



TO: Elizabeth Pauli, City Manager
FROM: Stephen Atkinson, Senior Planner, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Request for Resolution to Set a Public Hearing - Tideflats Interim Regulations –
October 3, 2017
DATE: September 18, 2017

SUMMARY:

Setting Tuesday, October 17, 2017 as the date for a public hearing on the proposed Interim Regulations relating to the Tideflats Subarea Planning process, amending various sections of TMC 13.04, 13.05 and 13.06, as recommended by the Planning Commission.

STRATEGIC POLICY PRIORITY:

This action is most closely associated with the strategic policy priority to “Assure outstanding stewardship of the natural and built environment.”

BACKGROUND:

On May 9, 2017 the City Council adopted Amended Resolution No. 39723, to initiate the subarea planning process for the Tideflats area, allocate resources necessary to move forward with the plan, and request the Planning Commission to immediately begin discussions regarding the need for interim regulations related to the Container Port Element while the subarea planning process is underway.

The Planning Commission has conducted several deliberations and concluded with a preliminary determination that the Tideflats interim regulations as contemplated in Amended Resolution No. 39723 would be warranted. To illustrate the scope of such interim regulations and assist the City Council making an informed decision, the Planning Commission proceeded with developing a draft set of interim regulations that would revise the following sections of the Tacoma Municipal Code (TMC): TMC 13.04 Platting and Subdivisions, TMC 13.05.020 Notice Process, TMC 13.06.100 Residential Districts, TMC 13.06.200 Commercial Districts, TMC 13.06.400 Industrial Districts, TMC 13.10 Shoreline Master Program, as well as creating a new Section titled 13.06.580 Interim Industrial Use Restrictions.

The Planning Commission has also conducted a public hearing on September 13, 2017 to broadly engage the community and stakeholders in the development of the proposed interim regulations. The Planning Commission is currently reviewing the public comments received during the public hearing process and is expected to formulate the findings of fact and a recommendation to the City Council on October 4, 2017.

It is the intent of the City Council to enact the Tideflats interim regulations based on the Planning Commission’s recommendation, with modifications as appropriate, within a relatively short timeframe upon receiving the Commission’s recommendation. Pursuant to TMC 13.02.055 the City Council shall conduct a public hearing within at least 60 days of enacting interim regulations. The City Council considers it appropriate and prudent to conduct such public hearing upon or immediately prior to the consideration for enacting the proposed Tideflats interim regulations.

ISSUE:

The Tideflats Subarea Plan is expected to commence at the beginning of 2018 and take up to two years to complete. The central issue of the Tideflats Interim Regulations is whether, in order to maintain the integrity of the subarea planning process, certain uses and developments should be “paused” until the City and stakeholders can develop a long-term plan for the Port/Tideflats. The public testimony is



representative of the broad differences in opinion about which types of uses should be paused, or whether a pause is even necessary. The Planning Commission's draft interim regulations that were released for public review prior to the September 13th public hearing included the following proposals:

1. Expanded permit notification for heavy industrial uses that require a discretionary permit or SEPA determination;
2. Prohibitions of new, and expansion of existing, certain non-industrial uses in the Port of Tacoma Manufacturing/Industrial Center;
3. Prohibition of new platting and residential development along the slopes and shoreline along Marine View Drive in Northeast Tacoma;
4. Prohibition of the following new heavy industrial uses, city-wide:
 - a. Coal terminals and bulk coal storage facilities
 - b. Oil or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing, and refining
 - c. Bulk chemical storage, production, and processing, including acid manufacture
 - d. Smelting
 - e. Mining and quarrying.

Under this proposal, the prohibition applies only to new uses. Existing uses would not be subject to any limitations on expansion.

ALTERNATIVES:

Concerning the timing of the public hearing, instead of October 17, the City Council could elect to set a later date. Instead of conducting the public hearing upon or immediately prior to enacting the interim regulations, the City Council could elect to hold it within 60 days thereafter, as per TC 13.02,055. However, given the urgent nature of the matter and the community's sentiment, it is recommended that the City Council conducts the public as early as practical.

Concerning the draft Tideflats Interim Regulations as being formulated by the Planning Commission, there are multiple alternatives that could be considered by the City Council, including:

- Expansions or contractions of the overall scope of the proposed interim regulations;
- The specific uses subject to prohibition;
- The extent to which existing uses are allowed to expand and the appropriate permit process;
- The area of applicability of each amendment.

RECOMMENDATION:

The Planning Commission is expected to make a recommendation to the City Council at their meeting on October 4, 2017. Given the urgent nature of the matter and the community's sentiment, it is recommended that the City Council consider a resolution on October 3, 2017 to set a public hearing on October 17, 2017 to receive public comment on the draft Tideflats Interim Regulations as recommended by the Planning Commission.

FISCAL IMPACT:

There is no fiscal impact.