



## ORDINANCE NO. 28786

1 AN ORDINANCE relating to zoning; amending Title 13 of the Tacoma Municipal  
2 Code by amending Chapters 13.01, 13.02, 13.05, and 13.06, and by  
3 repealing and reenacting Title 19 in its entirety, to adopt the Tideflats and  
4 Industrial Land Use Regulations as recommended by the Planning  
5 Commission and modified by the Infrastructure, Planning, and  
6 Sustainability Committee; and replacing Amended Ordinance No. 28470,  
7 Tideflats Interim Regulations, as approved by the City Council, and as  
8 previously extended by Ordinance Nos. 28542, 28583, 28619, 28671,  
9 Amended Ordinance Nos. 28696 and 28759.

10 WHEREAS on May 9, 2017, the City Council adopted Amended Resolution  
11 No. 39723, initiating a subarea planning process for the Port/Tideflats area, and  
12 further, requested that the Planning Commission (“Commission”) consider the need  
13 for interim regulations in the Tideflats area while the subarea planning process was  
14 underway, and

15 WHEREAS on October 4, 2017, the Commission forwarded its  
16 recommendations to the City Council for consideration, and

17 WHEREAS on November 21, 2017, following a public hearing and  
18 substantial community input and deliberation, the City Council passed Amended  
19 Ordinance No. 28470, the Tideflats Interim Regulations, and

20 WHEREAS the Tideflats Interim Regulations were subsequently extended  
21 by Ordinance Nos. 28542, 28583, 28619, and 28671, and

22 WHEREAS on October 20, 2020, the City Council passed Amended  
23 Ordinance No. 28696, extending the Tideflats Interim Regulations, and directing  
24 the Commission to consider non-interim recommendations to replace the Interim  
25 Regulations by April 2021, for City Council consideration, and

26 WHEREAS the City Council, in enacting Amended Ordinance No. 28696 to  
initiate a non-interim review of the Tideflats Interim Regulations, provided direction



1 to the Commission to establish appropriate parameters for review, to include only  
2 those issues identified in Amended Ordinance No. 28470; those uses impacted by  
3 Amended Ordinance No. 28470; approaches that could be applied to the  
4 expansion of the existing uses; and amendments that would improve the certainty  
5 and predictability of the regulations, and  
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7 WHEREAS, Amended Ordinance No. 28696 directed staff and the  
8 Commission to seek substantive input from the Port of Tacoma, the Puyallup Tribe  
9 of Indians, and other governments and stakeholders of the Tacoma Tidelands, and  
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11 WHEREAS, the Commission conducted a listening session on January 13,  
12 2021, with diverse community stakeholders, including the Port of Tacoma, and

13 WHEREAS, on February 17, 2021, staff provided a public notice and  
14 request for comments to Joint-Base Lewis-McChord, and a formal invitation for  
15 consultation with the Puyallup Tribe of Indians, and  
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17 WHEREAS, Pursuant to Washington Administrative Code ("WAC") 197-11  
18 and Tacoma's State Environmental Policy Act ("SEPA") procedures, a Preliminary  
19 Determination of Environmental Nonsignificance ("DNS") on the Tidelands and  
20 Industrial Land Use Amendment was issued on February 19, 2021, (SEPA File  
21 Number LU21-0035), based upon a review of an environmental checklist, and  
22

23 WHEREAS, the Preliminary DNS and Environmental Checklist was  
24 transmitted for public comment to adjacent jurisdictions, the Port of Tacoma,  
25 Puyallup Tribe of Indians, State Department of Commerce, and other agencies and  
26 community organizations, and



1           WHEREAS, staff received three public comment letters on the Preliminary  
2 DNS, and

3           WHEREAS on April 7, 2021, the Commission concluded its review of public  
4 comment and testimony, finalized modifications to the proposed ordinance in  
5 response to public comments, and forwarded its recommendations to the City  
6 Council, and

7           WHEREAS based on this guidance, the Commission considered the  
8 following topics: public notification requirements for permits and land use  
9 amendments; conversion of industrial lands to non-industrial uses; encroachment  
10 of residential developments on industrial lands; and siting of potentially  
11 high-risk/high-impact heavy industrial uses, and on April 7, 2021, the Commission  
12 forwarded its Findings of Fact and Recommendations Report to the City Council  
13 for review and consideration, and

14           WHEREAS on April 27, 2021, the City Council conducted a public hearing  
15 on the Commission's Findings of Fact and Recommendations. In support of the  
16 public hearing, approximately 40,000 public notices were provided to potentially  
17 affected taxpayers, occupants, and interested parties, and email notices were  
18 provided to over 500 other interested parties. The City Council received over 400  
19 pages of public comments, and

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

3 WHEREAS following the City Council public hearing, the IPS Committee  
4 conducted nine meetings between May and August 2021, including opportunities  
5 for written public comments on agenda topics, and panel discussions with  
6 representatives from industry, environmental organizations, and residential  
7 property owners potentially affected by the proposals, and on August 30, 2021, the  
8 IPS Committee concluded its review and recommendations and forwarded their  
9 recommended changes to this Ordinance to the City Council on August 31, 2021,  
10 and  
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13 WHEREAS the IPS Committee accepted the Findings of Fact of the  
14 Commission and this Ordinance incorporates those Findings of Fact herein, and

15 WHEREAS the IPS Committee amendments to the Commission  
16 recommendations respond to public testimony expressing concern with the impact  
17 of the proposal on existing uses, and potential for unintended impacts to  
18 port/industrial uses, and  
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20 WHEREAS on October 5, 2021, the City Council conducted a public hearing  
21 on the IPS Committee’s recommended modifications to the Commission’s  
22 proposed amendments, and  
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24 WHEREAS this Ordinance gives particular attention to the potential impacts  
25 of new heavy industrial use and development, particularly renewable fuel, fossil  
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1 fuel, coal facilities, and chemical manufacturing on the Puyallup Tribe of Indians  
2 and Tribal Trust lands, and

3           WHEREAS this Ordinance reduces the potential risks to the health, welfare,  
4 and safety of the community by prohibiting the establishment of new smelting  
5 operations, coal facilities, and mining and quarrying, and

6           WHEREAS this Ordinance prohibits the primary storage, processing, or  
7 refining of clean fuels, petroleum, or other chemicals associated with chemical  
8 manufacturing, within lands and waters regulated under the Shoreline  
9 Management Act, and  
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11           WHEREAS this ordinance prohibits uses determined to be inconsistent with  
12 the use priorities of the Shoreline Management Act, Container Port Element of the  
13 Growth Management Act and the One Tacoma Comprehensive Plan, and  
14 preserves flexibility and land supply for priority uses, and  
15

16           WHEREAS this Ordinance would require conditional use permits for  
17 chemical manufacturing uses to ensure appropriate siting and avoidance,  
18 minimization, and mitigation of impacts, and  
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20           WHEREAS there are a limited number of existing petroleum fuel refining,  
21 processing, and storage facilities in the City of Tacoma, including Par Pacific,  
22 Seaport Sound Terminal, Puget Sound Energy Liquefied Natural Gas Facility,  
23 Conoco-Phillips, NuStar, and Pacific Functional Fluids, and  
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25           WHEREAS this Ordinance prohibits the establishment of new petroleum  
26 fuel refining, processing, and storage facilities in the City of Tacoma, and would



1 therefore preclude the establishment of any new liquefied natural gas production  
2 and storage facilities, oil refineries, or petroleum blending and processing facilities,  
3 and  
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5 WHEREAS this Ordinance limits the expansion of petroleum storage  
6 associated with existing fuel facilities, and only permits expansion of petroleum  
7 storage for the purposes of serving national defense interests, for the completion of  
8 infrastructure that has been previously identified, studied under SEPA and fully  
9 mitigated via a completed mitigation agreement, or for the purpose of producing  
10 cleaner fuels subject to a 15 percent cumulative limit on petroleum tankage, and  
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12 WHEREAS this Ordinance prohibits new petroleum storage, production, or  
13 transshipment as part of any new clean fuel facility, and

14 WHEREAS this Ordinance creates a permit pathway for clean fuels, such as  
15 green hydrogen, that support the City's greenhouse gas reduction targets and  
16 provides new economic development opportunities, and  
17

18 WHEREAS this Ordinance provides greater regulatory predictability for  
19 businesses currently subject to Interim Regulations, and by utilizing the City's  
20 established and standard permitting processes for clean fuel infrastructure, and  
21

22 WHEREAS this Ordinance would enhance the City's SEPA procedures for  
23 public notice, public meetings, and comment periods, and

24 WHEREAS this Ordinance is consistent with the goals and policies of the  
25 One Tacoma Comprehensive Plan, including the Shoreline Master Program and  
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1 Container Port Element, and appropriately balances economic, environmental, and  
2 public health goals, and

3 WHEREAS this Ordinance improves the internal consistency between the  
4 City's established goals and policies in the One Tacoma Comprehensive Plan and  
5 Shoreline Master Program, and the implementing regulations, and  
6

7 WHEREAS this Ordinance maintains appropriate flexibility for economic  
8 development and response to emerging markets, consistent with the requirements  
9 of the Growth Management Act, and  
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11 WHEREAS this Ordinance promotes the general health, welfare, and safety  
12 of residents, employees, and visitors, and

13 WHEREAS this Ordinance supports the City's long-term compliance with  
14 greenhouse gas emission targets, and

15 WHEREAS the regulations in this Ordinance are based on consideration of  
16 the following:

17  
18 1. Consistency with the Container Port Element of the One Tacoma  
19 Comprehensive Plan, and, broadly, the Growth Management Act;

20 2. Consistency with the Shoreline Master Program and Shoreline  
21 Management Act;

22 3. Consideration of new information, including data on existing land  
23 uses, environmental conditions, employment, 2019 greenhouse gas inventory and  
24 forecast, emergency response, interim permit activity, development trends, and  
25 fossil fuel baseline data;  
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1           4.       Consideration of potential impacts of chemical manufacturing uses,  
2 fossil and renewable fuel production, smelting, coal facilities, and mining and  
3 quarrying;

4           5.       Use compatibility with adjacent land uses; and

5           6.       Substantial community input and public comments, and

6           WHEREAS the Washington Department of Ecology has issued an initial  
7 determination of consistency with Chapter 90.58 RCW and 173-26 WAC, Part III,  
8 and  
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10           WHEREAS the proposed amendments to Tacoma Municipal Code ("TMC")  
11 Title 19, the Shoreline Master Program, do not take effect until approved by the  
12 Department of Ecology, and  
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14           WHEREAS the Department of Ecology approval of amendments to the  
15 Shoreline Master Program may come after the expiration of the current interim  
16 regulations, necessitating the adoption of the amendments to Title 19 as an  
17 emergency, and  
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19           WHEREAS the City, together with its partners, the Port of Tacoma,  
20 Puyallup Tribe of Indians, City of Fife, and Pierce County, are working  
21 collaboratively to develop a Subarea Plan and SEPA Planned Action for the Port  
22 of Tacoma Manufacturing and Industrial Center, and  
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24           WHEREAS the City Council's consideration of the future Tideflats Subarea  
25 Plan may result in modifications to TMC Title 13, the Land Use Regulatory Code,  
26 and TMC Title 19, the Shoreline Master Program, based on additional public





1 input, data, and environmental analysis, to be conducted as part of that process;

2 Now, Therefore,

3 BE IT ORDAINED BY THE CITY OF TACOMA:

4 Section 1. That the foregoing Recitals are hereby adopted as the City  
5 Council's legislative findings.  
6

7 Section 2. That the Tideflats and Industrial Land Use Regulations, as  
8 recommended by the Planning Commission and modified by the Infrastructure,  
9 Planning, and Sustainability Committee, the replacement of Amended Ordinance  
10 No. 28470, Tideflats Interim Regulations, as approved by the City Council, and as  
11 previously extended by Ordinance Nos. 28542, 28583, 28619, 28671, Amended  
12 Ordinance Nos. 28696 and 28759, are hereby approved.  
13

14 Section 3. That Title 13 of the Tacoma Municipal Code, "Land Use  
15 Regulatory Code," is hereby amended as set forth in the attached Exhibit "A."  
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17 Section 4. That the City Council has determined that an emergency exists  
18 regarding the adoption of Title 19 of the Tacoma Municipal Code, "Shoreline  
19 Master Program," and that the chapter is hereby repealed and reenacted to read  
20 as set forth in the attached Exhibit "B," and shall be effective immediately upon  
21 publication.  
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Section 5. That in codifying this Ordinance the City Clerk is authorized to make adjustments to headings, subsections, and other adjustments necessary to organize this code in an accessible and understandable manner without changing any substantive language.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
\_\_\_\_\_  
Deputy City Attorney