



TO: Elizabeth A. Pauli
FROM: Peter Huffman, Director, Planning and Development Services *PA*
COPY: City Council and City Clerk
SUBJECT: First Reading of Ordinance – Amend Exhibit B in Amended Ordinance No. 28786 – August 23, 2022
DATE: August 10, 2022

SUMMARY AND PURPOSE:

An ordinance amending Amended Ordinance No. 28786, to accept mandatory and recommended conditions of approval of Exhibit B, Title 19 of the Municipal Code, entitled Shoreline Master Program, as provided by the Department of Ecology.

BACKGROUND:

On November 16, 2021, the City Council passed Amended Ordinance No. 28786, replacing Amended Ordinance No. 28470, Tideflats Interim Regulations, as approved by the City Council, and as previously extended by Ordinance Nos. 28542, 28583, 28619, 28671, Amended Ordinance No. 28696, and Ordinance No. 28759.

Exhibit B of the ordinance included amendments to Title 19 Shoreline Master Program (SMP), which were developed through the joint review process outlined in WAC 173-26-104.

Amended Ordinance No. 28786 was submitted as a locally initiated amendment of the SMP to the Washington State Department of Ecology (Ecology) for final review and approval pursuant to RCW 90.58.090 and WAC 173-26-120.

On July 8, 2022, the City of Tacoma received the Ecology’s letter of conditional approval, findings of fact and conclusions, and mandated and recommended amendments to Exhibit B.

Exhibit B of Amended Ordinance No. 28786 becomes effective only upon final approval by the Department of Ecology following the City Council acceptance of the conditions of approval.

COMMUNITY ENGAGEMENT:

Community Engagement was conducted to support the initial adoption of Amended Ordinance No. 28786. Planning and Development Services staff and the Planning Commission conducted significant community notification and outreach in support of the adopted ordinance, 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.



On April 27, 2021, the City Council conducted a public hearing on the Planning Commission's Findings of Fact and Recommendations. In support of the public hearing, approximately 40,000 public notices were provided to potentially affected taxpayers, occupants, and interested parties, and email notices were provided to over 500 other interested parties. The City Council received over 400 pages of public comments.

Following the City Council public hearing, the Infrastructure, Planning, and Sustainability (IPS) Committee conducted 10 meetings between May and August, including opportunities for written public comments on agenda topics, and panel discussions with representatives from industry, environmental organizations, and residential property owners potentially affected by the proposals.

On October 5, 2021, the City Council conducted a public hearing on the IPS Committee's recommended modifications to the Planning Commission's proposed amendments.

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.

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 City Council can agree to the conditions as provided by Ecology, including the specific changes to Title 19 as provided by Ecology, or submit an alternative proposal, which will require an additional review period by Ecology and determination of consistency with RCW 90.58.090 and WAC 173-26-120.

EVALUATION AND FOLLOW UP:

Tideflats Subarea Planning: The Tideflats Subarea Plan is ongoing, having recently concluded the visioning phase of the process. Issues addressed through these proposed amendments will remain within the scope of the subarea plan and the Environmental Impact Statement for consideration by the City Council.

RECOMMENDATION:

Planning and Development Services and Legal staff recommend the City Council conduct the first reading of an ordinance on August 23, 2022, followed by the final reading on August 30, 2022, to accept the Department of Ecology's mandated and recommended conditions of approval.

FISCAL IMPACT:

The proposed amendments are not expected to have a fiscal impact. The fiscal impact identified as part of Amended Ordinance No. 28786 is not impacted or modified by this amendment.