

## Public Access - Chapter 4

### Applicable Shoreline Policies – Public Access and Recreation

“Establish a public access system that capitalizes on Puyallup’s unique and varied shorelines with a combination of vistas, view areas, view corridors, scenic drives, trails, hiking paths and bike paths that connect to and along the City’s shorelines to the maximum extent feasible.” *(Policy I., page 9-12)*

“Public access improvements shall be made as prioritized in this chapter. The city shall strive to provide enhancements, connect missing access linkages (both within the community and connections to other access areas) and provide educational opportunities by seeking grants and stable funding sources to initiate a public access improvement program.” *(Policy II., page 9-12)*

“Public access improvements should not result in adverse impacts to the natural character and quality of the shoreline and associated critical areas without restoration efforts in combination with the access improvements.” *(Policy IV., page 9-12)*

“Public access facilities shall utilize, to the maximum extent that is technically feasible, low impact development techniques and surfacing materials (e.g. pervious concrete/asphalt, pin pier diamond foundations for boardwalks).” *(Policy V., page 9-12)*

“Recognizing that much of Puyallup’s existing and planned trails follow the shoreline or connect shoreline and upland areas, partner to develop and maintain trails oriented to the shorelines. Development of trails should be coordinated with habitat restoration efforts.” *(Policy VI., page 9-12)*

“Public views from the shoreline upland areas should be enhanced and preserved.” *(Policy X., page 9-12)*

“Incorporate public access into publicly funded restoration projects where significant ecological impacts can be avoided.” *(Policy XII., page 9-12)*

#### **Recreation:**

“Public recreational facilities should be located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and in such manner that no net loss of shoreline ecological functions or ecosystem-wide processes results.” *(Policy I., page 10-12)*

“Locate, design, manage and maintain recreational uses and facilities in a manner that protects shoreline ecological functions and processes.” *(Policy V., page 10-12)*

“Design and manage recreational facilities to best promote public health improvements through amenities which promote active movement and exercise opportunities to the public.” *(Policy VI., page 10-12)*

“Recognize, protect and promote the interests of all people of the state by providing increased recreational opportunities within shorelines of statewide significance and associated Shoreland areas.” *(Policy XIV., page 10-12)*

**Views and Aesthetics:**

“Preserve and assure, to the greatest extent feasible, the public’s opportunity to enjoy the physical and aesthetic qualities of the city’s shorelines.” *(Policy I., page 12)*

“Identify and protect areas with scenic vistas and areas where the shoreline has high visual aesthetic value.” *(Policy II., page 12)*

“Minimize adverse impacts from new development on views from public property or views enjoyed by a substantial number of residents.” *(Policy III., page 12)*

“Enhance public view opportunities that improve the public access experience.” *(Policy IV., page 12)*

“The shoreline areas should be planned and designed to preserve and enhance environmental characteristics. Examples of appropriate considerations are:

- a. Preservation of shoreline area views and view corridors from within and outside the development;
- b. Preservation of existing vegetation to the extent that such vegetation contributes to overall visual quality, is unique or furnishes valuable wildlife habitat; and,
- c. Revegetation that contributes to visual diversity, provides attractive transitions between developed and shoreline areas, enhances wildlife values or otherwise accomplishes the purposes of this policy.

- d. Arrangement, modulation, scale and overall relationship of site buildings and elements should be designed to achieve a balance of open space and development while protecting solar enjoyment from permanent shadowing impacts.
- e. Street furniture such as signs, lighting, and benches, etc, when used, and site circulation patterns should complement and reinforce the unique nature of riparian corridors and shoreline areas.
- h. River crossings and entrances to river crossings should emphasize the scenic qualities of the river and its value as a resource in the community.” (*Policy VI., page 12*)

**Applicable Shoreline regulations – Public Access, Recreation, Views and Aesthetics**

**Public Access:**

“(…) shoreline substantial developments or conditional uses shall provide public access where commensurate and proportional to the development impacts, when any of the following conditions are present:

- a. Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby public access;
- b. When a development is likely to increase the need for public access or would be a public benefit as a part of a development project;
- c. As part of development for non-water-dependent uses (including water-enjoyment and water-related uses);
- d. Where the development is proposed or funded by a public entity or on public lands, except where public access improvements would adversely affect publicly funded restoration actions;
- e. Where planned for under the Shoreline Public Access Plan”  
(*Regulation III., page 13-14*)

“Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail bikeway, corridor, viewpoint, park or other area serving as a means of view and/or physical approach to the shoreline and may include informational kiosks. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include improvements that conform to the requirements of the Americans with Disabilities Act (ADA).”

(*Regulation VII., page 13-14*)

**Recreation:**

“Recreational activities and facilities located within shoreline jurisdiction must bear a substantial relationship to the shoreline, or provide physical or visual access to the shoreline. Facilities for water-dependent recreation such as fishing, swimming, boating,

and wading, and water-related recreation such as picnicking, hiking, and walking shall be located near the shoreline, while non water-related recreation facilities shall be setback from the ordinary high water mark (OHWM) as set forth in the city's Critical Areas Ordinance (PMC 21.06)." (*Regulation II., page 15-16*)

**Views and Aesthetics:**

"Design of structures and improvements shall identify key view corridors and points of visual enjoyment and make measures in the design of the site to protect and enhance those resources." (*Regulation I., page 15*)

**SHORELINE USE - Section A, Chapter 5**

Applicable Shoreline policies – Shoreline Use
"Development in shorelines should reflect in both site configuration and structural design acknowledgement of the water's proximity and its value as an ecological and scenic resource." ( <i>Policy I., page 1</i> )
Applicable Shoreline regulations – Shoreline Use
"Shoreline use regulations for specific uses and associated shoreline modifications (e.g., agriculture, commercial, residential, recreational development, dredging, flood control, etc.) are in Chapter 7, Shoreline Use and Modification Policies and Regulations." ( <i>Regulation I., page 1</i> )

**HISTORIC, CULTURAL, SCIENTIFIC AND EDUCATIONAL RESOURCE - Section B, Chapter 5**

Applicable Shoreline policies – Historic, cultural, scientific and educational resources
"Work with tribal, federal, state, and local governments as appropriate to maintain an inventory of all known historic, cultural, and archaeological resources. As appropriate, these resources should be protected, preserved, and/or restored for study and/or public education." ( <i>Policy I., page 2</i> )
Applicable Shoreline regulations – Historic, cultural, scientific and educational resources
"All shoreline permits and statements of exemption shall contain provisions which require developers to immediately stop work and notify the City, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Indian Tribe if any artifacts of possible historic, cultural, or archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist or historic preservation professional, as applicable, in coordination with the state and/or affected tribes. Mitigation for an application

affecting a historic site may involve additional or alternative measures that are site and project specific, as required by DAHP and/or affected Tribal Governments.” (*Regulation III., page 2*)

## Ecological protection - Section C, Chapter 5

### Shoreline policies

“All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas designated in Puyallup Municipal Code (PMC) Chapter 21.06 that are located in the shoreline. Shoreline ecological functions that should be protected include hydrology, water quality, riparian habitat, and in-stream habitat functions. Shoreline processes that should be protected include surface and groundwater flow; sediment delivery; water quality; and organics delivery.” (*Policy I., page 3*)

“In assessing the potential for net loss of ecological functions and processes, project specific and cumulative impacts should be considered.” (*Policy III., page 3*)

“Allow activities in critical areas that protect and, where possible, restore the ecological functions and ecosystem-wide processes of the City’s shorelines.” (*Policy IV., page 3*)

### Shoreline regulations

“All shoreline development and uses shall be located, designed, constructed and maintained in a manner that results in no net loss of shoreline ecological processes and functions to the greatest extent feasible. Unavoidable impacts to shoreline ecological functions and processes shall be mitigated according to the provisions of this section to ensure no net loss of ecological functions.” (*Regulation I., page 3-7*)

“Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations;

- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.” (Regulation II., page 3-7)

“In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.” (Regulation III., page 3-7)

“Required mitigation shall not be in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions.” (Regulation IV., page 3-7)

“Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions and shall cause no net loss of ecological functions overall.” (Regulation V., page 3-7)

“When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.” (Regulation VI., page 307)

“Buffer widths for wetlands shall follow the standards of PMC 21.06.930.” (Regulation VII., page 3-7)

“Buffer widths for stream areas shall be established as follows:

- a. Stream buffer widths shall be regulated by PMC 21.06.1050. The buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. Per PMC 21.06.210 (111), riparian buffer areas include those buffer areas severely altered, degraded or damaged due to human development activities.
- b. After mitigation sequencing has been applied and avoidance of disturbance is minimized to the maximum extent practicable, a stream buffer may be reduced to accommodate a water-dependent use. Mitigation proposals shall follow the standards of PMC 21.06.1080, 21.06.610 and 21.06.620.
- c. Except as allowed by (d) and (e) below, water-enjoyment, water-related and non-water oriented uses shall not reduce riparian buffer area

vegetation, encroach further into a riparian buffer area or impact ecological functions/critical areas unless no other feasible alternative exists to locate outside these areas. Impacts may only be allowed through a shoreline variance permit process. See Chapter 7, Residential Uses, for options for single family residential use expansions in riparian buffer areas. The developed envelope shall be located outside of the prescribed buffer area to the maximum extent feasible. Mitigation shall be provided in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.

- d. Areas within the prescribed buffer area for the adjacent stream which do not contain functioning riparian habitat and that do not include any other critical areas (e.g. previously developed sites within buffer area, upland area separated by road/levee, etc) may be developed by water-enjoyment and water-related uses in a manner that is consistent with the control of pollution and prevention of damage to the shoreline environment.
- e. Improvements for shoreline public access – as a stand alone use – should be located only in the outer 50% of the riparian buffer area. Exceptions may be made for shoreline recreational uses – such as beaches or viewing platforms – to encroach further into the buffer area. Replacement of an existing access system or locating new public access trails within the inner 50% shall only be allowed through a shoreline conditional use permit. Impacts to existing riparian functions and values shall be mitigated in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.
- f. Non water-oriented uses may only locate within the city’s shoreline planning area if mitigation plantings are provided in the adjacent or nearest riparian buffer area (if no riparian area is available on site).”  
*(Regulation VIII., page 3-7)*

## Vegetation conservation - Section E, Chapter 5

### Shoreline policies

- I. To protect and restore the ecological functions and ecosystem-wide processes provided by vegetation along shorelines.**

“Limit alteration of the natural landscape within the shoreline jurisdiction to the minimum necessary to accommodate the shoreline development or to remove invasive vegetation.” *(Policy V., page 8)*

<p>“Restrict clearing and grading within shoreline jurisdiction in order to maintain shoreline functions.” <i>(Policy VI., page 8)</i></p>
<p>Shoreline regulations</p>
<p>“During construction, shoreline vegetation shall be protected by placement of a temporary barricade/fencing at the edge of existing vegetation to be retained and implementation of appropriate erosion and sedimentation controls. All uses and developments permitted under this master program shall observe all applicable critical area buffers/existing shoreline vegetation to the maximum extent possible and shall establish 65% native vegetation landscaping coverage between permitted uses/structures and the OHWM to the extent feasible.” <i>(Regulation II., page 8-9)</i></p>

**Water Quality and Quantity - Section F, Chapter 5**

<p>Shoreline policies</p>
<p>“The City should manage stormwater through the City’s Comprehensive Plan, Storm Drainage and Basin Modeling plan and storm water management regulations..” <i>(Policy I., page 9-10)</i></p>
<p>Shoreline regulations</p>
<p>“All shoreline development shall comply with Puyallup Municipal Code, regulations related to water quality, including but not limited to relevant sections of title 21.” <i>(Regulation I., page 10)</i></p>

**Flood Control Works – Section F, Chapter 7**

<p>Shoreline policies</p>
<p>“Flood control works” means all structures and works designed to reduce flooding of adjacent lands, including but not limited to dikes, levees, channelization, dams, weirs, and flood gates. Excluded are water pump facilities.” <i>(Definition I., page 13)</i></p>
<p>“Flood control works should incorporate native vegetation to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management.” <i>(Policy III., page 13-14)</i></p>
<p>“Provisions for multiple use, restoration, and/or public access should be incorporated into the location, design and maintenance of flood control structures.” <i>(Policy V., page 13-14)</i></p>
<p>Shoreline regulations</p>
<p>“New structural flood hazard reduction measures shall be allowed only under the following circumstances:</p>



- a. When it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development;
- b. That non-structural measures are not feasible;
- c. That impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and
- d. That appropriate vegetation restoration and conservation actions are undertaken consistent with chapter 5.E – Vegetation Conservation.”  
(*Regulation V., page 14-15*)

The applicant is not proposing fill waterward of the OHWM and the project site is not within the regulated flood plain. Grading and fill material is permitted in concert with the primary use of the site for a water related use (sewer pump station). The applicant shall utilize best management practices to prevent sediment deposition while grading the site. the city shall review the BMPs to be used during site development (civil) permitting. The applicant’s proposal therefore appears consistent with the city’s policies and regulations regarding filling, grading and excavation. (Regulation V.)

**Filling, Grading and Excavation - section H, Chapter 7**

Shoreline policies
<p>“Shoreline fill and excavation should be designed and located so there will be no degradation of water quality and no alteration of surface water drainage or flood waters which would result in a hazard to adjacent life, property, or natural resources.” (<i>Policy II., page 16</i>)</p> <p>“Clearing and grading should only be allowed in concert with permitted shoreline development.” (<i>Policy III., page 16</i>)</p>
Shoreline regulations
<p>“Filling, grading and excavation is allowed in the Puyallup River Urban Conservancy (...) environments only in association with a permitted use. (...) Where allowed, filling, grading and excavation shall be the minimum necessary to accommodate the development and shall cause no impacts to ecological functions, including protection of channel migration processes.” (<i>Regulation I., page 16-17</i>)</p> <p>“Grading as a part of development for an authorized use, activity or shoreline modification should be as minimal as necessary and should seek to retain natural topography and native vegetation to the extent feasible. Grading of floodplain areas shall be in accordance with FEMA biological assessment requirements and should seek to retain existing contours and hydrologic features and functions to the extent feasible.” (<i>Regulation IV., page 16-17</i>)</p>

**Utility Development - section O, Chapter 7**

Shoreline policies
<b>“Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, should be located outside of the shoreline area where feasible.”</b>
Shoreline regulations
<p>II. The following utility facilities shall only be permitted when no other feasible alternative exists to locate in the city’s shoreline areas and shall only be permitted through a shoreline conditional use permit:</p> <ul style="list-style-type: none"><li>a. Utility production and processing facilities;</li><li>b. Transmission facilities for the conveyance of services; and,</li><li>c. Stormwater detention and treatment facilities (excluding infiltration facilities, such as rain gardens and permeable surfacing materials)</li></ul> <p>III. The following information shall be required for all proposals for primary utility facilities:</p> <ul style="list-style-type: none"><li>a. A description of the proposed facilities;</li><li>b. The rationale and justification for siting the proposed facility within the shoreline jurisdiction;</li><li>c. A discussion of alternative locations considered and reasons for their elimination;</li><li>d. A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities of other types of utilities in the project;</li><li>e. A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility; and</li><li>f. A plan for the control of erosion and turbidity during construction and operation.</li></ul> <p>V. b. Utility developments shall be located and designed so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.</p> <p>VII. As required by RCW 90.58.320, no permit shall be issued for any new or expanded building or structure more than thirty-five feet in height that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. Height is measured according to Chapter 2, Definitions.</p>

**Comp Plan policies:**

**Natural Environment (NE) element**

NE - 2.1 Utilize Best Management Practices (BMPs) and technology in city projects, practices and operations to achieve effective environmental stewardship while striving towards sustainable fiscal responsibility.

NE-3 Protect, integrate and restore critical areas and their aesthetic and functional qualities through conservation, enhancement and stewardship of the natural environment.

NE-5 Preserve and protect aquifer recharge and well-head protection zones from hazardous substances and land uses which could denigrate ground water quality.

NE - 5.5 Encourage retention of open spaces, tree protection areas, and other areas of protected native vegetation with a high potential for groundwater recharge.

NE - 5.6 Utilize low impact development techniques – such as pervious surfacing materials and rain gardens – to mimic natural processes of stormwater infiltration.

NE - 6.1 Reduce the amount of effective impervious surface in floodplains and uplands contributing runoff to downstream floodplains.

NE - 6.13 Maintain and update clearing and grading regulations to minimize the overall impact of the activity on the environment. Generally, limit clearing to the parts of site that will be developed. Require compost amended top soils to all areas to be landscaped.

NE-8 Protect, improve and enhance the quality of all aquatic resources city-wide through best management practices, with a distinct emphasis on mimicking natural processes and use of low impact development techniques.

NE - 8.1 Maintain surface water quality necessary to support native fish and wildlife meeting state and federal standards over the long term. Restore surface waters that have become degraded to provide for fish, wildlife, plants, and environmentally conscious human use of the water body.

NE - 8.8 Protect and enhance rivers, streams and lakes, including riparian and shoreline habitat, to protect water quality, reduce public costs, protect and enhance fish and wildlife habitat, and prevent environmental degradation. Protect both perennial and intermittent streams to preserve natural hydraulic and ecological functions, fish and wildlife habitat, recreational resources, and aesthetics.

NE - 8.17 Avoid alteration of riparian stream corridors to the maximum extent possible. Whenever possible, avoid reduction in the capacity of natural drainage courses and minimize enclosures of natural drainage ways. Discourage stream relocation except where absolutely needed. Replace and enhance the flood control and habitat values of drainage courses when relocation or alteration is necessary for public benefit. Require enhancement when alteration of a stream to increase the usability of a site is permitted.

NE - 9.2 Protect and restore native vegetative buffers adjacent to all stream bodies throughout the city. Preserve and restore regional biodiversity with a focus on promoting native species and avoiding and eliminating invasive species.

NE - 9.3 Maintain a rich ecosystem supporting a variety of wildlife, as well as opportunities for education and appreciation of native habitats.

NE - 9.10 Protect natural resources having a primary association with Species of Concern, Priority Species, and Species of Local Importance.

NE - 9.14 Protect salmon, steelhead and other fish, plants, and wildlife that rely on the aquatic environment by protecting and improving water quality.

NE - 9.21 Use native vegetation on city capital projects, prevent the continued spread of invasive and noxious weeds to habitat areas, maintain a long-term management strategy to prevent noxious and invasive weeds, and manage these weeds where they are present on city-owned properties.

**Community Character (CC) element**

CC - 4.1 Where appropriate and feasible, provide lighting, seating, landscaping, and other amenities for sidewalks, walkways, and trails.

CC - 4.2 Establish and maintain attractive landscaped gateways at entry points and key corridors into the City

CC - 10 Utility facilities are sited and treated so as not to detract from the quality of life or visual appearance of the community.

CC - 10.2 Reasonably reduce additional above-ground utility lines where practical, such as new subdivisions, commercial projects, and road projects.