



**To:** Planning Commission  
**From:** Larry Harala, PDS Land Use  
**Subject:** **2022 Amendment – Application “NewCold”**  
**Memo Date:** January 27, 2022  
**Meeting Date:** February 2, 2022

**Action Requested:**  
Comment and Direction.

**Discussion:**

At the next meeting on February 2, 2022, the Planning Commission will review the staff analysis and preliminary conclusions on the private application of “NewCold” for the 2022 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (or “[2022 Amendment](#)”).

The “NewCold” application, submitted by NewCold Seattle, LLC, seeks to change the land use designation for a 3-acre parcel in the northeast section of NewCold’s property located at 4601 South Orchard Street from “Light Industrial” to “Heavy Industrial”, in order to support the company’s plan for future expansion of the existing cold storage complex.

Attached to facilitate the Commission’s review and discussion is a staff report including appropriate exhibits. The Commission is requested to provide comments and direction, and if appropriate, approve the staff report for the purpose of releasing it for public review, in preparation for a public hearing, for which the date is to be set.

**Project Summary:**

The [2022 Amendment](#) is an annual process for amending the Comprehensive Plan and/or Land Use Regulatory Code pursuant to Tacoma Municipal Code, Section TMC 13.02.070. The process began with accepting applications during January-March 2021 and is slated for completion in June 2022. The Planning Commission is tentatively scheduled to release the 2022 Amendment Package for public review on February 16, conduct a public hearing on March 16, and make a recommendation to the City Council on April 20; and the City Council’s review/adoption will occur in May-June 2022. The 2022 Amendment Package includes the following applications:

- (1) NewCold Land Use Designation Change
- (2) South Sound Christian Schools Land Use Designation Change
- (3) Work Plan for South Tacoma Groundwater Protection District Code Amendments
- (4) Minor Plan and Code Amendments

**Prior Actions:**

- 12/15/21 – Review of Status
- 10/06/21 – Review of Status



- 07/21/21 – Determination on Applications (proceeding with technical analysis)
- 06/16/21 – Public Scoping Hearing on the Applications
- 05/19/21 – Assessment of “South Tacoma Economic Green Zone” and “Minor Plan and Code Amendments”
- 05/05/21 – Assessment of “NewCold” and “South Sound Christian Schools”

**Staff Contacts:**

- Larry Harala, [lhara@cityoftacoma.org](mailto:lhara@cityoftacoma.org) and Lihuang Wung, [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org)

**Attachment:**

1. Staff Report – “NewCold” Application for Land Use Designation Change, which includes:
    - Exhibit “A”: Rezoning Document
    - Exhibit “B”: Email from Applicant’s consultant
- c. Peter Huffman, Director



# NewCold Facility Land Use Designation Change Request

## Staff Report February 2, 2022

This application is a request for a land use designation change on the City of Tacoma Future Land Use Map (Figure 2 of the *One Tacoma Plan*) at the subject site from a “Light Industrial” to “Heavy Industrial.” The applicant has expressed a desire to at a future time develop the subject 3-acre parcel in a manner consistent with their adjacent 34-acre heavy industrial cold storage facility. To ensure that the future development plans are in compliance with the land use designation the applicant is requesting the change now.

Project Summary	
Project Title	NewCold Land Use Designation Change Request
Applicant:	NewCold Seattle, LLC – Matt Richardson, NewCold Business Manager
Location and Size of Area:	4601 S Orchard St Tacoma, WA 98466 (APN: 0220133049) Site is approximately 3 acres/130,500SF
Current Land Use and Zoning:	Site is currently designated Light Industrial Zoning District: M1- STGPD – Light Industrial District & South Tacoma Groundwater Protection District
Neighborhood Council Area:	South Tacoma
Date of Report:	1/27/2022
Proposal Summary:	A request for a land use designation change at the subject site from the “Light Industrial” designation to “Heavy Industrial.”



### Planning and Development Services City of Tacoma, Washington

Peter Huffman, Director

#### Project Manager

Contact information

Larry Harala, Principal Planner  
(253) 318-5626

[lhara@cityoftacoma.org](mailto:lhara@cityoftacoma.org)

[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)

## 1. Area of Applicability

### Site Location:

#### SITE LOCATION:

3-acre portion adjacent  
to existing NewCold  
heavy-industrial cold  
storage facility.

#### Address:

4601 S Orchard St  
APN: 0220133049

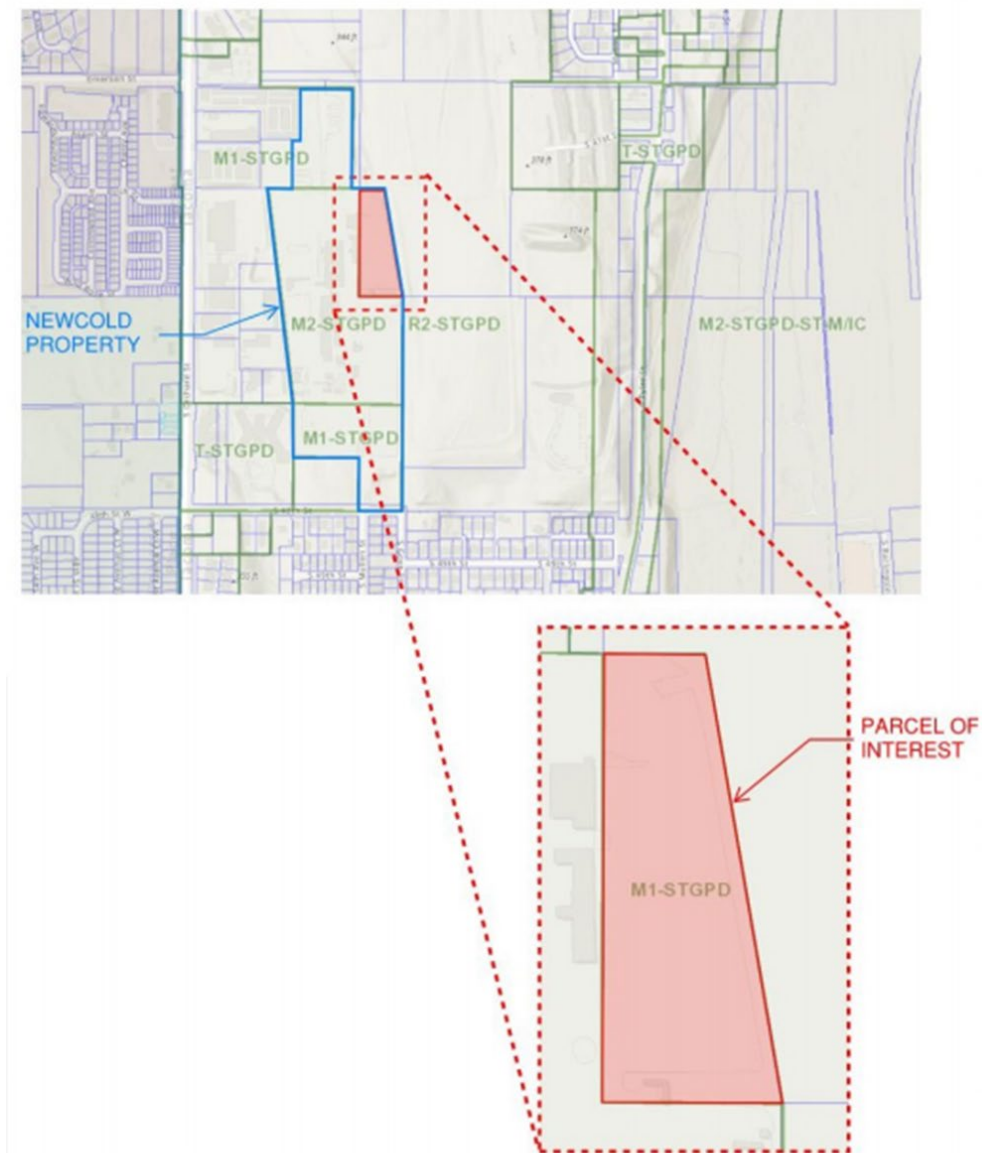
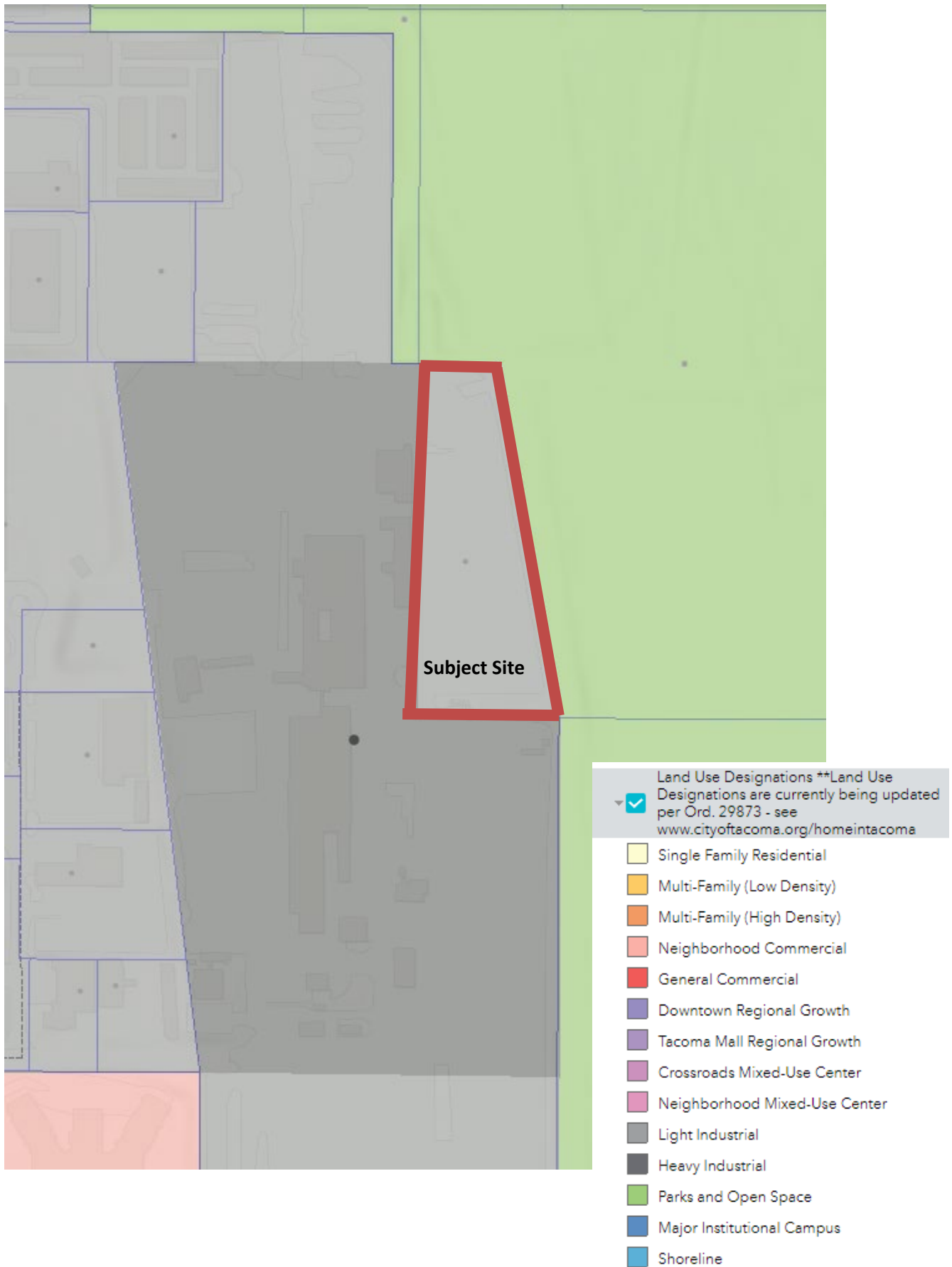


Figure 1: NewCold Property & Parcel of Interest







## 2. Background

The parcel in question is located east of South Orchard Road, off South 46th Street. The site was graded previously for development and is flat and vacant, with no trees or other substantial vegetation. The parcel is in the northeast section of NewCold's property located at 4601 South Orchard Street. The parcel is highlighted on the previous pages above, along with the rest of NewCold's property.

The NewCold heavy industrial cold storage facility was completed in 2018, the facility has a storage capacity of over 25 million cubic feet in a vertical cold storage layout, with an approximate 100,000 pallet capacity. The facility is utilized by large food companies such as Trident Seafoods as a cold storage link in their supply chains. The existing cold storage complex sits on approximately 34 acres, and the subject parcel is an adjacent 3-acre property, directly to the east of the existing approximately 140-foot tall cold storage building.

The parcel has been zoned M-1 Light Industrial since 1989 (Ordinance #24393) and is within the South Tacoma Groundwater Protection District (TMC 13.06.070). The surrounding site developed as a heavy industrial cold storage site has been zoned M2-Heavy Industrial since March 9, 1965 and that adjacent parcel was previously utilized as warehouse and industrial manufacturing and was redeveloped in 2015-2017 to the present use. The subject site was used for industrial storage of pipe, concrete, vehicles and equipment in conjunction with the adjacent heavy industrial site prior to redevelopment to the current NewCold facility (See attached Rezoning document).

Staff notes that the applicant indicated a desire for future phase expansion of the facility later onto the subject portion as part of required SEPA evaluation in 2016.



### 3. Policy Framework

#### ***How does the proposed amendment seek to implement applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan?***

The application itself is compliant with standards set forth in Tacoma Municipal Code 13.02.045, as well the proposal is supported by several policy elements from the City of Tacoma's One Tacoma Comprehensive Plan. Overall, the proposal seeks to bring the underlying designation more in line with what the future use of the overall site is intended to be, as well with adjacent existing Heavy Industrial site.

#### **Existing designation:**

**Light Industrial** - This designation allows for a variety of industrial uses that are moderate in scale and impact, with lower noise, odors, and traffic generation than heavy industrial uses. This designation may include various types of light manufacturing and warehousing and newer, clean, and high-tech industries, along with commercial and some limited residential uses. These areas are often utilized as a buffer or transition between heavy industrial areas and less intensive commercial and/or residential areas. Corresponding Zoning Categories – M-1 Light Industrial District

#### **Proposed designation:**

**Heavy Industrial** - This designation is characterized by higher levels of noise and odors, large-scale production, large buildings, and sites, extended operating hours, and heavy truck traffic. This designation requires access to major transportation corridors, often including heavy haul truck routes and rail facilities. Commercial and institutional uses are limited, and residential uses are generally prohibited.

#### ***Urban Form:***

**Goal UF–1:** Guide development, growth, and infrastructure investment to support positive outcomes for all Tacomans.

**Policy UF–1.1:** Ensure that the Comprehensive Plan Land Use Map establishes and maintains land use designations that can accommodate planned population and employment growth.

**Policy UF–1.4:** Direct the majority of growth and change to centers, corridors, and transit station. areas, allowing the continuation of the general scale and characteristics of Tacoma's residential. areas.

**Policy UF–1.6:** Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

**Policy UF–1.11:** Evaluate the impacts of land use decisions on the physical characteristics of neighborhoods and current residents, particularly underserved and under-represented communities.  
a. Avoid or reduce negative development impacts, especially where those impacts inequitably burden communities of color underserved and under-represented communities, and other vulnerable populations. b. Make needed investments in areas that are deficient in infrastructure and services to reduce disparities and increase equity and where growth and change are anticipated.

Design + Development:



**GOAL DD-4:** Enhance human and environmental health in neighborhood design and development. Seek to protect safety and livability, support local access to healthy food, limit negative impacts on water and air quality, reduce carbon emissions, encourage active and sustainable design, and integrate nature and the built environment.

- NewCold constructs energy-efficient warehouses to minimize development and operational impacts on climate change. The building design allows NewCold to store more product vertically, therefore maximizing land use efficiency. When compared to traditional warehouses, the footprint and the total surface area used are much smaller for the same quantity of goods.
- In existing NewCold facilities, all of the stacker cranes in the cold store run in the dark. In addition, NewCold's storage facilities use solely LED lighting for energy and maintenance efficiency. The material handling systems to move the pallets only run when necessary to ensure minimal door openings for pallets entering and leaving the cold storage. Such an approach optimizes power consumption leading to responsible energy usage. Our case study showed that NewCold's warehouses on average consume 40% less energy per cubic meter annually compared to traditional cold storage facilities.

**GOAL DD-7:** *Support sustainable and resource efficient development and redevelopment.*

- This parcel is owned by NewCold and is immediately adjacent to the existing NewCold Tacoma facility. If the parcel designation were to be consistent with the existing facility, it would maximize the efficiency of any future development and operations vs having to duplicate common elements at an alternate site/location.
- While developing the existing facility, NewCold made design decisions with future expansion in mind in collaboration with the City of Tacoma. There are efficiencies to be gained via power, electrical, and cooling usage by expanding the current development, rather than developing a new location.
- Allowing for the maximized use of the existing property would result in ridesharing potential, efficient operations, and resource maximization.

**GOAL DD-9:** *Support development patterns that result in compatible and graceful transitions between differing densities, intensities and activities.*

**Policy DD-9.2a:** *Improve the interface between non-residential activities and residential areas, in areas where commercial or employment areas are adjacent to residential zoned land.*

- Due to the absence of residential activity immediately adjacent to the parcel, the impact of redesignation is limited relative to direct impact to current residential or commercial properties.
- One of the primary themes of these policies is to create smooth transitions between incompatible densities, intensities, and activities. Given that there are no residential or other sensitive uses adjacent to the parcel, the parcel is inappropriately located as a Light Industrial designation. The site adjoins the Tacoma landfill and there are no sensitive uses to buffer or to require a transition

**GOAL DD-10:** *Ensure that all citizens have nearby, convenient and equitable access to healthy foods.*

- NewCold's design and scale provide great value to the food manufacturers we partner with
  - Food Supply Chain reliability
    - Increased resilience to unforeseen challenges

- 2020 Examples include COVID-19, container shortage, labor shortage
- Food Safety (“cold chain” never broken)
- Hedge against future cost increases (60% less energy, 75% less labor), providing price stabilization to consumers

### **Economic Development:**

**GOAL EC–1:** Diversify and expand Tacoma’s economic base to create a robust economy that offers Tacomans a wide range of employment opportunities, goods and services.

- The requested designation change would allow NewCold to expand the site in the most optimal way to provide long-term value to our customers and therefore Tacoma’s economy.
- Provide more family-wage jobs in a “new” sector – automated cold logistics.
- Further anchors food manufacturers to the Port of Tacoma

**Policy EC–1.12:** Actively seek investments to grow Tacoma’s presence in the following target industries: a. Bio-medical and medical b. Information technology and cyber security c. Professional services d. Industrial and manufacturing e. Tourism and hospitality f. Creative economy g.

- International trade h. Finance and Insurance
- Information Technology – Automated logistics
- Industrial and manufacturing – NewCold’s warehouse is an essential component of this industry and partners with “blue-chip” food manufacturers.
- International Trade – The site’s strategic focus is to enhance and bring value to this industry. Allowing the site to expand in an optimal way supports this and helps stabilize port operations.

**GOAL EC–2:** Increase access to employment opportunities in Tacoma and equip Tacomans with the education and skills needed to attain high quality, living wage jobs.

- Phase 1 of the site brought approximately 100 jobs to Tacoma
  - Phase 2 (with the designation requested) would generate an estimated 100 new permanent jobs, temporary jobs during any development or construction activities, and seasonal jobs once operations commence.
- Many of the roles NewCold employs require a unique skillset and robust training in the following practices:
  - IT, Logistics, Automation, Engineering, Maintenance, etc.
- NewCold empowers its employees with the on-the-job training to be successful
  - Continually invests in training and mentorship of employees
- Pierce County Average Annual Salary = \$44,553
- NewCold Tacoma Average Annual Salary = \$64,280

## Relationship between Land Use Designation, Zoning and Uses

<b><i>Comprehensive Plan Land Use Designation</i></b>	<b><i>Potential Uses and Impacts</i></b>	<b><i>Potential Zoning Districts</i></b> <i>Per the Comprehensive Plan Urban Form Element</i>
<b>Light Industrial</b>	<ul style="list-style-type: none"> <li>• Moderate sized buildings</li> <li>• Moderate scale production</li> <li>• Lower noise, odors and traffic generation.</li> <li>• Various types of light manufacturing and warehousing and high-tech industries,</li> <li>• Commercial and some limited residential uses also allowed</li> </ul>	<ul style="list-style-type: none"> <li>• M-1 – Light Industrial District</li> </ul>
<b>Heavy Industrial</b>	<p>Large institutional uses such as</p> <ul style="list-style-type: none"> <li>• Higher levels of noise and odor</li> <li>• Large scale structures</li> <li>• Large scale production</li> <li>• Extended operating hours</li> <li>• Heavy Truck Traffic</li> <li>• Commercial and residential uses heavily restricted</li> </ul>	<ul style="list-style-type: none"> <li>• M-2 - Heavy Industrial District</li> <li>• PMI – Port Maritime &amp; Industrial District</li> </ul>

## 4. Objectives

### **(a) Address inconsistencies or errors in the Comprehensive Plan or development regulations;**

The proposed amendment will address the current inconsistency in NewCold's property. The small area of Light Industrial adjacent to the landfill and to the balance of the Heavy Industrial designated land is out of character with the surrounding designations. It is not consistent with the purpose and other policies cited above. The proposal would correct that.

### **(b) Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**

There is a growing need for support of port industries and demand for warehousing capacity in the area. The automation and technology within NewCold's adjacent building requires the Heavy Industrial designation only because of the height of the equipment in the building. Given that this technology was not anticipated in the past, the current designation no longer fits the site and surrounding area or the requirements of the food storage industry. The pandemic has highlighted the need for supply chain capacity on a regional and national level, expansion of this facility furthers that effort.

### **(c) Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and**

There are no nearby residences at the parcel with which the proposal would be incompatible. They are separated by distance and existing improvements. The parcel is essentially within the existing developed footprint.

The existing NewCold site development consists of highly automated, heavily industrial equipment. The NewCold High Bay structure is approximately 140 feet tall, consisting of structural steel racking and automated cranes, which operate independently to store and retrieve goods. Additionally, there are thousands of feet of conveyor systems within the warehouse. These are some of the systems that require a Heavy Industrial site designation.

Any future expansion of the facility would also need to be in a Heavy Industrial designated area and this would be consistent with and support the existing facility.

The redesignation of this parcel to Heavy Industrial would encourage NewCold to utilize the area for future expansion in line with our core business. Consistent designation would allow for efficient sharing of existing site infrastructure and resources if an expansion were to occur.

### **(d) Enhance the quality of the neighborhood.**

NewCold believes that this redesignation which would allow for further expansion of the site would enhance the quality of the neighborhood, or at the very least have no adverse neighborhood impacts for the reasons outlined above. Further project-specific impacts and neighborhood issues can be considered with a specific rezone proposal in the future, which would require public notice and comment. Any proposed future development owned by NewCold would be a facility consistent with the existing building or have another compatible use.

## 5. Options Analysis

The applicant is limited in terms of alternatives, they could simply utilize the site in a consistent manner with light industrial use such as surface parking or possibly a lower scale expansion of the existing facility.

## 6. Outreach

Outreach for this project should include surrounding potentially impacted neighborhoods and expanded notice will be warranted. The continuing complexities around public meetings continues due to Covid-19. Staff is hopeful that by the early fall physical public meetings will again be possible. A hybrid approach incorporating online meetings and physical meetings will likely be necessary going forward.

In addition to the considerations for virtual meetings and expanded notice, standard City of Tacoma Planning and Development Services outreach would be conducted including mailings and a webpage. Press releases would be issued in advance of meetings. There is a possibility that there could be a need for multiple neighborhood meetings depending on interest and concerns expressed by area residents.

NewCold has participated in significant community outreach as a community partner, some examples of engagement with the community are:

- NewCold Internship Program with Clover Park Technical College
- Local Charitable Donations/Sponsorships
  - Rainier Highlanders Junior Rugby Club
  - Employee coached AAU Basketball teams
  - Emergency Food Network
  - Community Youth Services

Public notice was mailed out to over 30,000 South Tacoma residents for the scoping hearing, including residents of areas outside the city limit boundaries within 2,000 feet of this site. Additionally, a mailing was conducted for a meeting held on December 6th, 2022 virtually. Staff and the applicant were available and no members of the public were in attendance. Notice was mailed out approximately two weeks prior to the meeting, and the low attendance was in keeping with a lower public interest exhibited during the public scoping phase during the summer of 2021. Staff is working with the office of communications on additional social media outreach, and an additional public meeting in advance of the Public Hearing in March. The mailing for this meeting was to approximately 715 area residents and property owners within a 2,000 foot radius from the site.

## 7. Impacts Assessment

A key impact of this proposal could be a potential increase in heavy trucking traffic to and from the site. Also, future building placement and size could be a visual impact to the area as well added heavy industrial could have noise and light impact.

Additionally, if this request and a subsequent re-zoning action are granted. The applicant expresses a desire to expand the existing large, 140-foot heavy industrial cold storage building onto the subject site which will have a further visual impact the area.



Staff is working with the NewCold applicant group on some specific preliminary studies and those have not yet been complete:

\*Traffic study being updated – anticipated completion date Feb 18<sup>th</sup>, 2022

\* Preliminary Sound and Light Study – anticipated completion date Feb 18<sup>th</sup>, 2022

Once these reports are generated staff can give the Planning Commission a better idea of anticipated impacts and possible mitigations. This will be complete in advance of the Planning Commission public hearing, anticipated in March.

## 9. Preliminary conclusions

It is possible that a preliminary traffic study and greater detail on the anticipated expansion of the 3-acre site would entail, conceptual elevations and site plans would be useful for public meetings as key questions are likely to be centered on future development of the site, and anticipated traffic, light, noise, odor impacts of future development.

The applicant is working towards completing the traffic study and a base noise and light analysis and once those analyses are complete staff will update the conclusions accordingly. It is anticipated that these studies will be complete by Mid-February and that will allow the Commission and members of the public to see and evaluate them in advance of the anticipated public hearing sometime in March.

Overall this request is not in opposition to the goals and policies of the One Tacoma Comprehensive Plan; and brings the overall site into greater uniformity. Staff finds that, given the subject site is nestled behind a very large existing heavy industrial cold storage facility on one side and City of Tacoma Landfill on the other side, it is reasonably situated in an appropriate location for such a designation. Furthermore, the Heavy Industrial designation has been in place for many decades and the site has had other heavy industrial uses on it in the past and the surrounding communities are situated such that the impacts are mitigated.

The City of Tacoma and area residents do have further public mechanisms in place to ensure that an unforeseen development with impacts that have not been considered could not by matter of right be developed on this site without further public input from the city, area neighborhood council, area residents and property owners. A subsequent rezoning action would need to be undertaken, as well SEPA analysis and potential federal, state and city permitting processes and monitoring. Further public input and oversight will occur during any subsequent development of the site, if this request is granted.

## 9. Exhibits

- Exhibit “A”: Rezoning Document
- Exhibit “B”: Email from Applicant’s consultant

**ORDINANCE NO. 24393**

AN ORDINANCE relating to zoning, and amending Chapter 13.06 of the Official Code of the City of Tacoma, Washington, by deleting certain described property from Section 13.06.040 and by adding a new section to be known as Section 13.06.160(38).

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Official Code of the City of Tacoma, Washington, be and the same is hereby amended by adding thereto a new section to be known as Section 13.06.160(38) to read as follows:

13.06.160(38) ADDED TO M-1 DISTRICT. The following property shall be included in the "M-1" Light Industrial District:

Parcel A:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence easterly along said south line 150.66 feet; thence southeasterly to the southeast corner of the northwest quarter of the southwest quarter of said section; thence westerly along the south line of said northwest quarter 266.24 feet; thence northerly parallel with the east line of said northwest quarter to the point of beginning, in Tacoma, Pierce County, Washington.

Parcel B:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence westerly along said south line 50.34 feet to the true point of beginning; thence continuing along said south line to a point 850.00 feet east of the west line of said Section 13; thence northerly parallel with said west line to a point 46.00 feet south of the north line of said northwest quarter; thence easterly parallel with said north line of said northwest quarter 170.00 feet; then southerly to the true point of beginning, in Tacoma, Pierce County, Washington.

Entered  
3-26-91



1           Section 2. That the above-described property be and is hereby  
2 deleted from Section 13.06.040 of the Official Code of the City of Tacoma,  
3 Washington.

3 Passed Sept 12, 1989

**Mayor**

7 Attest City Clerk

8 Location: East side of South Orchard Street between South 40th and South 46 Streets

9 Approved by Hearings Examiner after public hearing  
This is a reclassification from an "R-2" One-Family Dwelling District  
10 Application submitted by P.I.P.E., Inc.  
Rezone #120.1266

12 | sp  
#5985r

43

CONCOMITANT AGREEMENT

THIS AGREEMENT, entered into this 21 day of August, 1989, by and between P.I.P.E., Inc., hereinafter referred to as the "Applicant," and the CITY OF TACOMA, Washington, a municipal corporation, hereinafter referred to as the "City,"

## WITNESSETH:

WHEREAS the City has authority to enact laws and to enter into agreements to promote the health, safety, and welfare of its citizens and thereby control the use and development of property within its jurisdiction, and

WHEREAS the Applicant has applied for a rezone of certain property described below within the City's jurisdiction from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District, and

WHEREAS the City, pursuant to RCW 43.21C, the State Environmental Policy Act, should mitigate any adverse effects which might result because of the proposed rezone, and

WHEREAS the City and the Applicant are both interested in complying with the Land Use Management Plan and the ordinances of the City of Tacoma relating to the use and development of the property situated in the City described as follows:

Parcel A:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence easterly along said south line 150.66 feet; thence southeasterly to the southeast corner of the northwest quarter of the southwest quarter of said section; thence westerly along the south line of said northwest quarter 266.24 feet; thence northerly parallel with the east line of said northwest quarter to the point of beginning, in Tacoma, Pierce County, Washington;

Parcel B:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence westerly along said south line 50.34 feet to the true point of beginning; thence continuing along said south line to a point 850.00 feet east of the west line of said Section 13; thence northerly parallel with said west line to a point 45.00 feet south of the north line of said northwest quarter; thence easterly parallel with said north line of said northwest quarter 170.00 feet; then southerly to the true point of beginning, in Tacoma, Pierce County, Washington;

hereinafter sometimes referred to as the "Site," and

WHEREAS the Applicant has indicated willingness to cooperate with the City, its Planning Department, and the Hearings Examiner of the City to ensure compliance with all City ordinances and all other local, state, and federal laws relating to the use and development of the Site; and

WHEREAS the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Concomitant Agreement;

Concomitant Agreement - 1

Post-It™ brand fax transmittal memo 7671		# of pages 3
To MARK LINDEN	From BILL BAILEY	
Co. Sewer Utility	Co. BLUS	
Dept.	Phone # 5389	
Fax # 9412	Fax # 7433	

8908240385

NOW, THEREFORE, in the event the Site is rezoned from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District, and subject to the terms and conditions hereinafter stated, the Applicant does hereby covenant and agree as follows:

1. The Applicant promises to comply with all the terms and conditions of this agreement in the event the City, as full consideration herein, grants the rezone relating to the Site.

2. The Applicant hereby agrees to be bound by and to comply with the following conditions:

A. The applicant shall submit an approvable operating and pollution control plan to the Department of Ecology, Water Quality Division, for review and approval. The plan shall be submitted to Greg Cloud, DOE, Water Quality Division, SW Regional Office, 7272 Clearwater Lane, Olympia, WA 985-4-6811 by October 31, 1989.

B. Both sites shall be secured by a minimum 6 foot high site obscuring security fence to screen the site from adjacent properties and to preclude entry by unauthorized persons.

C. Fill placed on the subject property in 1988 was done in violation of Chapter 2.02 of the City Code. This fill blocked a natural drainage course and has caused ponding on the adjacent City property to the east. A permit for the fill must be obtained and drainage facilities constructed to replace the previous natural drainage course.

D. The applicant shall provide to the City of Tacoma a 15 foot slope easement over the north 15 feet of the site for the development of South 40th Street.

E. Fire protection must be provided in accordance with the Uniform Fire Code and Water Division standards and specifications at the expense of the applicant.

3. Applicant agrees and understands that prior to obtaining a temporary or final Certificate of Occupancy, either all required improvements shall have been completed and accepted by the City, or a performance bond or other financial security guaranteeing the completion of such improvements, as approved by the City Attorney, shall be provided to the City.

4. THE DECISION AND CONDITIONS IMPOSED HEREIN ARE BASED UPON REPRESENTATIONS MADE AND EXHIBITS, INCLUDING DEVELOPMENT PLANS AND PROPOSALS, SUBMITTED AT THE HEARING CONDUCTED BY THE HEARINGS EXAMINER. ANY SUBSTANTIAL CHANGE(S) OR DEVIATION(S) IN SUCH DEVELOPMENT PLANS, PROPOSALS, OR CONDITIONS OF APPROVAL IMPOSED SHALL BE SUBJECT TO THE APPROVAL OF THE HEARINGS EXAMINER AND MAY REQUIRE FURTHER AND ADDITIONAL HEARINGS.

5. No modifications of this agreement shall be made unless mutually agreed upon by the parties in writing.

6. The City may, at its discretion, bring a lawsuit to compel specific performance of the terms of this agreement. In addition to all other remedies available to the City by law, the City reserves the right to revoke the rezoning of the Site should the Applicant fail to comply with any of the terms and conditions of this agreement.

7. If any condition or covenant herein contained is not performed by the Applicant, the Applicant hereby consents to entry upon the Site by the City of Tacoma or any entity, individual, person, or corporation acting on behalf of the City of Tacoma for purposes of curing said defect and performing said condition or covenant. Should the City in its discretion exercise the rights granted herein to cure said defect, the Applicant, his successors and assigns, consent to the entry of the City on the above described property and waive all claims for damages of any kind whatsoever arising from such activity, and the Applicant further agrees to pay the City all costs incurred by the City in remedying said defects or conditions. The obligations contained in this section are covenants running with the land, and burden the successors and assigns of the respective parties.



8. In the event that any term or clause of this agreement conflicts with applicable law, such conflict shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this agreement are declared to be severable.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Attest:

City Clerk

Legal Description Approved:

Director of Planning

Approved as to form:

Assistant City Attorney

CITY OF TACOMA

By Mayor

P.I.P.E., INC.

By

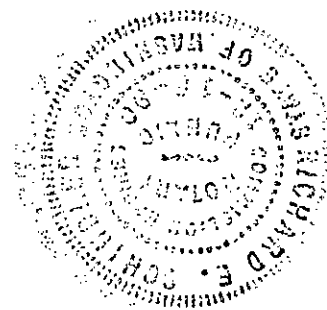
Title V.P. PRES

STATE OF WASHINGTON )  
County of Pierce ) ss

I, THE UNDERSIGNED, a Notary Public in and for the State of Washington, do hereby certify that on this 4<sup>TH</sup> day of AUGUST, 1989, personally appeared before me FRED ROSEVEAR, to me known to be the V.P. PRES of the corporation which executed the above instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes above mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the  
State of Washington, residing  
at Tacoma



file 6/28/89

OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

REPORT AND RECOMMENDATION TO THE CITY COUNCIL

APPLICANT: P.I.P.E., Inc.

FILE NO.: 120.1266

SUMMARY OF REQUEST:

Request for reclassification from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District to allow the development of a 5-1/2 acre storage yard for precast concrete products.

LOCATION:

On the east side of South Orchard Street between South 40th and 46th Streets (4601 South Orchard Street).

DEPARTMENTAL REPORT:

Received by the Examiner's office on May 30, 1989.

RECOMMENDATION OF THE EXAMINER:

It is hereby recommended that the request be approved, subject to the conditions.

PUBLIC HEARING:

After reviewing the report of the Planning Department, examining other available information on file with the application, and visiting the subject property and the surrounding area, the Examiner conducted a public hearing on the application on June 6, 1989.

## FINDINGS, CONCLUSIONS AND RECOMMENDATION:

### FINDINGS:

1. P.I.P.E., Inc. (applicant) is requesting reclassification from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District to allow the development of a 5-1/2 acre storage yard for precast concrete products located on the east side of South Orchard Street between South 40th and 46th Streets (4601 South Orchard Street).

2. The property proposed for reclassification consists of two parcels land (denoted as Parcels A and B). Parcel A is located to the east of the applicant's existing concrete product manufacturing site and abutting the northerly portion thereof. Parcel B extends northerly from the north boundary of the applicant's site. It is the applicant's intention to utilize both parcels for the outdoor storage of precast concrete products produced at its existing manufacturing plant located on adjacent property.

Also, the applicant proposes to construct a settlement basin and a sediment drying area on portions of the parcels requested for reclassification as a part of its pollutant discharge control system. The use of the additional storage area, as here proposed, will not result in an increase or intensification of the applicant's concrete product manufacturing facility, but, rather, will improve the efficiency of the storage and transport operation and allow for more efficient and safer movement within the overall site. Access to the two parcels would be provided through the applicant's existing plant site which is served by South 46th Street abutting on the south.

3. The two parcels of property were obtained by the applicant as a result of the settlement of a lawsuit brought by the applicant against the City of Tacoma relative to the City's operation of a sanitary landfill on property to the east and north of the applicant's site. Both properties are undeveloped, however, a portion of one of the properties is presently being utilized by the applicant for storage of concrete products which it produces. Current zoning of both properties is "R-2" One-family Dwelling District. The storage of concrete products is not permitted in said district.

4. The City of Tacoma's sanitary landfill, as previously found, is located to the north and east of the subject parcels requested for rezone. To the west of Parcel A is located the applicant's existing manufacturing plant and storage area. To the west of Parcel B is located a recently-developed mini-storage warehouse facility. The applicant's existing plant site is zoned

"M-1" Light Industrial District and "M-2" Heavy Industrial District Industrial zoning is also located to the west along the east side of Orchard Street. Generally, the two parcels requested for reclassification cannot readily be viewed from surrounding properties due to topography, existing vegetation and distance.

5. The City's Generalized Land Use Plan (GLUP) adopted in 1980 locates the subject sites within an area identified as suitable for "medium intensity" uses. The South Tacoma Plan, adopted in 1985, also designates the sites as suitable for "medium intensity" use, and, additionally, identifies the sites and surrounding area as suitable for "medium intensity industrial use". See pages 99 through 101, South Tacoma Plan.

The zoning and use here being proposed conforms to the "medium intensity" designation as the same is set forth in the GLUP and South Tacoma Plan, as well as the specific recommendations for this portion of the Orchard Street corridor, as provided for in the South Tacoma Plan.

6. Various departments and agencies with jurisdiction and interest in the request have reviewed the same and presented comments thereon. The Department of Public Works has noted that certain fill placed on the property in 1988 was done in violation of applicable City regulations, resulting in the blockage of a natural drainage course causing ponding on the adjacent City property to the east, and that a permit must be obtained and drainage improvements constructed in order to alleviate the drainage problem, and, further, recommends that the applicant shall provide a 15 foot slope easement over the north 15 feet of the site for development of South 40th Street. The Water Division of the Department of Public Utilities advises that fire protection must be provided in accordance with Uniform Fire Code and Water Division standards and specifications at the expense of the applicant. The Department of Planning expresses the opinion that the requested reclassification is consistent with applicable plan policies and other requirements for reclassification, provided conditions are imposed relative to screening of the property, compliance with conditions recommended by the various departments, and execution of a Concomitant Zoning Agreement setting forth the conditions imposed.

The Washington State Department of Ecology (DOE) advises that the applicant's existing operation has had numerous illegal discharges to Leach Creek, which has resulted in turbidity and high pH levels within the Creek. Further, the DOE, apparently as a punitive measure, recommends that the proposal presented herein not be approved until current water quality problems are resolved.

7. Testimony by the applicant's Vice President of Operations and City staff established the following:

a. The increase in area for products storage as proposed here will not result in any increase in or intensification of the manufacturing operation currently occurring at the applicant's existing plant site. The principal purpose of the increased storage area is to improve efficiency of product movement and to improve efficiency and safety of internal access within the site;

b. Discharges from the existing plant site to Leech Creek have only recently been brought to the applicant's attention, primarily as a result of an accidental spill of material which was flushed into the storm drain system resulting in a dramatic change in color of the waters of Leech Creek;

c. The source of pollutants entering Leech Creek from the applicant's site is the fine cementitious material used in the manufacturing process which has a high pH level and which causes sedimentation in the Creek;

d. The applicant has taken, and continues to implement, steps to prevent the discharge of pollutants from its site into Leech Creek. Containment has been provided around areas which are possible source of contaminants, settling basins have been constructed, and the plant area has been thoroughly cleaned. Additionally, the applicant has obtained equipment, which is soon to be installed, to control the pH level of the cementitious materials used in its manufacturing process. Additional containment/settlement basins are to be constructed; and a sediment drying area is to be developed. Portions of the properties which are proposed for rezone here would be utilized for the foregoing additional pollution control facilities. Design and construction of additional discharge control facilities are expected to be completed by the fall of this year; and



e. Currently, the measures being taken by the applicant satisfactorily control discharge from the site into Leech Creek during times of dry weather or low rainfall. However, such measures are not sufficient to handle discharge of pollutants into Leech Creek during large storm events. It is expected that the additional measures to be undertaken will properly control discharge from the site during these larger storm events.

8. No one appeared at hearing expressing opposition to the requested reclassification, and no testimony was presented by the DOE.

9. Tacoma City ordinances set forth the following circumstances which must be found to apply in requests involving reclassification of properties:

1. That substantial evidence was presented demonstrating the subject reclassification appears not to have been specifically considered at the time of the last area land use analysis and area zoning; or

2. That the property is potentially zoned for the reclassification being requested pursuant to the policies set forth in the Land Use Management Plan and conditions have been met which would indicate the change is appropriate; or

3. That since the last previous land use analysis of the area and area zoning of the subject property, authorized public improvements, permitted private development or other circumstances affecting the subject property have undergone significant and material change.

Section 13.03.110, Tacoma Municipal Code (TMC).

The Washington State Supreme Court in the case of Parkridge v. Seattle, 89 Wn.2d 454, 573 P.2d 359 (1978), provides the following standards to be utilized by local governments in acting upon rezone requests:

1. The rezone bears the substantial relationship to the public health, safety, morals or welfare; and

2. That conditions have changed substantially since the original zone was applied to the property.

10. The following changes in conditions affecting the two parcels of property sought to be reclassified here, and supporting the requested reclassification have occurred since the property's "R-2" zoning was established in 1953:

a. The applicant's existing manufacturing site has been reclassified to M-1 Light and M-2 Heavy Industrial Districts;

b. Other light industrial zoning districts and developments have occurred to the west along the east side of Orchard Street;

c. The City has developed a major sanitary landfill abutting to the east and north; and

d. The City has adopted the Generalized Land Use Plan (GLUP) and the South Tacoma Plan in 1980 and 1985, respectively, designating the property as suitable for "medium intensity" development and, specifically, industrial development.

11. Pursuant to the State SEPA Rules and the City of Tacoma's Environmental Code, the Director of Planning issued a Determination of Environmental Nonsignificance for the proposed action. No appeal of the environmental determination has been brought pursuant to Section 13.12.680, TMC.

12. The Department of Planning Preliminary Report, as entered into this record as Exhibit No. 2, accurately describes the proposed project, general and specific facts about the proposal, applicable sections of the Generalized Land Use Plan, and the applicable regulatory codes. The report is incorporated by reference as though fully set forth herein.

13. Written notice of the public hearing has been mailed to all owners of property within 400 feet of the site and has been published in the Tacoma Daily Index at least 47 days prior to the date of the public hearing.

14. Any conclusion hereinafter stated which may be deemed a finding herein is hereby adopted as such.

#### CONCLUSIONS:

1. The Hearing Examiner has jurisdiction over the parties and subject matter of this proceeding. See Sections 13.03.070 and 13.06.470, Tacoma Municipal Code (TMC).

2. Requests for reclassifications are reviewed for consistency with the criteria set forth at Section 13.03.110, TMC, and the requirements enunciated forth in Parkridge v. Seattle, supra.

3. Findings have been entered which support a conclusion that the instant proposal for reclassification, if properly conditioned, conforms to the criteria set forth at Section 13.03.110, TMC, and the requirements of Parkridge, supra. No party has disputed the proposal's consistency with applicable requirements for the granting of zoning reclassifications.

4. The only issue of substance raised relates to discharge of pollutants from the applicant's site to Leech Creek. While this matter is one of substantial import, it has not been shown that there is a nexus between the additional products storage areas here being proposed and offending discharges from the site. To the contrary, the evidence presented demonstrates that the use of the parcels requested for reclassification as storage areas will not result in any increase or intensification of the product manufacturing operation presently occurring on the site and will not result in any increase in pollutant discharge from the site. Findings entered, based on the evidence in the record, show that pollution discharge control facilities are to be located on portions of the parcels requested to be rezoned, and these additional facilities are expected to further control pollutant discharges from the overall site to Leech Creek. In order to deny the proposal or to condition it as has been recommended by the DOE, it must be shown that such action is necessary to remedy a problem arising from the specific development proposal under consideration. See, generally, Unlimited v. Kitsap County, 50 Wn.App 723, 750 P.2d 651 (1988) and cases cited therein. This has not been shown in the case here. The Examiner presumes that the DOE has sufficient legal authority under applicable water quality statutes and regulations to properly regulate pollutant discharges from the site, and that such authority will be utilized to the fullest extent by the DOE to gain compliance in regard to the applicant's existing manufacturing operation.

The applicant, however, has acknowledged, in this proceedings, its responsibility to properly control pollutant discharges from its site to Leech Creek and has agreed, in substantial part, with the condition recommended by the DOE. The only dispute relates to the timing of providing operational and pollution control plans to the DOE for its approval. Based upon the representations made by the applicant at hearing, it would be appropriate to impose a condition requiring submission of the requested pollution control plans to DOE for its approval by the fall of 1989, at which time the applicant represents that the additional discharge control measures already planned will be designed and installed.

5. The reclassification should be approved, subject to the following conditions:

a. The applicant shall submit an approveable operating and pollution control plan to the Department of Ecology, Water Quality Division, for review and approval. The plan shall be submitted to Greg Cloud, DOE, Water Quality Division, SW Regional Office, 7272 Clearwater Lane, Olympia, WA 985-4-6811 by October 31, 1989..

b. Both sites shall be secured by a minimum 6 foot high site obscuring security fence to screen the site from adjacent properties and to preclude entry by unauthorized persons.

c. Fill placed on the subject property in 1988 was done in violation of Chapter 2.02 of the City Code. This fill blocked a natural drainage course and has caused ponding on the adjacent City property to the east. A permit for the fill must be obtained and drainage facilities constructed to replace the previous natural drainage course.

d. The applicant shall provide to the City of Tacoma a 15 foot slope easement over the north 15 feet of the site for the development of South 40th Street.

e. Fire protection must be provided in accordance with the Uniform Fire Code and Water Division standards and specifications at the expense of the applicant.

f. A Concomitant Zoning Agreement (CZA), incorporating the conditions of approval imposed, shall be executed and recorded prior to final reading of the ordinance reclassifying the property.

g. Prior to preparation of the CZA, the applicant shall furnish to the City Attorney documentation verifying the current ownership of the property to be classified.

h. THE DECISION IMPOSED HEREIN IS BASED UPON REPRESENTATIONS MADE AND EXHIBITS, INCLUDING DEVELOPMENT PLANS AND PROPOSALS, SUBMITTED AT THE HEARING CONDUCTED BY THE HEARING EXAMINER. ANY SUBSTANTIAL CHANGE(S) OR DEVIATION(S) IN SUCH DEVELOPMENT PLANS, PROPOSALS, OR CONDITIONS OF APPROVAL IMPOSED SHALL BE SUBJECT TO THE APPROVAL OF THE HEARING EXAMINER AND MAY REQUIRE FURTHER AND ADDITIONAL HEARINGS.

i. THE AUTHORIZATION(S) GRANTED HEREIN IS/ARE SUBJECT TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS, AND ORDINANCES. COMPLIANCE WITH SUCH LAWS, REGULATIONS, AND ORDINANCES ARE CONDITIONS PRECEDENT TO THE APPROVALS GRANTED AND ARE CONTINUING REQUIREMENTS OF SUCH APPROVALS. BY ACCEPTING THIS/THESE APPROVALS, THE APPLICANT REPRESENTS THAT THE DEVELOPMENTS AND ACTIVITIES ALLOWED WILL COMPLY WITH SUCH LAWS, REGULATIONS, AND ORDINANCES. IF, DURING THE TERM OF THE APPROVALS GRANTED, THE DEVELOPMENTS AND ACTIVITIES PERMITTED DO NOT COMPLY WITH SUCH LAWS, REGULATIONS, OR ORDINANCES, THE APPLICANT AGREES TO PROMPTLY BRING SUCH DEVELOPMENTS OR ACTIVITIES INTO COMPLIANCE.

6. Any finding hereinbefore stated which may be deemed a conclusion herein is hereby adopted as such.

RECOMMENDATION:

The request should be approved, subject to the conditions set forth in Conclusion 5 herein.

ORDERED this 27th day of June, 1989.

  
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RODNEY M. KERSLAKE, Hearing Examiner

TRANSMITTED this 27th day of June, 1989, via certified mail to:

William Lynn, Attorney at Law, P.O. Box 1157, Tacoma, WA 98401



TRANSMITTED this 27th day of June, 1989, to the following:

Roy Duncan, Vice President of Operations, P.I.P.E., Inc.,  
P.O. Box 9156, Tacoma, WA 98409  
Barbara J. Ritchie, Environmental Review Section, DOE,  
Mail Stop PV-11, Olympia, WA 98504-8711  
City Clerk, City of Tacoma  
Planning Department, City of Tacoma (Hoivik)  
Public Works Department, City of Tacoma ( Wm. Larkin)  
Public Utilities Department, City of Tacoma (Prop. Mgmt)

N O T I C E

Pursuant to the Official Code of the City of Tacoma, Sections 13.03.120, 13.03.130, and 13.06.485, a request for RECONSIDERATION (by filing the same with the Hearing Examiner) or, alternatively, a request for APPEAL to the City Council (by filing the same with the City Clerk) of the Examiner's decision and/or recommendation in this matter must be filed in writing on or before June 11, 1989.

## NOTICE

### RECONSIDERATION AND APPEAL OF EXAMINER'S DECISION

#### RECONSIDERATION:

Any aggrieved person having standing under the ordinance governing such application and feeling that the decision of the Examiner is based on errors of procedure or fact may make a written request for review by the Examiner within fourteen (14) days of the issuance of the Examiner's decision or recommendation. This request shall set forth the alleged errors, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision. (Official Code of the City of Tacoma, Section 13.03.120)

#### APPEALS TO CITY COUNCIL OF EXAMINER'S DECISIONS OR RECOMMENDATIONS:

Within fourteen (14) days of the issuance of the Examiner's decision or recommendation involving any application or appeal filed pursuant to the provisions of this chapter, the applicant or any aggrieved party owning property or residing within the area entitled to public notice by mail as set forth in the section of this chapter governing such application, shall have the right to appeal the decision or recommendation of the Hearings Examiner by filing written notice of appeal in duplicate with the City Clerk, stating the reasons the Hearings Examiner's decision or recommendation was in error; provided, however, that in the event application is made pursuant to Section 13.03.120 of this Title for reconsideration by the Examiner, the appellant shall have seven (7) days from the date of issuance of the Examiner's decision on the reconsideration to appeal the Examiner's decision to the City Council. EACH APPEAL SHALL BE ACCOMPANIED BY A FEE AS SET FORTH IN SECTION 13.06.471 OF THIS CHAPTER. THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD APPELLANT PREVAIL. (Pursuant to Section 13.06.471.B.3 of the Official Code, fees for appeals shall be waived for qualifying senior citizens who are eligible for tax exemption because of financial status and for persons who are permanently handicapped and are likewise eligible for tax exemption because of financial status.)

Appeals shall be reviewed and acted upon by the City Council in accordance with Section 13.03.130 of this Title. (Official Code of the City of Tacoma, Section 13.06.485)

NOTE: YOUR ATTENTION IS DIRECTED TO THE LAST PARAGRAPH OF THE ATTACHED EXAMINER'S REPORT where you will find specific dates for filing a request for reconsideration or notice of appeal to the Council of the matter under consideration herein.

#### COUNCIL REVIEW:

In reviewing a decision, all parties of record may submit memoranda, but no additional hearings shall be held and no new evidence or testimony shall be taken by the City Council. The City Council shall accept, modify or reject any findings and conclusions or remand the decision to the Examiner for further hearing, provided that any decision of the City Council shall be based on the record of the hearing conducted by the Hearings Examiner; however, the Council may publicly request additional information of the appellant and the Examiner at its discretion. (Official Code of the City of Tacoma, Section 13.03.130.)

#### GENERAL PROCEDURES FOR APPEAL:

The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all of these procedures here, you should be aware of the following items which are essential to your appeal. Any answers to questions on the proper procedure for appeal may be found in the City Code sections heretofore cited:

1. The cost of transcription of the hearing record shall be borne by the party or parties requesting such transcript. Therefore, if a verbatim transcript is required, said parties should make such request for the transcript directly to the Hearings Examiner.
2. The written application of appeal shall also state where the Examiner's conclusions or findings were in error, and in zoning reclassifications, why, because of public necessity and the general welfare, such zoning reclassification is required or should remain the same.

DEPARTMENT OF PLANNING  
PRELIMINARY REPORT  
AND  
ENVIRONMENTAL EVALUATION

HEARINGS EXAMINER HEARING  
June 6, 1989

*Exh. #2*

APPLICANT: P.I.P.E., INC.

FILE NO. 120.1266

A. SUMMARY OF REQUEST:

A reclassification from "R-2" One-Family Dwelling District to "M-1" Light Industrial District to allow the development of a 5-1/2 acre storage yard for precast concrete products.

B. GENERAL INFORMATION:

1. Owner/Applicant: P.I.P.E., Inc.  
P.O. Box 9156  
Tacoma, WA 98409
- Contact Person: Richard Schindler
2. Location: East side of South Orchard Street, between South 40th and South 46th Streets (4601 South Orchard Street).
4. Property Description: See attached.
5. Size: Approximately 5.5 acres.

C. PROJECT DESCRIPTION:

The applicant proposes to develop two parcels (see attachment "b") as an outdoor storage yard for precast concrete products produced at its existing manufacturing plant located on adjacent property. Access to the two parcels would be provided through the applicant's existing manufacturing plant site which is served by South 46th Street abutting on the south.

D. ADDITIONAL INFORMATION:

1. General Zoning in the Area: "R-2" One-family Dwelling District and "R-2TM" Medical Center-Transitional District, "R-4-L" Low-Density Multiple-Family Dwelling District, "M-1" Light Industrial District and "M-2" Heavy Industrial District.
2. History: The two sites were zoned "R-2" One-Family Dwelling District in 1953. The applicant's existing plant site was zoned "M-2" Heavy Industrial District on March 9, 1965. Both sites are located within an area which has been designated as suitable for "medium intensity" development by the City's South End Plan, which was adopted in 1985.
3. Attachments:
  - a. Legal description
  - b. Site plan
  - c. Memorandum dated May 12, 1989, from Benjamin J. Thompson
  - d. Memorandum dated May 15, 1989, from Kenneth F. Olson, Water Division Superintendent, Department of Public Utilities
  - e. Letter dated May 19, 1989, from Barbara J. Ritchie, Environmental Review Section, Department of Ecology
  - f. Section 13.06.320 of the zoning code ("M-1" District use regulation)
  - g. Orchard Street South Section - South Tacoma Plan
4. Notification: Written notice of the public hearing has been sent to all owners of property within 400 feet of the site at least 47 days prior to the date of the hearing and has been published in the Tacoma Daily Index.

E. EXISTING CONDITIONS AND ENVIRONMENTAL EVALUATION:

Pursuant to the State's SEPA Rules (WAC 197-10) and the City of Tacoma's Environmental Code, the Director of Planning has issued a Declaration of Nonsignificance for the proposed action. The determination was based on the survey to the site, the review of the applicant's environmental checklist and other supporting information on file with the Planning Department.

F. APPLICABLE SECTIONS OF THE LAND USE REGULATORY CODE:

Section 13.03.110 states the following:

13.03.110 EXAMINER'S DECISION AND RECOMMENDATION - FINDINGS REQUIRED. When the Examiner renders a decision or recommendation, such Examiner shall make and enter findings from the record and conclusions thereof which support such decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the goals and policies of the Land Use Management Plan and the standards set forth in the various land use regulatory codes; provided that in any case where a reclassification of property is recommended, at least one of the following circumstances shall be found to apply:

1. That substantial evidence was presented demonstrating the subject reclassification appears not to have been specifically considered at the time of the land area land use analysis and area zoning; or
2. That the property is potentially zoned for the reclassification being requested pursuant to the policies set forth in the Land Use Management Plan and conditions have been met which would indicate the change is appropriate; or
3. That the last previous land use analysis of the area and area zoning of the subject property, authorized public improvements, permitted private development or other circumstances affecting the property have undergone significant and material change.

Section 13.06.320 of the zoning code ("M-1" Light Industrial District Use Regulations) states the following regarding permitted uses:

(See attachment "f")

G. APPLICABLE SECTIONS OF THE GENERALIZED LAND USE PLAN:

Industrial Policies

General

Intent

Industrial development provides goods and services needed by other businesses and industries as well as the general public. These uses also provide employment opportunities for a large segment of the population. Industrial development is primarily characterized by manufacturing activities and some non-manufacturing activities such as wholesaling, warehousing, shipping and distribution.

Potential adverse influences associated with industrial developments include noise, glare, vibration, air and water pollution, traffic congestion and safety hazards. Generally, industrial developments are considered incompatible with other land uses because of their high nuisance level. However, some newer, technical types of industry produce little adverse effects. By utilizing the planned development approach, "clean" industrial uses may be located near some residential areas, provided that compatibility is maintained and proper controls are applied to limit any adverse influences on surrounding areas.

Industrial facilities vary in size and function. Heavy industrial uses usually consist of larger scale buildings with adjacent large storage areas or other facilities. These uses generally are associated with high

nuisance levels. Light industrial development consists of smaller scale, non-manufacturing and manufacturing uses. Generally, light industries are located on smaller sites and have lower nuisance levels. The function and the location of industrial establishments are highly related to convenient access to major transportation facilities and other manufacturers, suppliers and distributors in the urban area.

1. Allow for concentrations of land of sufficient size and quantity to meet the needs of industry.
2. Strongly encourage new industrial development to locate in existing industrial areas.
3. Encourage uses that provide supportive and convenience goods and services to industrial establishments and their employees to locate in industrial areas.
4. Encourage industrial development to locate in concentrations to promote the most efficient use of land, utilities and transportation facilities.
5. Permit the expansion of existing industrial development, where appropriate, provided the adjacent properties and surrounding area are not adversely affected.
6. Protect adjacent less intensive land uses from industrial uses through the use of performance standards.
7. Locate industrial areas where access is functionally convenient to major transportation routes such as truck routes, freeways, railroads, navigable bodies of water and air terminals.
8. Locate new or expanded industrial developments where there are adequate streets and utilities such as water, power and sewers; these facilities must exist prior to or be developed concurrently with the development.
9. All industrial developments should have sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and loading facilities.
10. Encourage existing and new industrial developments to enhance the aesthetic quality of the industrial community through consideration of good architectural and site design, beautification measures, proper maintenance and the provision of park-like open space areas for employees.
11. Encourage all industrial development to participate in programs for the control, prevention and elimination of blight.

#### Medium Intensity Industrial Policies

##### Intent

Medium intensity industrial areas are small to medium sized employment centers usually containing manufacturing and non-manufacturing activities. Manufacturing developments within these areas are moderately scaled with moderate levels of noise, odors and other nuisance factors. Non-manufacturing uses include such activities as trucking, warehousing, distribution, printing and food processing.

Medium intensity industrial development is usually located in areas that are functionally convenient to freeways, major arterial streets and rail service. In Tacoma, medium intensity industrial development can be found along Center Street, in some portions of the South Tacoma Industrial Area and in some fringe areas of the downtown central business district.

Medium intensity industrial areas are generally not compatible with residential development. However, in recent years some medium intensity industrial development has occurred in the city's outlying areas using the "planned industrial development" approach. This method of development requires strict performance standards which may allow some types of industry to locate near residential neighborhoods with a minimum of influence on the surrounding environment.

Natural features, freeways, major arterials and less intensive land uses can act as buffers between medium intensity areas and other less intensive uses.

1. Medium intensity industrial development should be located on sites that are reasonably level and convenient to transportation facilities.
2. Medium intensity industrial developments may be utilized as separators between high intensity industrial developments and other less intensive land uses.
3. Protect adjacent less intensive land uses from medium intensity industrial development through the use of performance standards.
4. Permit the establishment of planned light industrial and research/experimental laboratory/office developments having a campus-like setting in both inlying and outlying areas of the city.
5. Allow planned light industrial and research/experimental, laboratory/office developments to locate on land which is proximate to residential development but in itself may not be suitable for residential development, provided the character of the area is maintained.
6. Planned light industrial and research/experimental, laboratory/office developments should be subject to site design approval, and meet strict standards of operation and performance in order that adverse influences on adjacent properties is minimized.
7. Recognize that planned industrial parks are intended to be relatively nuisance-free, self-contained and viable developments that do not require buffer-type land uses adjacent to the park development.
8. Encourage only those land uses that may be considered secondary or supportive to a planned industrial park to locate within the park rather than adjacent to the park development.

H. APPLICABLE SECTIONS OF THE SOUTH TACOMA PLAN:

1. Orchard Street South Section

(see attachment "G")

I. PROJECT RECOMMENDATIONS:

<u>Public Works:</u>		See attachment "C"
<u>Public Utilities:</u>		See Attachment "D"
<u>Fire Department:</u>	5-24-89	No objections
<u>Health Department:</u>	4-28-89	No objections
<u>Police Department:</u>	5-1-89	No objections
<u>Human Rights Dept.:</u>	4-26-89	No objections
<u>Human Development Dept.:</u>		No response
<u>Community Development Dept.:</u>		No response
<u>Pierce Transit:</u>		No response
<u>U.S. West Communications:</u>	5-10-89	No objections
<u>Washington Natural Gas Co.:</u>	5-2-89	No objections
<u>Dept. of Ecology, Environmental Review Division</u>		See attachment "e"

Planning Department:

## BURDEN OF PROOF

Before a parcel of land within the City of Tacoma can be reclassified, it must be shown that the request is consistent with the findings specified in Section 13.03.110; the applicable policies of the Generalized Land Use Plan, and the "Parkridge Test." The findings specified by Section 13.03.110 and the applicable policies of the Generalized Land Use Plan are found in Sections "F" and "G" of this report. The "Parkridge Test" was derived from a 1978 Washington Supreme Court Case (Parkridge v. Seattle, 89 WN.2d 454). The opinion in Parkridge states that in a rezone action, the "burden of proof is on the one seeking the change to show that:

1. the rezone bears a substantial relationship to the public health, safety, morals, or welfare; and
2. that conditions have changed substantially since the original zone was applied to the property.

Each of these standards or criteria must be met to effect a legally supportable reclassification.

## ISSUES

1. The position of the State of Washington, Department of Ecology, set forth in the attached letter (attachment "e") dated May 19, 1989. The Department of Ecology (D.O.E.) has advised, that the applicant's existing concrete products manufacturing plant has had numerous illegal discharges to Leach Creek, which is located to the west of South Orchard Street in unincorporated Pierce County. D.O.E. has further indicated that it is not advisable to allow the expansion of the facility until the waste problems have been resolved at the existing plant site.

While the proposed reclassification would allow for additional storage area and would not involve any manufacturing activity, the Planning Department has advised the applicant's legal counsel of the matter, and has requested that they contact the D.O.E. and attempt to resolve this situation prior to the scheduled hearing date.

## ANALYSIS

### General Residential Policies 1 and 3

1. Protect, preserve and maintain established residential neighborhood areas where a definite density, housing type and character prevail; nuisances and incompatible land uses should not be allowed to penetrate these areas.
3. Prohibit incompatible land uses from situating within or adjacent to existing or future residential developments.

Comments: The subject site is not located near an established residential neighborhood. The applicant's existing concrete pipe manufacturing plant abuts on the south, commercial and industrial uses abut on the west, and the City of Tacoma's Sanitary Landfill abuts on the north and east. Existing multiple-family development is located farther to the north.

### General Industrial Policies 1, 2, 3, 4, and 5

1. Allow for concentrations of land of sufficient size and quantity to meet the needs of industry.
2. Strongly encourage new industrial development to locate in existing industrial areas.
3. Encourage uses that provide supportive and convenience goods and services to industrial establishments and their employees to locate in industrial areas.
4. Encourage industrial development to locate in concentrations to promote the most efficient use of land, utilities and transportation facilities.



5. Permit the expansion of existing industrial development, where appropriate, provided the adjacent properties and surrounding area are not adversely affected.

Comment: The subject sites are located within an area characterized by its industrial and commercial nature. Since 1965, approximately six large parcels of property in the immediate area have been reclassified from "R-2" One-Family Dwelling District to either "M-1" or "M-2" Industrial District. Due to the character of the surrounding development and the fact that the areas in question would be used for the storage of finished products and not manufacturing purposes, it appears that the proposal would not adversely affect adjacent properties.

General Industrial Policies 7, 8, and 9

7. Locate industrial areas where access is functionally convenient to major transportation routes such as truck routes, freeways, railroads, navigable bodies of water and air terminals.
8. Locate new or expanded industrial developments where there are adequate streets and utilities such as water, power and sewers; these facilities must exist prior to or be developed concurrently with the development.
9. All industrial developments should have sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and loading facilities.

Comment: Access to the subject sites would be provided through the applicant's existing site, which is accessed via South 46th Street. Access to South 46th Street is provided via South Orchard Street, a principal arterial. Adequate utilities either exist or are available to serve the subject sites. Adequate rights-of-way, street improvements, access control, circulation routes and off-street parking and loading facilities exist to serve the site.

Medium Intensity Industrial Policies 1 and 2

1. Medium intensity industrial development should be located on sites that are reasonably level and convenient to transportation facilities.
2. Medium intensity industrial developments may be utilized as separators between high intensity industrial developments and other less intensive land uses.

Comment: Both sites are generally level and, as previously indicated, conveniently located in close proximity to South Orchard Street, a principal arterial street. In addition, the proposed storage yards would function nicely as a transitional land use activity between the City's Sanitary Landfill on the east and the mini-warehouse facilities on the west in the case of parcel "B" and between the sanitary land fill on the east and the applicant's existing manufacturing site on the west in the case of parcel "A."

Based upon the previous analysis, it appears that the request is consistent with the policies of the Generalized Land Use Plan and with the intent of the South Tacoma Plan.

In regard to the changes in circumstances affecting the site since the "R-2" zoning was applied in 1953, the department would note the following:

1. The establishment of the City's sanitary landfill in the early 1960's;
2. The reclassification of six separate parcels of land to the south and west of the site from "R-2" One-Family Dwelling District to "M-1" and "M-2" Industrial District between 1965 and 1987;
3. The adoption of the City's Generalized Land Use Plan in 1980; and
4. The adoption of the South Tacoma Plan in 1985.

### CONCLUSIONS

While the subject request appears consistent with the various requirements necessary to be met to effect a legal reclassification of property in the City of Tacoma, the concerns of the Department of Ecology, set forth in the attached letter dated May 19, 1989 (see attachment "e") need to be resolved in a satisfactory manner. The applicant should come to the hearing prepared to address this issue.

Should the reclassification be authorized, the department would recommend the following conditions of approval:

1. Both sites shall be secured by a minimum 6 foot high site obscuring security fence to screen the site from adjacent properties and to preclude entry by unauthorized persons.
2. All conditions of approval requested by the Departments of Public Works and Public Utilities.

### USUAL CONDITIONS:

1. A Concomitant Zoning Agreement (CZA), incorporating the conditions of approval imposed, shall be executed and recorded prior to final reading of the ordinance reclassifying the property.
2. Prior to preparation of the CZA, the applicant shall furnish to the City Attorney documentation verifying the current ownership of the property to be classified.

P.I.P.E., Inc.

FILE # 120.1266

ATTACH. "A"

PARCEL A:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence easterly along said south line 150.66 feet; thence southeasterly to the southeast corner of the northwest quarter of the southwest quarter of said section; thence westerly along the south line of said northwest quarter 266.24 feet; thence northerly parallel with the east line of said northwest quarter to the point of beginning, in Tacoma, Pierce County, Washington.

PARCEL B:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence westerly along said south line 50.34 feet to the true point of beginning; thence continuing along said south line to a point 850.00 feet east of the west line of said Section 13; thence northerly parallel with said west line to a point 46.00 feet south of the north line of said northwest quarter; thence easterly parallel with said north line of said northwest quarter 170.00 feet; then southerly to the true point of beginning, in Tacoma, Pierce County, Washington.

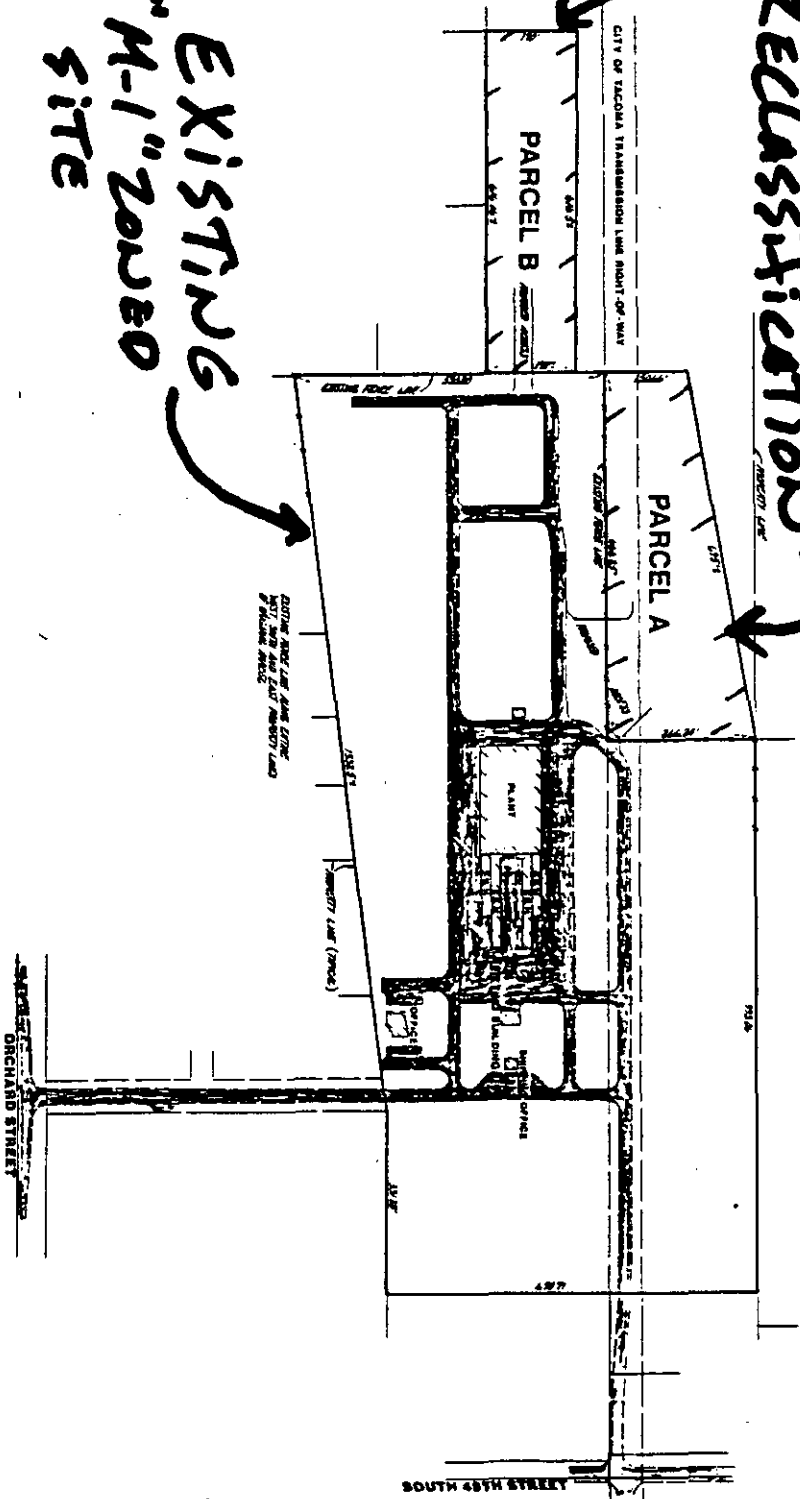
P.I.P.E., INC.

FILE #120.1266

ATTACH. "B"

PROPOSED  
RECLASSIFICATION

EXISTING  
"M-1" ZONED  
SITE



CITY OF TACOMA  
SANITARY LANDFILL

EXHIBIT MAP  
PIPE INC. REZONE

SITTS & HILL  
ENGINEERS, INC.  
CIVIL • STRUCTURAL • SURVEYING

BORDON, THOMAS,  
HONEYWELL  
2200 FIRST INTERSTATE  
PLAZA  
TACOMA, WA 98401

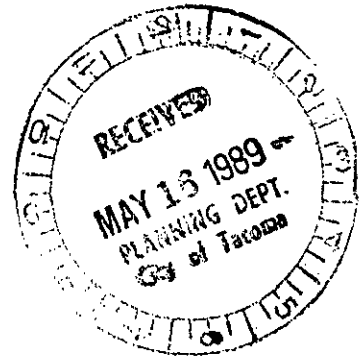
**INTER-DEPARTMENTAL COMMUNICATION**

TO: Kathlyn C. Mills  
Principal Planner  
Land Use Administration

FROM: Benjamin J. Thompson, P.E.  
City Engineer

SUBJECT: P.I.P.E., Inc.  
Reclassification No. 120.1266  
4601 South Orchard Street

DATE: May 12, 1989



We have reviewed the subject request and recommend the following conditions of approval:

1. Fill placed on subject property in 1988 was done in violation of Chapter 2.02 of the City Code. This fill blocked a natural drainage course and has caused ponding on the adjacent City property to the east. A permit for the fill must be obtained and drainage facilities constructed to replace the previous natural drainage course.
2. The applicant shall provide, to the City of Tacoma, a 15-foot slope easement over the north 15 feet of the site for the development of South 40th Street.

  
BENJAMIN J. THOMPSON, P.E.  
City Engineer

BJT:DS:jb

cc: Construction  
Engineering: Mark Linden  
Lynn Price  
Police Traffic Services Division  
Refuse Utility  
Sewer Utility  
Traffic Engineering  
Mr. Richard Schindler  
c/o P.I.P.E., Inc.  
P.O. Box 9156  
Tacoma, WA 98409

File: DPW #62

WPC.8374.G



ATTACH. "D"

## MEMORANDUM

DATE: May 15, 1989

TO: E. E. Coates, Director of Utilities

FROM: Kenneth F. Olson, Water Division Superintendent *John C. Hines*

SUBJECT: P.I.P.E., INC. - RECLASSIFICATION NO. 120.1266 *for KFO*  
LOCATION: (4601 SOUTH ORCHARD STREET)

Both Light and Water Divisions have reviewed the subject request.

The Light Division has no comments.

The Water Division wishes to make the following comments. Fire protection must be provided in accordance with the Uniform Fire Code and Water Division standards and specifications at the expense of the developer.

JMD/RVW11/pae

(COMMEMO 3/89)



ATTACH. "C"

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

May 19, 1989



Ms. Kathlyn Mills  
City of Tacoma  
747 Market Street  
Tacoma, WA 98402

Dear Ms. Mills:

We received the consultation request for the rezone to allow a 5-1/2 acre storage yard for precast concrete products by Mr. Richard Schindler. We reviewed the environmental checklist and have the following comments.

This industry has had numerous illegal discharges to Leach Creek. These turbid, high pH discharges come from the concrete used to cast their products.

It is not advisable to expand this facility until the waste problems have been resolved at the current facility.

If you have any questions, please call Mr. Greg Cloud of the Southwest Regional Office at (206) 753-0142.

Sincerely,

*Barbara J. Ritchie*

Barbara J. Ritchie  
Environmental Review Section

BJR:

cc: Barbara Yake, SWRO

obtained and submitted by the tenant or owner of the property entirely at his or their expense.

Any process or operation determined to be in violation of the performance standards of this district shall be terminated immediately.

#### J. TECHNICAL EVALUATION.

Required technical evaluators shall report on the conformity or nonconformity of the specified process or processes with the standards of this and other applicable codes, ordinances, or statutes. Such an evaluation may be made by the owner, lessee, or agent involved; provided, however, that should the Hearings Examiner reasonably find such an evaluation to be unacceptable, Examiner may require a technical evaluation by an independent agency entirely at the expense of said owner, lessee, or agent. Such an independent technical agency, institution, research laboratory, testing laboratory, or chemical laboratory shall demonstrate, to the satisfaction of the Hearings Examiner, its ability and qualifications to perform the required evaluation. (Ord. 22766 § 15: passed Sept. 7, 1982; Ord. 22712 § 10: passed June 22, 1982; Ord. 22689 § 4: passed May 11, 1982; Ord. 20617 § 4: passed Dec. 16, 1975; Ord. 20266 § 34: passed Dec. 17, 1974; Ord. 18500 § 1: passed Feb. 27, 1968).

**13.06.320 M-1 district — Use — Height — Area — Parking and Loading regulations — Signs.** The following are the regulations of the "M-1" Light Industrial District:

#### A. USE REGULATIONS.

A building, structure or land shall be used and a building or structure hereafter built, altered or enlarged shall be used for any use permitted in the "B" Business Districts and the following permitted uses, provided that they and also the uses so designated in the "B" Business District regulations shall be enclosed within a building:

1. Assembling, rebuilding, repair and maintenance of automobiles, motorcycles, trucks and farm vehicles including painting and upholstering.
2. Blacksmith shop.
3. Bottling works and manufacture of soft drinks and beer.
4. Canning and manufacture of food products, bakery goods, candy and confections but excluding meat, fish, vinegar, sauerkraut, yeast and the rendering or preparation of oils and fats.
5. Livery stable, auto laundry facility in conformance with provisions of Section 13-06.377, tire recapping and vulcanizing establishments.
6. Mirror works.
7. Poultry and stock feed manufacture.
8. Public services, such as electric power and light substations, radio stations, fire stations, police stations and telephone exchanges.
9. Transportation or freight terminal.
10. Veterinary or pet shop hospital, kennel and hatchery.
11. Warehouse, cold storage, frozen food storage, transfer company, grain



elevator or commissary business but excluding the storage of volatile substances and explosives.

12. Wood products manufacture but excluding planing and lumber mills.

13. Accessory uses on the same lot.

14. Agencies engaged in the storage and distribution of stove and fuel oils, other than liquefied petroleum gas and natural gas, subject to the City Fire Prevention Ordinances.

The following uses may occupy yard space other than required front and side yards and such occupied yard space shall be enclosed by a wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six (6) feet in height; further provided that such wall or fence shall not be used for advertising purposes, and when adjacent to dwelling districts the wall, fence or evergreen hedge shall be of a sight-obscuring nature:

(a) Retail lumber yard and building materials yard excluding concrete mixing.

(b) Retail feed and fuel yard.

(c) Contractors equipment yard.

(d) Draying, trucking and automobile freighting yard.

(e) Game or fur farm.

(f) Small boat yard for the building or repair of boats not exceeding sixty-five (65) feet in length.

#### B. HEIGHT REGULATIONS.

A building, structure, or portion thereof hereafter erected shall not exceed a height of seventy-five (75) feet.

#### C. AREA REGULATIONS.

A building or structure hereafter built, enlarged or moved shall provide the following yards and lot areas:

1. **Front Yard.** A front yard of twenty feet shall be required where the frontage is partly in the "M-1" District and partly in a Dwelling District or where the frontage in the "M-1" District is adjacent to or on the opposite side of the street from a Dwelling District. Such front yard shall be kept free from refuse or debris and shall be landscaped with plants, shrubs, or trees, and the remainder of such land shall be in lawn or low ground cover. All such landscaping shall be maintained in a healthy, growing condition and neat and orderly in appearance. Where all frontage is located in the "M-1" Light Industrial District or where existing topography affords comparable protection, no front yard will be required. A front yard may be used for off-street parking provided that the residential development standards of Section 13-06-350 are complied with.

2. **Side Yard.** A side yard of twenty feet shall be required for a building or structure in an "M-1" Light Industrial District where such side yard abuts or is adjacent to or on the opposite side of the street or alley from a Dwelling District. Such side yard shall be kept free from refuse or debris and shall be landscaped with plants, shrubs or trees, and the remainder of such land shall

**17. Orchard Street (South)****a. Background**

This area is generally bounded by the northerly boundary of the sanitary landfill, Tyler Street, South 48th Street and Orchard Street. Much of the area is developed with the City of Tacoma's sanitary landfill facility. Much of the area surrounding the landfill site remains undeveloped; however, numerous multiple-family residential developments and some light industrial uses have recently occurred. This development is consistent with the area's existing medium intensity designation.

The sanitary landfill is an active refuse disposal area and will continue as such. The life of the landfill site has been estimated to be an additional 5-10 years. However, it is anticipated that a waste-to-energy facility will be constructed which will allow for the incineration of the combustible wastes. If this should occur, the life of the landfill will be extended indefinitely. Portions of the area may become usable as landfill operations are completed. As a result of land filling, soil stability is a consideration for future reuse of the site. Settling, movement and escaping gasses generally cause unstable conditions.

Possible building sites may exist on the periphery of the area where stable conditions exist. A potential arterial street is proposed which would bisect the area at South 38th/South 40th Streets. A Public Works signal shop and a Fire Department vehicular maintenance shop have been constructed on the west side of the landfill site.

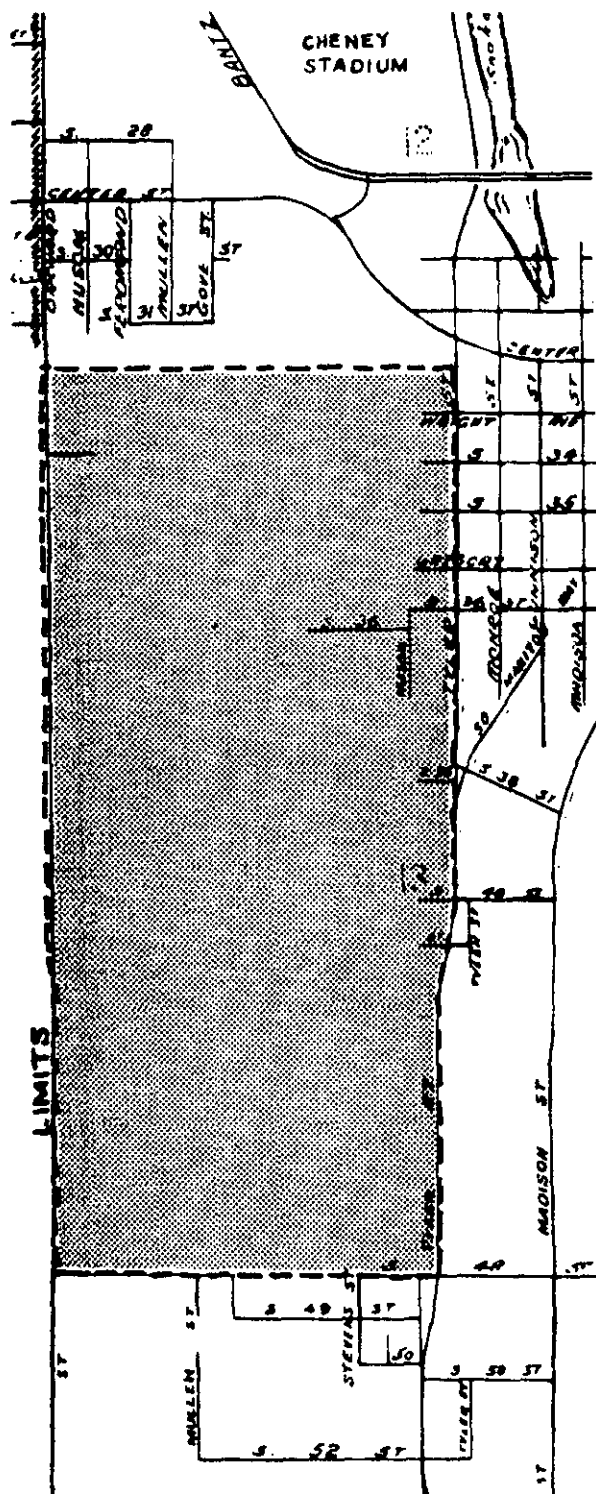
**b. Intent**

Future development in this area will undoubtedly contain a number of uses, especially along the periphery. A Public Works maintenance facility has been planned to the north of the landfill site. Additional light industrial, commercial, multiple-family development is expected.

Identification of stable areas is necessary in order to determine the future land use potential of the site. Areas of fill will have to be identified. These areas will be considered for future recreational use. Unfilled areas of the landfill site will be generally considered for medium intensity uses.

Recreational redevelopment is considered possible and is encouraged. Currently, a bicycle moto-cross track has located on an unused portion of the landfill. Other potential uses include development of a golf course or driving range and other recreational uses requiring large amounts of available land.

# 17. ORCHARD STREET (SOUTH)



## POTENTIAL DEVELOPMENT

- LIMITED INDUSTRIAL EXPANSION
- LIMITED COMMERCIAL EXPANSION BETWEEN LANDFILL & CENTER ST.
- LIMITED RESIDENTIAL EXPANSION TO EAST & SOUTH OF LANDFILL
- DEVELOPMENT WITH RECREATIONAL USES



## INTENSITY

- HIGH
- MEDIUM
- LOW
- SINGLE FAMILY DETACHED HOUSING

SCALE: 1" = 1320'-0"

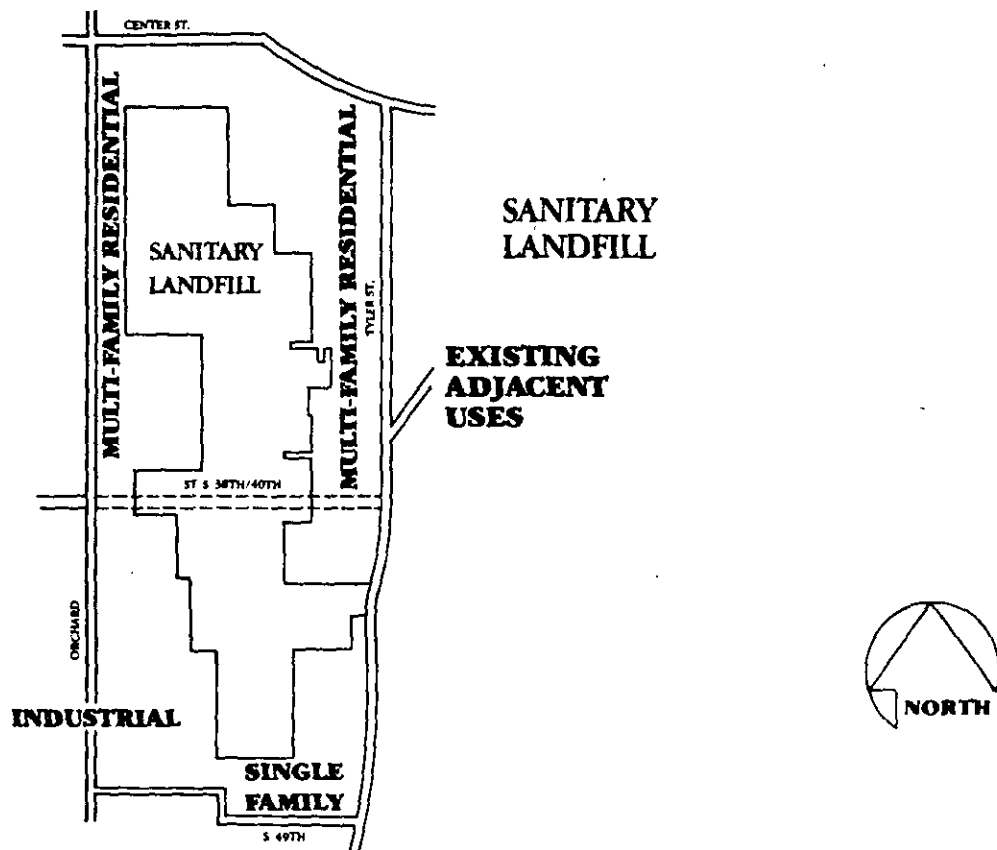
SOUTH TACOMA PLAN  
TACOMA PLANNING DEPARTMENT

## Goals, Policies, Intents and Recommendations

Limited commercial expansion will continue to the south of Center Street and to the north of the sanitary landfill. Limited residential expansion is intended adjacent to similar uses to the east and south of this area. Extension of South 40th Street across the landfill would accelerate development in the area adjacent to this corridor.

It is intended that any future development area of this be logical and reasonable extensions of adjacent uses and should be compatible in scale, intensity, and use with such adjacent uses. Provision of utilities, development of streets and sidewalks and inclusion of other public amenities will be required in conjunction with development. Retention of existing natural vegetation is intended wherever feasible and possible.

**RECOMMENDATION:** Investigate possible recreational uses that require a large amount of property for suitable areas within the sanitary landfill.





## DETERMINATION OF ENVIRONMENTAL NONSIGNIFICANCE

Please type or print and  
submit in triplicate to  
Planning Department.

### TO BE FILLED IN BY APPLICANT:

Description of proposal: ZONING OF APPROX. 5.5 ACRES TO LIGHT INDUSTRIAL M-1

To allow for the development of an outdoor storage  
yard for pre-cast concrete products. A/K 12-27-88

Proponent/Applicant: P.I.P.E., Inc.

a. Contact person: Richard Schindler Phone: 475-8888

City action(s) requested: Reclassification & grading permit A/K 12-27-88

Location of proposal, including street address, if any: Top of hill east of intersection  
@ 40th and Orchard

### AGENCY USE ONLY:

Lead agency: CITY OF TACOMA

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**This section to be used only for DNS's issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 15 days. Comments must be submitted by \_\_\_\_\_ for agency consideration.**

Responsible official: GEORGE A. HAINL

Position/title: Director Phone: 591-5363

Department/division: Planning Department

Signature: George A. Hainl Date: 4-20-89

SEPA Public Information Center:

( ☒ ) Approved as to form by:

You may appeal this determination to the SEPA Public Information Center, Tacoma Municipal Building, 9th Floor, 747 Market Street, Tacoma, Washington 98402, by filing a notice of appeal together with a \$50.00 filing fee, no later than \_\_\_\_\_

SEPA PIC Officer: Jimmie Z. Lee Date: 4-20-89

SEPA PIC File # DNS-02585-89 Department File # 1201266

Filing Fee \$ 50.00 Account # 34198-0510

P. C. Luttrupp PAID  
PETER C. LUTTROPP  
TREAS.

NOV 22 1988

OF THE CITY OF  
TACOMA, WASH.

## ENVIRONMENTAL CHECKLIST

### Purpose of Checklist

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### Instructions for Applicants

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (WAC 197-11-960 PART D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: Inventory storage only
2. Name of applicant/Proponent: P.I.P.E., Inc.
3. Address and phone number of applicant and contact person. 4601 South Orchard,  
P. O. Box 9156, Tacoma, WA 98409 - Richard Schindler
4. Date checklist prepared: \_\_\_\_\_
5. Agency requesting checklist: City of Tacoma
6. Proposed timing or schedule (including phasing, if applicable): Have ready  
for inventory storage by Spring 1989.
7. Do you have any plans for future additions, expansion, or further activity  
related to or connected with this proposal? If yes, explain. No
8. List any environmental information you know about that has been prepared, or  
will be prepared, directly related to this proposal. None
9. Do you know whether applicants are pending for governmental approvals of other  
proposals directly affecting the property covered by your proposal? If yes,  
explain. No
10. List any government approvals or permits that will be needed for your proposal,  
if known. Grading permit, Reclassification BPL 12-27-88
11. Give brief, complete description of your proposal, including the proposed uses  
and the size of the project and site. There are several questions later in  
this checklist that ask you to describe certain aspects of your proposal. You  
do not need to repeat those answers on this page. Approx. 5.5 acres that  
will be used for storage of mfg. precast concrete products.
12. Location of the proposal. Give sufficient information for a person to  
understand the precise location of your proposed project, including a street  
address, if any, and section, township, and range, if known. If a proposal  
would occur over a range of area, provide the range or boundaries of the  
site(s). Provide a legal description, site plan, vicinity map, and topographic  
map, if reasonably available. While you should submit any plans required by  
the agency, you are not required to duplicate maps or detailed plans submitted  
with any permit applications related to this checklist. Top of hill east  
of intersection @ 40th and Orchard and directly north and east  
of P.I.P.E., Inc. plant.  
4601 So. Orchard ST. 3 S.W. 1/4 OF SECTION 13,  
Township 20, Range 2 E.A.W.M.  
APK 12-27-88

B. ENVIRONMENTAL ELEMENTS

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

1. Earth

a. General description of the site (circle one):  
Flat, rolling, ~~hilly~~ steep slopes, mountainous,  
other \_\_\_\_\_  
APK - 12/27/88

b. What is the steepest slope on the site  
(approximate percent slope)? 1%

c. What general types of soils are found on the  
site (for example, clay, sand, gravel, peat,  
muck)? If you know the classification of  
agricultural soils, specify them and note  
any prime farmland. Glacial till

d. Are there surface indications or history of  
unstable soils in the immediate vicinity  
If so, describe. None

e. Describe the purpose, type, and approximate  
quantities of any filling or grading proposed.  
Indicate source of fill. Gravel top  
fill for purpose of finish and  
compacting

f. Could erosion occur as a result of clearing,  
construction, or use? If so, generally  
describe.  
No

g. About what percent of the site will be covered  
with impervious surfaces after project construc-  
tion (for example, asphalt or buildings)?  
None

NOTE:  
The applicant proposes  
to cover the storage  
area with a gravel  
surface.  
APK 12-27-88



- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Level and surface with gravel.

## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Some dust during dry weather from driving trucks and fork lifts in the area.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None

- c. Proposed measures to reduce or control emissions or other impacts to air, if any.

None

## 3. Water

## a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

None

NOTE: The subject site is located outside of the PSARCA's non-attainment area for suspended particulate.  
APK 12-27-88

NOTE: The City of Tacoma's sanitary landfill abuts the subject site on the east. Odors generated by the landfill activity are evident at the site.  
APK 12-27-88

NOTE: Leach Creek, a year-round stream, is located across Orchard Street to the west of the subject site. Leach Creek flows into Chambers Creek & eventually Puget Sound.  
APK 12-27-88

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- 2) Will the project require any work, in, or adjacent to (within 200 feet) of the described waters? If yes, please describe and attach available plans.

None

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No

NOTE: - storm-water run-off from the subject site will be collected & conveyed to city's collection system which deposits water in Leach Creek.  
AMC 12-27-88

- \_\_\_\_\_ deciduous tree: alder, maple, aspen,  
 other  
 \_\_\_\_\_ evergreen tree: fir, cedar, pine, other  
 \_\_\_\_\_ shrubs  
 x  grass  
 \_\_\_\_\_ pasture

note:  
storm-water from this site is eventually discharged into Leach Creek & then to Leach Sound. See answer to question #3.a.(6).  
JFK - 12-27-88

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- \_\_\_ crop or grain
- \_\_\_ wet soil plants: cattail, buttercup,  
bullrush, skunk cabbage, other
- \_\_\_ water plants: water lily, eelgrass,  
milfoil, other
- \_\_\_ other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

All vegetation except grass was  
removed in years prior to our  
ownership.

- c. List threatened or endangered species known to be on or near the site.

None

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:  
mammals: deer, bear, elk, beaver, other:  
fish: bass, salmon, trout, herring, shellfish,  
other:

SEAGULLS APR 12-27-88

- b. List any threatened or endangered species known to be on or near the site.

None

- c. Is the site part of a migration route? If so, explain.

No

- d. Proposed measures to preserve or enhance wildlife, if any: None

## 6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs:

Describe whether it will be used for heating, manufacturing, etc. Not required - storage only

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None

## 7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. No

- 1) Describe special emergency services that might be required. None

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EVALUATION FOR  
AGENCY USE ONLY

- 2) Proposed measures to reduce or control environmental health hazards, if any:  
None needed.

d. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?  
None

- 2) What types and levels would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.  
Truck loading from about 7:00 a.m. to 6:00 p. m.

- 3) Proposed measures to reduce or control noise impacts, if any:  
Control within above stated hours.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Site - None; landfill to the east and north pipe plant to the south mini warehouse to the west.

- b. Has the site been used for agriculture? If so, describe. No

- c. Describe any structures on the site.  
None

NOTE: noise associated with the operation of the City's sanitary landfill, noise associated with the existing pipe manufacturing related products business and noise from vehicles traveling on Orchard St. So, a principle north/south arterial street.  
APK 12-27-88

NOTE: noise associated with truck loading & unloading will result in minor, long-term increases in noise levels. A minor, short-term increase in noise levels will occur during the site preparation phase of the project.  
APK 12-27-88

NOTE: The site is presently undeveloped.  
APK 12-28-88

- d. Will any structures be demolished? If so, what? No
- e. What is the current zoning classification of the site? Unknown
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?  
DNA
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. No
- i. Approximately how many people would reside or work in the completed project?  
On and off maybe a dozen people a day.
- j. Approximately how many people would the completed project displace?  
None
- k. Proposed measures to avoid or reduce displacement impacts, if any: N/A
- l. Proposed measures to ensure the proposal is compatible with existing and projected land use and plans, if any: None

NOTE: The subject property is zoned R-2 One-Family Dwelling District.  
APK 12-28-88

NOTE: Per the City's South Tacoma Plan, which was adopted in 1985, the subject site has been designated as suitable for "medium intensity" development.  
APK 12-28-88

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AGENCY USE ONLY

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.  
N/A
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

NOTE:  
The site is undeveloped &  
no residential housing  
units would be eliminated  
APK 12-28-88

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Stacking of concrete products at 10 to 12 feet.
- b. What views in the immediate vicinity would be altered or obstructed? None
- c. Proposed measures to reduce or control aesthetic impacts, if any: None

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Yard lighting - night
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
No

NOTE:  
There are no sensitive  
residential land uses  
in close proximity to  
the site.  
APK 12-28-88



c. What existing off-site sources of light or glare may affect your proposal? None

d. Proposed measures to reduce or control light and glare impacts, if any: None

## 12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?  
None

b. Would the proposed project displace any existing recreational uses? If so, describe.  
No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any. None

## 13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
No

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. None

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EVALUATION FOR  
AGENCY USE ONLY

- c. Proposed measures to reduce or control impacts, if any: None

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. Orchard St. - access would be through our plant.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit shop? Not known
- c. How many parking spaces would the completed project have? How many would the project eliminate? None
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). No
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. None
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. None

NOTE:  
The Applicant's overall site, (existing pipe & concrete product plant & proposed storage area) is on Orchard St. south, a principle arterial street, on the west. Access to the storage yard would be provided via an existing access road which serves the site.   
APK 12-28-83

NOTE:  
NO additional traffic will be generated as the applicant is only proposing to expand its storage area. Production & delivery / pick-up levels will remain unchanged.   
APK 12-28-83

- g. Proposed measures to reduce or control transportation impacts, if any:

None

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. No

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Yard lighting would be only requirement.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature of Proponent: William T. Lynn

WILLIAM T. LYNN, AS AGENT FOR APPLICANT

Date Submitted: 11-21-88

## NewCold Tacoma - Noise and Light

Amy Maule <AMaule@landauinc.com>

Wed 1/26/2022 3:16 PM

To: Harala, Larry <LHarala@cityoftacoma.org>

Cc: Sarah Remington <sarah.remington@newcold.com>

Hello Larry,

Thank you for speaking with me today about the proposed rezoning of a portion of the NewCold property in Tacoma. As we discussed, Landau Associates is currently working with NewCold to prepare a noise and light study for the proposed rezoning. We plan to be on site the week of January 31 to view the existing facility and surrounding area, conduct baseline noise measurements and review existing lighting. Our target for finalization of the report is mid-February 2022.

I'm available if you have any questions in the meantime.

Amy

**// AMY MAULE**

**SENIOR SCIENTIST //**

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