

From: [Yvonne](#)
To: [McCarthy, Conor](#); [Hunter, Lillian](#); [Walker, Kristina](#); [Beale, Chris](#); [IPSTideflats](#)
Cc: [Thoms, Robert](#); [Woodards, Victoria](#); [Atkinson, Stephen](#); [NETNC Board](#)
Subject: Non-interim Regulations Comments - Need to consider NET Buffer Zone Proposal
Date: Wednesday, July 21, 2021 2:06:15 PM
Attachments: [Amended Resolution No 39723.pdf](#)
[City Council Action Memorandum for Resolution 39723.pdf](#)
[Tideflats Incidents 2010 to Present - draft.pdf](#)

Hello IPS Committee Members,

I'm writing to urge you to consider the NE Tacoma community needs while you deliberate the amendments to the Planning Commission recommendations. You have invited the environmental community once and the business community twice to provide stakeholder input. You have not invited the communities who live immediately adjacent to the Tideflats to provide stakeholder input, nor to my knowledge, have you asked the Puyallup Tribe.

I would like to remind you that over four years ago the NETNC submitted the NE Tacoma Buffer Zone amendment to the Tacoma Comprehensive Plan. Shortly thereafter, the Mayor and City Council Members brought forward a resolution (Resolution No. 39723 - see attached) directing the City to consolidate the NET Buffer Zone proposal and two other requests into a subarea plan for the Tideflats Area. The Interim Regulations were developed shortly thereafter to serve as a temporary bridge solution to prevent the land use conflicts from getting worse until the subarea plan could be developed, and the findings implemented.

I've been watching the committee meetings, and to this date, I have not seen one member bring up the needs of the residential stakeholders. Any heavy industrial business along the Hylebos waterway that handles hazardous materials presents a risk to the NE Tacoma residential community. I've attached a list of incidents in the Tideflats in the past decade that I was able to find in a few hours of internet searching (so this is by far not an exhaustive list). I would like to highlight that since October, we've had three major fire incidents that have resulted in TFD shelter in place orders. The last one two weeks ago at Schnitzer Steel not only caused a massive toxic smoke release, but also caused a toxic spill of materials in to the Federally protected Hylebos Waterway, and required a response from TFD that included 75 firefighters, 8 engines, and two fireboats.

In summary, my ask to you is to **give residents a seat at the stakeholder table**. While you are working on the amendments in committee meetings, remember that the health and safety of your constituents are at stake. We **DO NOT** support any amendment that allows the growth of businesses on both sides of the Hylebos Waterway that produce or store **ANY** kind of fuels - petroleum based **OR** renewable/biofuels/credit generating fuels. All these fuels are hazardous and volatile, and present a clear risk to the community above them. Additionally, I would request that you consider creating an amendment to prohibit any new metal recycling businesses or growth to existing metal recycling businesses along the Hylebos Waterway -

there is clear evidence of the sever impact of this heavy industrial use on nearby residents.

Your predecessors made a commitment to the NE Tacoma community that our needs would be included. You have a duty to follow through on that commitment.

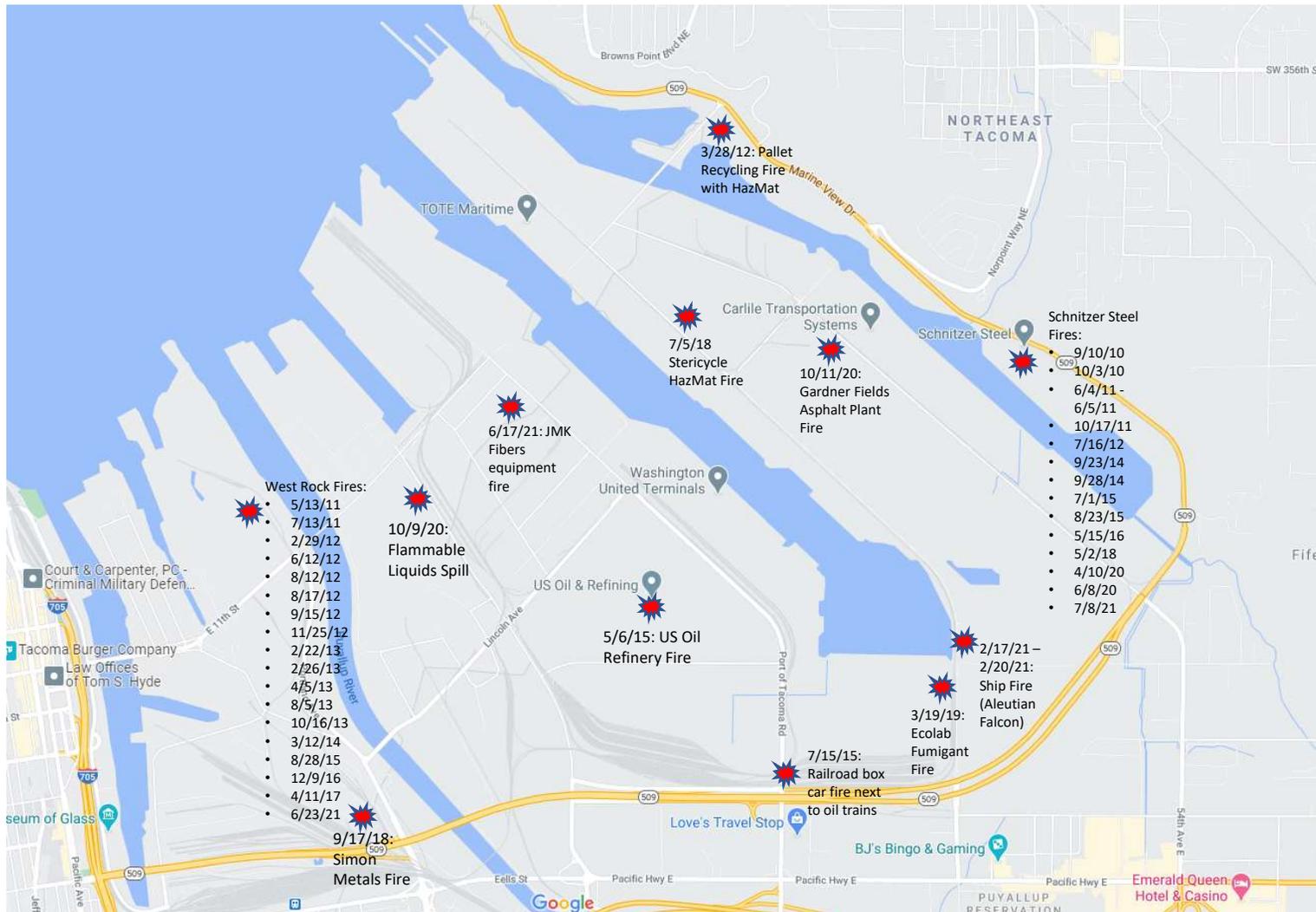
Sincerely,

Yvonne McCarty

Chair, NE Tacoma Neighborhood Council

Cell: 253-219-0349

Tideflats Incidents 2010 – Present (draft*)



Sources:

- TFD Twitter
- TFD Incident Report Database
- Local TV News Websites
- Tacoma News Tribune
- Tacoma Daily Index

* Note: this is not a complete list of incidents on the Tideflats, only a partial list based on a limited amount of research.



TO: Elizabeth Pauli, Interim City Manager
FROM: Brad Forbes, City Council Assistant, City Manager's Office
COPY: City Council and City Clerk
SUBJECT: Resolution requesting the Planning Commission consolidate consideration of three applications into the Tideflats Subarea planning process – May 9, 2017
DATE: May 4, 2017

SUMMARY:

A resolution requesting that the Planning Commission consolidate consideration of three applications for amendments to the One Tacoma Comprehensive Plan and Land Use Regulatory Code into one Tideflats Subarea Plan process: 1) creating a Northeast Tacoma Buffer Zone, 2) implementing the Container Port Element of the City's Comprehensive Plan, and, 3) codifying the Director's Rule relating to Expanded Notification for Large Industrial Projects; and, requesting that the Interim City Manager identify resources necessary to move forward in a timely manner on the Tideflats Subarea Plan and to initiate discussions about an Interlocal Agreement between the City and Port, which would come back for approval by both legislative bodies.

COUNCIL SPONSORS:

Mayor Strickland, Deputy Mayor Thoms and Council Member McCarthy

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Assure outstanding stewardship of the natural and built environment.

BACKGROUND:

The City of Tacoma and Port of Tacoma have agreed to begin negotiations for an Interlocal Agreement (ILA) to develop a Tacoma Tideflats subarea plan. The Tideflats subarea plan will offer the City, Port, and community an opportunity to discuss and address opportunities and concerns about future activities in the Tideflats. The Northeast Tacoma Buffer Zone, the implementation of the Container Port Element of the City's Comprehensive Plan, and codifying the Director's Rule relating to Expanded Notification for Large Industrial Projects are appropriate topics to fold into a subarea planning process.

ISSUE:

The forthcoming Tideflats Subarea planning process should include the Northeast Tacoma Buffer, implementation of the Container Port Element of the City's Comprehensive Plan, and codifying the Director's Rule to Expanded Notification for Large Industrial Projects, as these issues are inextricably linked to Tideflats activity.

ALTERNATIVES:

Council can elect to not adopt this resolution and address each of the three items that this resolution folds into the subarea plan separately. This alternative could create a less complete Tideflats subarea planning process since each of these items pertains to the future use of the Tideflats.

RECOMMENDATION:

Recommending the City Council adopt the resolution and consider each of the three items enumerated above in the summary as part of the Tideflats Subarea plan. This may lead to these issuing being



considered later in the year rather than if they were addressed individually by the Planning Commission and the City Council. The subarea planning process is an efficient and appropriate venue for consideration of these three applications for amendments to the One Tacoma Comprehensive Plan and Land Use Regulatory Code.

It is also recommended that the City Council requests the Interim City Manager to identify resources necessary to move forward in a timely manner on the Tideflats Subarea Plan and to initiate discussions about an Interlocal Agreement between the City and Port, which would come back for approval by both legislative bodies.

FISCAL IMPACT:

None.

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$0

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? N/A



RESOLUTION NO. 39723

1 BY REQUEST OF COUNCIL MEMBERS CAMPBELL, IBSEN, AND WALKER LEE

2 A RESOLUTION relating to land use; requesting that the Planning Commission
3 consolidate consideration of (a) creating a Northeast Tacoma Buffer Zone,
4 (b) implementing the Container Port Element of the City's Comprehensive
5 Plan; and (c) codifying the Director's Rule relating to Expanded
6 Notification for Large Industrial Projects into the Tideflats Subarea
7 planning process.

8 WHEREAS the City and Port of Tacoma ("Port") have agreed that a
9 subarea planning process is the best course of action to comprehensively
10 address land use issues associated with the future of the tideflats/port area in
11 Tacoma ("Tideflats Area"), and

12 WHEREAS the City has received multiple applications/requests for zoning
13 and land use process changes in the Tideflats Area, including the Northeast
14 Tacoma Buffer Zone application, the implementation of the Container Port
15 Element of the City's Comprehensive Plan, and the Director's Rule relating to
16 Expanded Notification for Large Industrial Projects, and

17 WHEREAS consolidating these requests into a subarea plan will
18 contribute to the Port and City and the community as a whole by facilitating a
19 well-defined, comprehensive community discussion about creating clear policy
20 and a long-term vision for the Tideflats Area that addresses issues such as land
21 use and zoning, capital facilities including transportation and infrastructure,
22 environmental protection and review, and economics, and

23 WHEREAS the City has identified the following overall goals and
24 guidelines for the Tideflats Subarea Plan: (1) the plan will support the creation,
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1 enrichment and preservation of desirable, healthy residential neighborhoods and
2 this community's role as a growing metropolitan city; (2) the plan will support
3 continued growth of this community's economy and employment base, and the
4 important role of the Tideflats area as an economic engine for the City, Pierce
5 County, and the region; (3) the plan will support the protection and improvement
6 of our environment and the health and safety of our community and Puget
7 Sound; and (4) the plan will be consistent with state and regional policies while
8 also reflecting Tacoma's character and values, and

9 WHEREAS because the City values transparency, open government, and
10 public involvement, the City Council insists the subarea plan be the product of a
11 process that is grounded in community engagement and involvement,
12 incorporating early, continuous, broad, respectful and informed public input, and
13 integrating direct representation from, at a minimum, the Northeast Tacoma and
14 New Tacoma Neighborhood Councils, the Port of Tacoma and its tenants, other
15 businesses within the Tideflats area, environmental stakeholders, and adjacent
16 jurisdictions, and
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18 WHEREAS the City recognizes the Puyallup Tribe's critical stake in this
19 area and invites the Tribe to be highly involved throughout this community
20 planning process, and
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22 WHEREAS the City Council desires to partner with the Port of Tacoma
23 and the Puyallup Tribe on this subarea plan and begin negotiation of an Interlocal
24 Agreement ("ILA") with both that would outline this partnership, including roles of
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the City, the Port, and the Puyallup Tribe, responsibilities and funding for the project, and would be approved by all governing bodies; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council hereby requests the Planning Commission to consolidate consideration of a Northeast Tacoma Buffer Zone, the implementation of the Container Port Element of the City's Comprehensive Plan, and of the Director's Rule relating to Expanded Notification for Large Industrial Projects into the Tideflats Subarea planning process.

Section 2. That the Planning Commission is hereby requested to immediately begin discussion regarding, and consideration of the need for interim regulations related to the Container Port Element in the Tideflats Subarea while the Subarea planning process is underway, and prior to the Subarea Plan's finalization.

Section 3. That the City Council hereby requests the Interim City Manager to identify resources necessary to move forward in a timely manner on the Tideflats Subarea Plan.

Section 4. That the City Council hereby requests the Interim City Manager to initiate discussions about an Interlocal Agreement among the City, the Port, and the Puyallup Tribe, which would come back for approval by all three legislative bodies.

Section 5. That the City Council hereby requests that all negotiations concerning a proposed Interlocal Agreement between the City, the Port, and the



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Tribe be held only in public meetings, and all documents concerning such an agreement be open and available to the public; provided that each entity's staff may exchange initial drafts of the Interlocal Agreement without having to do so in a public meeting setting.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:



Deputy City Attorney

From: [Candy Nigretto](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 2:00:15 PM

Dear Comment Email Email,

Members of the Tacoma Propeller Club consist of business stakeholders in the Port of Tacoma and surrounding areas. We are writing to urge the Tacoma City Council NOT to increase the use of Conditional Use Permits in Tacoma.

We need a successful industrial area within our port; this can only be done with a strictly defined framework. In order to entice new startup companies - think Washington Maritime Blue - we must have firm, consistent criteria.

Please do not drive away living-wage jobs by making this process flexible. We need rigorous standards to keep our port strong and growing. Thank you for your consideration.

Candy Nigretto, Executive Director
Tacoma Propeller Club

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

It is in the vein of thoughtful review that I write today to express my concern regarding the next topic before your Committee on July 21 - the increased use of Conditional Use Permits (CUPs) in Tacoma.

Like many others in the community, I am deeply concerned that the increased use of CUPs as proposed in the non-interim regulations reviewed previously by the Tacoma City Council, will drive away jobs and economic opportunity in the region.

A CUP is a discretionary permit, which means that policymakers evaluates an application against subjective and vague criteria for approval. Consequently, the issuance of a permit is subject to the political whims of elected officials, rather than to an established set of rules and regulations. Proposed uses could effectively be prohibited with little analysis or reasoning. While these important decision making processes need to have room for judgment or deliberation, doing so without a consistent frame is exactly the kind of thing that we need to avoid. We must ensure a fair and level playing field for all.

Because of this flexible decision-making, the Hearing Examiner can condition or even deny a project application based on vague criteria that is not uniformly applied to every project. With this kind of uncertainty, it is likely companies will be reluctant to continue making critical investments in the Tideflats, as they weight the significant cost of pursuing application verse the whims of the political officials in charge. Not to mention, driving away any hope of attracting new business investment.

These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

Candy Nigretto
3717 N Frace Ave
Tacoma, WA 98407

clnigretto@gmail.com

From: [Jordan Royer](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: PMSA Tideflats Comment for IPS Committee
Date: Wednesday, July 21, 2021 11:09:14 AM
Attachments: [image001.png](#)
[image002.png](#)
[PMSA Tideflats Comment 072121.pdf](#)



RE: July 21st - IPS Committee meeting on Conditional Use Permits vs. Standard Permitting

Dear Chair McCarthy and IPS Committee members:

I am writing on behalf of the member companies of the Pacific Merchant Shipping Association (PMSA). PMSA represents marine terminal operators, vessel lines, agents, rail, and others in the West Coast trade community.

This comment is for your consideration during your IPS Committee meeting this Wednesday where you will be discussing Conditional Use Permits. The increased use of Conditional Use Permits, as proposed in the Tacoma Tideflats non-interim regulations would grant the City considerable discretion to condition a project without limitation. The increased use of Conditional Use Permits threatens to send the signal to the trade community that decisions on whether or not a project is built or upgraded will depend on political concerns which we know can be unpredictable and arbitrary.

As I mentioned in a previous comment to the City Council, the Puget Sound Gateway, including Seattle and Tacoma, is competing with other North American ports, including Canada, for market share. Industry consolidation and larger vessels mean that there will be big winners and losers in port competition. One of the things ports and surrounding communities can do to compete is to provide reasonable costs and predictable regulations for companies making port call decisions. The companies that operate port marine terminals sign long-term leases and invest millions of dollars in infrastructure. Without some guarantee of cost, reliability, and predictability, those investment decisions become more difficult.

The City of Tacoma has an opportunity to send a signal to the trade community that the regulatory framework moving forward will be fair and predictable. Unfortunately, the current effort to increase the use of Conditional Use Permits on the Tideflats sends the opposite signal. Therefore, the IPS Committee should not recommend the increased use of Conditional Use Permits to the Mayor and Council.

As you may know, our industry is in the midst of massive investments and experimentation in new cleaner technologies at ports around the world. The investments are in zero and near-zero emissions equipment and fuels. Adding a layer of regulatory confusion like Conditional Use Permits threaten to delay that innovation in the Tideflats.

Thank you for your consideration and your support for the men and women who work in the Tideflats. Please contact me if you have questions or comments at (206) 604-1850.

Sincerely,

Jordan Royer

Vice President for External Affairs
Pacific Merchant Shipping Association

SEATTLE OFFICE 2200 Alaskan Way, Suite 160, Seattle, Washington USA 98121

PMSASHIP.COM



Tacoma City Council
Infrastructure, Planning and Sustainability Committee
Tacoma Municipal Building
747 Market Street, 12th Floor
Tacoma, WA 98402

RE: July 21st - IPS Committee meeting on Conditional Use Permits vs. Standard Permitting

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As you may know, our industry is in the midst of massive investments and experimentation in new cleaner technologies at ports around the world. The investments are in zero and near-zero emissions equipment and fuels. Adding a layer of regulatory confusion like Conditional Use Permits threaten to delay that innovation in the Tideflats.

Thank you for your consideration and your support for the men and women who work in the Tideflats. Please contact me if you have questions or comments at (206) 604-1850.

Sincerely,

Jordan Royer
Vice President for External Affairs
Pacific Merchant Shipping Association

From: [Dorothy Walker](#)
To: [IPSTideflats](#)
Subject: Comments on the Non Interim Regulations for the Tacoma Tideflats
Date: Wednesday, July 21, 2021 10:57:23 AM
Attachments: [2021 7-21 Non Interim Regulations.docx](#)

Please accept the attached comments on the Non Interim Regulations for the Tacoma Tideflats from the Sierra Club Tatoosh Group of Pierce County.

Thank you,

Brett Johnson, Co-Chair
Dorothy Walker, Co-Chair
Sierra Club Tatoosh Group of Pierce County



July 21, 2021

Infrastructure, Planning, and Sustainability Committee:

Council Member Connor McCarthy, Chair

Council Member Kristina Walker, Vice Chair

Council Member Catherine Ushka

Council Member Chris Beale

Council Member Lillian Hunter

Tacoma Municipal Building

747 Market Street

Tacoma, WA 98402

Dear Committee Members:

Thank you for accepting these comments made on behalf of the members of the Sierra Club Tatoosh Group of Pierce County. Once again, we urge you to amend the Interim Regulations to prohibit the expansion of fossil fuel facilities on the Tideflats.

The Tacoma community and the Puyallup Tribe are looking forward to the Subarea Plan which will hopefully describe, regulate and ensure the kind of development which will protect the health and safety of the citizens, provide green employment opportunities and protect the environment from polluting fossil fuel industries.

In an attempt to prevent further compromising development during this process the City Council wisely enacted Interim Regulations. We have seen the flaws in these regulations in the more than three years of their existence. Fossil fuel industries have been able to expand their existing facilities unchecked. This loophole needs to be closed.

We supported the Planning Commission's plan for Non-Interim Regulations to fix problems recognized in the Interim Regulations and eliminate the necessity of renewing the Interim

Regulations every six months. However, Instead of passing the Non-Interim regulations, the Council chose to delay action yet again.

We believe delaying the process to adopt Non-Interim Regulations and allowing existing facilities to continue expanding--after over four years of residents calling to close this huge loophole--is really not acceptable. Failing to strengthen the Interim Regulations would allow unchecked expansions while Non-Interim regulations and the Subarea Plan are finalized. We will lose the opportunity for the type of economic development we want and need and solidify the hold of the fossil fuel industry on the Tideflats for years.

Please, use this renewal period to strengthen the Interim Regulations and expeditiously finalize the Non-Interim Regulations to finally protect Tacoma from new and expanded fossil fuel developments. Delay is the fossil fuel industry's favorite tactic, please do not let further delay give them any more time to expand.

Sincerely,

Brett Johnson, Co-Chair

Dorothy Walker, Co-Chair

Sierra Club Tatoosh Group of Pierce County

From: [Nathaniel Lawver](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: Written comment: Conditional Use Permits
Date: Wednesday, July 21, 2021 10:31:18 AM

July 21, 2021

Tacoma City Council
Infrastructure, Planning and Sustainability Committee
733 Market St
Tacoma, WA 98402

Dear Chair McCarthy & Fellow Members of the IPS Committee:

My name is Nathaniel Lawver and I am the political director for the Laborers Local 252 representing 2,500 hardworking women and men in the construction trades, shipyards, and hundreds of workers at Concrete Technology Corporation in the Tacoma Tideflats. I'm writing today regarding the Committee's consideration of increasing the use of Conditional Use Permits in Tacoma.

The activity at the Port of Tacoma and the Tideflats are critical economic drivers for Tacoma and the entire region. The Port of Tacoma supports more than 42,100 jobs. It also generates nearly \$3 billion in economic activity and produces more than \$100 million annually in state and local taxes that support education, police, fire, emergency medical response and other vital public services.

Tacoma's economy would face serious consequences if the Committee – and subsequently the City Council – decided to move forward with increasing the use of Conditional Use permits. The resulting regulatory uncertainty work result in the loss of family wage jobs throughout Tacoma and South Sound.

A Conditional Use Permit is a discretionary permit, which means that policymakers evaluating an application can use subjective and vague criteria when denying or approving a permit. And that criteria doesn't have to be consistent with any other permit decision made by the regulators. Therefore, this process leaves room for judgements based on bias and political leanings. Instead, the City should be limited in making its determination based on defined statutory provisions, ordinances or regulations.

Nevertheless, the ability to essentially condition or even deny an application for a new project or even something like an improvement at an existing facility based upon subjective criteria will generate a tremendous amount of uncertainty for businesses operating here in Tacoma.

The likely outcome is that companies will be reluctant to continue making critical investments in the region and potentially even leave. Not to mention, this type of unfriendly business climate will definitely drive away any hope of attracting new business investment.

We need a clearly defined, transparent and balanced approach to regulations for Tacoma that

preserves businesses ability contribute their substantial economic benefits to Tacoma.

Thank you for your thoughtful consideration of this important topic at your meeting today.

Sincerely,

Nathaniel Lawver

Political Director and Community Liaison
Laborers International Union of North America Local 252
mobile: 253-792-1120
desk: 253-301-4121

From: [AJ Gordon](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 9:50:20 AM

Dear Comment Email Email,

I have lived in NE Tacoma/Brown's Point since 2004 and am a firm supporter of the PoT and Tideflats area. These companies and the jobs they create are critical for our economy.

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

It is in the vein of thoughtful review that I write today to express my concern regarding the next topic before your Committee on July 21 - the increased use of Conditional Use Permits (CUPs) in Tacoma.

Like many others in the community, I am deeply concerned that the increased use of CUPs as proposed in the non-interim regulations reviewed previously by the Tacoma City Council, will drive away jobs and economic opportunity in the region.

A CUP is a discretionary permit, which means that policymakers evaluates an application against subjective and vague criteria for approval. Consequently, the issuance of a permit is subject to the political whims of elected officials, rather than to an established set of rules and regulations. Proposed uses could effectively be prohibited with little analysis or reasoning. While these important decision making processes need to have room for judgment or deliberation, doing so without a consistent frame is exactly the kind of thing that we need to avoid. We must ensure a fair and level playing field for all.

Because of this flexible decision-making, the Hearing Examiner can condition or even deny a project application based on vague criteria that is not uniformly applied to every project. With this kind of uncertainty, it is likely companies will be reluctant to continue making critical investments in the Tideflats, as they weight the significant cost of pursuing application verse the whims of the political officials in charge. Not to mention, driving away any hope of attracting new business investment.

These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

AJ Gordon
5110 Orca Dr NE
Tacoma, WA 98422
aj.gordon@bannerbank.com

From: [JACOB KLEIN](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 9:50:17 AM

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Dear Chair McCarthy & Fellow Members of the IPS Committee:

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Thank you for your time.

Sincerely,

JACOB KLEIN
7650 SE 27th St Unit 418
Mercer Island, WA 98040
kleinjacobklein@outlook.com

From: [Bruce Martin](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 9:50:17 AM

Dear Comment Email Email,

Dear Chair McCarthy & Fellow Members of the IPS Committee:

Thank you for taking the time during your prior Committee meetings for the thoughtful discussion of Tacoma Tideflats non-interim land use regulation issues impacting the Manufacturing Industrial Center (MIC).

The challenging issues you are assessing will affect thousands of people and impact millions in local tax dollars.

I write to you today to express my concern regarding the next topic before your Committee on July 21 - the proposed use of Conditional Use Permits. My concern is not with Conditional Use Permitting as a tool to address unanticipated circumstance, but instead is with the application as proposed for the MIC.

Like many others in the community, I am deeply concerned that use of Conditional Use Permits as proposed in the draft non-interim regulations will drive away jobs and economic opportunity in the region.

Conditional use permits should not be used in the land use approval process as a mechanism to create a de facto denial of a permitted use; if the City wishes to prohibit a use, it should outright do so in land use regulation.

If there are concerns about health and safety standards of an existing business or proposed development there are other regulatory mechanisms the city can use to ensure concerns are addressed (e.g. a fire code). The City should regulate operations through its existing health and safety codes rather than creating new, redundant requirements in land use code.

For these reasons I encourage your Committee to be cautious in expanding land use code to adopt broad use of Conditional Use Permitting in the MIC, and would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Bruce Martin
Energy Resource and Public Policy Manager
WestRock Tacoma

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

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officials, rather than to an established set of rules and regulations. Proposed uses could effectively be prohibited with little analysis or reasoning. While these important decision making processes need to have room for judgment or deliberation, doing so without a consistent frame is exactly the kind of thing that we need to avoid. We must ensure a fair and level playing field for all.

Because of this flexible decision-making, the Hearing Examiner can condition or even deny a project application based on vague criteria that is not uniformly applied to every project. With this kind of uncertainty, it is likely companies will be reluctant to continue making critical investments in the Tideflats, as they weight the significant cost of pursuing application verse the whims of the political officials in charge. Not to mention, driving away any hope of attracting new business investment.

These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

Bruce Martin
801 E Portland Ave
Tacoma, WA 98421
Bruce.Martin@WestRock.com

From: [Rich Berkowitz](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 9:50:17 AM

Dear Comment Email Email,

Overall, I wish to remind you all as policymakers that the area in question is of vital importance to the Port of Tacoma/NW Seaport Alliance. Pierce County and Tacoma have long been partners with the maritime community in helping the region prosper. I trust you will recognize how vital the sound development of the area has been to maintain the wage, sales tax, and real estate base that has benefited all of the region's citizens.

Furthermore, I can't help but reflect that the NIMBYism and intolerance shown by some of the detractors of the industrial and maritime community (and those who make a living from it) have not fully appreciated the value of trade or the fact that the LNG facility that has been built in support of that trade was a direct response to help the region battle its ongoing encroachment on its EPA emissions limits. By making available LNG as a cleaner propulsion and power source we can anticipate significantly less SOx, NOx, and virtually eliminate threatening particulates. Investments made over the last 8-10 years were with some risk; however, no one anticipated this level of contention for "doing the right thing." I certainly believe there will be strides taken to develop renewable bioLNG and other even more environmentally correct phases of propulsion. The existing infrastructure built for the promise of LNG will help to advance the usage of such new technology..

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

It is in the vein of thoughtful review that I write today to express my concern regarding the next topic before your Committee on July 21 - the increased use of Conditional Use Permits (CUPs) in Tacoma.

Like many others in the community, I am deeply concerned that the increased use of CUPs as proposed in the non-interim regulations reviewed previously by the Tacoma City Council, will drive away jobs and economic opportunity in the region.

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Thank you for your time.

Sincerely,

Rich Berkowitz

1900 Alaskan Way Apt 312
Seattle, WA 98101
rberkowitz@trans-inst.org

From: [Bill Benson](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 9:50:16 AM

Dear Comment Email Email,

I work for JH Kelly LLC. We work with and for many companies in the Tacoma area, West Rock, Pabco, PSE and others. I am a senior buyer for JH Kelly purchasing for our jobs just south of Tacoma north to the boarder. I purchase from as many local vendors, who would feel the impact of less sales if there were less jobs in the area. Thank you for your time, Bill Benson

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These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

Bill Benson
18050 32nd Ave S
Seatac, WA 98188
bbenson@jhkelly.com

From: [Judi Brown](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Wednesday, July 21, 2021 9:50:16 AM

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Thank you for your time.

Sincerely,

Judi Brown
7402 12th Ave E
Tacoma, WA 98404
judi@tacomatrophy.com

From: [Collese Seibel](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: IPS Committee Meeting Letter
Date: Wednesday, July 21, 2021 9:18:41 AM
Attachments: [20210721085219624.pdf](#)

Good Morning,

Please see the attached letter concerning the July 21st IPS Committee meeting on Conditional Use Permits vs. Standard Permitting.

Fraternally,

Timothy K O'Donnell Sr.
Business Manager
IBEW Local 76

TKO:cms
opeiu#8



CHARTERED
JUNE 6, 1894

INTERNATIONAL
BROTHERHOOD of
ELECTRICAL
WORKERS

Local Union #76

3049 SO. 36th ST, #101
TACOMA, WA 98409
(253) 475-1190 • 475-1192
FAX: (253) 475-0844
www.ibew76.org

July 19, 2021

Tacoma City Council
Infrastructure, Planning and Sustainability Committee
747 Market St
Tacoma, WA 98402

RE: July 21st IPS Committee meeting on Conditional Use Permits vs. Standard Permitting

Chair McCarthy & Fellow Members of the IPS Committee:

As Business Manager of IBEW Local 76 I represent 1,300 certified electrical workers, many of whom work on the Tideflats and at the Port of Tacoma. I am writing today to express my concerns regarding Conditional Use Permits in Tacoma that the Committee will consider at your upcoming meeting on July 21st as part of the Tideflats Non-Interim Regulations review.

IBEW 76 opposes the increased use of Conditional Use Permits (CUPs) as laid out in the Non-Interim Regulations and previously discussed at the May 18th Tacoma City Council meeting. Implementing a CUPs process as proposed would apply vague standards and subjective guidelines to permit review for making important, capital incentive decisions. This would likely impede investments by current and future Tacoma employers while simultaneously reducing the living wage jobs for IBEW's skilled workforce.

These CUPs are intended to provide flexibility to regulators. However, that same flexibility gives rise to great uncertainty for the actual businesses submitting applications. This discretionary permitting system could mean that not all businesses experience the same fair treatment. Since the issuance of a permit could be subject to the political whims of elected officials rather than to an established set of regulations, businesses are less likely to make significant investments. Without these projects, the labor community would feel the pain, as onerous regulations would certainly dismiss any ability to grow potential job opportunities.

Bottom line is, implementing this permitting process for Tacoma will only serve to foster an unfriendly business climate in the surrounding areas that will certainly hinder current operators from growing and conceivably limit new business interest in our area.

Please carefully consider the consequences the increased use of CUPs could have on the business climate and job opportunities here in Tacoma during your meeting on July 21st.

Sincerely,

Timothy K O'Donnell
Business Manager
IBEW Local 76

From: [Goodwin, Claire](#)
To: [Foster, Katie](#)
Cc: [IPSTideflats](#)
Subject: FW: Conditional Use Permits and non-interim industrial land-use code
Date: Tuesday, July 20, 2021 1:10:33 PM
Attachments: [POT comment letter to IPS RE CUP.pdf](#)
[Port TMC proposed edits 2021.1.11 CU permit focus.pdf](#)

Katie – For the Tideflats public comment.

Claire V. Goodwin
City Council Assistant
City of Tacoma | City Manager's Office
O: (253) 591-5164 C: (253) 219-0679

From: Eagan, Sean <seagan@portoftacoma.com>
Sent: Tuesday, July 20, 2021 12:54 PM
To: McCarthy, Conor <Conor.McCarthy@cityoftacoma.org>; Hunter, Lillian <lillian.hunter@cityoftacoma.org>; Beale, Chris <chris.beale@cityoftacoma.org>; Walker, Kristina <Kristina.Walker@cityoftacoma.org>
Cc: Huffman, Peter <PHUFFMAN@cityoftacoma.org>; Goodwin, Claire <claire.goodwin@cityoftacoma.org>; steve.victor@cityoftacoma.org
Subject: Conditional Use Permits and non-interim industrial land-use code

Please see the attached comment letter from the Port of Tacoma regarding conditional use permits and the City's proposed "non-interim" industrial land use code.

Please feel free to call me if you have any questions.

Sean Eagan
Government Affairs Director
PORT OF TACOMA
C: 253.223.5117
www.portoftacoma.com



All e - mail communications with the Port of Tacoma are subject to disclosure under the Public Records Act and should be presumed to be public.

July 20, 2021

Tacoma City Council
Infrastructure, Planning and Sustainability (IPS) Committee
747 Market Street
Tacoma, WA 98402

RE: Non-Interim Tidelands and Industrial Land Use Regulations—conditional use permits

Dear Chair McCarthy and IPS Committee Members:

Thank you for this opportunity to provide comment on these important regulatory changes the City is contemplating. We understand the Committee is undertaking this code review and amendment process on a compressed timeline separate from the Tidelands Subarea Plan process. While the Port of Tacoma has concerns and perspectives about the myriad of issues contained in the proposed recommendation that emerged from the Planning Commission, we would like to focus, at this time, specifically on the question of conditional use permits.

Conditional use permits can be a useful tool in land use planning, provided they are used in a limited—and appropriate— fashion. The Port remains concerned with the excessive use of conditional use permits in the Planning Commission recommendation.

Moreover, the Port believes that conditional use permits should not be used as a mechanism to create a *de facto* denial of an otherwise permitted use; if the City wishes to prohibit a use, it should outright do so. We understand, for example, that the City would like to limit the siting of future fossil fuel facilities and expansion of existing facilities. Many of the amendments currently under consideration by the IPS committee would achieve this end, making the conditional use permit question moot.

If the City has concerns about health and safety standards for a facility (fossil fuels, chemical facilities and others), there are other regulatory mechanisms the City can use to ensure these are addressed (e.g., the fire code); the City should regulate operations through these mechanisms rather than the land use code. Unfortunately, the Planning Commission recommendation introduces new concepts within the land use code, creating confusion as to whether regulatory mechanisms specific to operations or the land use code should prevail.

Some may argue that conditional use permits are needed to provide the community an opportunity to learn about the proposed project. We would note, however, that other mechanisms already exist to accomplish that end, including the environmental review process. Not only can members of the public sign up from the City for notifications on any project undergoing environmental review, but the Planning Commission recommendation also provides for expanded geographic notification.

Conditional use permits, the Port believes, are more appropriate as a mechanism to allow certain types of uses that are not traditionally permitted in a zone classification. Siting a deli or some other comparable eating or drinking facility in an industrial area to meet the needs of the industrial workforce is one example. However, there should be limits to these conditional uses to ensure that they do not result in significant degradation in the availability of industrial lands.

To illustrate the Port's perspective, attached is a suite of proposed amendments the Port recommended to the Planning Commission and the City Council earlier this year. Please note the sections highlighted in yellow, which are specific to the conditional use permit question.

We hope this information is helpful in your considerations. If you have questions about the Port of Tacoma's perspectives on conditional use permits or other aspects of the proposed non-interim regulations, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Eagan", with a horizontal line extending to the right.

Sean Eagan
Government Affairs Director

Cc: Claire Goodwin
Steve Victor
Peter Huffman

Attachment

Chapter 13.01 Definitions

13.01.060 Zoning Definitions.

“Renewable fuel”. Renewable fuel is fuel produced from renewable resources. Examples of renewable fuels include but are not limited to biofuels (e.g. vegetable oil used as fuel, ethanol, methanol from clean energy and carbon dioxide or biomass, renewable diesel and biodiesel) and hydrogen fuel (when produced with renewable processes). Renewable fuels can include fuels that are synthesized from renewable energy sources, such as wind and solar, and includes all fuel pathways approved by the US Environmental Protection Agency (EPA) Renewable Fuels Standard Program as well as renewable energy resources defined in state law.

Chapter 13.04 Platting and Subdivisions

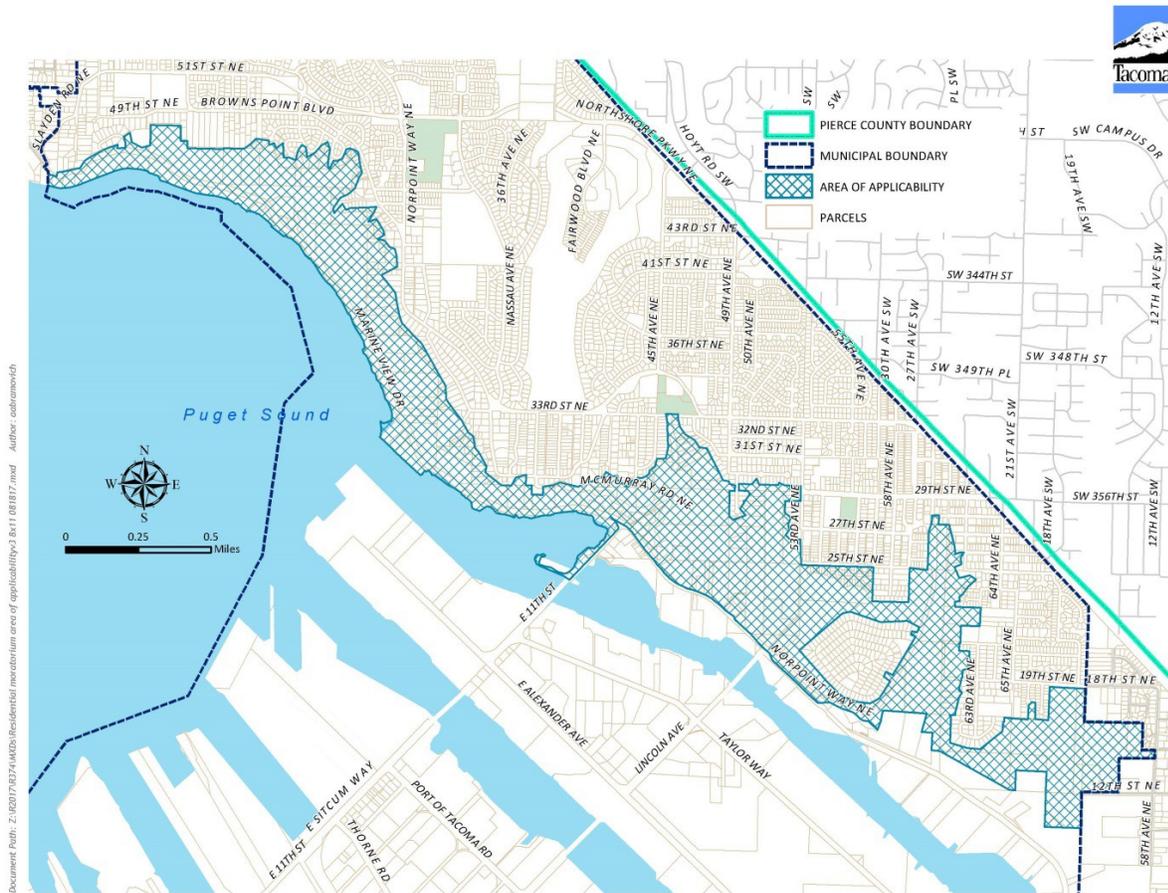
13.04.030 Policy.

A. It is hereby declared to be the policy of the City of Tacoma to consider the subdivision of land and the subsequent development of the subdivision as subject to the control of the City of Tacoma pursuant to the City’s land use codes for the orderly, planned, efficient, and economical development of the community.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, and active transportation facilities. While planning public facilities and improvements for proposed subdivisions of land, consideration shall be given to adopted City policies relating to sustainability, smart growth, urban forestry, complete streets, connectivity, and green infrastructure practices.

C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions, standards and policies contained in building and housing codes, zoning ordinances, the City of Tacoma’s Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines, and elements thereof.

D. Per Ordinance No. 28470, on an interim basis, new-New residential platting and subdivision of land is prohibited along Marine View Drive and the adjacent slopes, as identified in the following map.



Chapter 13.06 Zoning

13.06.020

J. Interim Residential Development Restrictions.

1. Per ordinance No. 28470, on an interim basis, All new residential development within the area identified in TMC 13.04.030.D is limited to one residential unit per legal lot as existing at the time of adoption of this ordinance.
2. As a condition of residential development, developers shall record a notice on title prior to initial sale which attests that the property is within proximity of an S-10, M-1, M-2, or PMI district in which industrial activities including but not limited to metal recycling, chemical storage and manufacturing, ~~and~~ container terminal facilities, and trains are operating and will continue to operate and expand in the future. The distance of the unit from the nearest industrial zoning district shall be recorded.

13.06.060 Industrial Districts.

B. Purpose.

3. PMI Port Maritime & Industrial District.

PMI Port Maritime & Industrial District. This district is intended to allow a broad spectrum of industrial uses to support maritime, manufacturing, and industrial lands ~~all industrial uses and uses that are not permitted in other districts, barring uses that are prohibited by City Charter~~. The Port of Tacoma facilities, facilities that support the Port's operations, and other public and private maritime and industrial activities make up a majority of the uses in this district. This area is characterized by proximity to deepwater berthing; sufficient backup land between the berths and public right-of-ways; 24-hour operations to accommodate regional and international shipping and distribution schedules; raw materials processing and manufacturing; uses which rely on the deep water berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads.

E. District use restrictions.

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.
<p><u>MIC = Manufacturing Industrial Center. Refer to One Tacoma, the City's Comprehensive Plan. Container Port Element for a map of the Port of Tacoma MIC boundaries.</u></p>		

For definitions of terms in the District use table, see Section 13.01.060 Zoning Definitions.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Adult family 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 <u>Port of Tacoma MIC or the South Tacoma M/IC Overlay District. See Section 13.06.080 N.</u>
Adult retail and entertainment	<u>P~</u>	<u>P~</u>	<u>PN</u>	Subject to development standards contained in Section 13.06.080 B. <u>~Within the Port of Tacoma MIC, limited to 15,000 square feet in M-1 and 10,000 square feet in M-2 of floor area per development site.</u>
Agricultural uses	CU	CU/N*	CU/N*	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. *Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.060 I.
	M-1	M-2	PMI	Additional Regulations¹
Airport	CU	<u>CU/N*</u>	<u>CU/N*</u>	<u>*Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.060 I.</u>
Ambulance services	P	<u>P*</u>	<u>P*</u>	<u>*Public services only allowed in the Port of Tacoma MIC.</u>
Animal sales and service	P	<u>PN</u>	N	
Assembly facility	P	P/CU*	N	*Within the Port of Tacoma MIC, a conditional use permit is required for facilities over 10,000 square feet.
Brewpub	P	P/CU*	P/CU*	*Within the Port of Tacoma MIC, a conditional use permit is required for facilities over 10,000 square feet.
Building material and services	P	P	P	
Business support services	P	P	P	

Carnival	P/TU*	N	N	*Temporary use only within the <u>Port of Tacoma MIC and South Tacoma M/IC Overlay District.</u>
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.
Commercial parking facility	P	P	<u>PN*</u>	<u>*Temporary use only within the Port of Tacoma MIC.</u>
<u>Commercial recreation and entertainment</u>	<u>P/CU*</u>	<u>P/CU*~</u>	<u>N</u>	<u>*Within the Port of Tacoma MIC and the South Tacoma M/IC Overlay District, 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.</u> <u>-Per Ordinance No. 28470, on an interim basis, within the Port of Tacoma M/IC, 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.</u>
Communication facility	P	<u>PN</u>	<u>PN</u>	
<u>Confidential shelter</u>	<u>CUP/N*</u>	<u>N</u>	<u>N</u>	<u>See Section 13.06.080 N.</u> <u>*Not permitted within the South Tacoma M/IC Overlay District or the Port of Tacoma MIC.</u>
Continuing care retirement community	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 <u>Port of Tacoma or South Tacoma M/IC Overlay District.</u> See Section 13.06.080 N.
<u>Correctional facility</u>	<u>N</u>	<u>CUN</u>	<u>CUN</u>	<u>Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.130).</u> <u>A pre-application community meeting is also required. This CU is only available in the M-1 zones in place as of 1/1/2018. The notification distance for a project within the M-1 zone will be 2,500 feet from the boundaries of that zone.</u>
Uses	M-1	M-2	PMI	Additional Regulations¹
<u>Craft Production</u>	<u>P/CU*</u>	<u>P/CU*</u>	<u>P/CU*</u>	<u>*Within the Port of Tacoma MIC, a conditional use permit is required for each business over 15,000 square feet in M-1 and over 10,000 square feet in PMI and M-2 of floor area.</u>
<u>Cultural institution</u>	<u>P/CU*</u>	<u>P/CU*N</u>	<u>N</u>	<u>*Conditional use within the Port of Tacoma MIC and South Tacoma M/IC Overlay District, unless an accessory use.</u> <u>-Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.060.I.</u>

Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC</u> .
Day care center	<u>P*</u>	<u>P*</u>	N	Subject to development standards contained in Section 13.06.080 E. <u>*Allowed in the Port of Tacoma MIC as an accessory use only.</u>
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.
Detoxification center	CU N	CU N	N	
Drive-through with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.090 A.
Dwelling, single-family detached	P/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. 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. *In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts. ~Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma MIC</u> except for quarters for caretakers and watchpersons and temporary worker housing, as noted above.
Dwelling, two-family	P/N*~	N*~	N*~	~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC except for quarters for caretakers and watchpersons and temporary worker housing to support uses located in these districts. See 13.06.060 I.
Dwelling, three-family	P/N*~	N*~	N*~	
Dwelling, multiple-family	P/N*~	N*~	N*~	
Dwelling, townhouse	P/N*~	N*~	N*~	
Dwelling, accessory (ADU)	<u>P*/N~</u>	N	N	*Subject to additional requirements contained in 13.06.080 A. ~Not permitted within the <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> .
Eating and drinking	<u>P*/CU~</u>	<u>P*/CU~</u>	<u>P*/CU~</u>	*Limited to 7,000 square feet of floor area, per business, in the JBLM Airport Compatibility Overlay District. <u>~Within the Port of Tacoma MIC, a conditional use permit is required for each business over 15,000 square feet in M-1 and over 10,000 square feet in PMI and M-2 unless an accessory use.</u>

Emergency and transitional housing	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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> . See Section 13.06.080 N.
Uses	M-1	M-2	PMI	Additional Regulations¹
Extended care facility	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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> . See Section 13.06.080 N.
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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> .
<u>Fuel production and facilities</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>*New fuel production and facilities are limited to renewable fuels only as defined in TMC 13.01.060. Existing fuel facilities may be adapted or modified for renewable fuels.</u>
Fueling station	P	P	P	
Funeral home	NP	PN	N	
Golf course	P/N*	P/N*	N	*Not permitted within the South Tacoma M/IC Overlay District. Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.060.I.
Group housing	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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> .
Heliport	CU	CU	<u>P*/CU</u>	<u>*Permitted on port marine terminals.</u>
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.080 F.

Hospital	P/CU* ~	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District.</u> ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.060 I.
Hotel/motel	P/N*	N	N	*Not permitted within the <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District.</u>
Industry, heavy	NCU	P	P	Animal slaughter, fat rendering, acid manufacture, smelters, and blast furnaces allowed in the PMI District only. *See section 13.06.080.G Interim Industrial Use Restrictions for interim regulations.
Industry, light	P	P	P	
Uses	M-1	M-2	PMI	Additional Regulations¹
Intermediate care facility	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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District.</u> See Section 13.06.080 N.
Juvenile community facility	P/N*	P/N ~	P/N	See Section 13.06.080 H. for resident limits and additional regulations. *Not permitted within the <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District.</u> ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.060 I.
Live/Work	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.080 I.
Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.080 J.
Marijuana retailer	P~	P~	N	~Within the <u>Port of Tacoma MIC and South Tacoma M/IC Overlay District, and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. 28470 (See 13.06.060 I).</u>, 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. See additional requirements contained in Section 13.06.080 J.
Microbrewery/winery	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>*Retail and on-site consumption areas limited to 10,000 square feet of floor area per development site in the Port of Tacoma MIC.</u>
Mobile home/trailer court	N	N	N	
Nursery	<u>PN</u>	<u>PN</u>	N	

Office	P*	P*	P/CU~	*Within the South Tacoma M/IC Overlay District, unless 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. *Limited to 7,000 square feet of floor area, per business, in the JBLM Airport Compatibility Overlay District. ~Conditional Use Permit is required for office space greater than 10,000 square feet of floor area per development site, unless use is accessory.
Parks, recreation and open space	P*	P N *	P N *	Subject to the requirements of Section 13.06.560.D 13.06.080 L. *Limited to water access, non-motorized trails, and passive use public or quasi-public open space lands for their conservation and other open space benefits within the Port of Tacoma MIC. Per Ordinance No. 28470, on an interim basis, High Intensity/Destination facilities (see 13.06.560) are not permitted in the Port of Tacoma M/IC. See 13.06.060 I.
Passenger terminal	P	P	P	
Personal services	P*	P*	P*	*Within the Port of Tacoma MIC limited to 15,000 square feet in M-1 and 10,000 square feet in PMI and M-2 of floor area per development site.
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	NP	NP	P* N	*Preferred use. ~See section 13.06.080.G Interim Industrial Use Restrictions for interim regulations.
Uses	M-1	M-2	PMI	Additional Regulations¹
Public safety and public service facilities	P	P	P	
Religious assembly	P	P*	P*	*Use allowed in Port of Tacoma MIC only when serving maritime vessel crew.
Repair services	P	P	P	
Research and development industry	P	P	NP *	*In PMI a conditional use permit is required for businesses over 15,000 square feet, unless accessory.
Residential care facility for youth	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 <u>Port of Tacoma MIC</u> or South Tacoma M/IC Overlay District. See Section 13.06.080 N.
Residential chemical dependency treatment facility	P/N*	N	N	See Section 13.06.080 N. *Not permitted within the <u>Port of Tacoma MIC</u> or South Tacoma M/IC Overlay District.

Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI-District and JBLM Airport Compatibility Overlay District. ~Within the <u>Port of Tacoma MIC and South Tacoma M/IC Overlay District</u> , and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. 28470 (see 13.06.400.G.) , 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 <u>and Port of Tacoma M/IC</u> , limited to 65,000 square feet per use, unless approved with a conditional use
Retirement 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 <u>Port of Tacoma MIC and South Tacoma M/IC Overlay District</u> .
School, public or private	P/N*	P/N*~	P/N*~	*General K through 12 education not permitted in the PMI-Port of Tacoma MIC District or in the South Tacoma M/IC Overlay District. Per Ordinance No. 28470, on an interim basis, General K through 12 education is not permitted within the Port of Tacoma M/IC. See 13.06.060 I.
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.080 P.
Self-storage	P	P	<u>PN</u>	See specific requirements in Section 13.06.090 J.
Short-term rental	N	N	N	
Uses	M-1	M-2	PMI	Additional Regulations¹
Staffed residential 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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> . See Section 13.06.080 N.
Student housing	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 <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District</u> .
Surface mining	<u>CU</u>	<u>CU</u>	<u>CU</u>	

Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.080 P.
Theater	P/N*	N	N	*Not permitted within the <u>Port of Tacoma MIC or South Tacoma M/IC Overlay District.</u>
Transportation/freight terminal	P	P	P	
Urban Horticulture	P	P	PN	
Utilities	P	P	P	
Vehicle rental and sales	P	P	PN *	Subject to development standards contained in Section 13.06.510 <u>13.06.080 S.</u> <u>*Transport and sale of vehicles arriving via port terminal is permitted.</u>
Vehicle service and repair	P	P	PN *	Subject to development standards contained in Section 13.06.080 S. <u>*Service of vehicles arriving via port terminal is permitted.</u>
Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.080 S.
Vehicle storage	P	P	PN *	Subject to development standards contained in Section 13.06.080 S. <u>*Storage of vehicles arriving via port terminal is permitted.</u>
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	
Wireless communication facility	P/ CU	P/ CU	P/ CU	Wireless communication facilities are subject to Section 13.06.080 Q.
Work/Live	P	N	N	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080 I.
Uses	M-1	M-2	PMI	Additional Regulations¹
Work release center	CU/ N *	CU/ N *	PN *	Subject to development standards contained in Section 13.06.080 R. <u>*Per Ordinance No. 28470, on an interim basis, such uses are nNot permitted within the Port of Tacoma M/IC. See 13.06.060 I.</u>
Uses not prohibited by City Charter and not prohibited herein	N	N	N	
Footnotes:				
<ol style="list-style-type: none"> For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict. 				

13.06.060

~~I. Interim Special Use Restrictions for Non-industrial Uses in the Port of Tacoma M/C.~~

~~1. Per Ordinance No. 28470, on an interim basis, the intent of these special use restrictions is to place a pause on new nonindustrial uses within the M-2 Heavy Industrial and PMI Port Maritime Industrial Zoning Districts of the Port of Tacoma M/C until such time as the Tideflats subarea plan is complete.~~

13.06.080 Special Use Standards

G. Interim Industrial Use Restrictions:

1. Applicability:

These special use restrictions apply to the following primary uses in all zoning districts:

- ~~a. Coal terminals or bulk storage facilities;~~
- ~~b. Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining of oil or other liquefied or gaseous fossil fuels;~~
- ~~c. Chemical manufacturing;~~
- ~~d. Mining and quarrying;~~
- ~~e. Smelters.~~

2. Purpose:

~~Per Ordinance No. 28470, on an interim basis, the purpose of this section is to pause the establishment of certain new industrial uses until such time as the Tideflats Subarea Plan is complete.~~

3. Use standards:

~~a. New uses. The establishment of new uses are prohibited on an interim basis.~~

~~b. Existing uses. Legally permitted uses, as defined below, at the time of adoption of this code are allowed.~~

~~c. Definitions. For the purpose of applying these special use restrictions, applicable North American Industrial Classification System (NAICS) codes and descriptions are cited and shall be interpreted broadly in accordance with the intent of the interim regulations.~~

~~(1) Coal terminals and bulk storage facilities. The bulk storage or wholesale distribution of coal and coal products or transfer of coal products via shipping terminal.~~

~~(2) Oil or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining.~~

~~(a) Petroleum bulk stations and terminals. This industry comprises establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products. NAICS Code 424710.~~

~~(b) Petroleum refineries. This industry comprises establishments primarily engaged in refining crude petroleum into refined petroleum. Petroleum refining involves one or more of the following activities: (1) fractionation; (2) straight distillation of crude oil; and (3) cracking. NAICS Code 324110.~~

~~(c) Natural gas liquid extraction. This industry comprises establishments primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases. Establishments primarily engaged in sulfur recovery from natural gas are included in this industry. NAICS Code 211112.~~

~~(d) Bulk storage, production, and wholesale distribution of natural gas liquids, liquefied natural gas, and liquefied petroleum gas.~~

~~(3) Chemical manufacturing.~~

~~The Chemical Manufacturing subsector is based on the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic 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. For the purposes of these special use restrictions, this definition will apply to all industries classified as subcategories of NAICS Code 325 Chemical Manufacturing.~~

~~(4) Mining and quarrying.~~

~~This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction. 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.~~

~~(5) Smelters.~~

~~(a) Primary Smelting and Refining of Copper. This industry comprises establishments primarily engaged in (1) smelting copper ore and/or (2) the primary refining of copper by electrolytic methods or other processes. Establishments in this industry make primary copper and copper-based alloys, such as brass and bronze, from ore or concentrates. NAICS-~~

~~Code 331411.~~

~~(b) Alumina Refining and Primary Aluminum Production. This industry comprises establishments primarily engaged in one or more of the following: (1) refining alumina (i.e., aluminum oxide) generally from bauxite; (2) making aluminum from alumina; and/or (3) making aluminum from alumina and rolling, drawing, extruding, or casting the aluminum they make into primary forms. Establishments in this industry may make primary aluminum or aluminum based alloys from alumina. NAICS Code 331313.~~

~~(c) Nonferrous Metal (except Aluminum) Smelting and Refining. This industry comprises establishments primarily engaged in (1) smelting ores into nonferrous metals and/or (2) the primary refining of nonferrous metals (except aluminum) by electrolytic methods or other processes. NAICS Code 331410.~~

~~(6) Terminal.~~

~~A "terminal" is a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.~~

H. Juvenile community facilities

4. Use standards. a. Maximum number of residents. No juvenile community facility shall house more than eight residents in the R-1, R-2, R-2SRD, HMR-SRD, NRX, R-3, R-4-L, and C-1 Districts. No juvenile community facility shall house more than 16 residents in the R-4, R-5, URX, RCX, NCX, CCX, UCX, CIX, C-2, M-1, ~~and M-2, and PMI~~ Districts.

R. Work release centers.

3. Use restrictions

a. Maximum number of residents.

No work release center shall house more than 30 persons, excluding resident staff, in the UCX District; no more than 25 persons, excluding resident staff, in the CIX District; 25 persons, excluding resident staff, in the M-1, and M-2 Districts; ~~and 75 persons, excluding resident staff, in the PMI District.~~

S. Vehicle service and repair; and vehicle service and repair, industrial.

d. In PMI District: Outdoor storage of inoperable vehicles, auto parts, and tires is permitted when associated with a permitted use.

From: [JOSEPH A GOSAR](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Tuesday, July 20, 2021 12:40:13 PM

Dear Comment Email Email,

As a part of the Manufacturing focused non-profit Impact Washington I work with Manufacturing companies everyday. Manufacturing is more than just an industry here, it is a part of the cities DNA. It's what has allowed Tacoma to build itself up and leverage its port.

Increasing the use of "Conditional Use Permits" threatens the ability of companies to invest in Tacoma with confidence. As the teaching goes "the foolish man builds his house upon the sands". The sands of political whim will push away wise investors that are looking to make this region their home.

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

It is in the vein of thoughtful review that I write today to express my concern regarding the next topic before your Committee on July 21 - the increased use of Conditional Use Permits (CUPs) in Tacoma.

Like many others in the community, I am deeply concerned that the increased use of CUPs as proposed in the non-interim regulations reviewed previously by the Tacoma City Council, will drive away jobs and economic opportunity in the region.

A CUP is a discretionary permit, which means that policymakers evaluates an application against subjective and vague criteria for approval. Consequently, the issuance of a permit is subject to the political whims of elected officials, rather than to an established set of rules and regulations. Proposed uses could effectively be prohibited with little analysis or reasoning. While these important decision making processes need to have room for judgment or deliberation, doing so without a consistent frame is exactly the kind of thing that we need to avoid. We must ensure a fair and level playing field for all.

Because of this flexible decision-making, the Hearing Examiner can condition or even deny a project application based on vague criteria that is not uniformly applied to every project. With this kind of uncertainty, it is likely companies will be reluctant to continue making critical investments in the Tideflats, as they weight the significant cost of pursuing application verse the whims of the political officials in charge. Not to mention, driving away any hope of attracting new business investment.

These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

JOSEPH A GOSAR
17924 15th Ave E
Spanaway, WA 98387
jgosar@impactwashington.org

From: [NAOMI Pavlicek](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Tuesday, July 20, 2021 12:40:11 PM

Dear Comment Email Email,

Dear Chair McCarthy & Fellow Members of the IPS Committee:

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Thank you for your time.

Sincerely,

NAOMI Pavlicek
5410 S 305th St
Auburn, WA 98001
whiebamboo1@yahoo.com

From: [Cameron Wilkinson](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: Conditional Use Permit
Date: Monday, July 19, 2021 1:29:54 PM
Attachments: [image002.png](#)
[Cameron Wilkinson UA26.pdf](#)

Good Afternoon—

Please see attached document.

Thank you,

Cameron Wilkinson

- Assistant Business Manager - Lacey•
- UA Local 26•
- [8501 Zenith CT NE Lacey, WA 98516](#)•
- Office [360-486-9305](#)•Fax [360-486-9317](#)•Cell [360-325-5509](#)•
- Email: cameron@ua26.org•



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UNITED ASSOCIATION

of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of
the United States and Canada

Founded 1889

Letters should
be confined to
one subject

UA Local Union: 26

Subject: July 21st meeting on Conditional Use Permits vs. Standard Permitting

Mark McManus
General President
Patrick H. Kellett
General Secretary-Treasurer
Michael A. Pleasant
Assistant General President

July 19, 2021

Tacoma City Council
Infrastructure, Planning and Sustainability Committee
Tacoma Municipal Building
733 Market St
Tacoma, WA 98402

Dear Conor McCarthy, Chair and IPS Committee members:

I am the Assistant Business Manager of the Plumbers and Pipefitters UA 26 representing 2,200 men and women in Western Washington.

Please consider this comment in your discussion for this Wednesday, July 21st, 2021 regarding Conditional Use Permits.

The increased use of Conditional Use/Discretionary Permitting, as in the previously proposed Tideflats Non-Interim Regulations will drive away living wage jobs in Tacoma and in the entire region.

Conditional Use Permits (CUPs) as structured are highly subjective and discretionary, subject to the political inclinations of the officials involved and can effectively prohibit any proposed permit with little supporting analysis.

CUPs would also harm Tacoma businesses by creating an environment of regulatory uncertainty that will stifle future investment by current and future employers. The mere presence of CUPs in Tacoma's regulatory framework will contribute to an inhospitable business environment that could drive away future employer like we saw with the Green Apple renewable diesel project in Whatcom County.

CUPs will directly impact many of the businesses that employ the skilled workforce that I represent. I urge you to not increase the use of CUPs in Tacoma. Doing so will drive away the living wage jobs my members depend on.

Thank you,

Cameron Wilkinson
Assistant Business Manager
Plumbers and Pipefitters UA 26

CW:wm
OPEIU #: AFL-CIO

From: [Adam Davis](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Monday, July 19, 2021 10:00:17 AM

Dear Comment Email Email,

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

It is in the vein of thoughtful review that I write today to express my concern regarding the next topic before your Committee on July 21 - the increased use of Conditional Use Permits (CUPs) in Tacoma.

Like many others in the community, I am deeply concerned that the increased use of CUPs as proposed in the non-interim regulations reviewed previously by the Tacoma City Council, will drive away jobs and economic opportunity in the region.

A CUP is a discretionary permit, which means that policymakers evaluates an application against subjective and vague criteria for approval. Consequently, the issuance of a permit is subject to the political whims of elected officials, rather than to an established set of rules and regulations. Proposed uses could effectively be prohibited with little analysis or reasoning. While these important decision making processes need to have room for judgment or deliberation, doing so without a consistent frame is exactly the kind of thing that we need to avoid. We must ensure a fair and level playing field for all.

Because of this flexible decision-making, the Hearing Examiner can condition or even deny a project application based on vague criteria that is not uniformly applied to every project. With this kind of uncertainty, it is likely companies will be reluctant to continue making critical investments in the Tideflats, as they weight the significant cost of pursuing application verse the whims of the political officials in charge. Not to mention, driving away any hope of attracting new business investment.

These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

Adam Davis
111 C St SW
Castle Rock, WA 98611
adam@ua26.org

From: [Pete Romero](#)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Monday, July 19, 2021 10:00:16 AM

Dear Comment Email Email,

Dear Chair McCarthy & Fellow Members of the IPS Committee:

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These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

Pete Romero
5764 Ronnie Hill Ln
Ferndale, WA 98248
promero@jkhkelly.com

From: [vanessa a herzog](mailto:vanessa.a.herzog@lee-associates.com)
To: [IPSTideflats](#)
Subject: Increased Use of Conditional Use Permitting Will Drive Away Tacoma Jobs!
Date: Monday, July 19, 2021 10:00:12 AM

Dear Comment Email Email,

Conditional Use Permits effect on Industry

Dear Chair McCarthy & Fellow Members of the IPS Committee:

First, I would like to thank you for taking the time during the last three Committee meetings to truly have a thoughtful discussion related to the various issues related to the Tacoma Tideflats regulations. These are challenging issues that will affect thousands of people and millions in local tax dollars. Therefore, it is important that we take the time to make sure we consider every possible outcome.

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Like many others in the community, I am deeply concerned that the increased use of CUPs as proposed in the non-interim regulations reviewed previously by the Tacoma City Council, will drive away jobs and economic opportunity in the region.

A CUP is a discretionary permit, which means that policymakers evaluates an application against subjective and vague criteria for approval. Consequently, the issuance of a permit is subject to the political whims of elected officials, rather than to an established set of rules and regulations. Proposed uses could effectively be prohibited with little analysis or reasoning. While these important decision making processes need to have room for judgment or deliberation, doing so without a consistent frame is exactly the kind of thing that we need to avoid. We must ensure a fair and level playing field for all.

Because of this flexible decision-making, the Hearing Examiner can condition or even deny a project application based on vague criteria that is not uniformly applied to every project. With this kind of uncertainty, it is likely companies will be reluctant to continue making critical investments in the Tideflats, as they weight the significant cost of pursuing application verse the whims of the political officials in charge. Not to mention, driving away any hope of attracting new business investment.

These are just two reasons to be cautious about the increased use of CUPs in Tacoma, and I would urge your continued thoughtful deliberation at the next meeting on this issue.

Thank you for your time.

Sincerely,

vanessa a herzog
950 Pacific Ave Ste 200
Tacoma, WA 98402
VHERZOG@LEE-ASSOCIATES.COM

From: [Shirley Storms](#)
To: [IPSTideflats](#)
Subject: Interim Regulations - Fossil Fuels
Date: Saturday, July 17, 2021 8:26:56 AM

IPS Committee ,

Dear IPS Committee,

Tacoma has a decision to make. It can either join the growing number of communities that are willing to combat climate change and global warming or it can remain one of the culprits that welcome fossil fuels that are contributing to the problem. It is impossible to walk a line that does both.

The world has a carbon budget. We are fast approaching it and maintaining the status quo will assure we exceed it very soon. We are already at the point that small reductions will have very little benefit. CO2 has a life expectancy of hundred of years. There is already enough CO2 in the air to insure that temperatures will continue to climb. Our only hope is to have drastic reductions in emissions and even that might not be enough. The CO2 levels are extremely high and still increasing. Capturing some of the existing carbon out of the air and sequestering it, is probably our only salvation and the cost of that is extremely high.

Many of your proposals are working against the drastic reductions that are needed. You can not allow 15% increases. If anything, you should be requiring 50% reduction in the near term with nearly complete elimination in the future.

If you truly are trying to be a responsible governing body, please join the rest of society and prevent global warming and climate change. Your current plans seem to meet at the intersection of insanity and incomprehension. This is not only a global problem, but it will impact Washington and Tacoma as well. If you did not notice the current heat waves and wild fires, the thought of the Port of Tacoma being underwater by 2100 should get your attention. NOAA now predicts an 8 foot increase in sea levels by 2100. Other predictions are much higher if everyone continues to ignore the problem like Tacoma has been.

I hope the new regulations become part of the solution instead of continuing to add to the problem. We have very little time to fix it. Do the right thing for the planet and the people, even if it is disagreeable to some of the existing businesses. Shortsighted solutions may be the downfall of the planet and the inhabitants.

Steven Storms

Shirley Storms
storms123@aol.com
1316 Browns Pt Blvd
Tacoma, Washington 98422

From: [Edith Gish](#)
To: [IPSTideflats](#)
Subject: Clean Air, Clean Water
Date: Monday, July 12, 2021 3:05:32 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

I was quite disappointed when the City Council failed to adopt the non-interim regulations as proposed by the City Planning Department. These would have included a ban on fossil fuel expansion. Just as in their first recommendation four years ago.

I also understand that some council members were poised to amend the non-interim regulations to death, and that is why the Mayor put it to a vote to send it to your committee. From my point of view, this is just further wheel spinning and delay to let industry do as it pleases. We don't need more studies or review - we know exactly what we need to do. So let's do it.

I hope you will prove me wrong by maintaining the ban on fossil fuel expansion as you do your own take on the non-interim regulations. Ideally, I'd ask that you include a ban on the establishment of any new fossil fuel industry, no matter the size (as I understand it anything under a million gallons is allowed).

Undoubtedly industry will turn to talk of biofuels to try and seek expansion of their facilities. It would be good for you to know that two refineries built for biofuels in the PNW ended up just processing fossil fuels in the end. If the fossil fuel companies are so keen to do biofuels, which are of questionable sustainability and scalability to my knowledge, then let them use whatever storage tanks they currently have. We don't want to be home to another refinery spewing toxins into our air, biofuel or not.

We need to start transitioning Tacoma away from fossil fuels or we'll be left behind and dealing with a toxic legacy when the rest of the country converts to green, renewable energy and industry. Why can't we attract a turbine manufacturer here? With the port and rail access it would be perfect for distribution.

Please remember that the City passed a climate emergency resolution. Banning fossil fuels is the next logical step. Then we need to start weaning off them, and rapidly. I noticed that the climate education promised in the Climate Emergency Resolution oddly didn't include Council Members - would be great to see you all insist on having that education for yourselves as well.

I hope you will deliver to us the fossil fuel regulations we need.

Edith Gish
ewgish@gmail.com
6043 S Oakes St,
Tacoma, Washington 98409

From: [Claire Richards](#)
To: [IPSTideflats](#)
Subject: No more fossil fuel
Date: Monday, July 12, 2021 8:32:26 AM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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I hope you will deliver to us the fossil fuel regulations we need.

Claire Richards
clairerichardsrn@gmail.com
6271 NE Radford Drive
Seattle, Washington 98115

From: [Rebecca Roberts](#)
To: [IPSTideflats](#)
Subject: Fossil Fuels
Date: Sunday, July 11, 2021 7:20:46 AM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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I hope you will deliver to us the fossil fuel regulations we need.

Rebecca Roberts
rubbingrigging@hotmail.com
2703 N Carr St
Tacoma, Washington 98403

From: [Cameron McElroy](#)
To: [IPSTideflats](#)
Subject: Environmental Protection
Date: Friday, July 9, 2021 4:11:23 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

I was quite disappointed when the City Council failed to adopt the non-interim regulations as proposed by the City Planning Department. These would have included a ban on fossil fuel expansion. Just as in their first recommendation four years ago.

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I hope you will deliver to us the fossil fuel regulations we need.

Cameron McElroy
bubblebuddyfan@gmail.com
506 Oahu Street
Richland, Washington 99352

From: susanhmfinkel@hotmail.com
To: [IPSTideflats](#)
Subject: Stop Fossil fuels.
Date: Thursday, July 8, 2021 2:30:57 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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I hope you will deliver to us the fossil fuel regulations we need.

susanmfinkel@hotmail.com
1001 2nd Ave. W
Seattle, Washington 98119

From: [Shawna Stafford](#)
To: [IPSTideflats](#)
Subject: Stop Fossil Fuel Expansion
Date: Thursday, July 8, 2021 1:06:11 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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I hope you will deliver to us the fossil fuel regulations we need.

Shawna Stafford
shawnnastafford@yahoo.com
4504 South D Street
Tacoma, Washington 98418

From: [Courtney Love](#)
To: [IPSTideflats](#)
Subject: Do Your Part for the Continuation of Human Life
Date: Thursday, July 8, 2021 11:42:47 AM

IPS Committee ,

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I hope you will deliver to us the fossil fuel regulations we need.

Courtney Love
unluckyclovers@gmail.com
3705 McKinley Ave
Tacoma, Washington 98404

From: [Kathy Lawhon](#)
To: [IPSTideflats](#)
Subject: Please stop them now.
Date: Thursday, July 8, 2021 8:17:24 AM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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Kathy Lawhon
klawhon0715@gmail.com
1114 S. 11th St. #417
Tacoma, Washington 98405

From: [Jonathan Bergeron](#)
To: [IPSTideflats](#)
Subject: Stop expansion of fossil fuels
Date: Thursday, July 8, 2021 7:45:53 AM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

I was quite disappointed when the City Council failed to adopt the non-interim regulations as proposed by the City Planning Department. These would have included a ban on fossil fuel expansion. Just as in their first recommendation four years ago.

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The past heatwave is a strong indicator of what's to come if we do not start taking bold actions. We are seeing unprecedented warming in Arctic and Antarctic regions, while our own

region is going through major droughts. We can do better than kicking the can down the road or putting things off for further review while turning a blind eye to the actions of the fossil fuel industry.

I hope you will deliver to us the fossil fuel regulations we need.

Jonathan Bergeron
jon.j.bergeron@gmail.com
4002 N 25th St
Tacoma, Washington 98406

From: [Lindsey Hand](#)
To: [IPSTideflats](#)
Subject: Protecting our communities
Date: Thursday, July 8, 2021 7:10:34 AM

IPS Committee ,

Dear IPS Committee,

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Lindsey Hand
lindseyhand3@gmail.com
4434 Letitia ave s
Seattle , Washington 98118

From: [Goodwin, Claire](#)
To: [Foster, Katie](#)
Subject: Fwd: Electrofuels - green ammonia
Date: Wednesday, July 7, 2021 6:12:43 PM
Attachments: [image001.png](#)
[Letter to Tacoma City Council 20210511.pdf](#)

For the written record

Sent from my iPhone

Begin forwarded message:

From: Krista Mann <krista.mann@eneusenergy.com>
Date: July 7, 2021 at 3:01:18 PM PDT
To: "Beale, Chris" <chris.beale@cityoftacoma.org>, "Hunter, Lillian" <lillian.hunter@cityoftacoma.org>, "McCarthy, Conor" <Conor.McCarthy@cityoftacoma.org>, "Walker, Kristina" <Kristina.Walker@cityoftacoma.org>, "Ushka, Catherine" <cushka@cityoftacoma.org>
Cc: "Catsi, Michael" <MCatsi@cityoftacoma.org>, "Victor, Steve(Legal)" <svictor@cityoftacoma.org>, "Huffman, Peter" <PHUFFMAN@cityoftacoma.org>, "Goodwin, Claire" <claire.goodwin@cityoftacoma.org>
Subject: Electrofuels - green ammonia

Good afternoon, Members of the Tacoma Infrastructure, Planning, and Sustainability (IPS) Committee. This note is respectfully submitted to you as part of the City of Tacoma's ongoing dialogue regarding electrofuels and other renewable fuels.

Eneus Energy is a green ammonia and green hydrogen project development company. Our business is in electrofuels, essentially the conversion of clean, renewable electricity into hydrogen and anhydrous ammonia. As you are no doubt aware from the discussions the City of Tacoma has had with its many stakeholders on the subject of its proposed regulations for the Tideflats area, green ammonia and green hydrogen are important fuels that can be used to decarbonize many sectors of the economy that would otherwise be difficult to decarbonize, primarily because they are difficult to electrify. By using electrolysis to convert green electrons from sources such as wind, solar, and hydro into a fuel, we can reach sectors of the economy that would otherwise be forced to run on fossil fuels and other emissions-intensive fuels. By using this clean process to make our hydrogen and ammonia, the resulting product is both renewable and zero-carbon. (We are also therefore separate and distinct from many other kinds of fuels that may be considered "renewable fuels" under federal and other regulations that are nevertheless carbon-intensive.)

Technical discussion aside, I am writing to you to respectfully request consideration of

one particular point regarding Tacoma's currently proposed Tidelands regulations. We have listened with interest to the recent conversations at the IPS Committee and the City Council over the past couple of months. Eneus Energy is considering the development of a green ammonia production project in Tacoma, to make good use of Tacoma Power's recently initiated electrofuels program. While the City's proposed regulations would facilitate the development of electrofuels, there are a couple of points we would appreciate clarifying in the regulations, in order to ensure that there is no confusion about how our proposed project would be defined. As currently written, it appears possible that our project could be mischaracterized and incorrectly prohibited because of the possibility that green ammonia can be used as a zero-carbon fertilizer. We would respectfully request that the proposed regulations be clarified to confirm that green ammonia will be treated as an electrofuel (which is exactly what it is) as opposed to a fertilizer for zoning purposes. We would like to refer you to the attached letter sent to the Tacoma City Council on 11 May, 2021 which further describes this issue. We have separately reached out to Mr. Peter Huffman and Mr. Steve Victor about this issue in recent weeks and would look forward to a conversation with them about this at a time that suits them.

Green ammonia does not use any fossil fuels or any CO₂ when it is made; when it is burned, it does not release any CO₂. The only ingredients are air, water, and renewable electricity. Therefore, we believe it is entirely consistent with the City's goals to support electrofuels and a transition to a cleaner energy system. We believe it would be met with support from the City and from its stakeholders asking for cleaner energy. We are simply requesting one minor clarifying point to confirm that green ammonia production and associated facilities are "electrofuels" as contemplated in the proposed regulations, and that they are not treated as fertilizers, and thus potentially forbidden. If any members of the IPS Committee would like to discuss this matter further, we would be very glad to support a conversation. Please note that I have also copied Mr. Michael Catsi from Tacoma Power, and we would ask that he please also join any such conversation.

Thank you very much.

Respectfully,

Krista Jo Mann | Vice President of US Operations, Eneus Energy | +1 (720) 384-4047

www.eneusenergy.com

11 May, 2021

Tacoma City Council
Tacoma Municipal Building North
Room 16
733 Market Street
Tacoma, WA 98402

RE: Proposed zoning regulation changes

Dear City Council,

These remarks are respectfully submitted to you as you consider amendments to existing zoning regulations that would affect certain industrial areas in Tacoma.

Eneus Energy is a renewable fuels development company, focusing on “green” (renewable) ammonia and green hydrogen. As you are very aware, in recent months, Tacoma Power has adopted the first electrofuels (aka renewable fuels) electric rate structure in the United States. We applaud the leadership of Tacoma Power and the City of Tacoma in this space and your recognition of the important role that renewable fuels can play in decarbonizing the global economy.

As you know, renewable fuels link electricity with other sectors of the economy that are in many cases difficult to decarbonize, often because they are difficult to electrify. A primary renewable fuel that shows considerable promise is green hydrogen. However, green hydrogen is difficult and expensive to move and store. As a derivative of green hydrogen, green ammonia is seen as an attractive and cost-effective carrier for hydrogen when it must be moved from its production site or stored for a lengthy period. Green ammonia has also emerged as a fuel in its own right, offering solutions to even more sectors of the economy. Between the two, they can be used in maritime shipping, power generation, steel refining, oil refining, cement making, mobility, and others. The finished product of green ammonia is also molecularly identical to conventionally-produced anhydrous ammonia, which is commonly used as a fertilizer today. However, there are important differences in how green ammonia and conventional ammonia are produced. Both products require hydrogen as an input. Green ammonia plants derive their hydrogen from electrolysis, powered by renewable electricity. The feedstocks are simply electricity and water. By contrast, conventional ammonia plants derive their hydrogen from steam methane reforming, by which hydrogen is removed from natural gas. Accordingly, conventional ammonia production can be a very emissions-intensive process that utilizes a large volume of fossil fuels.

We have briefly reviewed with interest the City’s proposed zoning regulation amendments that would create “Renewable Fuels” as a new land use category. We have also observed that there would be a new “Chemical Manufacturing” land use category. We are aware that there are elements of a green ammonia production facility that could be described by either category. While green



ammonia can indeed be used as a fertilizer (which is referenced in the current version of the Chemical Manufacturing definition), and the fertilizer industry is one possible customer for a green ammonia plant, we generally think of green ammonia as a fuel and very much in keeping with the spirit and intent of the Renewable Fuels definition. In particular, green ammonia would be "...synthesized from renewable energy sources, such as wind and solar...", and there would be no "...products produced from palm oil or other feedstocks that cannot be proven to reduce greenhouse gas emissions...". Because of the potential for different interpretations in the proposed language, we respectfully request that language be added to ensure that a green ammonia production facility would be considered a Renewable Fuel Facility, instead of a Chemical Manufacturing facility.

Thank you very much for your consideration of this minor revision to the proposed regulation amendments, which we believe is consistent with the spirit of the currently proposed language, and which we believe would give Tacoma Power and the City of Tacoma the ability to continue in its leadership in the global Energy Transition to decarbonization. We will be glad to speak about this matter further with yourselves or with City staff, as you may request.

Respectfully,

A handwritten signature in blue ink, appearing to read "KJ Mann", is positioned below the word "Respectfully,".

Krista J. Mann
Vice President of US Operations
Eneus Energy