



ORDINANCE NO. 28759

1 AN ORDINANCE approving an extension of the Tideflats Interim Regulations,
2 as originally approved by Amended Ordinance No. 28470 and extended
3 by Ordinance Nos. 28542, 28583, 28619, and 28671, and Amended
4 Ordinance No. 28696, for up to six months, and referring proposed
5 permanent regulations to the Infrastructure, Planning, and Sustainability
6 Committee for review and recommendation to the full City Council no
7 later than August 31, 2021.

8 WHEREAS, on May 9, 2017, the City Council adopted Amended
9 Resolution No. 39723, initiating the subarea planning process for the Tideflats
10 area, and further, requesting that the Planning Commission consider the need for
11 interim regulations in the Tideflats area while the subarea planning process is
12 underway, and

13 WHEREAS the Planning Commission ("Commission") determined that
14 interim regulations were warranted, and on October 4, 2017, the Commission
15 forwarded its recommendation to the City Council for consideration, and

16 WHEREAS, in support of these deliberations, the Commission conducted a
17 public hearing at which 81 people testified, and reviewed over 200 written
18 comments, and

19 WHEREAS, following its own public hearing and substantial community
20 input and deliberation, the City Council, on November 21, 2017, passed
21 Amended Ordinance No. 28470, which included the following elements:

- 22 • Category 1: Expanded public notification of heavy industrial use permits;
- 23 • Category 2: A temporary prohibition of new non-industrial uses in the Port of
24 Tacoma Manufacturing and Industrial Center;
- 25 • Category 3: A temporary prohibition of new residential development along
26 Marine View Drive and NE Tacoma slopes; and



1 • Category 4: A temporary prohibition on certain types of new heavy industrial
2 uses, and

3 WHEREAS, on November 13, 2018, following another public hearing,
4 substantial community input, and City Council deliberation, the City Council
5 passed Ordinance No. 28542, extending the Tideflats Interim Regulations for an
6 additional six-month period, and

7 WHEREAS, on May 21, 2019, following another public hearing and
8 deliberations, the City Council passed Ordinance No. 28583, extending the
9 Tideflats Interim Regulations for an additional six-month period, and

10 WHEREAS, on November 12, 2019, following another public hearing and
11 deliberations, the City Council passed Ordinance No. 28619, extending the
12 Tideflats Interim Regulations for an additional six-month period, and

13 WHEREAS, on May 19, 2020, following another public hearing,
14 substantial community input and deliberation, the City Council passed Ordinance
15 No. 28671, which extended the Tideflats Interim Regulations for another six-
16 month period, and
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18 WHEREAS, on October 20, 2020, following another public hearing,
19 substantial community input and deliberation, the City Council passed Amended
20 Ordinance No. 28696, which extended the Tideflats Interim Regulations for
21 another six-month period, and
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23 WHEREAS Amended Ordinance No. 28696 is set to expire on June 2,
24 2021, and the Tacoma Municipal Code (“TMC”), consistent with state law, allows
25 the City
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Council to consider reauthorization of the interim regulations every six months subsequent to the initial one-year authorization period, and

WHEREAS Amended Ordinance 28696 also directed the Tacoma Planning Commission to review the Interim Regulations, and recommend non-interim regulations to replace them for consideration by the City Council by April of 2021, and

WHEREAS, the Planning Commission fulfilled the City Council's direction by conducting a thorough review of those issues and uses addressed in the Interim Regulations, and the regulatory options reviewed in the public record, and by seeking substantive input from the Port of Tacoma, the Puyallup Tribe of Indians, and other governments and stakeholders of the Tacoma Tideflats, and

WHEREAS, the Planning Commission further sought and received extensive public comment and reviewed lessons learned from permitting in the time since the regulations were put into effect, and changes to baseline conditions, and

WHEREAS, the Planning Commission timely forwarded proposed Non-Interim Regulations for review and consideration by the City Council, which as result of the Commission's work contained a number significant proposed changes from the rules contained in the Interim Regulations, and

WHEREAS, the City Council has determined that it is necessary to extend the Interim Regulations for an additional period not to exceed six-months



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to allow the City Council to thoroughly study the Commission's recommendations and their potential impacts and consequences to activities within the Tideflats area and the ongoing subarea planning process, and; Now,

Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That a six-month extension of the Tideflats Interim Regulations, as originally approved by Amended Ordinance No. 28470, passed November 21, 2017, extended by Ordinance No. 28542, passed on November 13, 2018, extended by Ordinance No. 28583, passed on May 21, 2019, extended by Ordinance No. 28619, passed November 12, 2019, extended by Ordinance No. 28671, passed on May 19, 2020, and extended by Amended Ordinance No. 28696, passed on October 20, 2020, is hereby approved.

Section 2. That the Non-Interim Regulations recommended by the Planning Commission are hereby referred to the City Council's Infrastructure Planning and Sustainability Committee for further review with recommendations back the full City Council by August 31, 2021.



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Section 3. That the City Council may act to adopt Non-Interim
Regulations prior to expiration of this extension of the Interim Regulations.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney