



AGENDA

MEETING: Regular Meeting (Virtual)
DATE/TIME: Wednesday, August 18, 2021, 5:00 p.m.
ZOOM INFO: Link: <https://us02web.zoom.us/j/81358095104>
Dial-in: +1 253 215 8782
ID: 813 5809 5104

A. Call to Order

- Quorum Call
- Land Acknowledgement

B. Approval of Agenda

C. Approval of Minutes

- There are no meeting minutes to approve.

D. Public Comments

- Comments on Discussion Items #1, 2, and 3 are accepted and must be submitted by 12:00 noon on the meeting day; e-mail to planning@cityoftacoma.org.

E. Disclosure of Contacts

F. Discussion Items

1. Home In Tacoma Project Update

- Description: Review the status of the City Council's review of the Planning Commission's Phase 1 recommendations, provide input on the Housing Equity Taskforce's work program, and provide initial input on Phase 2 analysis and stakeholder engagement approaches.
- Action: Comment
- Staff Contact: Elliott Barnett (ebarnett@cityoftacoma.org)

2. Tidelands and Industrial Land Use Regulations Update

- Description: Review the status of the City Council's review of the Planning Commission's recommendations on the project, and consider forwarding to the City Council a "Letter of Supplemental Recommendations to the Development of Non-Interim Regulations".
- Action: Review and Approve
- Staff Contact: Stephen Atkinson (satkinson@cityoftacoma.org)



3. Tidelands Subarea Plan Update

- Description: Provide the Planning Commission with a progress report, summary of community input in the visioning phase of the planning process, and next steps in the process and the Planning Commission's role.
- Action: Comment
- Staff Contact: Stephen Atkinson (satkinson@cityoftacoma.org)

G. Upcoming Meetings (Tentative Agendas)

(1) September 1, 2021:

- Transit-Oriented Development Advisory Group Update
- College Park Historic District Update
- Election of Chair and Vice-Chair

(2) September 15, 2021 - Cancelled

H. Communication Items

- (1) **Historic Preservation Office's 2021 Broadening Horizons Heritage Café Series** - The 70s Turn 50 event on August 19, 2021, at 6:00 p.m. For more information, please visit www.cityoftacoma.org/HPEvents.
- (2) **Planning Commission Vacancies** – The City Council continues to accept applications for the Commission's District 5 position, with a closing date of September 10, 2021. To apply, please visit www.cityoftacoma.org/CBC. (The date to fill the Districts 2 and 3 positions is to be determined.)
- (3) **Manitou Annexation** – The City Council will conduct a public hearing on August 31, 2021, at 5:15 p.m., on the draft Interlocal Agreement and the draft Memorandum of Understanding between Tacoma and Pierce County concerning the proposed annexation of the Manitou Area. For more information, please visit www.cityoftacoma.org/Manitou.
- (4) **Status Reports by Commissioners** – TOD Advisory Group, Housing Equity Taskforce.
- (5) **IPS Agenda** – The Infrastructure, Planning and Sustainability Committee's next meeting is scheduled for Wednesday, August 25, 2021, at 4:30 p.m.; agenda (tentative) includes: Tidelands Non-Interim Regulations Discussion: Government-Government. (Webinar Link: <http://www.zoom.us/j/86227234162>, Passcode: 614650)

I. Adjournment



To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Home In Tacoma Project**
Date: August 11, 2021
For the Meeting of: August 18, 2021

Action Requested: Update on City Council process, Housing Equity Taskforce, Phase 2

Discussion

At this meeting, the Commission will discuss the City Council review process, provide input on the Housing Equity Taskforce's work program, and provide initial input on Phase 2.

City Council review

Staff will give an update on the City Council review of the Commission's May 19, 2021 *Home In Tacoma Project* recommendations. In June, the Council modified their initial schedule to allow more time for deliberation, and determined to refer the package to the Infrastructure, Planning and Sustainability (IPS) Committee after the public hearing. The Council's objective is to take action on the package, with changes recommended by the committee, in Fall 2021.

In June and July 2021, the City conducted citywide public notification for the City Council's July 13th Public Hearing. Prior to the hearing, the City hosted two online Information Sessions, with Planning Commission participation. The Council received 93 oral and 438 written comments expressing a wide range of opinions. General categories included:

- For and against the recommendations
- Design, scale, height, parking, transitions
- Low-scale vs. Mid-scale (building size/height, locations)
- Affect on affordability, ownership, displacement, physically accessible housing
- Need for more affordability actions
- Impacts to neighborhoods/actions needed to support growth
- Process speed, phasing, piloting
- Need for more detail
- Environmental review

The City Council Committee of the Whole discussed the comments on July 20th, and referred the package to the IPS Committee with direction to focus on the following topics:

- Housing Growth Scenarios Map and Low-scale/Mid-scale refinements
- Design, scale and neighborhood compatibility
- Affordability, ownership and anti-displacement
- Phase 2 process

Staff are in the process of preparing materials to support the IPS Committee discussion.



Housing Equity Taskforce

The Housing Equity Taskforce (HET) is a joint taskforce of the Planning Commission and Human Rights Commission, tasked with developing recommendations to promote equity and social justice. The Commissions set the HET's scope of work, membership and timeline in December 2019 (attached). The HET has now completed tasks including making recommendations on equitable engagement, identifying models and lessons from other communities, and developing a package of *Home In Tacoma Project* recommendations (attached). HET meeting info and materials are posted at www.cityoftacoma.org/homeintacoma.

At this meeting, staff will seek Commission direction regarding the HET's next phase of work. Since the HET's tasks associated with *Home In Tacoma Project – Phase 1* are complete, it is timely to revisit the taskforce's scope, membership and roles. The HET has identified the following tasks as its near-term focus:

1. Provide ongoing policy and engagement support to *Home In Tacoma Project – Phase 2*
2. Support development of an *Anti-displacement Strategic Plan* (a *Home In Tacoma Project* implementation action), in collaboration with Affordable Housing Action Strategy staff

Home In Tacoma Phase 2

Staff will invite initial input from the Commission regarding the policy analysis and stakeholder engagement approach for Phase 2 (implementation including zoning, standards and other actions). While the City Council has not yet taken action on Phase 1, it is clear that any implementation steps will be of high interest to diverse stakeholder groups, with multiple distinct but related components. The Commission has noted that it is a high priority to ensure that Phase 2 analysis and engagement must be robust, with ample opportunities for meaningful involvement (see the Commission's [Findings and Recommendations Report](#)).

Prior Commission, Taskforce and Council Actions

- City Council – Home In Tacoma Phase 1
 - City Council Study Session (06/08/21)
 - City Council Public Hearing (07/13/21)
 - City Council Committee of the Whole (07/20/21)
- Planning Commission – Home In Tacoma Phase 1
 - Recommendations to City Council (05/19/21)
 - Public Hearing (04/07/21)
 - Developed initial recommendations (Sept 2020 to Feb 2021)
 - Set Housing Equity Taskforce scope and participants (12/18/19)
- Housing Equity Taskforce – Home In Tacoma Phase 1 (Sept. 2020 to present)

Next steps

- City Council IPS Committee and Committee of the Whole review – September and October 2021
- City Council action – Fall 2021

Staff Contact

Elliott Barnett, Senior Planner, (253) 312-4909, ebarnett@cityoftacoma.org

Attachments

1. Housing Equity Taskforce original scope of work
2. Housing Equity Taskforce recommendations

c. Peter Huffman, Director

Housing Equity Taskforce

The Planning Commission and Human Rights Commission have jointly formed the HET.

Scope of Work (PRELIMINARY)

- The Planning Commission is responsible for providing recommendations to the City Council on planning and zoning topics, and will provide overall project guidance.
- The Human Rights Commission will provide input on equity and social justice recommendations to the Planning Commission and City Council.
- The Housing Equity Taskforce (with representation from both commissions) will collaborate to develop recommendations to promote equity and social justice and report back to the commissions at key milestones.
- PDS and OEHR staff will provide policy analysis, technical and logistical support.

OVERALL PROJECT SCOPE	Housing Equity Taskforce COLLABORATIVE TASKS	TIMELINE
<u>Project Scoping</u> <i>Overall scope:</i> <ul style="list-style-type: none"> • Develop communication strategy • Benchmarking of similar efforts • Define project scope 	<ol style="list-style-type: none"> 1. Develop recommendations for broad and inclusive community engagement 2. Identify models and lessons from other communities 	August/Sept 2020
<u>Understanding current circumstances</u> <i>Overall scope:</i> <ul style="list-style-type: none"> • Policy framework summary • Housing needs analysis • Zoning capacity analysis • Evaluate effectiveness of existing policy tools 	<ol style="list-style-type: none"> 3. Summarize equity and social justice policies applicable to housing 4. Oversee an equity assessment of Tacoma’s current growth strategy 5. Identify key themes to improve equity in planning and zoning actions 	Oct/Nov 2020
<u>Developing proposals to meet City goals</u> <i>Overall scope:</i> <ul style="list-style-type: none"> • Develop policy options • Market feasibility analysis • Displacement risk analysis • Impacts analysis (urban design, infrastructure, services) • Recommend policy updates 	<ol style="list-style-type: none"> 6. Oversee a displacement risk assessment of potential changes to Tacoma’s growth strategy 7. Develop policy recommendations for changes to Tacoma’s growth strategy to promote equity and social justice 8. Report out to both Commissions to inform their recommendations to the City Council 	Nov/Dec 2020
<u>Implementation strategies and priorities</u> <i>Overall scope:</i> <ul style="list-style-type: none"> • Implementation steps • Council action 	<ol style="list-style-type: none"> 9. Represent the proposals to the public, stakeholders and decision-makers 	Feb/March 2021

OBJECTIVE: Increase housing supply, choice and affordability throughout Tacoma by providing more diverse and affordable housing options, in order to make progress toward Tacoma's equity and antiracism goals.

OBSERVATION 1

Tacoma's housing growth strategy is not meeting our community's housing needs (for supply, affordability and choice)

- The current strategy sets aside about 75 percent of housing land supply for single-family housing
- Single-family housing uses more land per unit, limiting capacity and choices while driving up cost
- Tacoma is growing rapidly along with the region
- Tacoma is a mature City with little undeveloped land, meaning that growth must generally be infill, redevelopment, or taller structures
- Many people today are seeking walkable, urban living close to jobs, shopping, schools and transportation choices

OBSERVATION 2

Tacoma's housing crisis has disproportionate impacts on people of color and others facing economic disadvantages

- Tacoma's housing crisis affects lower income households most severely
- People of color disproportionately earn less, have less accumulated family wealth and are less likely to be homeowners
- People of color have historically been barred from living in some neighborhoods and faced discriminatory lending practices
- Lower income households are at increasing risk of displacement as housing costs rise
- People with disabilities, non-English speakers and people with criminal records face heightened barriers in finding housing

OBSERVATION 3

Tacoma's housing policies were initially created without equitable representation

- We reside on the ancestral homeland of the Puyallup people which was stolen by people of European descent
- People of color and others facing barriers have historically been excluded or under-represented in policymaking around housing growth

- More vulnerable groups often face heightened obstacles to participating (language, physical access, childcare, work hours), and also have fewer resources to react to neighborhood change

OBSERVATION 4

People of color have less access to the vital livability, accessibility, economic and educational opportunities that come with housing location

- Tacoma's neighborhoods are unequal in terms of the opportunities that people can access
- Many people are finding themselves priced out of Tacoma's higher opportunity neighborhoods
- People of color are less likely to live in high opportunity areas, reflecting historic systemic racist practices including redlining

OBSERVATION 5

People care deeply about their homes and neighborhoods and rely on them as investments

- Home ownership is often a household's single largest financial investment and a major source of household and family wealth
- Poorly designed or out-of-scale infill could build opposition to further infill

OBSERVATION 6

Without public and nonprofit sector actions, market-rate housing construction will not be enough to meet affordability needs

- Market-rate housing constructed in Tacoma is typically not affordable to those earning 80% of Area Median Income or less

OBSERVATION 7

Increasing Missing Middle housing options is an essential part of a multifaceted solution

- Changing the housing growth strategy is within the City's power to implement
- Tacoma must also pursue all AHAS objectives
- Tacoma must seek to build household earning potential

OBJECTIVE: Increase housing supply, choice and affordability throughout Tacoma by providing more diverse and affordable housing options, in order to make progress toward Tacoma's equity and antiracism goals.

STRATEGY A

Encourage infill of Missing Middle housing types throughout Tacoma's neighborhoods

- Change the Single-family Land Use designation to Low-scale Residential
- Allow diverse housing types including small lot single-family, duplexes, triplexes, townhouses, fourplexes, cottages, tiny/mobile houses, shared housing and small multifamily
- Establish form-based design and site standards to ensure that infill complements neighborhood form and scale
- Ensure that infrastructure and services are adequate to support infill

STRATEGY B

Encourage infill of mid-scale, walkable urban housing near Centers, Corridors and transit

- Designate areas within easy walking distance of Centers, Corridors and transit for mid-scale housing
- Establish standards to ensure a smooth transition from higher-scale to low-scale residential areas
- Promote inclusion of larger housing unit sizes to accommodate larger households

STRATEGY C

Use multiple strategies to produce housing affordable for lower income people

- Partner with housing developers by exchanging bonuses (such as height/density bonuses, or parking reductions) for affordable housing units
- Tailor regulatory incentives to serve unmet need in Tacoma's housing market
- Locate affordable housing throughout the City, particularly in high opportunity and growing areas
- Partner with nonprofit affordable housing providers to serve unmet needs
- Establish affordability targets for new projects in designated Opportunity Zones

STRATEGY D

Empower people of color and other under-represented groups to fully participate in policymaking

- Educate and empower all community members to participate in shaping housing policies

- Commit to more diversity on City policymaking bodies such as boards and commissions
- Focus engagement efforts on empowering underrepresented groups to take more control of policy decisions that affect them
- Invest resources into crafting education and engagement opportunities to these groups
- Seek to build long-term relationships based on trust and sharing of power

STRATEGY E

Address inequitable access to opportunity in Tacoma neighborhoods

- Plan for and invest in low opportunity areas to address challenges, gaps or barriers
- Build walkability, transit service and amenities, particularly in low opportunity areas
- Prioritize funding to address deferred public utilities and infrastructure to neighborhoods with lower income people and people of color

STRATEGY F

Combat displacement for residents, businesses and community anchors

- Implement an anti-displacement strategy including resources to mitigate evictions, affirmative marketing tools, and resident preference for at-risk households
- Support local businesses and institutions to remain in their neighborhood

STRATEGY G

Actively address housing inequities resulting from systemic racism

- Promote access to housing and homeownership to build intergenerational wealth for people of color
- Identify and address unfair/discriminatory housing, lending and appraisal practices
- Educate and support people of color seeking to build infill housing or invest in their homes
- Seek to increase representation of people of color in building, lending and housing professions, and City employment/contracting
- Recruit developers that serve lower income households and people of color



To: Planning Commission
From: Stephen Atkinson, Planning and Development Services
Subject: **Tideflats Non-Interim Regulations – Supplemental Comments**
Memo Date: August 12, 2021
Meeting Date: August 18, 2021

Action Requested:

Approve the letter of supplemental comments for submittal to the City Council Infrastructure, Planning and Sustainability Committee.

Discussion:

At the last meeting on August 4, 2021, the Planning Commission approved a new agenda item for the August 18th meeting to consider a letter of supplemental comments to the City Council Infrastructure, Planning and Sustainability Committee (IPS), pertaining to the IPS review of the Planning Commission's *Findings of Fact and Recommendations* for the proposed Tideflats and Industrial Land Use Amendments. Attached is the draft letter prepared by Chair Petersen and Commissioner Strobel for the Commission's review and consideration for approval on August 18th.

The IPS Committee is accepting written public comments on the proposed amendments to the Commission's recommendation. The Committee is expected to conclude its review and recommendations at the August 25th meeting. Agenda and presentation materials can be found at www.cityoftacoma.org/tideflatsinterim (click on the drop down box for "IPS Review of the Interim Tideflats"). The amendments under consideration are attached to the draft comment letter.

Project Summary:

On October 20, 2020 the City Council approved Amended Ordinance No. 28696, which approved a 6-month extension of the Tideflats Interim Regulations 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.

This project will review land use regulations in the Port of Tacoma Manufacturing and Industrial Center and Industrial Zoning Districts City-wide to address the following issues:

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

The process will result, at a minimum, in proposed amendments to the Tacoma Municipal Code, Title 19 Shoreline Master Program and Title 13 Land Use Regulatory Code, and will be conducted in accordance with the procedural requirements of the State Shoreline Management Act, Growth Management Act, State Environmental Policy Act, and Tacoma Municipal Code.

Prior Actions:

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



On March 17, 2021, the Planning Commission reviewed draft exhibits and proposed modifications in response to public comment and testimony and provided staff with direction to prepare final exhibits. In addition, the Planning Commission postponed a final recommendation until April 7, 2021 in response to a request from staff to provide for a meeting with the Port of Tacoma prior to forwarding recommendations to the City Council.

On March 3, 2021, the Planning Commission conducted a public hearing on the proposed amendments, at which 34 people testified. Written comments were accepted through March 8, 2021. The Commission received 70 written comments.

On February 3, 2021, the Planning Commission reviewed data, policies, and proposed development standards for fossil fuel production facilities and renewable fuel production facilities, and set a public hearing for March 3, 2021.

On January 20, 2021, the Planning Commission reviewed key data and findings related to Issue 4 Siting of Potentially High Risk/High Impact Heavy Industrial Uses, and reviewed regulatory options for 1. Mining and Quarrying, 2. Smelting, 3. Coal Facilities, and 4. Chemical Manufacturing.

On January 13, 2021, the Planning Commission conducted a listening session with panelists representing environment and health, neighborhoods, and port/labor/industry perspectives.

On January 6, 2021, the Planning Commission reviewed proposed regulatory options for 1. Permit Notification, 2. Conversion of Industrial Lands, and 3. Residential Encroachment.

On December 2, 2020, the Planning Commission conducted a public scoping hearing and accepted written comments on the draft scope of work. Following the hearing, the Commission discussed the public testimony and approved modifications to the scope of work.

On November 18, 2020, the Planning Commission reviewed Amended Ordinance No. 28696 and a Draft Scope of Work for the Non-interim Industrial Land Use Regulations and set a public scoping hearing for December 2, 2020. The Commission modified the scope of work to include additional potential engagement opportunities.

On October 4, 2017, the Planning Commission forwarded a Findings and Recommendations Report to the City Council, in response to Resolution No. 39723, suggesting that interim regulations were warranted. In support of these deliberations the Commission had conducted a public hearing, at which 81 people testified, and reviewed over 200 written comments.

On May 9, 2017, the City Council adopted 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.

Staff Contact:

- Stephen Atkinson, satkinson@cityoftacoma.org

Attachment:

- Draft Letter of Supplemental Recommendations to the Development of the Tideflats Non-Interim Regulations

cc. Peter Huffman, Director



City of Tacoma
Planning Commission

Anna Petersen, Chair
Jeff McInnis, Vice-Chair
Carolyn Edmonds
Ryan Givens
David Horne
Christopher Karnes
Brett Santhuff
Andrew Strobel
Alyssa Torrez

August 18th, 2021

The Honorable Mayor and City Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402

DRAFT
For Commission Review
August 18, 2021

RE: Tideflats and Industrial Land Use Non-Interim Regulations

Honorable Mayor and Members of the City Council,

In response to amended Ordinance 28696 adopted October 20th, 2020 the Tacoma Planning Commission forwarded recommendations and findings for the Tideflats and Industrial Land Use Non-Interim Regulations on April 7th, 2021. The foundation of these recommendations and findings were limited in scope to those issues raised in Amended Ordinance 28470 adopted November 21, 2017, enacting the Tideflats Interim Regulations. Since the Planning Commission's recommendations were forwarded to City Council, Council amended their legislative process to move the recommendations to the Infrastructure, Planning, and Sustainability (IPS) Committee for further review and possible amendment. The IPS Committee has invited public comment to each meeting and plans on forwarding those comments to the full City Council as part of their process. The Planning Commission has been following the IPS Committee amendment process and would like to also provide comment and additional suggestions as amendments are considered. The Planning Commission comment is in response to the IPS Committee materials revised 7/30/21 "Potential 2021 Tideflats Non-Interim Regulations Amendments" (Exhibit A).

As part of the first meeting of the IPS Committee's work on Non-Interim Regulations it was determined by the committee that the Planning Commission's *Findings of Fact* would not be going through an additional step to be amended or to change the findings. It was discussed that the Planning Commission's findings fit within a scope of potential amendments being considered by City Council. Based off this decision, the Commission determined that a letter was necessary to outline the *Findings of Fact* and protect the consistency between the Planning Commission's work and the IPS Committee's amendment work.

Previously, in 2017 City Council considered Interim Regulations and amended the Planning Commission's recommendation under Ordinance 28470 to allow for existing facilities to be exempt from the ordinance entirely. While the Interim Regulations existed as temporary regulations, which offer broad powers to the City Council, the Planning Commission's *Findings of Fact* remained unchanged. The amended ordinance could have potentially been considered to be inconsistent with the Planning Commission's *Findings of Fact* if challenged at the Washington Growth Management Hearings Board.

Now, with the City Council considering a more long-term replacement ordinance to the temporary regulations, we advise the Council to protect the *Findings of Fact* and be deliberate in forming amendment language. Amendments that might deviate from the *Findings of Fact* expose the ordinance to heightened scrutiny and challenge. We recommend that amendments Council might consider that are outside of the

scope and direction of the Planning Commission's *Findings of Fact* be facilitated through a separate process designed by City Council with clear policy intent and new findings.

The IPS Committee's potential amendments presented in Exhibit A all propose modifying fossil fuel facilities to allow expansion of new and existing facilities in certain instances. While the specific language for these amendments has not been fully developed by the IPS Committee at the time of this letter, the nature of some of the amendments may potentially not be consistent with the Planning Commission's *Findings of Fact*. It is our hope to present the following findings to guide City Council's decision alongside the proposed amendments so the language can be designed in a way to be consistent with the ordinance.

Limited Fossil Fuel Facility Expansion Permitted: The IPS Committee is considering amendment to fossil fuel facilities by allowing percentage expansion without a conditional use permit. As part of the Planning Commission's findings the Commission found under existing policy that expansion of existing facilities classified as "Major Fossil Fuel Facilities," should be prohibited. This was a departure from the original temporary Interim Regulations *Findings of Fact* in 2017, which should not be used as a basis of justifying expansion in the new ordinance. The Commission's *Findings of Fact* regarding this subject were provided as follows:

- Continued expansion of major fossil fuel facilities in the City of Tacoma would increase the risk of a catastrophic spill or derailment, and that the increased risk of incident is not borne only by Tacoma but as well by any jurisdiction through which these fuels are transported.
- Continued expansion of major fossil fuel facilities in the near-term will circumvent the long-term public interest in mitigating the impacts of climate change and promoting a transition to clean, renewable fuels.
- That the shift from crude oil import by vessel to import by rail has reduced the reliance of these facilities on marine vessel transport, and hence on shoreline locations, and that there is a public interest in limiting overall vessel shipment through the waters of Puget Sound.
- That the continued siting of such facilities in Tacoma's Tideflats further risks the compounding impact of a spill, fire, or other exposure resulting from a natural disaster.
- That the land area required by such facilities and the low employment densities conflict with long-term interest in maintaining and expanding container shipping and uses which provide greater employment densities.
- That expansion of such facilities will result in greater demand for rail transport which detrimentally impacts the availability of rail for the transport of core container cargo.
- That continued expansion of such uses may detrimentally affect salmonid populations and thereby, the Treaty Rights of the Puyallup Tribe of Indians.
- The proposed amendments would recognize and allow for the ongoing maintenance, repair, and environmental improvement of existing facilities to ensure a period of market transition from fossil fuels to renewable fuels.
- The expansion of existing facilities would increase emergency service demands in an areas with existing emergency service challenges, including the current closure of the 11th Street Viaduct.¹

¹ Pg. 47 Planning Commission Findings of Fact and Recommendations Report April 7, 2021

New and Expanded Cleaner Fuel Facilities Permitted: The Planning Commission recommended regulations that classified certain facilities that meet emissions goals as “Renewable Fuel Facilities” and concluded that while these facilities support existing climate goals in the Findings of Fact and *One Tacoma: Comprehensive Plan*, that these facilities still be considered under the following findings:

- The proposed allowance for renewable fuel development will support the City’s long-term compliance with greenhouse gas emission targets.
- The use of a conditional use permit for renewable fuel facilities will provide a process for review to ensure that the siting of such facilities do not result in adverse impacts to fish and wildlife habitat, increase the risk of accident or exposure in areas adjacent to concentrations of workers and residents, and avoid detrimental impacts to Tribal Trust Lands and planned residential developments.²

Marine Vessels Fossil Fuel Facilities: Proposed language in Exhibit A suggests Marine Vessels Fuel Facilities be permitted outright without expanded permit criteria. The Planning Commission provided the following *Findings of Fact* addressing these facilities specifically:

- City of Tacoma’s Shoreline Master Program Chapter 7.6.1 - Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.³
- That the shift from crude oil import by vessel to import by rail has reduced the reliance of these facilities on marine vessel transport, and hence on shoreline locations, and that there is a public interest in limiting overall vessel shipment through the waters of Puget Sound.⁴

Fossil Fuel Facility Projects for Maintenance, Safety, Security, or Required to Meet Regulatory Changes:

This proposed amendment is already considered as part of the Planning Commission’s recommendations after City Staff brought the issue up to the Commission near the end of the policy development process. The Planning Commission recognized the need for existing facilities to do non-capacity oriented improvements in the following findings:

- Modified the special use standards for Fossil Fuel Facilities and Renewable Fuel Facilities to allow normal maintenance and repair without a conditional use permit.
- The proposed amendments would recognize and allow for the ongoing maintenance, repair, and environmental improvement of existing facilities to ensure a period of market transition from fossil fuels to renewable fuels.⁵

Conditional Use Permitting: As part of the IPS Committee’s review of the Planning Commission recommendations and *Findings of Fact* there has been much discussion of why the Commission employed certain regulatory tools, particularly conditional use permits. The Planning Commission recommendations recognized that certain uses had the potential to have immitigable impacts and should be completely

² Pg. 47 *Planning Commission Findings of Fact and Recommendations Report April 7, 2021*

³ Pg. 22 *Planning Commission Findings of Fact and Recommendations Report April 7, 2021*

⁴ Pg. 47 *Planning Commission Findings of Fact and Recommendations Report April 7, 2021*

⁵ Pg. 47 *Planning Commission Findings of Fact and Recommendations Report April 7, 2021*

prohibited throughout the city. Uses like coal terminals, smelting, quarries, and fertilizer manufacturing were found to be incompatible with existing policy and the urban environment of our city industrial lands. However, the Commission also recognized that chemical manufacturing, renewable fuels, and fossil fuels also had the potential to have the same impacts particularly based off of where they were sited and the magnitude of their size. The Commission recommended that these uses be permitted only in certain instances under a conditional use permit. The determination of using conditional use permits was deliberate and part of the balancing of regulatory tools as part of the recommendation. Justification of this action was based off of the idea that project review through SEPA or even expanded review through an EIS cannot always successfully mitigate project impacts. If a project was unable to meet the baseline criteria for the conditional use permit, it should not be permitted. Alternative direction to make these uses prohibited, non-conforming, or even stay permitted did not support existing City policy and is well documented throughout the *Findings of Fact*.

The Planning Commission recognizes the weight of the decision before the City Council on the Non-Interim Regulations. We also recognize the Council's nontraditional step in amending the legislative process to provide more review and refinement of the Planning Commission's recommendation. We hope in the instances Council moves to create additional review that the Planning Commission can continue to comment in order to provide consistency throughout the process. The Commission extends the offer to continue to be a resource in Council Study Sessions and the IPS listening sessions on the recommendations. We thank you for allowing the Planning Commission to weigh in on these developments and we hope these comments today can help guide City Council to make a more informed decision.

Respectfully,

Anna Petersen, Chair
Tacoma Planning Commission
Enclosure

EXHIBIT A

REVISED 07/30/2021

POTENTIAL 2021 TIDEFLATS NON-INTERIM REGULATIONS AMENDMENTS

1. New and Expanded Cleaner Fuel Facilities Permitted

“Cleaner Fuel Infrastructure” Infrastructure for the production and storage of fuels that are carbon-free and generate no carbon emissions 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, hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meet California motor vehicle emission standards as described in Washington State law.

Within six (6) months following the full implementation of the Washington State Clean Fuel Standard regulations, the City Council will review this definition of Cleaner Fuel Infrastructure.

2. Limited Fossil Fuel Facility Expansion Permitted

I move to allow permitting investments in improvements to existing fossil fuel facilities that do not increase the storage, production, or transportation capacity by more than ____% over their capacity at the effective date of these regulations be permitted through the normal permitting process, including SEPA review where applicable.

3. Fossil Fuel Facility Projects for Maintenance, Safety, Security, or Required to Meet Regulatory Changes

I move to allow through the normal permitting process, including SEPA review where applicable, replacements and improvements to existing fossil 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 and infrastructure which reduces air emissions and stormwater runoff. Such replacements or improvements may not increase the storage, production, or transportation capacity by more than ____% their capacity at the effective date of these regulations.

4. National Security Fossil Fuel Facilities

I move to allow expansion, modifications and additions to existing fossil fuel facilities through the normal permitting process, including SEPA review where applicable, where the project is requested in writing by an agency of the federal government to serve the needs of the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs.

5. Marine Vessels Fossil Fuel Facilities

I move to allow through the normal permitting process, including SEPA review where applicable, expansion, modifications and additions to existing fossil fuel facilities by no more than ____% over their capacity at the effective date of these regulations to produce, handle or store maritime fuels that comply with the International Convention for the Prevention of Pollution from Ships ("MARPOL") Annex VI.

6. Projects which have undergone Environmental Review and Mitigated Impacts

I move to allow additions to existing fossil 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.



To: Planning Commission
From: Stephen Atkinson, Principal Planner, Planning and Development Services
Subject: **Tideflats Subarea Plan – Progress Report and Upcoming Schedule**
Memo Date: August 11, 2021
Meeting Date: August 18, 2021

Action Requested:

Informational discussion only.

Discussion:

On August 18, 2021, staff will be presenting a progress report for the [Tideflats Subarea Plan](#) and an upcoming schedule for the project. Recent milestones include the draft [Baseline Conditions Report](#) and completion of the [Community Visioning](#) phase of the process. Staff will provide a brief overview of the engagement conducted as part of the visioning phase of the process and general themes from the community input.

The next project milestone is to complete future development alternatives that will provide the basis for the Environmental Impact Statement and Draft Plan development. The general timeline to complete the milestone includes:

- November/December, 2021: Steering Committee review and recommendation
- Winter, 2022: Planning Commission review, public hearing, and recommendation to the City Council
- Spring, 2022: City Council review and finalization.

Project Summary:

The Tacoma Tideflats is one of ten designated Manufacturing and Industrial Centers in the Puget Sound Regional Council's regional development plan VISION 2040. The State Growth Management Act requires that local comprehensive plans comply with VISION 2040 and directs local jurisdictions having one or more regionally designated centers to prepare a subarea plan for each such center.

The Tideflats Subarea Plan will address requirements under Washington State law to include State Environmental Policy Act (SEPA) environmental review, Growth Management Act (GMA), Shoreline Management Act (SMA), the Puyallup Land Claims Settlement, the Container Port Element and elements for certification of a Manufacturing and Industrial Center (MIC) by the Puget Sound Regional Council (PRSC). The Subarea Plan is being conducted through an inter-governmental partnership between the City of Tacoma, Port of Tacoma, Puyallup Tribe of Indians, Pierce County, and the City of Fife.

Prior Actions:

- March 4, 2020 – Reviewed the Draft Public Engagement Plan
- February 5, 2020 – Reviewed the status of the project
- October 2, 2019 – Reviewed the Tideflats Subarea Planning Work Plan

Staff Contact:

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cc. Peter Huffman, Director

