



Req. #13583

RESOLUTION NO. 38706

1 A RESOLUTION relating to community and economic development; authorizing the
2 execution of an interlocal agreement with the Port of Tacoma for review and
3 authorization of a flexible approach to the provision of shoreline public
4 access under the City's Shoreline Master Program.

4 WHEREAS, under the City of Tacoma's current Shoreline Master Program
5 ("SMP"), the Port of Tacoma ("Port") is required to provide public access as
6 mitigation for using shoreline areas in a manner that preempts public use, and
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8 WHEREAS the existing rules have often exempted Port development
9 projects from this requirement, and

10 WHEREAS, under new state rules, once the City's adopted SMP is approved
11 by the State Department of Ecology, this exemption will no longer be available, and
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13 WHEREAS, given the limited opportunities to provide high quality public
14 access on Port property, the new SMP authorizes the City to enter into agreements
15 with the Port and other public agencies for public access provision geographically
16 separate from the new development site, including the use of a public access fund
17 and an in-lieu fee, and

18 WHEREAS on July 10, 2012, Port of Tacoma staff presented a draft Port of
19 Tacoma Public Access Plan at a joint City Council-Port Commission study session,
20 and, as a result of the discussion, the City and the Port formed a joint committee
21 consisting of two Councilmembers and two Commissioners with the aim of building
22 consensus for an interlocal agreement regarding Port public access priorities and
23 proposed projects, and
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1 WHEREAS the joint committee prepared a draft interlocal agreement that
2 was presented at a joint City Council/Port Commission study session on June 11,
3 2013, and
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5 WHEREAS, upon finalization of the City of Tacoma Shoreline Master
6 Program, the adoption of this resolution will authorize the City Manager to execute
7 an interlocal agreement between the City of Tacoma and the Port of Tacoma that
8 will: (1) provide a mechanism to better ensure that public access mitigation for
9 individual Port projects can help create an integrated, connected public access
10 system; (2) identify shared priority public access projects in locations that will be
11 well used and enjoyed by the public; (3) streamline permitting for both the Port and
12 private applicants; (4) provide certainty to the City, Port, and private sector partners
13 over the 10 years of the proposed agreement; and (5) provide a methodology for
14 the use of a public access fee-in-lieu that can be utilized by both the Port and
15 private parties; Now, Therefore,
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18 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

19 That upon finalization of the City of Tacoma Shoreline Master Program, the
20 proper officers of the City are hereby authorized to enter into an Interlocal
21 Agreement with the Port of Tacoma for review and authorization of a flexible
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1 approach to the Shoreline Public Access Provision, said document to be
2 substantially in the form of the interlocal agreement on file in the office of the City
3 Clerk.
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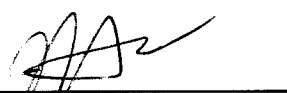
5 Adopted AUG - 6 2013
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7 
8 Mayor

9 Attest:

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11 City Clerk

12 Approved as to form:

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15 Deputy City Attorney
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CITY CLERK USE ONLY

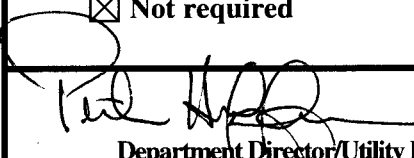

REQUEST FOR RECEIVED
 ORDINANCE RESOLUTION

Request #: 13583
Ord./Res. #: 38706

1. DATE: JULY 12, 2013

CITY CLERK'S OFFICE

2. SPONSORED BY: Mayor Strickland and Councilmember Mello

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM PDS/Planning Services 3b. "RECOMMENDED FOR ADOPTION" FROM <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee 3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4a. CONTACT (for questions): Ian Munce PHONE: 573-2478	
	4b. PERSON PRESENTING: Stephen Atkinson PHONE: 591-5531	
	4c. ATTORNEY: Jeff Capell PHONE: 591-5638	
 Department Director/Utility Division	N/A Budget Officer/Finance Director	 City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: August 6, 2013

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

This specific date is requested as a follow up to a joint City of Tacoma/Port Commission study session that was held on June 11, 2013.

6. SUMMARY AGENDA TITLE:

Interlocal Agreement Authorizing a Flexible Approach to Shoreline Public Access Provision Between the City of Tacoma and the Port of Tacoma.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION:

This Resolution will authorize the City Manager, upon finalization of the City of Tacoma Shoreline Master Program, to execute an interlocal agreement between the City of Tacoma and the Port of Tacoma that will:

- Provide a mechanism to better ensure that public access mitigation for individual Port projects can help create an integrated, connected public access system;
- Identify shared priority public access projects in locations that will be well used and enjoyed by the public;
- Streamline permitting for both the Port and private applicants;
- Provide certainty to the City, Port and private sector partners over the 10 years of the proposed agreement;
- Provide a methodology for the use of a public access fee-in-lieu that can be utilized by both the Port and private parties.

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:	13583
Ord/Res #:	38706

Under the current State/City Shoreline Master Program (SMP) the Port is required like other permit applicants to provide public access as mitigation for using shoreline areas in a manner that preempts public use. However, the existing rules have often exempted Port development projects from this requirement. Under new State rules, though, once the City's adopted Shoreline Master Program is approved by the State Department of Ecology, this exemption will no longer be available. Given the limited opportunities to provide high quality public access on Port property, the new SMP authorizes the City to enter into agreements with the Port (and other public agencies) for public access provision geographically separate from the new development site, including the use of a public access fund and an in-lieu fee.

On July 10, 2012 Port of Tacoma staff presented a draft Port of Tacoma Public Access Plan at a joint City Council/Port Commission study session. As a result of the discussion at the joint study session, the City and the Port formed a joint committee consisting of two Councilmembers and two Commissioners with the aim of building consensus for an interlocal agreement regarding Port public access priorities and proposed projects. The joint committee prepared a draft interlocal agreement that was presented at a joint City Council/Port Commission study session on June 11, 2013.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Locally-approved Shoreline Master Program	Municipal Building, Room 345
Interlocal Agreement	Municipal Building, Room 345

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT: EXPENDITURE REVENUE

- A. NO IMPACT (NO FISCAL NOTE)
- B. YES, OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, (NO FISCAL NOTE)
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? Yes No **Where? Cost Center:**
Acct #:

Resolution No. 38706

Adopted: AUG - 6 2013

Maker of Motion: Campbell

Seconded: Woodards

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe	✓			
Mr. Campbell	✓			
Mr. Ibsen	✓			
Mr. Lonergan	✓			
Mr. Mello	✓			
Mr. Thoms			✓	
Ms. Walker	✓			
Ms. Woodards	✓			
Mayor Strickland	✓			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				
Mr. Campbell				
Mr. Ibsen				
Mr. Lonergan				
Mr. Mello				
Mr. Thoms				
Ms. Walker				
Ms. Woodards				
Mayor Strickland				