



## City of Tacoma

Council Member Conor McCarthy  
*At-Large Position 7*

Mayor Woodards and Members of the City Council,

The Infrastructure Planning and Sustainability (IPS) Committee of the City Council has completed the work referred to it by City Council Ordinance 28759, by the date set in the Ordinance of August 31, 2021. The IPS Committee recommends the eight amendments summarized below to the Non-Interim Tideflats and Industrial Land Use Regulations as proposed by the Planning Commission for consideration by the full City Council. The IPS Committee approved these amendments at a Special Meeting on 8/30/2021.

To develop these proposed amendments, the IPS Committee, held nine publicly noticed meetings over the past three months. At the meetings, the IPS Committee reviewed the Planning Commission recommendations, considered amendments forwarded by the full Council, consulted with stakeholders impacted by the proposed regulations, reviewed written comment submitted by the public, and worked with staff to develop and refine amendments to the planning commission's recommendations.

In addition to the full IPS Committee meetings, four separate breakout meetings were conducted with stakeholders from the environmental community and energy industry to specifically discuss fossil fuel regulations. While these breakout meetings did not result in a clear consensus or agreement amongst the various stakeholders, the conversations were substantive and constructive, and several concepts arising from the discussions are incorporated into the IPS Committee's proposed amendments.

The IPS Committee understands that the next steps in the City Council review and consideration process will include at a minimum: (1) Formal consultation with the Puyallup Tribe; (2) a Public Hearing on the IPS proposed amendments; (3) Additional staff work; (4) Full City Council consideration of the IPS amendments to the Non-Interim Tideflats and Industrial Land Use Regulations proposed by the Planning Commission.

The amendments enclosed are summarized below, with the full proposed text attached:

1. New and Expanded Cleaner Fuel Facilities Permitted. Allows new and expanded Cleaner Fuel Infrastructure with Enhanced SEPA review. New Cleaner Fuel Infrastructure shall not include new tankage for petroleum storage. Existing petroleum tankage may be expanded solely for production of Cleaner Fuels, and may not be increased more than 15% for that purpose. Repurposing or partial/total conversion of any permitted Cleaner Fuel infrastructure constitutes a violation of regulations and grounds for permit revocation and civil enforcement.

2. Petroleum Fuel Facility Projects for Maintenance, Safety, Security, or Required to Meet Regulatory Changes: Allows existing Petroleum fuel infrastructure improvements which are for the sole purpose of maintenance, safety, security, or to meet regulatory changes, and including infrastructure which reduces air emissions and storm water runoff.
3. National Security Petroleum Fuel Facilities: Allows expansion of petroleum fuel facilities for national security when requested in writing by the Department of Defense.
4. Projects which have undergone Environmental Review and Mitigated Impacts: Allows completion of infrastructure in petroleum fuel facilities where that infrastructure has been previously identified, studied under SEPA and fully mitigated via a completed mitigation agreement.
5. Financial Assurance: Requires all applicants governed by the Non-Interim Tideflats and Industrial Land Use Regulations to prove that they comply with any financial assurance requirements imposed by State or federal law for their project, and if the applicant relies on a insurance policy to meet any requirements, the applicant will add the City of Tacoma as an additional insured.
6. Residential – Northeast Tacoma Slope: Removing CBRE property from Port of Tacoma's Transition Overlay District and exempting the Heiberg property from the overlay's residential density limitations.
7. Residential Use in the M-1 District: Scrivener error correction to retain prohibition on small-scale residential uses in the M-1 District within the Port of Tacoma M/IC.
8. High Impact Uses: Removal from code.

Please do not hesitate to contact myself, Vice Chair Walker, or staff regarding the IPS Committee's amendments or our committee process.

As Chair, I would like to extend my sincere gratitude to my fellow Committee members, as well as Claire Goodwin, Peter Huffman, Steve Victor, and the City Clerk's office, for their tremendous support throughout the course of the IPS Committee process.

Very Truly Yours,



Conor McCarthy, Chair  
Infrastructure Planning and Sustainability Committee

## **IPS Proposed Amendments**

### **MOTION: 1. New and Expanded Cleaner Fuel Facilities Permitted**

I move to allow through the normal permitting process, infrastructure for the production, storage, transportation and transshipment of fuels that are carbon-free and generate no carbon emissions including green hydrogen and other carbon-free fuels produced with renewable electricity such as hydroelectric power, and fuels that are approved by the US Environmental Protection Agency under the federal Renewable Fuel Standard program, or under Washington State Law, including credit generating fuels under the Clean Fuel Standard (CFS) program, this includes infrastructure for:

- a. Any credit generating fuel under the Washington CFS.
- b. Any EPA approved and listed fuel under the RFS.
- c. Renewable diesel meeting Washington State requirements.
- d. Ethanol and E85 blends meeting Washington State requirements.
- e. natural gas, propane, green hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meet California motor vehicle emission standards as defined in Washington State law.

### **MOTION 2. Petroleum Fuel Facility Projects for Maintenance, Safety, Security, or Required to Meet Regulatory Changes**

I move to allow through the normal permitting process, replacements and improvements to existing petroleum fuel facilities which, maintain, or improve the safety or security of the facility, or allow the facility to meet new regulatory requirements including the State Clean Fuel Standard, including infrastructure which reduces air emissions and storm water runoff.

### **MOTION 3. National Security Petroleum Fuel Facilities**

I move to allow expansion, modifications and additions to existing petroleum fuel facilities through the normal permitting process, where the project is requested in writing by the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs.

### **MOTION 4. Projects which have undergone Environmental Review and Mitigated Impacts**

I move to allow additions to existing petroleum fuel facilities which would create the maximum proposed capacity of a facility that was the subject of an EIS prepared and published by the City under RCW 43.21C and TMC Ch. 13.12 on or before June 2, 2021 and for which the City has accepted on or before June 2, 2021, all funds that fully mitigate the adverse environmental impacts of the facility's maximum capacity pursuant to a Mitigation Agreement between the City and the facility proponent.

**MOTION 5. Financial Assurances**

I move to add a financial assurance requirement that an applicant must provide proof of financial assurance sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their project.

**MOTION 6: NE Tacoma Slope (Port of Tacoma Transition Overlay District)**

I move to amend the proposed Port of Tacoma Transition Overlay District in the Commission's recommendation to remove the CBRE property from the boundaries of the district, and to exempt the Heiberg property from the overlay's residential density limitations.

**MOTION 7: Residential Uses in the M-1 District**

I move to correct the identified scrivener's error in the Commission's recommendation regarding residential uses in the M-1 District, so that we retain the prohibition on small-scale residential uses in the M-1 District within the Port of Tacoma M/IC.

**MOTION 8: High-Impact Uses**

I move to eliminate the proposed "High Impact Use" use category from the Planning Commission's recommendation.

Note: The following document identifies the amendments made to the Planning Commission’s proposed Tideflats and Industrial Land Use Amendments, as recommended by the Infrastructure, Planning and Sustainability (IPS) Committee to the City Council. This document includes only those sections modified by the IPS Committee. Please refer to the Planning Commission Findings of Fact and Recommendations Report at [www.cityoftacoma.org/tideflatsinterim](http://www.cityoftacoma.org/tideflatsinterim) for those code sections that have not been modified by the IPS Committee. The modifications herein will likewise be applied to the appropriate sections of Title 19 Shoreline Master Program.

Planning Commission recommendations are identified by blue text and IPS Committee amendments are shown as red text. Underlined text represents text insertions and ~~strikethrough~~ represents text deletions.

# TITLE 13

## LAND USE REGULATORY CODE

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### CHAPTER 13.01 DEFINITIONS

#### 13.01.010 Purpose.

For the purposes of this title, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years. For the purpose of each indicated chapter, certain words and terms are defined as follows.

(Ord. 28613 Ex. G; passed Sept. 24, 2019)

#### 13.01.060 Zoning Definitions.<sup>1</sup>

For the purposes of Chapter 13.06, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

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#### 13.01.060.C

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“Cemetery and internment services.” Property used for the interring of the dead. This property may include support facilities, such as funeral homes and/or chapels.

“Chemical Manufacturing.” The production, processing, and wholesale distribution of chemicals and allied products, including:

1. “Production and processing.” Establishments primarily engaged in the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic

<sup>1</sup> Code Reviser’s note: Previously codified as 13.06.700 (Definitions and illustrations); relocated to 13.01.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups.

2. “Wholesaling:” Establishments primarily engaged in the merchant wholesale distribution of chemicals and allied products (except agricultural and medicinal chemicals, paints and varnishes, fireworks, and plastics materials and basic forms and shapes).

3. “Petrochemical Manufacturing:” Establishments primarily engaged in (1) manufacturing acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbons, (2) manufacturing cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons, and/or (3) manufacturing methyl alcohol (methanol) from natural gas, coal, or other petroleum based feedstock.

4. “Explosives Manufacturing:” Establishments primarily engaged in manufacturing explosives.

5. “Fertilizer Manufacturing:” Establishments primarily engaged in one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and (3) formulating and preparing pesticides and other agricultural chemicals.

These use classifications exclude uses that are otherwise defined herein as ~~“Fossil Fuel Facilities—Major,” or “Renewable Fuel Facilities—Major.”~~ “Cleaner Fuels” and “Petroleum Fuel Facilities.”

“Clean construction/demolition/land-clearing (CDL) wastes.” CDL wastes are solid wastes produced from construction, remodeling, demolition, or land-clearing operations that have been source separated so that the material is principally composed of asphalt, concrete, brick, or other forms of masonry; non-chemically treated wood (i.e., creosote, paint, preservatives); land-clearing wastes; or other materials approved by the Tacoma-Pierce County Health Department. Yard wastes (i.e., leaves, grass, prunings, and sod), plaster (sheet rock or plasterboard), or any materials other than wood that are likely to produce gases or a leachate during the decomposition process and asbestos wastes are specifically excluded from this definition of clean CDL wastes, unless otherwise approved by the Tacoma-Pierce County Health Department.

“Cleaner Fuels.” Carbon-free fuels that generate no carbon emissions, including green hydrogen, any credit generating fuel under the Washington Clean Fuel Standard, any blends of EPA approved and listed fuel under the federal Renewable Fuel Standard, any Renewable Diesel meeting the requirements of Washington State law, any Ethanol and E85 blends meeting the requirements of Washington State law, any natural gas, propane, green hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meeting the motor vehicle emission standards for Alternative Fuels in Washington State law.

“Cleaner Fuel Infrastructure – Expanded.” The expansion of storage infrastructure including tankage constructed prior to effective date of this chapter to store petroleum, where the expansion of such petroleum storage infrastructure is for the sole purpose of blending petroleum with biomass and other cleaner fuels in the production of cleaner fuels.

“Cleaner Fuel Infrastructure – New.” New infrastructure for the production, storage, transportation and transshipment of Cleaner Fuels as defined herein, including infrastructure for blending biomass and other cleaner fuels with petroleum. New Cleaner Fuel Infrastructure shall not include new tankage for petroleum storage.

“Climate-adapted Plant Species.” Climate adapted plants include both native and non-native plant species which are able to thrive in the local climate and soil conditions of the City of Tacoma. The two most authoritative references on climate adaptation for plants are the USDA Plant Hardiness Zones and the Sunset Climate Zones.

“Coal facilities.”

- Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power, or for wholesale distribution.
- Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

“Collocation.” The use of a wireless communication facility or cell site by more than one wireless communication provider.

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“Decorative grille.” An open framework of metal, wood, or other material arranged in a pattern that effectively obscures the views of parked cars located in an off-street parking structure from the public right-of-way.

“Department of Defense.” The United States Department of Defense (“DOD”) and any subdivision including the Defense Logistics Agency.

“Design (wireless communication facility).” The appearance of wireless communication facilities, including such features as materials, colors, and shapes.

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“Emergency medical care.” Facilities providing emergency medical service on a 24-hour basis with no provision for continuing care on an inpatient basis.

“Enhanced SEPA Review.” Additions to the standard SEPA review process and checklist for project proposals governed by this chapter to be promulgated and updated from time to time by the Director. Such additions to the SEPA review process and checklist shall include but not be limited to; a public meeting for a SEPA application, which occurs after SEPA determination that an application is complete but prior to issuance of a preliminary threshold determination; an expanded Notice Distribution List to include direct mailing to taxpayers and occupants, consistent with Land Use Permits; expanded Public Notification Distance for Direct Mailing to 2500’ from the Manufacturing and Industrial Center, consistent with Land Use Permits; expanded Notification Period and Comment Period for SEPA to 30 days for Consistency with Land Use Permits, and a supplemental checklist specific to SEPA review of fuel production and or chemical manufacturing. To ensure application of this Enhanced SEPA review, the City of Tacoma shall be SEPA lead agency for all fuel-related projects permitted under this chapter.

“Equipment enclosure.” A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

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“Grade.” The elevation of the ground surface around a building.

“Greenhouse gas emissions.” Gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

“Greenhouse gas emissions – Facility emissions.” Means greenhouse gas emissions associated with fossil fuel refineries, processing, or fossil fuel transshipment facilities based upon the refining and processing of fossil fuels located within the Port of Tacoma Manufacturing and Industrial Center.

“Greenhouse gas emissions – Lifecycle emissions.” The aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

“Green Hydrogen.” Hydrogen produced through electrolysis powered by renewable electricity, specifically including hydroelectric power.

“Green roof.” See Vegetated roof.

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“Heliport.” An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

~~“High Impact Use.” Means any Type H Occupancy when the primary use classification is allowed in the base zone, excluding uses otherwise classified as “Chemical Manufacturing, Processing, and Wholesaling,” “Fossil Fuel Facility—Major,” or “Renewable Fuel Facility—Major.”~~

“Home occupation.” A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

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“Microbrewery/winery.” An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., “taproom.” This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

“Mining and Quarrying.” The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction as well as surface mining as defined in TMC 13.01.060.S.

“Mixed-rate housing.” Includes both affordable and market-rate housing units in the same housing or mixed-use development.

“Mobile home/trailer court” or “mobile home park.” Any real property which is rented or held out for rent to others for the placement of two or more mobile homes/trailers for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

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“Personal services.” Provision of recurrently needed services of a personal nature. This classification includes services such as barber and beauty shops, tanning, seamstresses, tailors, shoe repair, dry cleaning agencies (excluding plants), photocopying, and self-service laundries; provision of instructional services or facilities such as photography, fine arts, crafts, dance or music studios, driving schools, diet centers, reducing salons, and fitness studios.

“Petroleum.” Crude oil, petroleum products and byproducts, and gaseous hydrocarbons and byproducts.

“Fossil fuels.” Fossil fuel includes coal, petroleum, crude oil, natural gas, oil shales, bitumens, tar sands, propane, butane, and heavy oils. All contain carbon and were formed as a result of geologic processes acting on the remains of organic matter. Renewable fuels are not fossil fuels.

“Fuel Refinery.” A facility that converts crude oil and other liquids into petroleum products including but not limited to gasoline, distillates such as diesel fuel and heating oil, jet fuel, petrochemical feedstocks, waxes, lubricating oils, and asphalt. Activities that support refineries include but are not limited to: bulk storage, manufacturing, or processing of fossil fuels or by products. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

“Petroleum Fossil Fuel Facility—Major.” This definition includes the following facilities:

- Petroleum Fossil-fuel refinery;
- Terminals engaged in the bulk movement of petroleum fossil fuels (excluding railyards and marine fueling facilities);



- Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (i.e., liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (i.e., pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.
- Bulk storage and processing of one type of ~~petroleum fossil~~ fuel, or a combination of multiple types of ~~petroleum fossil~~ fuels, in excess of one million gallons.

~~“Petroleum – Storage Capacity.” Gallons of petroleum capable of being stored within the entirety of the applicant’s facility for purposes of measuring expansion as allowed herein.~~

“Religious assembly.” Facilities where persons regularly assemble for religious worship, such as churches, temples, and synagogues, that are maintained and controlled by a religious body, together with their customary accessory buildings and uses, such as incidental religious education, but not including private schools.

~~“Renewable Fuel.” Fuels that are synthesized from renewable energy sources, such as wind and solar, those approved by the US Environmental Protection Agency (EPA) Renewable Fuels Standard Program and hydrogen fuels (when produced with renewable processes), that result in a lifecycle greenhouse gas emission reduction of at least 50% or more under the Federal Clean Air Act, until such time as a state renewable fuel standard is adopted. Upon adoption of a state or regional standard, the standard most directly sealed to Tacoma will be used to define the use classification. Renewable fuels shall not include products produced from palm oil or other feedstocks that cannot be proven to reduce greenhouse gas emissions utilizing accepted methods of the Washington State Department of Ecology or US EPA.~~

~~“Renewable Fuel Facilities – Major.”~~

~~This use classification applies to the following:~~

- ~~• A Renewable Fuel Refinery: a facility that processes or produces renewable fuels.~~
- ~~• Shipment and Trassshipment facilities: the process of off-loading of fuel materials, refined or unrefined, refinery feedstocks, products or by-products, from one transportation facility and loading it onto another transportation facility for the purposes of transporting such products into or out of the City of Tacoma. Examples of transportation facilities include ship, truck, or freight car.~~
- ~~• Bulk storage of one type of renewable fuel, or a combination of multiple types of renewable fuels, in excess of one million gallons.~~

~~For existing “Fossil Fuel Facilities – Major” or “Renewable Fuel Facilities – Major” this use definition only applies when new facilities are proposed that would exceed the established storage or refining baseline.~~

“Repair services.” Establishments providing repair services for personal items and small equipment, such as appliance and office machine repair or building maintenance services. This classification excludes maintenance and repair of vehicles, including lawnmowers (see “vehicle service and repair”). Repair and storage (including display and sales) shall be located entirely within the building.

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“Sign, window.” A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

“Smelting.” Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base metals. This use category includes all smelting activities identified in NAICS codes 331411, 331313, and 331410.

“Special needs housing.” A broad term that includes adult family homes, confidential shelters, emergency and transitional housing, extended care facilities, continuing care retirement communities, intermediate care facilities, residential chemical dependency treatment facilities, residential care facilities for youth, retirement homes, and staff residential homes.

## CHAPTER 13.05

### LAND USE PERMITS AND PROCEDURES <sup>1</sup>

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#### 13.05.010 Land Use Permits.

##### A. Conditional Use Permits.<sup>2</sup>

###### 1. Purpose.

In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit. These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in this Chapter and the applicable criteria outlined below.

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#### 23. Chemical Manufacturing, Processing, and Wholesale Distribution

##### a. Decision: Hearing Examiner

b. In addition to the general conditional use criteria, Chemical manufacturing, processing, and wholesale distribution must demonstrate the following when a conditional use permit is required:

###### (1) Consultation:

- Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma-Pierce County Health Department, Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.

###### (2) Public health and safety:

- The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee-dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
- The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- The applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.

<sup>1</sup> Code Reviser's note: Section 13.05.005 (Definitions), was repealed and relocated to the new Chapter 13.01 per Ord. 28613 Ex. G. See 13.01.050.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.640 (Conditional use permit); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28611 Ex. B; passed Sept. 24, 2019: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28429 Ex. B; passed May 9, 2017: Ord. 28376 Exs. D, E; passed Aug. 16, 2016: Ord. 28336 Exs. B, C; passed Dec. 1, 2015: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27539 § 19; passed Oct. 31, 2006: Ord. 27432 § 17; passed Nov. 15, 2005: Ord. 27296 § 28; passed Nov. 16, 2004: Ord. 27245 § 21; passed Jun. 22, 2004: Ord. 27079 § 49; passed Apr. 29, 2003: Ord. 26966 § 22; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002.

- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

(3) Emergency services and risk management:

- The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;
- Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
- Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
- Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.

(4) Shoreline Resources and Shorelines of Statewide Significance.

For uses within the shoreline, with a shoreline facility, or that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

- There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
- All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.

24. High Impact Uses

a. Decision: Hearing Examiner

b. In addition to the general conditional use criteria, the following apply:

(1) The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on site mitigation measures for this purpose.

(2) The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying these criteria the City shall consider impacts to Trust Lands of the Puyallup Tribe of Indians, employee dense businesses in the Tideflats, as well as detention/correctional facilities and people detained within those facilities:

- A management plan may be required. The Hearings Examiner may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, and other factors may be required;
- The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and
- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

25. Renewable Fuel Facilities—Major:

a. Decision: Hearing Examiner

b. In addition to the general conditional use criteria, Renewable Fuel Facilities must demonstrate the following when a conditional use permit is required:

(1) Consultation:

- Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma Pierce County Health Department, City of Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.

(2) Public health and safety:

- The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
- The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt and utilization of federal funding for affordable housing and community development in adjacent residential and mixed use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- The Applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.
- The proposed facility shall meet a minimum 50% reduction in lifecycle GHG per Clean Air Act at the time of occupancy and 80% reduction by 2050;

(3) Emergency services and risk management:

- The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;
- Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
- Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
- Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.

(4) Shoreline Resources and Shorelines of Statewide Significance:

For uses within the shoreline, with a shoreline facility, or that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

- There will be no likely long term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
- All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.

246. Non-Industrial Uses in the Port of Tacoma Manufacturing and Industrial Centera. Decision: Hearing Examiner

b. In addition to the general conditional use criteria in TMC 13.05.010.A, non-industrial conditional uses in the Port of Tacoma Manufacturing and Industrial Center shall meet the following criteria. In considering conditional use permit applications, the City will consult with the Puyallup Tribe of Indians and Port of Tacoma to determine potential off-site impacts on port/industrial facilities and operations, and to identify appropriate mitigation measures.

(1) The location will not significantly interfere with container shipping facilities. Mitigation may be required to avoid and minimize disruptions to nearby industrial activity.

(2) The location is buffered from potentially high-impact industrial facilities.

(3) The use will incorporate design elements to reduce impact on employees and customers from adjacent or nearby industrial activities.

\* \* \*

### 13.05.070 Notice process.<sup>1</sup>

H. Notice and Comment Period for Specified Permit Applications.

Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Binding site plan	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Environmental SEPA DNS* (see <a href="#">TMC 13.05.070.I</a> )	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS)* (see <a href="#">TMC 13.05.070.I</a> )	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years
Open space classification	Required	400 feet	No	Yes	2	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	1000 feet	Yes	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Final Plat	5 years <sup>6</sup>
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Yes	None

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.020 (Notice process); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

Tacoma Municipal Code

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Shoreline/CUP/ variance* <a href="#">(see TMC 13.05.070.I)</a>	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No <sup>1</sup>	No	2 years/ maximum <sup>6</sup>
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years <sup>6</sup>
Site approval	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years
Conditional use* <a href="#">(see TMC 13.05.070.I)</a>	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years <sup>4</sup>
Conditional use, correctional facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days <sup>2</sup>	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days <sup>5</sup>	Director	No	No	5 years
Temporary Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet <sup>7</sup>	No	No	14 days	Director	No <sup>1</sup>	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years
Wetland/Stream/ FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years*
Wetland/Stream/ FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years*
Wetland/Stream/ FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

\* \* \*

I. Expanded Notification for Heavy Industrial ~~Permits~~ Uses.

1. Applicability. The following expanded notification standards apply to ~~all~~ the following permit applications and SEPA determinations:

a. Uses classified as “heavy industry” where a shoreline permit, conditional use permit, or variance is required.

b. SEPA determinations for uses classified as “Petroleum Fuel Facility,” “Cleaner Fuel Infrastructure (new and expanded),” and “Chemical Manufacturing.”

2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.

3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.

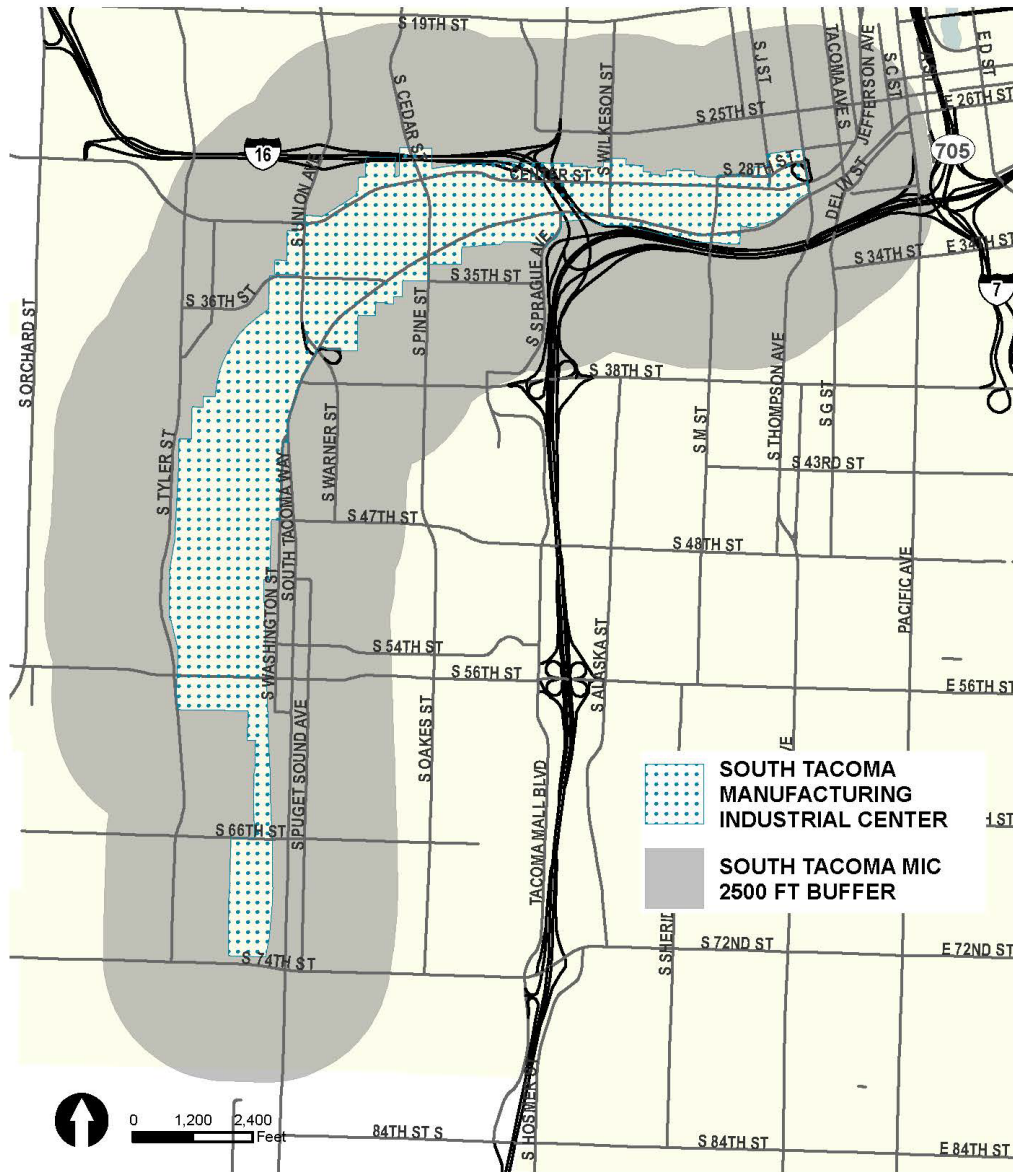
4. Notification distance.

(a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) shall extend to 2,500 feet from the boundaries of that center, as generally depicted in the following map:



IPS Committee Recommendation - Tideflats and Industrial Land Use Amendments  
August 30, 2021





(c) Notification distance for a qualifying industrial project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.

5. Upon determination of a Complete Application, the City will hold a public meeting to provide notification that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

(a) For projects with an associated land use permit and public notice, this meeting will take place approximately two weeks after the start of the public notice period. Public notice will be extended to 30 days in the rare case that the TMC-required notice period is not already 30 days.

(b) For projects not associated with a land use permit, the meeting will take place after determination that a SEPA application is complete, but prior to issuance of a preliminary SEPA determination. The meeting will include a proposed SEPA timeline, including issuance of the preliminary determination, opportunity for comment, and the appeal process for this type of SEPA determination.

(c) This required public meeting is in lieu of the optional public meeting in Subsection F above.

6. Upon determination of a Complete Application, the City will post the permit package and all relevant studies on the City's permitting website.

[7. Additional notification may be done as necessary \(i.e., social media posts or separate project web pages\) or as appropriate for the project type.](#)

## CHAPTER 13.06 ZONING <sup>1</sup>

\* \* \*

### 13.06.060 Industrial Districts.<sup>2</sup>

#### A. Applicability.

The following tables compose the land use regulations for all districts of Section 13.06.060. All portions of Section 13.06.060 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

\* \* \*

#### 3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.05.010.A.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
N	=	Prohibited use in this district.

#### 4. District use table.

Uses		M-1	M-2	PMI	Additional Regulations <sup>1</sup>
<b>Agriculture and Natural Resources</b>					
	Agricultural uses	<a href="#">CUN</a>	<a href="#">CUN</a>	<a href="#">CUN</a>	<del>Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.</del>
-	<a href="#">Mining and quarrying</a> <a href="#">Surface mining</a>	<a href="#">P*/N</a>	<a href="#">P*/N</a>	<a href="#">P*/N</a>	<a href="#">*Surface mines, legally permitted at the time of adoption of this ordinance, are permitted, subject to standards in Section 13.06.080.O.</a>
	Urban horticulture	P	P	P	
<b>Residential Uses</b>					
Dwelling Types					
	Dwelling, accessory (ADU)	P/ <del>CUN</del> */N ~	N	N	Subject to additional requirements contained in 13.06.150. ~Not permitted within the South Tacoma M/IC Overlay District <a href="#">or the Port of Tacoma M/IC.</a> <del>*Conditional use in the Port of Tacoma M/IC.</del>

<sup>1</sup> Code Reviser's note: Various sections were reorganized, relocated, or renumbered per Ord. 28613 Ex. G; passed Sept. 24, 2019. In addition, previously repealed sections were removed from the body of Chapter 13.06. See footnotes for relocated and renumbered Section references; see end of this Chapter for a list of previously repealed sections and prior legislation.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

	Dwelling, single-family detached	P/ <del>CU**/</del> N*~	N*	N*	In M-1 districts, single-, two- and three-family and townhouse dwellings are prohibited, except for residential uses in existence on December 31, 2008, the effective date of adoption of this provision.
	Dwelling, two-family	P/ <del>CU**/</del> N*~	N*~	N*~	In M-1 districts, new multi-family residential dwellings are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.
	Dwelling, three-family	P/ <del>CU**/</del> N*~	N*~	N*~	*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
	Dwelling, multiple-family	P/ <del>CU**/</del> N*~	N*~	N*~	~Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma M/IC</u> , except for quarters for caretakers and watchpersons and temporary worker housing, as noted above, <u>and except where allowed as a conditional use in the Port of Tacoma M/IC.</u>
-	<u>Dwelling, townhouse</u>	<u>P/<del>CU**/</del> N*~</u>	<u>N*~</u>	<u>N*~</u>	<u>**Conditional use in the Port of Tacoma M/IC.</u>
Other Residential					
	Adult family home	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District <u>**Conditional use in the Port of Tacoma M/IC.</u> See Section 13.06.535.
	Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
	Foster home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District.
	Group housing	P/ <u>CU**/</u> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <u>**Conditional use in the Port of Tacoma M/IC.</u>
	Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
	Live/Work	P/ <u>CU*</u>	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units.

					<a href="#">*Conditional use in the Port of Tacoma M/IC.</a>  Subject to additional requirements contained in Section 13.06.570.
	Mobile home/trailer court	N	N	N	
	Short-term rental	N	N	N	
	Staffed residential home	P/ <a href="#">CU**/</a> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a> See Section 13.06.535.
	Student housing	P/ <a href="#">CU**/</a> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a>
	Retirement home	P/ <a href="#">CU**/</a> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a> See Section 13.06.535.
<b>Medical and Health Services</b>					
	Continuing care retirement community	P/ <a href="#">CU**/</a> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a> See Section 13.06.080.N.
	Detoxification center	CU	CU	N	
	Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District <a href="#">and Port of Tacoma M/IC.</a>

				~Not permitted within the South Tacoma M/IC Overlay District <a href="#">or Port of Tacoma M/IC.</a>
Intermediate care facility	P/ <a href="#">CU**/</a> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a> See Section 13.06.535.
Residential care facility for youth	P/ <a href="#">CU**/</a> N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a> See Section 13.06.535.
Residential chemical dependency treatment facility	P/ <a href="#">CU**/</a> N*	N	N	See Section 13.06.535.  *Not permitted within the South Tacoma M/IC Overlay District. <a href="#">**Conditional use in the Port of Tacoma M/IC.</a>
<b>Community and Civic Facilities</b>				
Assembly facility	P	P	N	
Cemetery/ Internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Confidential shelter	P/N*	N	N	See Section 13.06.535.  *Not permitted within the South Tacoma M/IC Overlay District.
Correctional facility	P	P	P	
Cultural institution	P/CU*	P/CU*	N	*Conditional use within the South Tacoma M/IC Overlay District <a href="#">and Port of Tacoma M/IC</a> , unless an accessory use.
Detention facility*	CU	N	N	Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.130).  A pre-application community meeting is also required (see Section 13.05.010.A.16).  This CU is only available in the M-1 zones in place as of January 1, 2018.

				The notification distance for a project within the M-1 zone will be 2,500 feet from the boundaries of that zone.
Juvenile community facility	P/ <u>CU**</u> / N*	P/N*	<u>PN</u>	See Section 13.06.530 for resident limits and additional regulations. <u>**Conditional use within the Port of Tacoma M/IC.</u> *Not permitted within the South Tacoma M/IC Overlay District <u>or in the M-2 District of the Port of Tacoma M/IC.</u>
Parks, recreation and open space	P/ <u>CU*</u>	P/ <u>CU*</u>	P/ <u>N~</u>	Subject to the requirements of Section 13.06.560.D. <u>*High intensity/destination facilities are a conditional use in the Port of Tacoma M/IC. In the M-2 District, the use must be located indoors.</u> <u>~ High intensity/destination facilities are prohibited in the Port of Tacoma M/IC.</u>
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
School, public or private	P/ <u>CU~</u> /N*	P/N*	P/N*	<u>~Conditional use permit in the Port of Tacoma M/IC.</u> *General K through 12 education not permitted in the PMI <u>and M-2 District of the Port of Tacoma M/IC</u> or in the South Tacoma M/IC Overlay District.
Work release center	CU	CU/ <u>N*</u>	<u>PN</u>	Subject to development standards contained in Section 13.06.550. <u>*Not permitted within the Port of Tacoma M/IC</u>
<b>Commercial Uses</b>				
Craft Production	P	P	P	
Hotel/Motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Office				
Work/Live	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.
Eating and Drinking Establishments				
Brewpub	P	P	P	
Eating and drinking	P	P	P	
Microbrewery/winery	P	P	P	
Entertainment and Recreation				
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District

	Commercial recreation and entertainment	P/CU*	P/CU*~	N	*Within the South Tacoma M/IC Overlay District <a href="#">and Port of Tacoma M/IC</a> , a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. <a href="#">~Within the Port of Tacoma M/IC, only indoor facilities are permitted in the M-2 District.</a>
	<a href="#">Golf Courses</a>	<a href="#">P/N*</a>	<a href="#">P/N*</a>	<a href="#">N</a>	<a href="#">Not permitted within the Port of Tacoma M/IC.</a>
	Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Retail		P~	P~/ CU*~	<a href="#">P~N</a>	~ Size limitations: Limited to 7,000 square feet of floor area, per development site, in the <a href="#">PMI District</a> and JBLM Airport Compatibility Overlay District.  Within the South Tacoma M/IC Overlay District <a href="#">and Port of Tacoma M/IC</a> , unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district.  Outside of the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, limited to 65,000 square feet per use, unless approved with a conditional use permit.  *Conditional use within the Port of Tacoma M/IC.
	Marijuana retailer	P~	P~/CU*	N	~Within the South Tacoma M/IC Overlay District <a href="#">and Port of Tacoma M/IC</a> , limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. <a href="#">*Conditional use within the Port of Tacoma M/IC. Size limitations apply as noted above.</a> See additional requirements contained in Section 13.06.565.
	Nursery	P	P	N	
Services					
	Ambulance services	P	P	P	
	Animal sales and service	P	P	N	
	Building material and services	P	P	P	
	Business support services	P	P	P	
	Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
	Funeral home	P	P	N	
	Personal services	P	P	P	

	Repair services	P	P	P	
Storage Uses					
	Warehouse/ storage	P	P	P	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable.
	Wholesale or distribution	P	P	P	
	Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
Vehicle Related Uses					
	Drivethrough with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.090.A.
	Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.080.S.
<b>High Impact Use</b>					
	<u>High Impact Use*</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>*This use category applies only to uses that are otherwise permitted but are determined to be a Type H occupancy per Washington State Fire Code. See conditional use criteria in TMC 13.05.010.A.24.</u>
<b>Industrial</b>					
	Industry, heavy	N	P	P	Animal slaughter, fat rendering, acid manufacture, <del>smelters</del> , and blast furnaces allowed in the PMI District only.
	<u>Coal facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	
	<u>Chemical manufacturing, processing and wholesale distribution</u>	<u>N</u>	<u>CU/N~</u>	<u>P/CU*/N~</u>	<u>*A conditional use permit is required for the manufacture, processing, and wholesaling of hazardous materials, subject to conditional use criteria in Section 13.05.010.A.23.</u> <u>~Explosives, fertilizer, and petrochemical manufacturing prohibited in all districts.</u>
	<u>Petroleum Fossil fuel facility—major</u>	<u>N</u>	<u>P*/N</u>	<u>P*/N</u>	<u>*Facilities legally permitted at the time of adoption of this ordinance are permitted, subject to special use standards in Section 13.06.080.G. Otherwise prohibited.</u>



	Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*	*Preferred use.
	<del>Cleaner Renewable fuel infrastructure facility – major</del>	<del>N</del>	<del>P CU*</del>	<del>P CU*</del>	<del>*Subject to conditional use criteria in 13.05.010.A.25 and special use standards in TMC 13.06.080.G.</del>
	<del>Smelting</del>	<del>N</del>	<del>N</del>	<del>N</del>	
Industry, light		P	P	P	
	Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
	Research and development industry	P	P	N	
	Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Utilities, Transportation and Communication Facilities					
Airport		<del>CU</del> N	<del>CU</del> N	<del>CU</del> N	
Communication facility		P	P	P	
Heliport		CU	CU	CU	
Passenger terminal		P	P	P	
Transportation/ freight terminal		P	P	P	
Utilities		P	P	P	
Wireless communication facility		P*/	P*/	P*/	*Wireless communication facilities are also subject to Section 13.06.545.D.1.
		CU**	CU**	CU**	**Wireless communication facilities are also subject to Section 13.06.545.D.2.
Accessory and Temporary Uses					
Seasonal sales		TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Temporary uses		P	P	P	Subject to development standards contained in Section 13.06.635.
Unlisted Uses					
Uses not prohibited by City Charter and not prohibited herein		N	N	<del>P</del> CU	
Footnotes:					
1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.					

\* \* \*

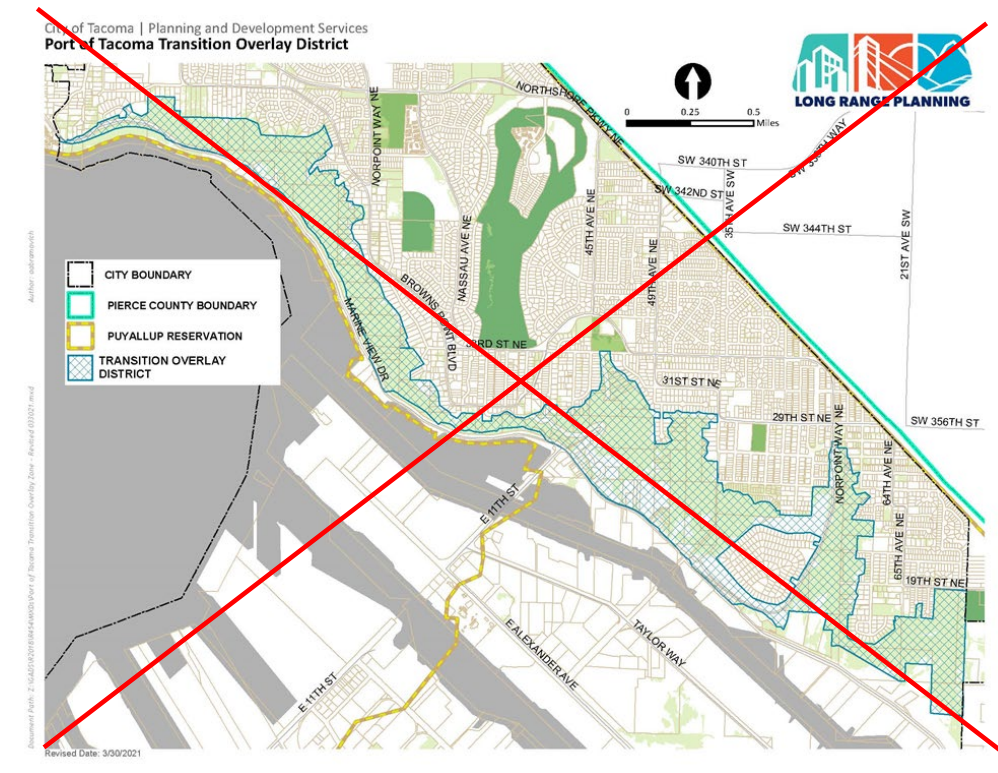
## 13.06.070 Overlay Districts.

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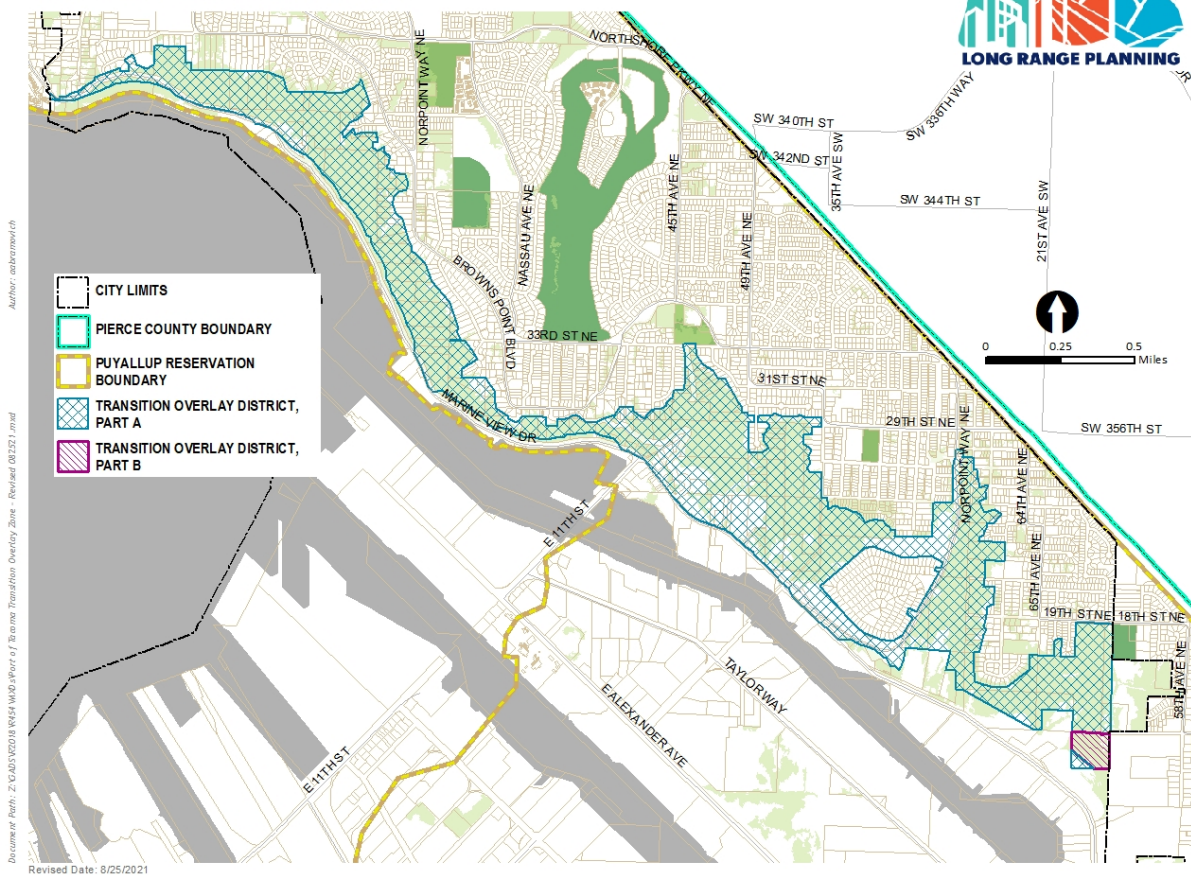
### G. Port of Tacoma Transition Overlay District

#### 1. Applicability.

a. The Port of Tacoma Transition Overlay District applies to all residential platting, subdivision, and land uses within the district boundaries established herein:



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b. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply. Unless specifically noted otherwise, all of the standards herein apply within both Parts A and B of the overlay district, as identified on the map above.

2. Purpose. The purpose of the Port of Tacoma Transition Overlay Zone is to maintain an appropriate separation between port/industrial activity in the Port of Tacoma Manufacturing and Industrial Center and residential neighborhoods, to avoid and minimize off-site impacts on residential areas, and to minimize disruption to port operations and associated industrial activity resulting from residential encroachment, consistent with the Container Port Element of the One Tacoma Plan and the Growth Management Act.

### 3. District Development Standards

a. Prohibited uses. Multifamily dwelling units, including duplex, triplex, cottage housing, and fourplex, are prohibited as stand-alone primary uses or as part of a mixed-use development.

b. Maximum density. Subdivision of existing lots shall not average less one lot per acre. This maximum density shall not apply within Part B of the Port of Tacoma Transition Overlay District, as shown on the map above.

c. Use and Maximum Density Exception: A Planned Residential Development (PRD) for a lot that abuts the northern edge of the overlay district and has access from the top of the slope may utilize the dwelling type allowances and density bonuses provided in TMC 13.06.070.C. In this Overlay District the base density used for PRD density bonus calculations will be one unit per acre.

d. Location. Residential development shall be located the greatest distance from the boundaries of the Port of Tacoma Manufacturing and Industrial Center as is feasible.

e. Site Development Standards. Residential development shall be designed to minimize disruptions to Port/industrial operations, including minimizing clearing and grading, driveways, and vegetation/tree canopy removal.

f. Building Design Standards. Residential buildings will incorporate design elements to reduce, to the greatest extent practicable, impacts on occupants from noise and light impacts from nearby port/industrial activity.

g. Accessory uses and structures. Uses and structures accessory to a single dwelling unit are permitted in the Overlay district consistent with established development standards for accessory uses in the base zone.

h. Notice on Title. As a condition of subdivision approval or residential building permit issuance for properties within the Overlay Zone, the Applicant shall record a notice on title which attests that (1) the property is located within the Port of Tacoma Manufacturing and Industrial Center Overlay Zone, (2) Port of Tacoma industrial activities, including container terminal facilities, are operating and will continue to operate and may expand in the future. The Notice on Title shall include the specific distance of the property from the closest boundary of the Port of Tacoma Manufacturing and Industrial Center.

### 13.06.080 Special Use Standards

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#### G. ~~Major Fossil Fuel Facilities and Renewable~~ Fuel Facilities.<sup>[1]</sup>

1. Applicability: The following standards apply to all “~~Petroleum Fossil Fuel Facilities—Major~~” and “~~Renewable Cleaner Fuel Infrastructure Facilities—Major~~.”

2. Purpose: The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility expansion; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

3. Baseline established.

a. The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available as of November , 2021 (the adoption date of this ordinance.)

(1) Crude oil refining baseline capacity shall be established by the U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day (<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.

(2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.

(3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.

(4) If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

4. New facilities or expansion of existing facilities beyond the established baseline shall meet the following special use standards:

a. Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

(1) Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

(2) Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

(3) Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

- Within the City of Tacoma;

<sup>[1]</sup> Code Reviser’s note: Previously codified as 13.06.580 (Interim Industrial Use Restrictions); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28470 Ex. D; passed Nov. 21, 2017.



- Within the Puyallup River Watershed;
- Within Pierce County;
- Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

b. The applicant shall provide annual reporting of the following:

- The number of vessel transfers of renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting renewable fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.

c. An applicant must provide proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Tacoma as an additional insured as a condition of permit issuance.

#### 5. Petroleum ~~Fossil~~ Fuel Facilities —~~Major~~

a. New “Petroleum ~~Fossil~~ Fuel Facilities —~~Major~~” are prohibited.

b. Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:

(1) Existing facilities shall not exceed the established baseline as of November , 2021 (the adoption date of this ordinance.) except where specifically authorized in this section.

(2) Except as specifically authorized under 13.06.080.G.5.b.(3), (4), and (5), the following new improvements are prohibited: ~~Prohibited improvements:~~

- New driveways, private rail sidings, docks, piers, wharves and floats.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
- New storage tanks, refining or processing facilities.

(3) Expansion of or addition to existing petroleum fuel facilities is allowed through the normal permitting process when the particular expansion would create the maximum proposed capacity of a facility that was the subject of an Environmental Impact Statement prepared and published by the City under RCW 43.21C and TMC Ch. 13.12 as of November , 2021 (the adoption date of this ordinance) and for which the City has accepted on or before November , 2021 (the adoption date of this ordinance) all funds that fully mitigate the adverse environmental impacts of the facility’s maximum capacity pursuant to a Mitigation Agreement between the City and the facility proponent.

(4) Expansion of production, storage, transportation and transshipment of petroleum fuels when requested in writing by the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director.

(5) Replacement of and improvements to existing petroleum infrastructure shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, for maintenance, for improvement of the safety or security of the infrastructure, decrease air or water emissions, or to allow the infrastructure to meet new regulatory requirements. ~~Except for those improvements prohibited in Subsection G.4.b.(1) above, existing uses may address existing deficiencies, conduct repairs, improvements, maintenance, modifications, and remodeling, including changes to fuel products stored or refined on-site, provided that a conditional use permit is not otherwise required.~~

(6) Where a “~~Petroleum Fossil Fuel Facility—Major~~” provides direct-to-vessel fueling, new infrastructure that is necessary to support vessel fueling may be allowed ~~subject to a conditional use permit (TMC 13.05.010.A General Criteria)~~ so long as overall facility storage and refining does not exceed the established baseline.

(7) Improvements are limited to property owned or occupied by the use as of the adoption of this ordinance.

(5) Change of Use:

(a) The addition of renewable fuel refining or storage facilities to an existing “~~Fossil Fuel Facility—Major~~” that exceeds the established fuel baseline shall be permitted as a new “~~Renewable Fuel Facility—Major~~” per the requirements of Subsection ~~G.5 Renewable Fuel Facility—Major~~.

(b) A change of use of a “~~Renewable Fuel Facility—Major~~” to a “~~Fossil Fuel Facility—Major~~” is prohibited.

(8) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

6. ~~Cleaner Renewable Fuel Infrastructure Facility—Major~~.

a. “~~Renewable Fuel Facilities—Major~~” a Conditional Use Permit and the criteria in 13.05.010.A.25.—New and Expanded Cleaner Fuel Infrastructure as defined in this chapter shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, and subject to the following requirements:

(1) New Cleaner Fuel Infrastructure permitted through this chapter shall not be used for production, storage, transportation and transshipment of petroleum. Total or partial conversion of permitted New Cleaner Fuel Infrastructure for the purposes of production, storage, transportation, and transshipment of petroleum shall constitute grounds for permit revocation and civil enforcement.

(2) Any Expanded Cleaner Fuel Infrastructure permitted through this chapter shall not exceed a cumulative total increase of fifteen percent (15%) more storage over the applicant’s total petroleum storage as of November , 2021 (the adoption date of this ordinance). Total or partial conversion of permitted Expanded Cleaner Fuel Infrastructure for the purposes of production, storage, transportation, and transshipment of petroleum fuels shall constitute grounds for permit revocation and civil enforcement. The limitation on cumulative petroleum storage does not apply to expansions allowed under TMC 13.06.080.G.5.b (3), (4), and (5) above.