



City of Tacoma

Infrastructure, Planning and Sustainability Committee Minutes

Dial: 253-215-8782 Meeting ID: 862 2723 4162

Webinar Link: www.zoom.us/j/86227234162 Passcode: 614650

August 30, 2021

3:45 PM

Chair Conor McCarthy, Vice Chair Kristina Walker, Chris Beale,
Lillian Hunter, Catherine Ushka (alternate)

SPECIAL MEETING

Call To Order

Chair McCarthy called the special meeting to order at 3:46 p.m.

Roll Call

Present: 4 - Beale, Hunter, McCarthy and Walker

Briefing Items

1. [21-0851](#)

Tideflats Non-Interim Regulations Review

[Peter Huffman, Director, Planning and Development Services;
Steve Victor, Deputy City Attorney, City Attorney's Office]

At approximately 3:47 p.m., Chair McCarthy gave opening remarks and a recap of the review meetings held by the Infrastructure, Planning, and Sustainability Committee so far in regards to the Tideflats Non-Interim Regulations, current staff work, and next steps.

Peter Huffman, Director, Planning and Development Services, presented potential amendments to the Tideflats Non-Interim Regulations, including the Port of Tacoma Transition Overlay District.

Discussion ensued throughout regarding removing the CBRE, Inc. and Heiberg properties from the overlay district.

MOTION: Council Member Walker moved to amend the proposed Port of Tacoma Transition Overlay District in the Planning Commission's recommendation to remove the CBRE, Inc. property from the boundaries of the district, and to exempt the Heiberg property from the overlay's residential density limitations.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 4 - Beale, Hunter, McCarthy and Walker

Mr. Huffman continued by reviewing residential uses in the M-1 District.

Discussion ensued regarding impacts on development in the Dome District, and changes to residential uses in the M-1 District and Manufacturing Industrial Center (MIC).

MOTION: Council Member Walker moved to correct the identified scrivener's error in the Planning Commission's recommendation regarding residential uses in the M-1 District, so that the prohibition on small-scale residential uses in the M-1 District within the Port of Tacoma Manufacturing Industrial Complex is retained.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 4 - Beale, Hunter, McCarthy and Walker

Mr. Huffman continued by reviewing high impact uses, including a definition.

Discussion ensued regarding the Tideflats Subarea plan, possible effects on land use code, and current building code requirements.

MOTION: Council Member Walker moved to eliminate the proposed "High Impact Use" use category from the Planning Commission's recommendation.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 3 - Hunter, McCarthy and Walker

Nays: 1 - Beale

Discussion ensued regarding chemical manufacturing and the Planning Commission recommendations for it.

Steve Victor, Deputy City Attorney, presented the proposed Tideflats Non-Interim Regulations amendments, including new and expanded fuel facilities; limited petroleum fuel facility expansion; petroleum fuel facility projects for maintenance, safety, security, or that are required to meet regulatory changes; national security petroleum fuel facilities; marine vessels petroleum fuel facilities; projects which have undergone environmental review and mitigated impacts; and financial assurances.

Discussion ensued throughout regarding the City acting as the lead State Environmental Policy Act (SEPA) agency, and capping the petroleum fuel facility expansion at fifteen percent.

MOTION: Council Member Walker moved to allow, through the normal permitting process, infrastructure for the production, storage, transportation, and transshipment of fuels that are carbon-free and generate no carbon emissions, including green hydrogen and other carbon-free fuels produced with renewable electricity such as hydroelectric power, and fuels that are approved by the United States Environmental Protection Agency (EPA) under the federal Renewable Fuel Standard (RFS) program, or under Washington State Law, including credit generating fuels under the Clean Fuel Standard (CFS) program; this includes infrastructure for:

- a. Any credit generating fuel under the Washington CFS.**
- b. Any EPA approved and listed fuel under the RFS.**
- c. Renewable diesel meeting Washington State requirements.**
- d. Ethanol and E85 blends meeting Washington State requirements.**
- e. Natural gas, propane, green hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meet California motor vehicle emission standards as defined in Washington State law.**

SECONDED BY: Council Member Hunter.

MOTION: Council Member Beale moved to amend the motion to read as follows: "to allow, through a conditional use permit process, including enhanced SEPA review where applicable, infrastructure for the production, storage, transportation, and transshipment of fuels that are carbon-free and generate no carbon emissions, including green hydrogen and other carbon-free fuels produced with renewable electricity such as hydroelectric power, and fuels that are approved by the EPA under the federal RFS program, or under Washington State Law, including credit generating fuels under the CFS program; this includes infrastructure for:

- a. Any credit generating fuel under the Washington CFS that can be demonstrated to be credit generating through the life of the CFS, or 2035, whichever is longer.
- b. Any EPA approved and listed fuel under the RFS, if such fuel is also credit generating under the Washington state CFS.
- c. Credit generating renewable diesel, as described in subsection (a.) above, meeting Washington State requirements under the CFS.
- d. Green hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meet California motor vehicle emission standards as described in Washington State law."

SECONDED BY: Council Member Hunter.

Discussion ensued regarding the differences between the motion and the amendment, credit-generating fuels, the intent of the amended motion, fuel definitions, impacts on future energy projects, and blended fuels.

ACTION: Roll call vote was requested and taken on Council Member Beale's motion. The motion failed by the following vote:

Ayes: 2 - Beale and Walker

Nays: 2 - Hunter and McCarthy

ACTION: Roll call vote was requested and taken on Council Member Walker's motion. The motion passed by the following vote:

Ayes: 3 - Hunter, McCarthy and Walker

Nays: 1 - Beale

MOTION: Council Member Walker moved to allow, through the normal permitting process, the expansion of existing petroleum production, storage, transportation, and transshipment that does not increase the applicant's petroleum storage capacity by more than fifteen percent over the applicant's storage capacity at the effective date of these regulations.

SECONDED BY: Council Member Hunter.

Discussion ensued regarding greenhouse gas emissions, addressing growth and demand in the community, growing transit communities, state law regarding fuel blending, calculating the cumulative expansion of fuel facilities, how the fifteen percent cap was decided, how the environmental impacts of expansion will be evaluated, revisiting the fifteen percent cap during the Tideflats Subarea Plan process, and a request for an update on the Subarea Plan.

ACTION: Roll call vote was requested and taken. The motion failed by the following vote:

Ayes: 2 - Hunter and McCarthy

Nays: 2 - Beale and Walker

MOTION: Council Member Walker moved to allow, through the normal permitting process, replacements and improvements to existing petroleum fuel facilities which maintain, or improve the safety or security of the facility, or allow the facility to meet new regulatory requirements, including the Washington State Clean Fuel Standard, including infrastructure which reduces air emissions and storm water runoff.

SECONDED BY: Chair McCarthy.

MOTION: Council Member Beale moved to amend the motion to read as follows "to allow, through the normal permitting processes allowed for repair and maintenance of non-conforming uses, including SEPA review where applicable, replacements and improvements to existing dirty petroleum fuel facilities which maintain or improve the safety or security of the facility, or allow the facility to meet new regulatory requirements including the State Clean Fuel Standard, including infrastructure which reduces air emissions and reduces and/or treats storm water runoff."

SECONDED BY: Council Member McCarthy.

Discussion ensued regarding the differences between the motion and the

proposed amendment, storage capacity and throughput storage, and storm water treatment.

ACTION: Roll call vote was requested and taken on Council Member Beale's motion. The motion failed by the following vote:

Ayes: 1 - Beale

Nays: 3 - Hunter, McCarthy and Walker

ACTION: Roll call vote was requested and taken on Council Member Walker's motion. The motion passed by the following vote:

Ayes: 3 - Hunter, McCarthy and Walker

Nays: 1 - Beale

MOTION: Council Member Walker moved to allow expansion, modifications, and additions to existing petroleum fuel facilities through the normal permitting process, where the project is requested in writing by the Department of Defense supporting Joint Base Lewis-McChord, Naval Region Northwest installations, or other national defense needs.

SECONDED BY: Council Member Hunter.

MOTION: Council Member Beale moved to amend the motion to read as follows "to allow expansion, modifications and additions to existing petroleum fuel facilities through the normal permitting process, including SEPA review where applicable, where the project is requested in writing by the Department of Defense supporting Joint Base Lewis-McChord or Naval Region Northwest installations, under the National Defense Production Act only."

SECONDED BY: Council Member McCarthy.

Discussion ensued regarding the differences between the original motion and the proposed amendment, the intent of the amendments, community support for Joint Base Lewis-McChord, and possible effects on the base.

ACTION: Roll call vote was requested and taken on Council Member Beale's motion. The motion failed by the following vote:

Ayes: 1 - Beale

Nays: 3 - Hunter, McCarthy and Walker

ACTION: Roll call vote was requested and taken on Council Member Walker's motion. The motion passed by the following vote:

Ayes: 3 - Hunter, McCarthy and Walker

Nays: 1 - Beale

MOTION: Council Member Walker moved to allow, through the normal permitting process, expansion to existing petroleum fuel facilities by no more than fifteen percent over their capacity at the effective date of these regulations to produce or store maritime fuels that comply with the International Convention for the Prevention of Pollution from Ships (“MARPOL”) Annex VI.

SECONDED BY: Council Member Hunter.

ACTION: Roll call vote was requested and taken. The motion failed by the following vote:

Ayes: 2 - Hunter and McCarthy

Nays: 2 - Beale and Walker

MOTION: Council Member Walker moved to allow additions to existing petroleum fuel facilities which would create the maximum proposed capacity of a facility that was the subject of an Environmental Impact Statement prepared and published by the City under RCW 43.21C and Tacoma Municipal Code Chapter 13.12 on or before June 2, 2021, and for which the City has accepted on or before June 2, 2021, all funds that fully mitigate the adverse environmental impacts of the facility’s maximum capacity pursuant to a mitigation agreement between the City and the facility proponent.

SECONDED BY: Council Member Hunter.

ACTION: Roll call vote was requested and taken. The motion passed by the following vote:

Ayes: 3 - Hunter, McCarthy and Walker

Nays: 1 - Beale

MOTION: Council Member Walker moved to add a financial assurance requirement that an applicant must provide proof of financial assurance sufficient to comply with the financial responsibility requirements set forth in any state and federal law applicable to their project.

SECONDED BY: Council Member Hunter.

ACTION: Roll call vote was requested and taken. The motion passed by the following vote:

Ayes: 4 - Beale, Hunter, McCarthy and Walker

Discussion ensued regarding how the recommendations will be forwarded to the full City Council, next steps, and other agencies that will be notified of code changes.

Topics for Upcoming Meetings

2. [21-0857](#) September 1, 2021 (Special Meeting) - Planning Commission Annual Report 2020-2021 and Work Program 2021-2023;
Impact Fee Framework;
Written Reports to the Committee:
1) Air Quality and Monitoring Update;
2) Sustainable Tacoma Commission Annual Report; and
3) Wastewater Comprehensive Plan and
Watershed Management Plan
September 8, 2021 - Transportation Commission Interviews; Home in Tacoma
September 22, 2021 - Environmental Action Plan Update; Home in Tacoma
- Claire Goodwin, Committee Liaison, stated that the next meeting will be a special meeting held September 1, 2021, that will include the Planning Commission annual report and work program, an update on impact fee framework, and some written reports from Environmental Services. She further stated that the September 8, 2021, meeting will include the Transportation Commission interviews and an update on the Home in Tacoma project.

Other Items of Interest

This item was not addressed.

Public Comment

3. [21-0869](#) Written Public Comment

The Committee only accepted written comments for this meeting.
The Committee received 16 written comments regarding the

Tideflats Non-Interim Regulations.

Adjournment

There being no further business, the special meeting adjourned at 5:44 p.m.



for

Conor McCarthy, Chair



Katie Foster, City Clerk's Office