federal agencies including the Army Corps of Engineers and State Department of Fish and Wildlife which have requirements regarding work within regulated waters that may be applicable to the project.

From: Diekmann, Joshua
Sent: Monday, April 16, 2018 6:58 PM
To: Schultz, Shirley
Cc: Kingsolver, Kurtis; Larson, Chris; Kidd, Brennan; D'Andrea, Mark; Marescalco, Frank
Subject: Parcel 77 Shoreline Permit – Requested Public Works Conditions

Shirley,

Thank you for the opportunity to comment on the shoreline permit. The proposed development of Parcel 77 will have an impact on traffic operations around the proposed site. The Port, in a complementary effort, is also proposing to vacate the Alexander Avenue right of Way; Public Works will be submitting comments on this application separately. Additionally, since the City of Tacoma has been planning to reconstruct Taylor Way adjacent to the project, the Public Works Department has been coordinating with the Port of Tacoma regarding the scope and timing of potential frontage improvements and mitigation measures. The mitigation measures requested in this email are the culmination of these coordination efforts. Frontage improvement requirements are anticipated as part of the site development permit. The comments below are presented in two categories—**Train Crossing Delays** and **Alexander Avenue Crossing Provisions**; each of these two discussions is followed by Requested Conditions for the shoreline permit.

Train Crossing Delays

The traffic impact study prepared for the project (Fehr & Peers, February 27, 2018), notes that approximately one 1,200 foot train is expected to leave the site each day. Area roadways are expected to be blocked occasionally for building trains; each train blockage is expected to last 5-10 minutes, primarily along Taylor Way and Alexander Avenue. Tacoma Rail has committed to not blocking Alexander Avenue and Taylor Way simultaneously, and to communicating blockages with the Tacoma Fire Department, thus reducing the impact of rail blockages on emergency response times. There are, however, still additional delays to public vehicles traveling on the area roadways; these impacts are proposed to be offset through construction of Intelligent Transportation Systems (ITS) components which will notify drivers about current blockages so that they, too, can choose alternative routes. The City and the Port have agreed that these components should include the following:

- Train detection equipment at Taylor Way rail crossings to the immediate north of SR-509
- Overhead LED Blank Out signs providing notice of train blockages (two at Taylor Way and Lincoln)
- Post-mount Variable Message Signs (three approaches to the Taylor Way and SR-509 intersection)
- Related communications infrastructure

The ITS components described above are consistent with the project in the City of Tacoma's Six-Year Transportation Improvement Program adopted June 27, 2017. This project, Tideflats Area Short-Term ITS Improvements, envisions approximately \$3.1 million invested in ITS, to be constructed between 2019 and 2023. Prior to being programmed in the six-year TIP, the ITS improvements were identified in the City's Emergency Response and ITS Action Plan for the Port of Tacoma and the City of Tacoma's ITS Concept of Operations Document, prepared July 2016 by DKS Associates. Additionally, the ITS components are consistent with Policy 3.17 of the Transportation Master Plan, which calls for using ITS to “[boost] the efficiency, improve the safety, and reduce the environmental impact of the multimodal transportation system...” Page 109 of the TMP emphasizes the need to construct ITS improvements “...related to rail operations to reduce at-grade rail crossing blockage times and/or provide rerouting

information.” Along with the Taylor Way project, the mitigation measures would help achieve project 426 in the TMP, “Tideflats Area Fiber Optic Infrastructure,” and project 117, “Tideflats Area ITS Strategic Plan Implementation.” It would also complement project 175, “WSDOT ITS projects on SR509 and I-705.”

The conditions recognize that part of the proposed ITS described in the conditions is anticipated to be built by the City’s upcoming Taylor Way Rehabilitation Project (TWRP); this project is planned to include communications infrastructure, signal work, and upgrading the ITS backbone along the corridor. The City and the Port agree that if the Taylor Way project proceeds, the most cost effective way to complete the ITS components will be to incorporate them into the Taylor Way project. The City and the Port also agree that \$200,000 appropriately reflects the added cost of including the above elements in the TWRP.

In the event that the City of Tacoma is unable to fully fund the Taylor Way project, the Port and the City have an existing agreement in place wherein the City could choose to ask the Port to support formation of a Local Improvement District to address the funding gap. However, if the TWRP is still not fully funded, or if it for some reason does not proceed, the Port has agreed that they will make a contribution toward a stand-alone ITS project. The Port and the City agree that the approximate cost for a stand-alone project to construct the ITS elements listed above is approximately \$670,000. In recognition of the City’s desire to use a contribution from the Port to make additional upgrades along the corridor, the City agrees that a contribution of \$475,000 from the Port will allow the City to construct ITS components to mitigate impacts from the proposed development.

Requested Conditions

- Within one month of receiving notice that the Taylor Way Roadway Project (TWRP) has been awarded, the Port of Tacoma shall submit \$200,000 to the City of Tacoma toward the funding of this project.
- In the event that the City does not proceed with the Taylor Way Roadway Project, within two months of receiving notification that the TWRP is not moving forward, the Port shall either submit \$475,000 to the City of Tacoma toward a City-led ITS improvement project along the Taylor Way corridor, or the Port shall notify the City that it intends to issue a contract to independently construct the identified ITS improvements. If the Port proceeds with an independent contract, construction must be completed within one year of the original notification date.

Alexander Avenue Crossing Provisions

The Port of Tacoma is in the process of vacating a portion of Alexander Avenue from the proposal’s frontage southeasterly to State Route SR-509. Should the vacation not be completed when the terminal begins operations, an Interim Traffic Control Plan (TCP) approved by the City of Tacoma’s Public Works Director shall be implemented. The goal of the TCP is to prevent the mixing of cargo traffic from the proposed project and the Port of Tacoma’s EB-1 Terminal with public roadway traffic on Alexander Avenue.

Requested Conditions:

- Two months prior to the opening of the terminal and the start of operations, the Port of Tacoma shall meet with the City of Tacoma’s Public Works Director and Traffic Engineer to review the status of the pending street vacation and status of the Interim TCP, including design elements and implementation plans.

- During the first six months of operations, active control may be achieved through the use of a certified flagger or off-duty police officer, or by early implementation of an intermediate measure such as a gate system, or similar approved alternative. Each measure shall be designed to prevent the mixing of project cargo and general traffic.
- If after 4 months of operation the street vacation is not complete, the Port of Tacoma shall meet with the City of Tacoma's Public Works Director and Traffic Engineer to review the status of the pending street vacation and to review plans, including design elements, for the implementation of more permanent controls.
- If the street vacation is not complete after 6 months of operation, or a longer period as determined by the City of Tacoma's Public Works Director, the Port of Tacoma shall activate a gate system or equivalent, designed to prevent the mixing of project cargo and general traffic. This system or equivalent shall remain in effect until completion of the street vacation.

I appreciate the opportunity to provide comments on this proposal. Please let me know if you have any questions.

Sincerely,

Josh Diekmann

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