

# MOTION FOR CITY COUNCIL CONSIDERATION

November 14, 2017

I MOVE TO AMEND ORDINANCE NO. 28470 EXHIBITS B AND D BY  
REMOVING THE FOLLOWING:

Remove the interim restrictions on the expansion of all existing uses allowing the normal processes, including SEPA review to address any expansions. Restriction on new uses will remain.

This amendment would change the proposed TMC 13.06.400 (Exhibit B) by amending proposed Subsection 1. and removing Subsection 3.

G. Interim Special Use Restrictions for Non-industrial Uses in the Port of Tacoma M/IC.

1. Per Ordinance No. 28470, on an interim basis, the intent of these special use restrictions is to place a pause on new ~~or expansion of existing~~ non-industrial uses within the M-2 Heavy Industrial and PMI Port Maritime Industrial Zoning Districts of the Port of Tacoma M/IC until such time as the Tideflats subarea plan is complete.
2. The establishment of certain new non-industrial uses, specified in Table 13.06.400.C.5, is prohibited on an interim basis.
- ~~3. Existing uses, legally permitted at the time of adoption of this code, are allowed. Expansion of such uses is allowed, subject to the limitations and procedural requirements of TMC 13.06.630 Nonconforming parcels/uses/structures.~~

This amendment would amend proposed TMC 13.06.580.C by removing Sections 3, 4, and 5.

~~3. Expansion of existing uses. Existing uses may expand storage, production, and distribution capacity by no more than 10% beyond that which exists at time of adoption of Ordinance No. 28470, subject to approval of a conditional use permit. The 10% limitation shall be measured cumulatively for the duration of the interim regulations when there are multiple applications.~~

~~4. Exceptions. Limitations on expansion do not apply to the following uses and activities:~~

~~a. Normal Maintenance and Repair. Activities commonly associated with normal maintenance and repair or development activities exempt from shoreline substantial development permits per TMC 13.10 section 2.3.3. Normal maintenance and repair is defined as follows:~~

~~Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where~~

such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

b. Building codes and environmental regulations. Alteration, expansion or replacement of structures or facilities in order to comply with building code requirements and/or environmental regulations.

e. Accessory uses. A subordinate building or use that is incidental to the use of the main building or use.

d. Accessory utilities. Distribution services directly serving a permitted use. For example, power, telephone, cable, communication antennas, water, sewer lines, and stormwater systems.

5. Risk assessment. As part of any applicable SEPA and/or Conditional Use Permit process, a risk analysis will be conducted proportionate to the size and scale of the project and of the particular industrial process being proposed.

**MOTION FOR CITY COUNCIL CONSIDERATION**

**November 14, 2017**

I MOVE TO AMEND ORDINANCE NO. 28470 BY ADDING THE  
FOLLOWING:

Changing the duration of the interim regulations from an initial term of six months to an initial term of one year.

## MOTION FOR CITY COUNCIL CONSIDERATION

November 14, 2017

I MOVE TO AMEND ORDINANCE NO. 28470 EXHIBIT D BY ADDING THE FOLLOWING:

The addition of smelters to the list of uses subject to interim restrictions.

This amendment would add smelters, as defined in the North American Industrial Classification System, to proposed new TMC Section 13.06.580.B. as a new subsection "5. Smelters".

B. Applicability. These special use restrictions apply to the following uses in all zoning districts:

1. Coal terminals or bulk storage facilities;
2. Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining of oil or other liquefied or gaseous fossil fuels;
3. Chemical production, processing, or bulk storage;
4. Mining and quarrying.
5. Smelters