

TIDEFLATS INTERIM REGULATIONS

Planning Commission Presentation

June 21, 2017

Today's Agenda

- Interim Regulations Procedures
- Findings of Fact
- Staff Recommendations

Interim Regulations

TMC 13.02.055

- Initiated by Council at a public meeting
- Referred to Planning Commission for findings of fact
- Address duration and scope
- Work Plan to address permanent regs (subarea plan process)
- May be effective for up to 1-year, may be renewed every 6 months thereafter

Findings – Policy Background

- Container Port Element
 - Core/Transition
 - Container facilities prioritized
- Shoreline Master Program
 - Priority for water-dependent uses
 - Statewide Public Interest protected
- 2015 Comprehensive Plan Update
 - Open Space Corridors
 - Allocations/land supply
 - Climate risk, mitigation, and adaptation
- VISION2040/PSRC Centers Planning
 - Manufacturing/Industrial Center designated
 - Subarea Planning required to maintain certification
 - South Tacoma M/IC

Findings – Industrial Lands

- Regional Industrial Employment Forecasts
- Regional Industrial Land Supply
- Tacoma's Employment Allocations
- Existing Employment

Findings – Likelihood of Development

- LNG and Methanol
 - Lifespan and investment
- Residential development interest on slopes
 - Potential for new complaints
- Permissive Zoning
 - Few restrictions
 - Broad use allowances

Findings – Environmental Concerns

- Presence of Critical Areas
 - Sensitive areas
 - Potential hazards/natural disasters
- Use based safety/nuisance concerns

Findings – Subarea Planning

- Multiple Applications to Amend the Comprehensive Plan and Land Use Regulatory Code
 - CCR
 - NE Tacoma
 - Expanded Notification
- City Council Resolution
 - Consolidation
 - Funding/ILA
 - Interim Regulations

Findings - Public Participation

- **Point:** Interim regulations cannot include the full process and public participation necessary. The Subarea Plan will be more inclusive of broad stakeholder input.
- **Counterpoint:** Interim regulations will help maintain the integrity of the Subarea Plan process and focus public participation.

Findings - Analysis

- **Point:** We don't have the capacity to evaluate the full breadth of potential impacts associated with industrial uses through an interim process, or to pre-identify all appropriate prohibitions or mitigations.
- **Counterpoint:** We can identify uses that have a greater risk of adverse impact. Limiting these uses for the duration of the subarea plan process would give time to undertake some of the necessary analysis to make deliberative, informed, long-term recommendations.

Findings - Timeliness

- **Point:** The Subarea Planning process is scheduled to begin Fall/Winter of 2017 and will incorporate the concerns expressed in the NETNC and CCR applications. Should be concluded in 2-3 years.
- **Counterpoint:** The ultimate schedule is contingent on a scope of work that is yet to be determined. The project will include a public scoping process. The length of the process is dependent on the breadth and depth of the issues and the legislative process.

Findings - Immediate Relief

- **Point:** Residents of NE Tacoma are seeking immediate relief from potential off-site impacts from the operations of industrial uses in the Tideflats.
- **Counterpoint:** Zoning and land use regulations are not an effective mechanism for providing immediate relief from existing uses and operations that were legally permitted. However, interim regulations can provide relief from concerns regarding the potential for new use and development or significant expansion of existing operations.

Findings - Encroachment

- **Point:** Request to protect the residents of NE Tacoma from encroachment of industrial uses. Request to protect the industrial uses from encroachment of non-industrial uses.
- **Counterpoint:** The interim regulations cannot solve the issue of use compatibility and off-site impacts. However, interim regulations can put a pause on new development that would exacerbate existing use conflicts.

Staff Recommendation

- Interim regulations are warranted.
- Draft Findings and Interim Regulation Options
- Public Hearing
- Guiding Parameters for Scope:
 - Don't Pre-suppose the Outcomes
 - Don't Pre-empt the Planning Process
 - Press Pause to do the Plan Right
 - Take a Balanced Approach
 - Transferability

Public Process

- July 19: Draft findings, code alternatives
- August 2: Review draft, set public hearing
- September: Public Hearing
- September/October: Recommendation to Council
- Council decision by the end of the year