



**TO:** Elizabeth A. Pauli  
**FROM:** Peter Huffman, Director, Planning and Development Services *PA*  
**COPY:** City Council and City Clerk  
**SUBJECT:** First Reading of Ordinance – Tideflats and Industrial Land Use Regulations – November 9, 2021  
**DATE:** October 22, 2021

---

**SUMMARY AND PURPOSE:**

An ordinance adopting the Tideflats and Industrial Land Use Regulations, and amending Titles 13 and 19 of the Municipal Code, entitled Land Use Regulatory Code and Shoreline Master Program, as recommended by the Planning Commission and modified by the Infrastructure, Planning, and Sustainability Committee, to replace Amended Ordinance No. 28470, and as extended by Ordinance Nos. 28542, 28583, 28619, 28671, Amended Ordinance No. 28696, and 28759.

**BACKGROUND:**

On October 20, 2020 the City Council passed Amended Ordinance No. 28696, which extended the Tideflats Interim Regulations an additional six months and also directed the Planning Commission and staff to begin a process to develop new recommendations for a non-interim ordinance to replace the interim regulations ahead of the completion of the subarea plan.

On April 7, 2021 the Planning Commission forwarded its Findings of Fact and Recommendations Report to the City Council for review and consideration.

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.

On May 18, 2021, the City Council passed Ordinance No. 28759, approving an extension of the Tideflats interim regulations for up to six months, and referring proposed permanent regulations to the City Council Infrastructure, Planning, and Sustainability (IPS) Committee for review and recommendation to the full City Council no later than August 31, 2021.

On August 30, 2021, the IPS Committee concluded its review and recommendations, and forwarded those proposals to the City Council on August 31, 2021.

**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.

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 IPS Committee conducted 10 meetings between May and August 2021, 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 may consider amendments to the ordinance. However, there are no alternatives under consideration at this time.

**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:**

The IPS Committee recommends conducting the first reading of an ordinance on November 9, 2021, followed by the final reading on November 16, 2021, to approve the Planning Commission recommendations, as modified by the IPS Committee.

**FISCAL IMPACT:**

The proposed amendments to public notification requirements will primarily impact the Planning and Development Services’ Enterprise Fund. Each expanded notice costs about \$3,100 (\$1,700 for printing and \$1,400 for postage). Permits generate two mailings, so each discretionary permit costs about \$6,200 just in mailings. Costs are offset by an additional \$2,070 application fee. The type and number of annual permits that would require these mailings is expected to be limited but may vary year to year. Impacts to the General Fund are expected to be limited. The amendments would expand notification areas for area-wide rezones and Comprehensive Plan Future Land Use Map amendments. Amendments typically occur only once per year and generally within a focused area, limiting the overall fiscal impact. The estimated cost impacts identified in the table below are anticipated to be recurring costs subject to future City Council actions to modify the scope of public notice.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1. 4110 Permit Services Fund	545000	5413000	<\$100,000
2. 0010 General Fund	170000	5413000	<\$10,000
<b>TOTAL</b>			

**What Funding is being used to support the expense?**

Enterprise Fund and General Fund



**City of Tacoma**

**City Council Action Memorandum**

**Are the expenditures and revenues planned and budgeted in this biennium's current budget?**

**YES**

The proposed public notification requirements are consistent with procedures established as part of the Tideflats Interim Regulations, which have been in effect since November 2017. The proposed amendments would make these interim notification requirements permanent. Given the expectation that the Interim Regulations would be in effect until the conclusion of the Tideflats Subarea Planning process, these costs have been accounted for in the current budget.

**Are there financial costs or other impacts of not implementing the legislation?**

**NO**

**Will the legislation have an ongoing/recurring fiscal impact?**

**YES**

**Will the legislation change the City's FTE/personnel counts?**

**NO**