



**TO:** Elizabeth A. Pauli  
**FROM:** Stephen Atkinson, Principal Planner, Planning and Development Services  
Peter Huffman, Director, Planning and Development Services *PA*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Resolution – Set Tideflats and Industrial Land Use Regulations Public Hearing –  
April 27, 2021  
**DATE:** March 25, 2021

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**SUMMARY AND PURPOSE:**

A resolution setting Tuesday, April 27, 2021, as the date for a public hearing before the City Council on the Planning Commission’s recommended amendments to Titles 13 and 19 of the Municipal Code, entitled Land Use Regulatory Code and Shoreline Master Program, to replace Amended Ordinance No. 28470, Tideflats Interim Regulations, and as extended by Ordinance Nos. 28542, 28583, 28619, 28671 and 28696.

**BACKGROUND:**

**The Planning Commission’s Recommendation is Based On:**

The City Council, in enacting Amended Ordinance No. 28696 to initiate a non-interim review of the Tideflats Interim Regulations, provided direction to the Planning Commission to establish appropriate parameters for review. These include:

- Consider only those issues identified in Amended Ordinance No. 28470;
- Consider only those uses impacted by Amended Ordinance No. 28470;
- Consider approaches that could be applied to the expansion of existing uses; and
- Consider amendments that will improve the certainty and predictability of the regulations.

Based on this guidance, the Commission considered the following topics:

- Public notification requirements for permits and land use amendments;
- Conversion of industrial lands to non-industrial uses;
- Encroachment of residential developments on industrial lands; and
- Siting of potentially high risk/high impact heavy industrial uses.

In addition, the Planning Commission reviewed and based its recommendations on:

1. Consistency with the Container Port Element of the One Tacoma Plan and, broadly, the Growth Management Act;
2. Consistency with the Shoreline Master Program and Shoreline Management Act;
3. Consideration of new information, including data on existing land uses, environmental conditions, employment, 2019 greenhouse gas inventory and forecast, emergency response, interim permit activity, development trends, and fossil fuel baseline data;
4. Consideration of potential impacts of chemical manufacturing uses, fossil and renewable fuel production, smelting, coal facilities, and mining and quarrying;
5. Use compatibility with adjacent land uses; and
6. Substantial community input and public comments.



### **COMMUNITY ENGAGEMENT:**

Planning and Development Services staff and the Planning Commission conducted significant community notification and outreach in support of the proposed amendments, including:

- The Planning Commission conducted two public hearings on this topic;
- Over 80,000 public notices were sent to taxpayers and occupants to encourage participation;
- 34 people testified at the March 3, 2021 public hearing; the Commission received 70 written comments;
- The Commission held a listening session with diverse interest groups to better understand their concerns and potential impacts of new regulations;
- E-mail notification was provided to over 700 individuals and organizations;
- The Planning Commission accepted public comments as part of each regular agenda; and
- Staff conducted an informational meeting and direct outreach to interest groups.

### **2025 STRATEGIC PRIORITIES:**

#### **Equity and Accessibility:**

The proposed amendments give particular attention to the potential impacts of new heavy industrial use and development, particularly renewable fuel, fossil fuel, coal facilities, and chemical manufacturing, on the Puyallup Tribe of Indians and Tribal Trust lands. The proposal would add consultation with the Puyallup Tribe as part of the conditional use permit for specific types of uses and require mitigation for uses that may detrimentally impact Tribal lands and planned housing or community projects. In addition, the proposal gives consideration to Treaty fishing rights and the preservation of fish and wildlife habitat to sustain salmon and shellfish harvest.

#### **Economy/Workforce:** *Equity Index Score:* Moderate Opportunity

Increase the number of diverse livable wage jobs.

Increase positive public perception related to the Tacoma economy.

#### **Livability:** *Equity Index Score:* Very Low Opportunity

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents.

Increase positive public perception of safety and overall quality of life.

#### **Explain how your legislation will affect the selected indicator(s).**

**Livability:** The proposed amendments support the City's long-term goals to improve air quality and reduce greenhouse gas emissions – emissions that disproportionately impact black and indigenous communities and people of color. The proposals limit and provide greater oversight of uses that are of a higher risk for explosion, discharge, and exposure of employees and community members to hazardous materials. Further, the proposed amendments would provide additional protection and oversight of uses that pose higher risks to adversely affect shoreline resources, fisheries, and other ecological functions. Transition area standards would maintain a greater separation of residences from port/industrial uses limiting exposure of new residents to off-site impacts from the port/industrial activity.

**Employment:** The proposal prohibits or limits specific non-industrial and industrial uses in the area based on adopted use priorities in the Growth Management Act, Shoreline Management Act, Vision 2040, and the One Tacoma Comprehensive Plan. The restriction of these uses do impact potential future job growth in order to maintain sufficient land area to allow for the growth of priority uses. Priority uses in the area, including container



shipping and compatible industries, provide career pathways that do not require college degrees. Provisions allowing for renewable fuel production enable the City to respond to a growing market for renewable energy and fuel production that can provide economic opportunities that are also consistent with the City’s environmental goals. Furthermore, the proposed amendments recognize that multiple economic activities and livelihoods are based on renewable marine, riverine, and estuarine resources that would enjoy heightened protections as a result of the proposed amendments.

**ALTERNATIVES:**

The request is for the City Council to set and conduct a public hearing, after which the City Council will consider potential alternatives to the Planning Commission’s recommendations. As such, the alternative at this juncture is to:

| Alternative(s)                                  | Positive Impact(s)   | Negative Impact(s)   |
|---|--|--|
| 1. Schedule the public hearing at a later date. | This alternative would provide the City Council with additional time to consider the recommendation prior to the public hearing. | This alternative would detrimentally impact the Council’s ability to complete the review and consideration of an ordinance prior to the expiration of the current interim regulations on June 2, 2021. |

**EVALUATION AND FOLLOW UP:**

Tideflats Subarea Planning: Due to delays to the Subarea Plan process, and subsequent impacts from the COVID-19 pandemic, the City Council initiated this non-interim process to provide greater certainty to businesses as well as interested and potentially impacted community members, while the Subarea Plan process proceeds. The Subarea Plan is currently initiating the community visioning process and will require two to three more years until the City Council approval, at which time it will supersede the non-interim regulations.

**STAFF/SPONSOR RECOMMENDATION:**

Staff recommends the City Council conduct the public hearing on April 27, 2021. First and final reading of the ordinance is tentatively scheduled for May 11 and May 18, 2021.