



TO: Elizabeth A. Pauli
FROM: Stephen Atkinson, Principal Planner, Planning and Development Services
Peter Huffman, Director, Planning and Development Services *PA*
COPY: City Council and City Clerk
SUBJECT: Ordinance – Tideflats and Industrial Land Use Regulations – May 11, 2021
DATE: April 16, 2021

SUMMARY AND PURPOSE:

An ordinance adopting the Tideflats and Industrial Land Use Regulations, as recommended by the Planning Commission on April 7, 2021, and replacing Amended Ordinance No. 28470, Tideflats Interim Regulations, as approved by the City Council on November 21, 2017, and as previously extended by Ordinance Nos. 28542, 28583, 28619, and 28671, and Amended Ordinance No. 28696.

BACKGROUND:

On May 9, 2017, the City Council adopted Amended Resolution No. 39723 initiating a subarea planning process for the Port/Tideflats area. In addition, the resolution requested the Planning Commission consider the need for interim regulations in the Tideflats area while the subarea planning process is under way.

October 4, 2017, the Commission forwarded its recommendation to the City Council for consideration. In support of these deliberations the Commission conducted a public hearing, at which 81 people testified, and over 200 written comments were reviewed.

Following its own public hearing, and substantial community input and deliberation, the City Council, on November 21, 2017, adopted the Tideflats Interim Regulations by Amended Ordinance No. 28470.

On October 20, 2020, the City Council adopted Amended Ordinance No. 28696 extending the Tideflats Interim Regulations and directing the Planning Commission to consider non-interim recommendations by April of 2021 for City Council consideration to replace the interim ordinance.

The City Council, in enacting Amended Ordinance No. 28696 to initiate a non-interim review of the Tideflats Interim Regulations, provided direction to the Planning Commission to establish appropriate parameters for review. These include:

- Consider only those issues identified in Amended Ordinance No. 28470;
- Consider only those uses impacted by Amended Ordinance No. 28470;
- Consider approaches that could be applied to the expansion of existing uses; and
- Consider amendments that will improve the certainty and predictability of the regulations.



Based on this guidance, the Commission considered the following topics:

- Public notification requirements for permits and land use amendments;
- Conversion of industrial lands to non-industrial uses;
- Encroachment of residential developments on industrial lands; and
- Siting of potentially high risk/high impact heavy industrial uses.

In addition, the Planning Commission reviewed and based its recommendations on:

1. Consistency with the Container Port Element of the One Tacoma Plan and, broadly, the Growth Management Act;
2. Consistency with the Shoreline Master Program and Shoreline Management Act;
3. Consideration of new information, including data on existing land uses, environmental conditions, employment, 2019 greenhouse gas inventory and forecast, emergency response, interim permit activity, development trends, and fossil fuel baseline data;
4. Consideration of potential impacts of chemical manufacturing uses, fossil and renewable fuel production, smelting, coal facilities, and mining and quarrying;
5. Use compatibility with adjacent land uses; and
6. Substantial community input and public comments.

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;
- The Planning Commission received 146 written comments and 28 people testified on the draft scope of work.
- At the March 3 public hearing Commission received 70 written comments and 34 people testified.
- 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.

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. The proposal would add consultation with the Puyallup Tribe as part of the conditional use permit for specific types of uses and require mitigation for uses that may detrimentally impact Tribal lands and planned housing or community projects. In addition, the proposal gives consideration to Treaty fishing rights and the preservation of fish and wildlife habitat to sustain salmon and shellfish harvest. The amendments also give consideration to support economic pathways through industrial and manufacturing employment that do not require a college degree and support the preservation of industrial lands for employment generating economic activity. Furthermore, the proposed amendments support the reduction of greenhouse gas emissions consistent with established targets and mitigation of air quality impacts that disproportionately affect black, indigenous, and people of color (BIPOC) communities.



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 BIPOC communities. 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: Due to delays to the Subarea Plan process, and subsequent impacts from the COVID-19 pandemic, the City Council initiated this non-interim process to provide greater certainty to businesses as well as interested and potentially impacted community members, while the Subarea Plan process proceeds. The Subarea Plan is currently initiating the community visioning process and will require two to three more years until City Council approval, at which time it will supersede the non-interim regulations.

STAFF RECOMMENDATION:

Staff recommends conducting the first reading of an ordinance on May 11, 2021, followed by the final reading on May 18, 2021, to approve the Planning Commission recommendations.



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. 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.

What Funding is being used to support the expense?

Enterprise Fund and General Fund

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 Tidelands 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 Tidelands 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

ATTACHMENTS:

Exhibit A: Title 13 Land Use Regulatory Code

Exhibit B: Title 19 Shoreline Master Program