Tideflats Interim Regulations

Public Review Document

Prepared for
Planning Commission Public Hearing
September 13, 2017

City of Tacoma
Planning & Development Services Department
Planning Services Division
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Table of Contents

I. Summary of Proposed Amendments ---------- 1

II. Public Hearing Notice ---------- 4

III. Proposed Amendments

III-1. TMC 13.04 Platting and Subdivisions ---------- 10

III-2. TMC 13.05.020 Notice Process ---------- 12

III-3. TMC 13.06.100 Residential Districts ---------- 15

III-4. TMC 13.06.200 Commercial Districts ---------- 21

III-5. TMC 13.06.400 Industrial Districts ---------- 23

III-6. TMC 13.06.580 Industrial Use Restrictions ---------- 33

III-7. TMC 13.10 Shoreline Management ---------- 35

IV. Draft Findings of Fact ---------- 37

I.
Summary of Amendments

Tideflats Interim Regulations
Summary of Proposed Amendments for Public Review

Proposed Amendment:	Tideflats Interim Regulations
Applicant:	City of Tacoma
Location & Size of Area:	Port of Tacoma M/IC, Marine View Drive Slopes, Industrial Zones City-wide
Current Land Use & Zoning:	PMI, M-1, M-2, S-10, S-11, WR, R-1, R-2, T, C-1, C-2
Neighborhood Council Area:	Multiple
Code Sections Amended	Amendments apply to multiple code sections. Category 1 Amendments apply to TMC 13.05.020 Notice Process. Category 2 Amendments apply to TMC 13.06.400 Industrial Districts. Category 3 Amendments apply to TMC 13.06.100 Residential Districts, TMC 13.06.200 Commercial Districts, TMC 13.10 Shoreline Master Program, and TMC 13.04 Platting and Subdivisions. Category 4 Amendments applies to TMC 13.06.400 Industrial Districts, industrial districts city-wide, and creates a new Section titled 13.06.580 Interim Industrial Use Restrictions.
Staff Contact:	Stephen Atkinson, Planning Services Division (253) 591-5531 satkinson@cityoftacoma.org

Description of the Proposed Amendment:

1. **Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.**

   The public review draft of the Tideflats Interim Regulations includes four general categories of potential amendments:

   Category 1: Expanded Notification for Heavy Industrial Uses

   - These amendments would expand notification of heavy industrial use permits to taxpayers and interested parties.
   - The notification distances are expanded to 2500’ from the subject parcel. For projects located within a designated manufacturing and industrial center, the 2500’ notification distance is measured from the boundary of the applicable M/IC boundary.
   - This expanded notification would apply to all heavy industrial projects city-wide that require a discretionary permit or SEPA determination.
   - The amendments are proposed to TMC 13.05.020 Notice process

Category 2: Non-industrial Uses in the Port of Tacoma M/IC

- These amendments would prohibit new non-industrial uses within the Port of Tacoma M/IC.
- The specific uses identified include, but are not limited to:
    - Destination/high intensity parks and recreation,
    - Agriculture,
    - Residential uses,
    - Hospitals,
    - Airports,
    - Schools (K-12),
    - Retail,
    - Cultural institutions,
    - Correctional facilities, and
    - Care facilities.
- Existing non-industrial uses would be prohibited from expansion.
- These amendments are proposed to Tacoma Municipal Code 13.06.400 Industrial Districts and includes a new section 13.06.400.G Special Use Restrictions for Non-industrial Uses within the Port of Tacoma M/IC.

Category 3: Marine View Drive Residential Development Restrictions

- These amendments would prohibit all new residential development including residential platting and subdivision of land.
- Residential development within the S-11 Shoreline District would be prohibited.
- The restrictions are not intended to limit existing development from expanding, remodeling, or adding accessory uses. Existing residences would be prohibited from increasing the number of units beyond what exists at the time of adoption of this ordinance.
- These amendments are proposed to TMC 13.10 Shoreline Master Program, TMC 13.04 Platting and Subdivisions, TMC 13.06.100 Residential Districts, as well as TMC 13.06.200 Commercial Districts.
- Commercial Districts are included herein as they allow residential development. Currently, certain properties along Marine View Drive are zoned C-1 Neighborhood Commercial and C-2 General Commercial.

Category 4: Heavy Industrial Special Use Restrictions

- These amendments would prohibit certain new heavy industrial uses that pose a potential high risk or high impact on neighboring areas.
- Prohibited uses include the following. Where possible the use definitions cite appropriate NAICS codes.
    - Coal terminals and bulk storage facilities
    - Oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining
    - Bulk chemical storage, production or processing, including acid manufacture
    - Smelting

- Mining and quarrying

- Existing uses would be considered allowed and not subject to limitation on expansion.
- Unlisted uses would be prohibited and subject to TMC 13.05.030 Director Decision Making Authority.
- The changes would be made to Tacoma Municipal Code 13.06.400 and create a new Section 13.06.580 Interim Industrial Use Restrictions that applies to all industrial zoning districts.

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

The City and the Port have agreed that a subarea planning process is the best course of action to comprehensively address land use issues associated with the future of the Port/Tideflats area. Given the multiple planning mandates and policy objectives for the area, the diverse stakeholder interests, and new scientific information relevant to the area, maintaining the status quo in the Port/Tideflats during the subarea planning process would serve to protect the integrity of that process until such time as these issues may be resolved through an adopted Subarea Plan.

3. Provide any additional background information associated with the proposed amendment.

The One Tacoma Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

The City of Tacoma periodically accepts applications to amend the Comprehensive Plan and Land Use Regulatory Code. As part of the 2017-2018 Comprehensive Plan and Land Use Regulatory Code Amendment Application period, the City received multiple applications/requests for zoning and land use process changes in the Tideflats Area, including the Northeast Tacoma Buffer Zone application, the implementation of the Container Port Element of the City's Comprehensive Plan, and the Director's Rule relating to Expanded Notification for Large Industrial Projects.

In response to the multiple amendment applications, on May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port Tideflats. In addition, the Resolution requested that the Planning Commission consolidate the various applications/requests into the scope of work for the Tideflats Subarea planning process and to hereby consider the need for interim regulations in the Tideflats subarea while the subarea planning process is under way.

The Commission determined that interim regulations are warranted and authorized the release of the public review document on August 16, 2017. The Commission set a public hearing for September 13th and will accept public comments through September 15th at 5:00 pm.

II.
Public Notice

PUBLIC NOTICE

Tideflats Interim Regulations

PLANNING COMMISSION PUBLIC HEARING

Subject: **Tideflats Interim Regulations** (Proposed Amendment to the Tacoma Municipal Code, including the Shoreline Master Program)

Date/Time: Wednesday, September 13, 2017, 6:00 p.m.

Location: Greater Tacoma Convention Center, Exhibition Hall A
1500 Commerce Street
Tacoma, WA 98402

How to provide comments?

1. Testify at the hearing on September 13; and/or
2. Provide written comments by 5:00 p.m. on Friday September 15, 2017, via:
   - E-mail: planning@cityoftacoma.org; or
   - Letter: Planning Commission
     747 Market Street, Room 345
     Tacoma, WA 98402

Informational Meeting:

Learn more about the proposed interim regulations and how they may affect you and your property. The informational meeting is NOT a public hearing. There will be a Q&A with staff.

Wednesday, September 6, 5:00 pm
747 Market Street
City Council Chambers

Website

For more background information, please visit www.cityoftacoma.org/tideflatsinterim

Staff Contact

Stephen Atkinson, Senior Planner, satkinson@cityoftacoma.org, (253) 591-5531

Environmental Review

Interim regulations are exempt from SEPA review, per WAC 197-11-800.19 Procedural actions and WAC 197-11-880 Emergencies.

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Intent of the Proposed Interim Regulations

On May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port Tideflats. In addition, the Resolution requested that the Planning Commission consider the need for interim regulations for the Port Tideflats while the subarea planning process is under way.

On August 16, 2017 the Tacoma Planning Commission determined that interim regulations are warranted and released the following draft interim regulations for public review and comment. The intent of the proposed interim regulations is to limit the establishment of certain new industrial uses with a potential for high risk or high off-site impact, limit potential residential encroachment on industrial uses within the Port of Tacoma Manufacturing and Industrial Center (M/IC) and prevent the conversion of industrial lands to non-industrial uses until such time as the subarea plan is complete.

Description of the Proposed Amendments:

The public review draft of the Tideflats Interim Regulations includes four general categories of potential amendments:

Category 1: Expanded Notification for Heavy Industrial Uses

- Area of Applicability: See Map 3, all zoning districts that allow heavy industrial uses.
- These amendments would expand notification of heavy industrial use permits to taxpayers and interested parties.
- The notification distances are expanded to 2500' from the subject parcel. For projects located within a designated manufacturing and industrial center, the 2500' notification distance is measured from the boundary of the applicable M/IC boundary.
- This expanded notification applies to all heavy industrial projects city-wide that require a discretionary permit or SEPA determination.
- The amendments are proposed to TMC 13.05.020 Notice process

Category 2: Non-industrial Uses in the Port of Tacoma M/IC

- Area of applicability: See Map 1, Port of Tacoma Manufacturing and Industrial District
- These amendments would prohibit new non-industrial uses within the Port of Tacoma M/IC.
- The specific uses identified include, but are not limited to:
    - Destination/high intensity parks and recreation,
    - Agriculture,
    - Residential uses,
    - Hospitals,
    - Airports,
    - Schools (K-12),
    - Retail,
    - Cultural institutions,
    - Correctional facilities, and
    - Care facilities.

- Existing non-industrial uses would be prohibited from expansion.
- These amendments are proposed to Tacoma Municipal Code 13.06.400 Industrial Districts and includes a new section 13.06.400.G Special Use Restrictions for Non-industrial Uses within the Port of Tacoma M/IC.

Category 3: Marine View Drive Residential Development Restrictions

- Area of applicability: See Map 2, slopes above Marine View Drive.
- These amendments would prohibit all new residential development including residential platting and subdivision of land.
- Residential development within the S-11 Shoreline District would be prohibited.
- The restrictions are not intended to limit existing development from expanding, remodeling, or adding accessory uses. Existing residences would be prohibited from increasing the number of units beyond what exists at the time of adoption of this ordinance.
- These amendments are proposed to TMC 13.10 Shoreline Master Program, TMC 13.04 Platting and Subdivisions, TMC 13.06.100 Residential Districts, as well as TMC 13.06.200 Commercial Districts.
- Commercial Districts are included herein as they allow residential development. Currently, certain properties along Marine View Drive are zoned C-1 Neighborhood Commercial and C-2 General Commercial.

Category 4: Heavy Industrial Special Use Restrictions

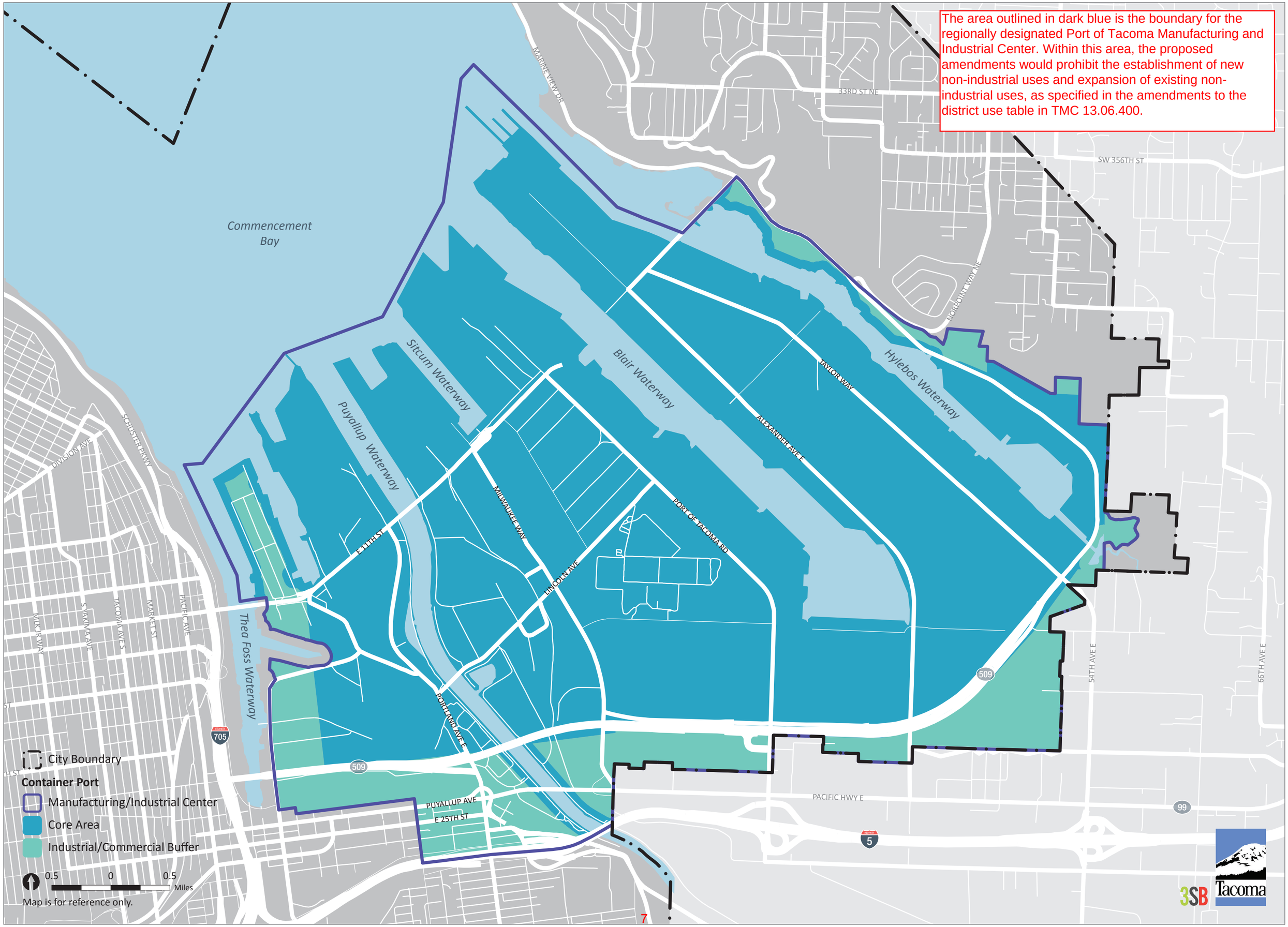
- Area of applicability: See Map 3, zoning districts that permit heavy industrial uses.
- These amendments would prohibit certain new heavy industrial uses with a potential for high risk or impact to neighboring areas.
- Prohibited uses would include the following. Where possible the use definitions cite appropriate North American Industrial Classification System (NAICS) codes.
    - Coal terminals and bulk storage facilities
    - Oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining
    - Bulk chemical storage, production or processing, including acid manufacture
    - Smelting
    - Mining and quarrying
- Existing uses would be considered allowed and not subject to limitation on expansion.
- Unlisted uses would be prohibited and subject to TMC 13.05.030 Director Decision Making Authority.
- The changes would be made to Tacoma Municipal Code 13.06.400 and create a new Section 13.06.580 Interim Industrial Use Restrictions that applies to all industrial zoning districts.

City of Tacoma

Non-industrial Use Restrictions: Area of Applicability

Map 1

The area outlined in dark blue is the boundary for the regionally designated Port of Tacoma Manufacturing and Industrial Center. Within this area, the proposed amendments would prohibit the establishment of new non-industrial uses and expansion of existing non-industrial uses, as specified in the amendments to the district use table in TMC 13.06.400.



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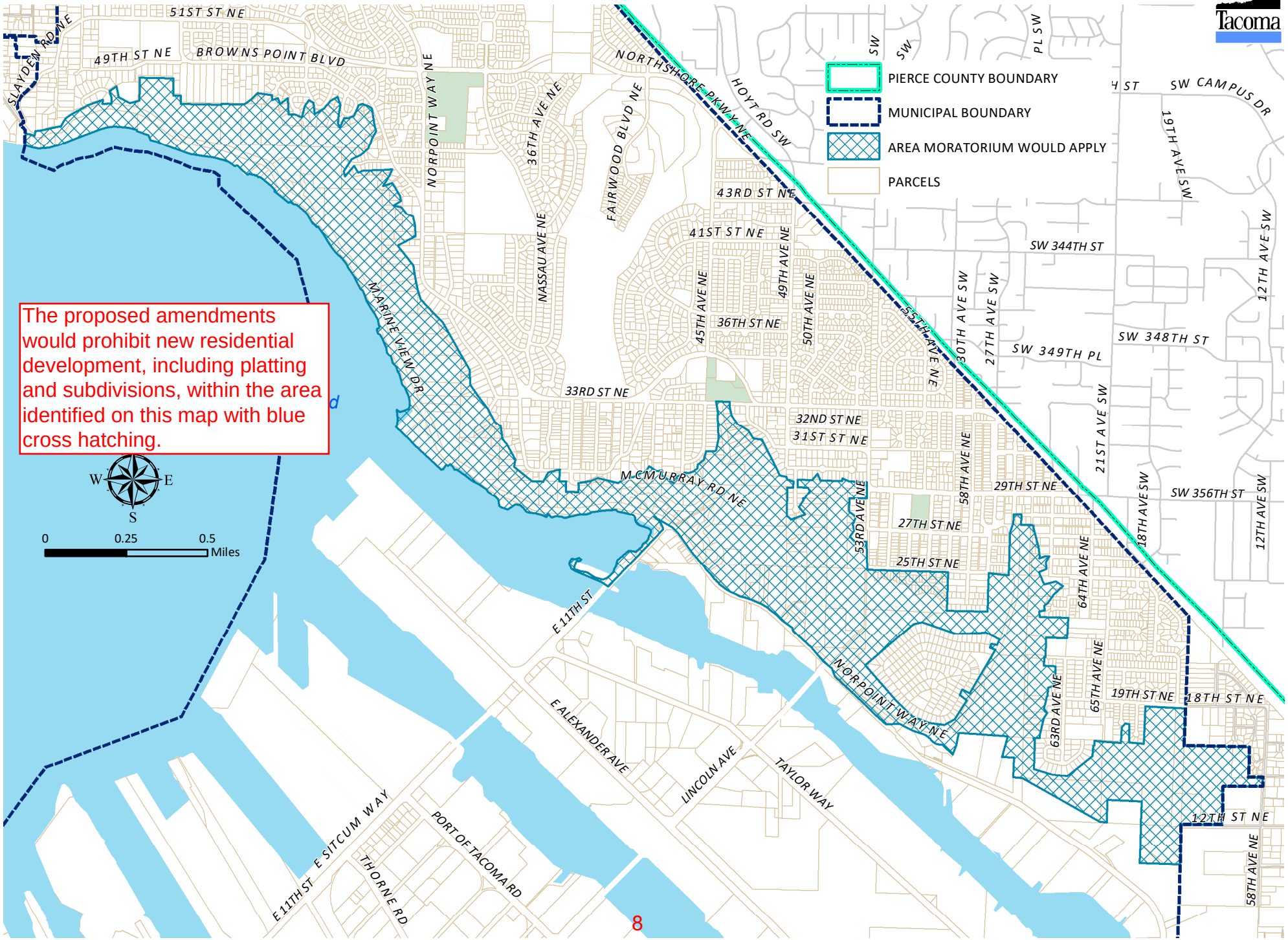
Marine View Drive Residential Restrictions: Area of Applicability

Map 2



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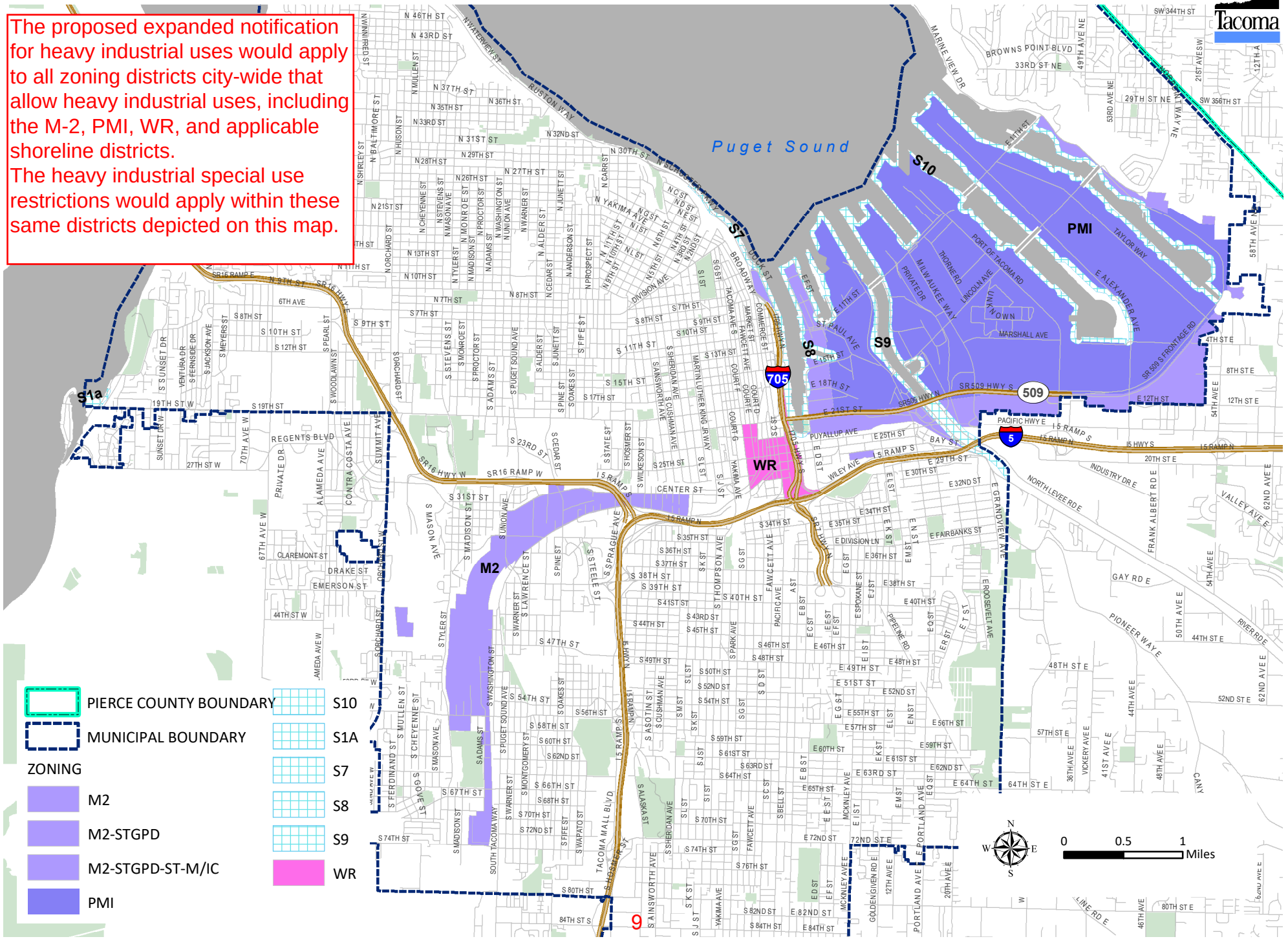
Expanded Notification + Industrial Use Restrictions: Area of Applicability

Map 3

The proposed expanded notification for heavy industrial uses would apply to all zoning districts city-wide that allow heavy industrial uses, including the M-2, PMI, WR, and applicable shoreline districts.

The heavy industrial special use restrictions would apply within these same districts depicted on this map.



Author: aabramovich

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III.
Proposed Interim Regulations

For the purposes of public review and comment: deletions are shown in ~~red strikethroughs~~ and additions in red underline text.

TMC 13.04 Platting and Subdivisions

Sections:

13.04.010 Title.
13.04.020 Intent and authority.
13.04.030 Policy.
13.04.040 Definitions.
13.04.050 Jurisdiction.
13.04.055 Platting on shorelines.
13.04.060 Exclusions.
13.04.070 Alteration.
13.04.075 Vacation.
13.04.085 Boundary line adjustment.
13.04.088 Binding site plan approval.
13.04.090 Short plat/short subdivisions procedures.
13.04.095 Appeals.
13.04.100 Plat/subdivision procedures.
13.04.105 Replat or redivision of platted lots.
13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.
13.04.120 Conformity to the Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines.
13.04.130 Relation to adjoining street system.
13.04.140 Access.
13.04.150 Conformity to topography.
13.04.160 Public or private streets or ways, or permanent access easement widths.
13.04.165 Streetlights.
13.04.170 Roadways.
13.04.180 Public or private streets or ways, or permanent access easement design.
13.04.190 Dead-end/cul-de-sac public or private streets or ways, or permanent access easements.
13.04.200 Alleys.
13.04.210 Easements.
13.04.220 Blocks.
13.04.230 Lots.
13.04.240 Plats within Planned Residential Development Districts (PRD Districts).
13.04.250 Duplication of names.
13.04.260 Public open space.
13.04.270 Checking by the City Engineer – Charges.
13.04.280 Development of illegally divided land.
13.04.290 *Repealed*.
13.04.300 Model home.
13.04.305 Temporary rental or sales offices, contractors' offices, and signs.
13.04.310 Subdivisions and Critical Areas.
13.04.315 *Repealed*.

13.04.010 Title.

These regulations shall hereafter be known, cited and referred to as the plat and subdivision regulations of the City of Tacoma.

(Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.020 Intent and authority.

These regulations are being adopted in accordance with the goals and authority of the Washington State Growth Management Act of 1990, as amended, and Chapter 58.17 of the Revised Code of Washington, concerning plats and

subdivisions. It is intended that these regulations provide an efficient, effective, fair and timely method for the submission, review and approval of plats, short plats, boundary line adjustments and binding site plan approvals.

(Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.030 Policy.

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

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

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

D. Per Ordinance No. XXXXX, on an interim basis, new platting and subdivision of land is prohibited along Marine View Drive and the adjacent slopes. See TMC 13.06.100.I for special use restrictions on new residential development and the area of applicability.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 27079 § 10; passed Apr. 29, 2003: Ord. 25532 § 1; passed Jun. 28, 1994)

* * *

TMC 13.05.020 Notice Process

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years[3]
Binding site plan	Required	No	No	No	No	Director	No	No	5 years[3]
Environmental SEPA DNS* (see TMC 13.05.020.I)	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS) * (see TMC 13.05.020.I)	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No[1]	No	5 years
Open space classification	Required	400 feet	No	Yes	2	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	1000 feet	Yes	Yes	21 days SEPA[2]	Hearing Examiner	Yes	Final Plat	5 years[6]
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA[2]	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance* (see TMC 13.05.020.I)	Required	400 feet	No	Yes	30 days[5]	Director	No[1]	No	2 years/ maximum[6]
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years[3]
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No[1]	No	5 years[6]
Site approval	Optional	400 feet	No	Yes	30 days[5]	Director	No	No	5 years

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use* (see TMC 13.05.020.I)	Required	400 feet; 1000 feet for develop-ment sites over 1 acre in size	No	Yes	30 days[5]	Director	No	No	5 years[4]
Conditional use, correctional facility (new or major modification)	Required	1,000 feet	Yes	Yes	30 days[2]	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days[2]	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days[2]	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days[5]	Director	No	No	5 years
Temporary Homeless Camp Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet[7]	No	No	14 days	Director	No[1]	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No[1]	No	5 years
Wetland/Stream / FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No[1]	No	5 years*
Wetland/Stream / FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No[1]	No	5 years*
Wetland/Stream / FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No[1]	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.
2 Comment on land use permit proposal allowed from date of notice to hearing.
3 Must be recorded with the Pierce County Auditor within five years.
4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
6 Refer to Section 13.05.070 for preliminary plat expiration dates.
7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

I. Interim Expanded Notification for Large Industrial Projects, Per Ordinance No. XXXXX

1. Per Ordinance No. XXXXX, on an interim basis, the following applies to all heavy industrial projects (as defined in TMC 13.06.700.I) and industrial uses identified in TMC 13.06.580, which require a discretionary permit ("designated projects") or SEPA determination.

2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.

3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.

4. Notification distance.

(a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) will be 2,500 feet from the boundaries of that center.

(b) Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District, as set forth in TMC 13.06.400, will be 2,500 feet from the boundaries of the Overlay District.

(c) Notification distance for a qualifying industrial project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.

5. Upon determination of a Complete Application, the City will hold a community meeting to provide notification to the community that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

(a) For projects with an associated land use permit and public notice, this meeting will take place approximately two weeks after the start of the public notice period. Public notice will be extended to 30 days in the rare case that the TMC-required notice period is not already 30 days.

(b) For projects not associated with a land use permit, the meeting will take place after determination that a SEPA application is complete, but prior to issuance of a preliminary SEPA determination. The meeting will include a proposed SEPA timeline, including issuance of the preliminary determination, opportunity for comment, and the appeal process for this type of SEPA determination.

6. Upon determination of a Complete Application, the City will post the permit package and all relevant studies under "public notices" on www.tacomapermits.org.

7. Additional notification may be done as necessary (i.e., social media posts or separate project web pages) or as appropriate for the project type.

***

TMC 13.06.100 Residential Districts

5. District Use Table

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations[1]
Dwelling, single-family detached	P	P	P	P	P	P	P	P	No lot shall contain more than one dwelling unless specifically approved to do so through a Planned Residential District, Cottage Housing or other City review process. Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.
Dwelling, two-family	N	CU[2]	P/CU	P/CU	P	P	P	P	In the R-2SRD and HMR-SRD districts, two-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD/HMR-SRD or only upon issuance of a conditional use permit (see Section 13.06.640). In R-2 Districts, two-family development may be considered under the Residential Infill Pilot Program (see Section 13.05.115), but requires issuance of a conditional use permit (see Section 13.06.640). Subject to additional requirements contained in Section 13.06.501.E. Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations[1]
Dwelling, three-family	N	N	P/CU	P/CU	P	P	P	P	In the R-2SRD and HMR-SRD districts, three-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD or HMR-SRD. New three-family dwellings are permitted only upon issuance of a conditional use permit. See Section 13.06.640. For R-3, three-family dwellings are permitted, provided existing single- or two-family dwellings shall not be enlarged, altered, extended, or occupied as a three-family dwelling, unless the entire building is made to comply with all zoning standards applicable to new buildings; and, further provided such existing structures shall not be enlarged or extended, unless such enlargement, extension, or alteration is made to conform to the height, area, and parking regulations of this district. Subject to additional requirements contained in Section 13.06.501.E. Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations[1]
Dwelling, multiple-family	N	N	N	P/N	CU[2]	P	P	P	In the HMR-SRD district, only multiple-family dwellings lawfully in existence on December 31, 2005 are permitted. Such multiple-family dwellings may continue and may be changed, repaired, and replaced, or otherwise modified, provided, however, that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling on December 31, 2005. In R-3 Districts multiple-family development may be considered under the Residential Infill Pilot Program (see Section 13.05.115), but requires issuance of a conditional use permit (see Section 13.06.640). Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.
Dwelling, townhouse	N	CU[2]	CU	CU	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.G. In R-2, R-2SRD and HMR-SRD Districts townhouse development requires issuance of a conditional use permit. See Section 13.06.640. In R-2, townhouses also require review under the Residential Infill Pilot Program (see Section 13.05.115). Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations[1]
Dwelling, accessory (ADU)	P[2]	P[2]	P[2]	P[2]	P	P	P	P	Subject to additional requirements contained in Section 13.06.150. In all residential districts ADUs require the issuance of an ADU permit. In the R-1, R-2, R-2SRD and HMR-SRD districts, detached ADUs are subject to the provisions of the Residential Infill Pilot Program (Section 13.05.115). Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.
Dwelling, Cottage Housing	CU2	CU2	CU2	N	CU2	CU2	CU2	CU2	Cottage Housing developments require the issuance of a Conditional Use Permit (see Section 13.06.640) and are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115. Per Ordinance No. XXXXX, on an interim basis, new residential development along Marine View Drive is subject to special restrictions in all districts. See 13.06.100.I.
Eating and drinking	N	N	N	N	N	N	N	P	For R-5, minor eating and drinking establishments are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities, are designed primarily to serve on-site residents, and are consistent with a restaurant use per Section 13.06.700.E.
Emergency and transitional housing	N	N	N	N	N	CU	CU	CU	Subject to additional requirements contained in Section 13.06.535.
Extended care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.

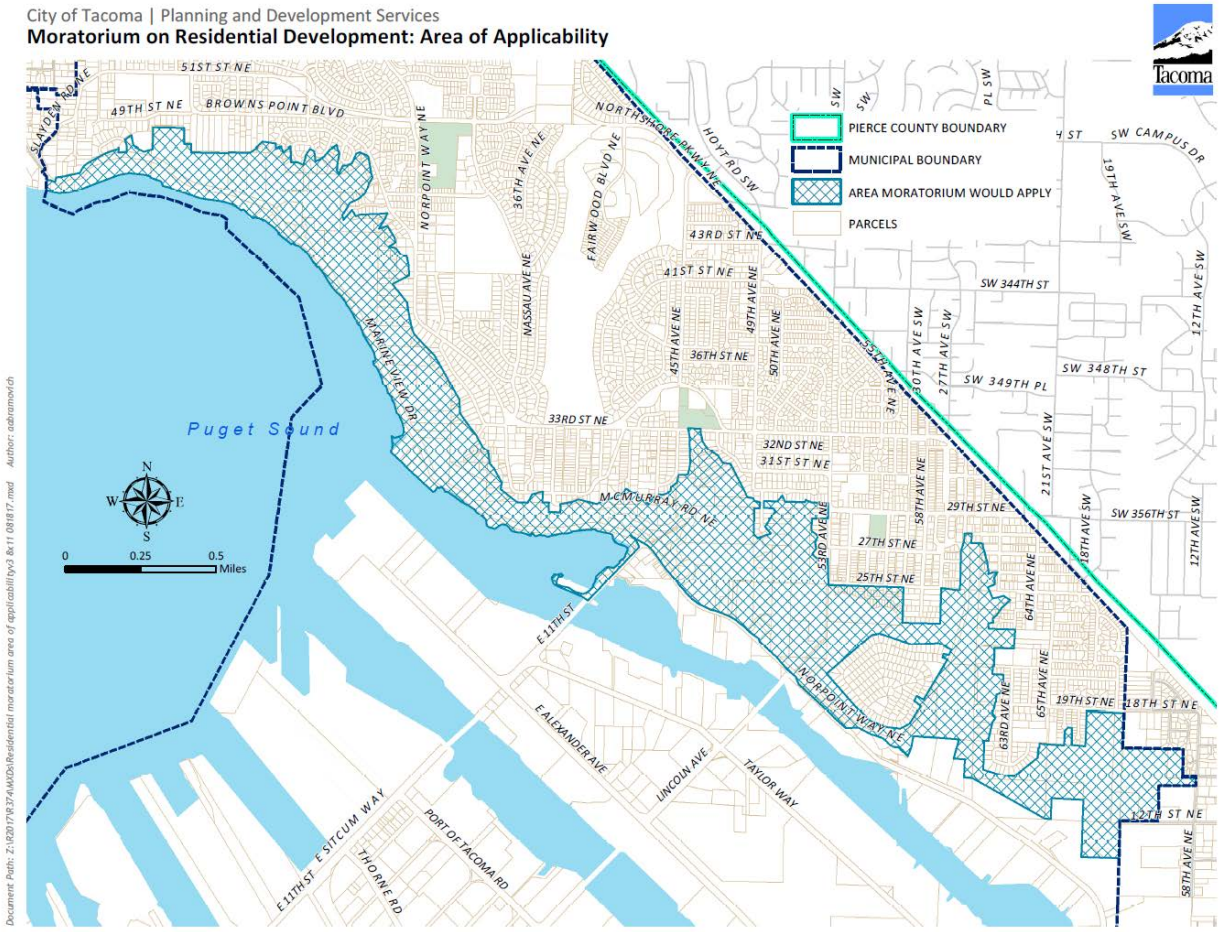
Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations[1]
Foster home	P	P	P	P	P	P	P	P	
Fueling station	N	N	N	N	N	N	N	N	

Footnotes:
[1] For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.
[2] Certain land uses, including two-family, townhouse, cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.

I. Marine View Drive Residential Restrictions

1. Purpose. Per Ordinance No. XXXXX, on an interim basis, the purpose of this section is to limit the potential encroachment of residential uses on the Port of Tacoma M/IC until such time as the Tideflats subarea plan is completed.

2. Applicability. These special use restrictions apply to all new residential developments within the area defined below, including residential platting and subdivisions of land.



3. New residential development, including the platting and subdivision of land, is prohibited.

4. Existing residential uses are prohibited from increasing the number of units per parcel from that which was legally permitted at the time of adoption of this ordinance.

5. Existing residential uses within may expand, remodel, add normal appurtenances, and perform normal maintenance and repair.

***

TMC 13.06.200 Commercial Districts

5. District Use Table

Uses	T	C-1	C-2[1]	PDB	Additional Regulations[2, 3] (also see footnotes at bottom of table)
Craft Production	CU	P	P	P	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.C. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	
Day care, family	P	P	P	P	
Day care center	P	P	P	P	Subject to regulations set forth in Section 13.06.155.
Detoxification center	N	N	N	N	
Drive-through with any use	N	N	P	N	Prohibited in any commercial district combined with a VSD View-Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area). Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P	P	P	P	Per Ordinance No. XXXXX, see TMC 13.06.100.I for special use restrictions on new residential development along Marine View Drive.
Dwelling, two-family	P	P	P	P	Per Ordinance No. XXXXX, see TMC 13.06.100.I for special use restrictions on new residential development along Marine View Drive.
Dwelling, three-family	P	P	P	P	Per Ordinance No. XXXXX, see TMC 13.06.100.I for special use restrictions on new residential development along Marine View Drive.
Dwelling, multiple-family	P	P	P	P	Per Ordinance No. XXXXX, see TMC 13.06.100.I for special use restrictions on new residential development along Marine View Drive.
Dwelling, townhouse	P	P	P	P	Per Ordinance No. XXXXX, see TMC 13.06.100.I for special use restrictions on new residential development along Marine View Drive.
Dwelling, accessory (ADU)	P	P	P	P	Subject to additional requirements contained in 13.06.150. Per Ordinance No. XXXXX, see TMC 13.06.100.I for special use restrictions on new residential development along Marine View Drive.

Uses	T	C-1	C-2[1]	PDB	Additional Regulations[2, 3] (also see footnotes at bottom of table)
Eating and drinking	N	P/CU	P	P*/CU*	In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Section 13.06.700.E for the definitions of restaurants and drinking establishments. In the C-2 district, live entertainment is limited to that consistent with either a Class “B” or Class ”C” Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class “C” cabaret license as designated in Section 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts

* * *

TMC 13.06.400 Industrial Districts

The 400 series contains regulations for all industrial classifications, including the following:

M-1 Light Industrial District
M-2 Heavy Industrial District
PMI Port Maritime & Industrial District

A. Industrial district purposes.

The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City's Comprehensive Plan.

2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.

3. Create a variety of industrial settings matching scale and intensity of use to location.

4. Provide for predictability in the expectations for development projects.

B. Districts established.

M-1 Light Industrial District
M-2 Heavy Industrial District
PMI Port Maritime & Industrial District

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.

2. M-2 Heavy Industrial District. This district is intended to allow most industrial uses. The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.

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

The PMI District is further characterized by heavy truck traffic and higher levels of noise and odors than found in other districts. The uses are primarily marine and industrial related, and include shipping terminals, which may often include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair. Retail and support uses primarily serve the area's employees.

Expansion beyond current PMI District boundaries should be considered carefully, as such expansion may decrease the distance between incompatible uses.

Expansion should only be considered contiguous to the existing PMI District. This classification is only appropriate inside Comprehensive Plan areas designated for high intensity uses.

4. ST-M/IC South Tacoma Manufacturing/Industrial Overlay District. This overlay district is intended to provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan. Expansion of the overlay district

beyond the current boundaries can only be done in conjunction with an expansion of the designated South Tacoma M/IC Center in the Comprehensive Plan. Expansion beyond current boundaries should be carefully considered, as such expansion may decrease the distance between incompatible uses and will impose additional restrictions on the development of residential and commercial uses in affected areas.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as "Pedestrian Streets." The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

3. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

4. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

5. District use table.

Uses	**M-1**	**M-2**	**PMI**	**Additional Regulations**[1]
Adult family home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Agricultural uses	CU/N*	CU/N*	CU/N*	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.

Uses	M-1	M-2	PMI	Additional Regulations[1]
Airport	CU/N*	CU/N*	CU/N*	*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
Assembly facility	P	P	N	
Brewpub	P	P	P	
Building material and services	P	P	P	
Business support services	P	P	P	
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District *Per Ordinance No. XXXXX, on an interim basis, temporary use only within the Port of Tacoma M/IC. See 13.06.501.G.
Cemetery/internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	
Commercial recreation and entertainment	P/CU*	P/CU*	N	*Within the South Tacoma M/IC Overlay District, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. *Per Ordinance No. XXXXX, on an interim basis, within the Port of Tacoma M/IC, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. Existing uses in the PMI are permitted, subject to the special use restrictions in section 13.06.400.G. See 13.06.501.G.
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.

Uses	M-1	M-2	PMI	Additional Regulations[1]
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC.
Correctional facility	N	CU/N*	CU/N*	Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q). *Per Ordinance No. XXXXX, on an interim basis, such uses and expansion of existing facilities that increase the inmate capacity are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Craft Production	P	P	P	
Cultural institution	P/CU*	P/CU*	N	*Conditional use within the South Tacoma M/IC Overlay District, unless an accessory use. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
Detoxification center	CU	CU	N	
Drive-through with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P/N*~	N*	N*	In M-1 districts, single-, two- and three-family and townhouse dwellings are prohibited, except for residential uses in existence on December 31, 2008, the effective date of adoption of this provision. In M-1 districts, new multi-family residential dwellings
Dwelling, two-family	P/N*~	N*~	N*~	
Dwelling, three-family	P/N*~	N*~	N*~	
Dwelling, multiple-family	P/N*~	N*~	N*~	

Uses	M-1	M-2	PMI	Additional Regulations[1]
Dwelling, townhouse	P/N*~	N*~	N*~	are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts. ~Not permitted within the South Tacoma M/IC Overlay District except for quarters for caretakers and watchpersons and temporary worker housing, as noted above. ~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC except for quarters for caretakers and watchpersons. See 13.06.501.G.
Dwelling, accessory (ADU)	P/N~	N	N	Subject to additional requirements contained in 13.06.150. ~Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Eating and drinking	P	P	P	
Emergency and transitional housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008 the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Extended care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.

Uses	M-1	M-2	PMI	Additional Regulations[1]
Foster home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. 00000, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Fueling station	P	P	P	
Funeral home	P	P	N	
Golf course	P/N*	P/N*	N	*Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Group housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Heliport	CU	CU	CU	
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District. ~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Hotel/motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Industry, heavy	N	P/N*	P/N*	Animal slaughter, fat rendering, acid manufacture, smelters, and blast furnaces allowed in the PMI District only. *See section 13.06.580 Interim Industrial Use Restrictions.
Industry, light	P	P	P	

Uses	M-1	M-2	PMI	Additional Regulations[1]
Intermediate care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Juvenile community facility	P/N*	P/N*	P/N*	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Live/Work	P/N*	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana retailer	P~	P~	N	~Within the South Tacoma M/IC Overlay District, and within the Port of Tacoma M/IC on an interim basis per Ordinance No. XXXXX (See 13.06.501.G), limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565.
Microbrewery/winery	P	P	P	
Mobile home/trailer court	N	N	N	
Nursery	P	P	N	
Office	P*	P*	P	*Within the South Tacoma M/IC Overlay District, unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district.
Parks, recreation and open space	P/N*	P/N*	P/N*	Subject to the requirements of Section 13.06.560.D. Per Ordinance No. XXXXX, on an interim basis, High Intensity/Destination facilities (see 13.06.560) are not permitted in the Port of Tacoma M/IC. See 13.06.501.G.
Passenger terminal	P	P	P	

Uses	M-1	M-2	PMI	Additional Regulations[1]
Personal services	P	P	P	
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*/N~	*Preferred use. ~See section 13.06.580 Interim Industrial Use Restrictions.
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
Repair services	P	P	P	
Research and development industry	P	P	N	
Residential care facility for youth	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Residential chemical dependency treatment facility	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI District. ~Within the South Tacoma M/IC Overlay District, and within the Port of Tacoma M/IC on an interim basis per Ordinance No. XXXXX (See 13.06.501.G), unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. Outside of the South Tacoma M/IC Overlay District, limited to 65,000 square feet per use, unless approved with a conditional use permit. See Section 13.06.640.J.
Retirement home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G. See Section 13.06.535.

Uses	M-1	M-2	PMI	Additional Regulations[1]
School, public or private	P/N*	P/N*	P/N*	*General K through 12 education not permitted in the PMI District or in the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
Short-term rental	N	N	N	
Staffed residential home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Student housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Surface mining	CU	CU	CU	
Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.635.
Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Transportation/freight terminal	P	P	P	
Urban Horticulture	P	P	P	
Utilities	P	P	P	
Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.510.

Uses	M-1	M-2	PMI	Additional Regulations[1]
Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.510.
Warehouse/storage	P/N*	P/N*	P/N*	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable. *See section 13.06.580 Interim Industrial Use Restrictions.
Wholesale or distribution	P/N*	P/N*	P/N*	*See section 13.06.580 Interim Industrial Use Restrictions.
Wireless communication facility	P*/ CU**	P*/ CU**	P*/ CU**	*Wireless communication facilities are also subject to Section 13.06.545.D.1. **Wireless communication facilities are also subject to Section 13.06.545.D.2.
Work/Live	P/N*	N	N	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570. *Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Work release center	CU	CU	P/N*	Subject to development standards contained in Section 13.06.550. *Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.501.G.
Uses not prohibited by City Charter and not prohibited herein	N	N	N~~P~~	

Footnotes:

1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.

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NEW SECTION TMC 13.06.400.G

13.06.400.G Special Use Restrictions for Non-industrial Uses in the Port of Tacoma M/IC

1. Per Ordinance No. XXXXX, on an interim basis, the intent of these special use restrictions is to place a pause on new or expansion of existing non-industrial uses within the Port of Tacoma M/IC until such time as the Tideflats subarea plan is complete.

2. The establishment of new identified non-industrial uses is prohibited.

3. Existing uses, legally permitted at the time of adoption of this code, are allowed.

4. Expansion of existing uses non-industrial uses is prohibited

***

NEW SECTION TMC 13.06.580

13.06.580 Interim Industrial Use Restrictions

A. Purpose: Per Ordinance No. XXXXX, on an interim basis, the purpose of this section is to prohibit the establishment of new industrial uses that may pose a high probability of significant off-site impacts or high risks to public health, safety, or welfare, on an interim basis until such time as the Tideflats Subarea Plan is complete.

B. Applicability. These special use restrictions apply to the following uses in all zoning districts:

- Coal terminals and coal bulk storage facilities
- Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining
- Bulk chemical storage, production or processing, including acid manufacture
- Smelting
- Mining and quarrying

C. Use Restrictions.

1. New uses. The establishment of a new use is prohibited.

2. Existing uses. Legally permitted uses at the time of adoption of this code are allowed and may continue existing operations and expand storage and production capacity without limitation.

4. Definitions. For the purpose of applying these special use restrictions, the applicable North American Industrial Classification System (NAICS) codes and descriptions are identified as follows.

a. Coal terminals and bulk storage facilities

The storage and wholesale distribution of coal and coal products and transfer of coal products via shipping terminal.

b. Oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining.

(1) Petroleum Bulk Stations and Terminals. This industry comprises establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products. NAICS Code 424710.

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

(3) Natural Gas Liquid Extraction. This industry comprises establishments primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases. Establishments primarily engaged in sulfur recovery from natural gas are included in this industry. NAICS Code 211112. For the purposes of these special use restrictions, this use category also includes bulk storage of liquefied petroleum gas, liquefied natural gas, and natural gas liquids.

c. Bulk chemical storage, production or processing. The Chemical Manufacturing subsector is based on the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups. For the purposes of these special use restrictions, this definition will apply to all industries classified as subcategories of NAICS Code 325 Chemical Manufacturing.

d. Smelter

(1) Primary Smelting and Refining of Copper. This industry comprises establishments primarily engaged in (1) smelting copper ore and/or (2) the primary refining of copper by electrolytic methods or other processes. Establishments in this industry make primary copper and copper-based alloys, such as brass and bronze, from ore or concentrates. NAICS Code 331411.

(2) Alumina Refining and Primary Aluminum Production. This industry comprises establishments primarily engaged in one or more of the following: (1) refining alumina (i.e., aluminum oxide) generally from bauxite; (2)

making aluminum from alumina; and/or (3) making aluminum from alumina and rolling, drawing, extruding, or casting the aluminum they make into primary forms. establishments in this industry may make primary aluminum or aluminum-based alloys from alumina. NAICS Code 331313

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

(4) Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum). This industry comprises establishments primarily engaged in (1) alloying purchased nonferrous metals and/or (2) recovering nonferrous metals from scrap. Establishments in this industry make primary forms (e.g., bar, billet, bloom, cake, ingot, slab, slug, wire) using smelting or refining processes. NAICS Code 331492.

e. Mining and quarrying. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction. The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity.

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

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TMC 13.10 Shoreline Management

Table 9-2

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE`																	
District	**S-1a**	**S-1b**	**S-2**	**S-3**	**S-4**	**S-5**	**S-6**	**S-6/7**	**S-7**	**S-8**	**S-9**	**S-10**	**S-11**	**S-12**	**S-13**	**S-14**	**S-15**
District Name	**Western Slope South**	**Western Slope South**	**Western Slope Central**	**Western Slope North**	**Point Defiance**	**Point Defiance**	**Ruston Way**	**Schuster Parkway Transit-ion**	**Schuster Parkway**	**Thea Foss Water-way**	**Puyallup River**	**Port Indust-rial Area**	**Marine View Drive**	**Hylebos Creek**	**Marine Waters of the State[21]**	**Wapato Lake**	**Point Ruston/ Slag Pen.**
Shoreline Designation	**HI**	**SR**	**UC**	**N**	**N**	**UC**	**UC**	**UC**	**HI**	**DW**	**UC**	**HI**	**UC**	**N**	**A**	**UC**	**HI**
Shoreline Uses																	
Residential Development																	
Single-family[12]	N	P	P	N	N	N	N	N	N	N	N	N	~~P~~N[1]	N	N	P	N[14]
Multifamily – standalone	N/CU[15]	N	N	N	N	N	N	N	N	N/CU[16]	N	N	N/ ~~CU~~[13,~~1~~ ~~5~~]	N	N	N	P[17,] P[18]/ CU 18
Multifamily as part of a mix-use development	P	N	N	N	N	N	N	N	N	P[16]	N	N	~~P~~N[1]	N	N	N	P[17]
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	N~~P~~[1]	N	N	N	P

1 Expansion of an existing marina shall be permitted consistent with the provisions of this Program, new marina development shall be a conditional use.

2 Boat ramps shall be permitted only in that area on the east side of the Foss Waterway north of the Centerline of 15th Street.

3 Water-enjoyment and -related commercial uses shall be permitted over-water only as a reuse of an existing structure or when located within a mixed-use structure.

4 Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP Section 7.5.2 and only as a conditional use except where otherwise specified for the S-8 and S-15 Shoreline Districts.

5 New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the Point Defiance Marina Complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.

6 Non-water-oriented commercial uses shall be permitted as part of a mixed-use development with a water-oriented component; Non-water-oriented commercial uses in a mixed use development without a water-oriented component shall be permitted as a conditional use consistent with TSMP 9.10(D). In all other circumstances, non-water-oriented uses shall be processed as a conditional use

7 Non-water-oriented commercial uses shall be permitted outside 150’ of OHWM only, except as specified in note 18. Commercial uses that are located outside shoreline jurisdiction and are consistent with the EIS for the Point Ruston development are allowed, those uses that are not consistent with the EIS shall be processed as a conditional use permit in accordance with the procedures in TMC 13.06.

8 New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Marine Waters of the State) only when water-dependent or as a reuse of an existing structure.

9 Water-dependent and -related port/industrial uses shall be permitted only in existing structures.

10 Port and industrial development shall be permitted on the easterly side of the Thea Foss Waterway, north of the centerline of East 15th Street and in addition, in that area to the east of East D Street.

11 Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP Section 7.6.2.

12 New single-family residential development shall only be permitted in upland locations.

13 In the “S-11” Shoreline District, ~~new single-family and multi-family residential development is permitted only in that area north of 5410 Marine View Drive.~~ Per Ordinance No. XXXXX, on an interim basis, new residential uses are prohibited. Existing residential uses may expand so long as the expansion is consistent with the requirements of TMC 13.10.

14 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.

15 New stand alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in TSMP Section 7.8.2.

16 Residential development shall be permitted in upland locations on the west side of the waterway and on the east side only south of the East 11th Street right of way, and shall be designed for multiple-family development only, excluding duplex and/or triplex development. Hotel/Motel uses are permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway only south of the centerline of 11th Street. Residential and Hotel/Motel uses are prohibited to the east of East D Street.

17 Multifamily residential uses shall be permitted in upland locations, outside 150’ of OHWM.

18 No more than 24 total townhouse units may be permitted in upland locations up to 100’ from OHWM as an outright permitted use so long as such townhouses are constructed on the southeasterly shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100’ from OHWM as a conditional use in all other locations. Townhouses in the S-15 may include an office use on the ground floor.

19 Helicopter landing pads are only allowed outside of shoreline jurisdiction as a conditional use and only as part of an approved structure.

20 Above ground utilities are only allowed consistent with TSMP 7.13.2.

21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted uses in the upland Shoreline District. Please see Section 9.15(D)(1)(a).

22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 8.2.2.

23 See application requirements in Section 2.4.4.

24 With the exception of the S-7, S-10 and S-11 Shoreline Districts, mooring buoys shall be designed, located and installed only for transient recreational boating, or in association with a single family residential development or a permitted marina. In the S-7, S-10 and S-11 Shoreline Districts mooring buoys may be designed, located and installed to accommodate port and industrial uses including the remote storage of oceangoing vessels and barges.

25 Buffer reductions allowed for water-dependent uses per TSMP 6.4.3(C).

26 Except that the buffer shall not extend beyond the centerline of Alaska street.

27 District specific height limitations shall not apply to bridges in the shoreline. Bridges should be kept to the minimum height necessary and shall provide a view study to determine whether the structure will cause any significant impacts to public views of the shoreline.

28 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.

29 Any building, structure, or portion thereof hereafter erected (excluding equipment for the movement of waterborne cargo between storage and vessel, vessel and storage) shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.

30 Maximum heights on Slag Peninsula are limited to 35 feet.

31 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set back is maintained from either lot line.

32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.

IV.
Draft Findings of Fact

TACOMA PLANNING COMMISSION
FINDINGS OF FACT – PUBLIC REVIEW DRAFT
SEPTEMBER 11, 2017

A. SUBJECT:

Tideflats Interim Regulations

B. SUMMARY OF PROPOSED AMENDMENTS:

The public review draft of the Tideflats Interim Regulations includes four general categories of potential amendments:

Category 1: Expanded Notification for Heavy Industrial Uses

- These amendments would expand notification of heavy industrial use permits to taxpayers and interested parties.
- The notification distances are expanded to 2500' from the subject parcel. For projects located within a designated manufacturing and industrial center, the 2500' notification distance is measured from the boundary of the applicable M/IC boundary.
- This expanded notification applies to all heavy industrial projects city-wide that require a discretionary permit or SEPA determination.
- The amendments are proposed to TMC 13.05.020 Notice process

Category 2: Non-industrial Uses in the Port of Tacoma M/IC

- These amendments would prohibit new non-industrial uses within the Port of Tacoma M/IC.
- The specific uses identified include, but are not limited to:
    - Destination/high intensity parks and recreation,
    - Agriculture,
    - Residential uses,
    - Hospitals,
    - Airports,
    - Schools (K-12),
    - Retail,
    - Cultural institutions,
    - Correctional facilities, and
    - Care facilities.
- Existing non-industrial uses would be prohibited from expansion.
- These amendments are proposed to Tacoma Municipal Code 13.06.400 Industrial Districts and includes a new section 13.06.400.G Special Use Restrictions for Non-industrial Uses within the Port of Tacoma M/IC.

DRAFT

Category 3: Marine View Drive Residential Development Restrictions

- These amendments would prohibit all new residential development including residential platting and subdivision of land.
- Residential development within the S-11 Shoreline District would be prohibited.
- The restrictions are not intended to limit existing development from expanding, remodeling, or adding accessory uses. Existing residences are prohibited from increasing the number of units beyond what exists at the time of adoption of this ordinance.
- These amendments are proposed to TMC 13.10 Shoreline Master Program, TMC 13.04 Platting and Subdivisions, TMC 13.06.100 Residential Districts, as well as TMC 13.06.200 Commercial Districts.
- Commercial Districts are included herein as they allow residential development. Currently, certain properties along Marine View Drive are zoned C-1 Neighborhood Commercial and C-2 General Commercial.

Category 4: Potential High Impact/High Risk Uses

- These amendments would prohibit new potential high risk/high impact industrial uses.
- Potential high risk/high impact uses include the following. Where possible the use definitions cite appropriate NAICS codes.
    - Coal terminals and bulk storage facilities
    - Oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining
    - Bulk chemical storage, production or processing, including acid manufacture
    - Smelting
    - Mining and quarrying
- Existing uses are considered allowed and not subject to limitation on expansion.
- Unlisted uses would be prohibited and subject to TMC 13.05.030 Director Decision Making Authority.
- The changes would be made to Tacoma Municipal Code 13.06.400 and create a new Section 13.06.580 Interim Industrial Use Restrictions that applies to all industrial zoning districts.

C. FINDINGS OF FACT PART 1: BACKGROUND

1. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

2. Comprehensive Plan and Land Use Regulatory Code Amendments

The City of Tacoma periodically accepts applications to amend the Comprehensive Plan and Land Use Regulatory Code. As part of the 2017-2018 Comprehensive Plan and Land Use Regulatory Code

Amendment Application period, the City received multiple applications/requests for zoning and land use process changes in the Tideflats Area, including the Northeast Tacoma Buffer Zone application, the implementation of the Container Port Element of the City's Comprehensive Plan, and the Director's Rule relating to Expanded Notification for Large Industrial Projects.

3. Consolidation of Applications

In response to the multiple amendment applications, on May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port Tideflats. In addition, the Resolution requested that the Planning Commission consolidate the various applications/requests into the scope of work for the Tideflats Subarea planning process and to hereby consider the need for interim regulations in the Tideflats subarea while the subarea planning process is under way.

4. Subarea Planning

Subarea planning allows for the establishment of a shared, long-term vision, and a more coordinated approach to development, environmental review, and strategic capital investments in a focused area. Subarea Plans typically include:

Plan Concept or Vision

- Preservation of industrial land base
- Economic role of the Center
- Relationship to Comprehensive Plan
- Market analysis

Environment

- Protection of sensitive areas
- Stormwater management
- Air pollution and greenhouse gas emissions

Land Use

- Employment growth targets
- Description of industrial and manufacturing uses
- Incompatible land uses
- Mitigation of aesthetic impacts

Economy

- Economic development strategies
- Key sectors and industry clusters

Public Services and Facilities

- Capital plans and investments to meet targeted growth

Transportation

- Freight movement
- Employee commuting
- Transit and mode splits

5. Interim Regulations Procedures

Tacoma Municipal Code 13.02.055 describes the procedural requirements for establishing interim regulations. The code requires the following procedural elements:

- Interim regulations must be initiated by the City Council or Planning Commission at a public meeting;

- The Council or Commission must determine, through findings of fact, that interim regulations are warranted;
- The ordinance must address the scope and duration of the interim regulations;
- The ordinance must include a work plan to develop permanent regulations;
- The Interim regulations may be effective for up to 1-year, and may be renewed every 6 months thereafter.

City Council Resolution No. 39723 initiated interim regulation review in accordance with the non-emergency procedures within 13.02.055.

D. Findings of Fact Part 3: Assessment of Need for Interim Regulations

6. VISION 2040 Manufacturing and Industrial Centers

The Puget Sound Regional Council's VISION 2040 Multicounty Planning Policies and the City's One Tacoma Comprehensive Plan designate the Port/Tideflats as a Manufacturing/Industrial Center (MIC). These areas are focal points for targeted regional employment growth. The designation provides regional funding priority for major transportation projects (e.g., Port of Tacoma Road, Taylor Way, SR 167, and freight projects). Regional planning policies protect MICs from encroachment of non-industrial uses.

7. Regional Industrial Employment Forecasts

Puget Sound Regional Council forecasts show industrial jobs region-wide increasing from 305,100 jobs in 2012 to 389,000 jobs in 2040, an increase in 83,900 total jobs (https://www.psrc.org/sites/default/files/industriallandsanalysisreport.pdf).

8. Regional Industrial Land Supply

PSRC forecasts employment and land supply for the Tacoma-Puyallup industrial area. Exhibit 6.18 to the Industrial Lands Analysis identifies the total land area, vacant land area, and underutilized land area for each sub-regional industrial area. The analysis indicates that the Tacoma-Puyallup industrial area includes approximately 13% of the regional vacant industrial land supply and 15% of the underutilized land supply.

9. Regional Economic Contribution of Industrial Land

According to PSRC's Industrial Lands Analysis Report "(i)n 2012, total wages paid out by industrial activities on industrial lands summed to $24.4 billion. Overall, the annual earnings from industrial jobs on industrial lands averaged $80,000 in 2012. Wages associated with industrial jobs on industrial lands equaled 23.2% of all wages paid out across the region in 2012. By comparison, the average wage across the four-county central Puget Sound region in 2012 was $59,700. Retail Trade, one of the largest segments of the regional work force, supported an average wage of $36,300, while Finance and Insurance paid an average wage of $86,900 (page E-9)."

10. Conversion of Industrial Lands

PSRC estimates that non-industrial employment on industrial lands will grow from 36% of total jobs on industrial lands in 2012 to 45% by 2040 (page E-10, Industrial Lands Analysis Report). PSRC forecasts for the Tacoma-Puyallup subarea show "higher growth in non-industrial jobs, with such jobs representing 70% of all jobs in the subarea (page 6-16)." The employment forecasts for 2040 suggest the existing land supply is sufficient to accommodate both the industrial and non-industrial employment forecasts, but that rising land values, proximity to nearby commercial centers, and other factors, will require some shift in management strategies due these non-industrial trends.

11. Employment Allocation

VISION 2040 allocates an additional 97,000 jobs to Tacoma by 2040.

12. 2014 Pierce County Buildable Lands Analysis

The Pierce County Buildable Lands Analysis assesses the land capacity to absorb the VISION 2040 employment allocations. Appendix D to the report allocates 8% of the City's overall employment allocation to the Tideflats MIC, an estimate of 7,555 new jobs by 2040. The report identifies a total land area of 3,912 acres within the Tideflats MIC and sufficient land capacity to absorb the allocated employment.

13. **Non-industrial Uses in the Port/Tideflats**
The Port Tideflats are predominantly zoned Port Maritime Industrial (PMI) and Heavy Industrial (M-2) zoning districts. Some areas to the periphery are zoned Light Industrial (M-1). Current policies support the retention and protection of manufacturing and industrial lands for manufacturing and industrial use, and to expand a diversified employment base in these areas. However, the City's current zoning districts allow expansive uses, including certain non-industrial uses that typically require a large land area to accommodate. These uses include:
    - Golf Courses
    - Schools (K-12)
    - Juvenile Community Facilities
    - Airports
    - Agricultural uses (excluding marijuana production and processing)
    - Destination Parks and Recreation (such as stadiums, arenas, museums, zoos, and aquariums).

14. **Likelihood of Industrial Development in Tacoma's Port/Tideflats**
In addition to the regional industrial employment growth forecasts and availability of developable land within the Port/Tideflats, two major fossil fuel projects have recently been proposed in the Port Tideflats: 1. A liquefied natural gas facility that was permitted and is now under construction, 2. A gas to methanol plant that was proposed for the Tideflats but later withdrawn. Multiple oil, gas and petrochemical refineries, terminals, and bulk storage sites currently operate in the Port Tideflats.

15. **Likelihood of Residential Development in Close Proximity**
The 2014 Pierce County Buildable Lands Report documents significant development capacity along the City's steep slopes overlooking the Port/Tideflats along Marine View Drive. In addition, the City has seen increased development pressure on these sites. Multiple plats have been submitted to develop slope properties. With continued rising demand for housing in the City of Tacoma, there is a significant likelihood that additional developments will occur on the slopes above Marine View Drive in close proximity to the Port/Tideflats and during the subarea planning process. Many of the concerns raised about Port/Tideflats industrial activities originate from residential developments along these hillsides that have less separation from the industrial waterfront. New residential development in these areas will likely introduce new interested parties and potential for nuisance complaints during the subarea planning process.

16. **Environmental Impacts to Critical Areas**
The Port/Tideflats is an area with multiple environmentally sensitive areas, including fish and wildlife habitat conservation areas, streams, wetlands, and aquifer recharge areas. The subarea planning process will include an environmental review that will allow the City to conduct a more scientifically rigorous, area-wide review of the potential impacts from development in the Port/Tideflats, the scale of those impacts, and potential mitigation measures.

17. **Environmental Hazards to Port/Industrial Uses**
The Port/Tideflats is an area with potential for multiple geologic, flood, and other natural disasters. The subarea planning process will include an environmental review that will allow the City to conduct a more scientifically rigorous, area-wide review of the potential risks to new and existing uses, development, and infrastructure.

18. **Public Health, Safety, and Nuisance Impacts to Surrounding Neighborhoods and Employees**
Some industrial and manufacturing uses carry a higher probability of health and safety concerns, or a higher risk of nuisance impacts to adjacent uses. These risks may vary considerably depending on the

type of use, the location, and the building and operational design and management. Certain types of impacts may be minimized and mitigated adequately by existing regulatory structures (such as storm water management). The City has received complaints pertaining to traffic impacts, greenhouse gas emissions, odor, noise, water consumption, and lighting, The Subarea Planning process will provide a mechanism to review these complaints and potential risks and to evaluate alternative methods of minimizing and mitigating these public health, safety and nuisance risks.

19. Climate Policy (2015)

The 2015 update of the City's Comprehensive Plan, *One Tacoma*, included new goals and policies pertaining to the assessment of climate risks, adaptation measures, mitigation of climate causing greenhouse gas emissions, and the promotion of community resilience strategies.

20. Climate Change Resiliency Study (2016)

This study marks the beginning of a process undertaken by the City of Tacoma's Environmental Services and the Planning and Development Services Departments to better understand and proactively manage climate risks in order to protect local residents, make sound investments, and ensure that the City can prosper, even in a changing climate.

Three systems were considered in the study:

- Built infrastructure, with a focus on surface water, wastewater, solid waste, and transportation assets;
- Natural systems, including streams, lakes, wetlands, open spaces, and restoration sites; and
- Social systems, including general health and social services and potentially at-risk populations and neighborhoods.

21. Washington Coastal Resilience Project (2016-2018)

The City of Tacoma is participating as a case study in the Washington Coastal Resilience Project. Washington's Coastal Resilience Project is a three-year effort to rapidly increase the state's capacity to prepare for natural events that threaten the coast. The project will improve risk projections, provide better guidance for land use planners and strengthen capital investment programs for coastal restoration and infrastructure. These are the tools that coastal communities need to become more resilient to disasters.

22. Transportation

Multiple Transportation studies have been conducted for the Port Tideflats that analyze growth forecasts and scenarios, existing conditions, improvement concepts, and recommended projects. However, these studies do not use the same current data or development assumptions and in some cases differ by geographic applicability. These studies include:

- Emergency Response/Intelligent Transportation System Study (2016)
- Transportation Master Plan (2015)
- Tideflats Areas Transportation Study (2011, Port of Tacoma)
- East Thea Foss Waterway Transportation Corridor Study (2008)

23. Emergency Response

The City of Tacoma and the Port of Tacoma partnered with other agencies and private companies to initiate a study of Emergency Response systems in the tideflats area. The team included representatives from Tacoma's Planning and Development Services, Fire, and Public Works departments, as well as Tacoma Rail. In addition to active involvement from the Port of Tacoma, the Puyallup Tribe of Indians, U.S. Oil, Targa Sound Terminals, and Puget Sound Energy all participated in the study.

The Emergency Response/Intelligent Transportation System (ER/ITS) study addresses existing and future traffic congestion as well as infrastructure and operating deficiencies for emergency response in the tideflats.

24. Relationship to Other Emergency Ordinances

In addition to the Resolution directing the Planning Commission to evaluate the need for interim regulations for the Port/Tideflats, the City Council also recently adopted, via emergency ordinances, interim regulations relating to temporary shelters and correctional facilities. Both of these interim regulations geographically coincide with and impact the Port/Tideflats and subarea planning discussions.

25. Pause

Whereas the City and the Port have agreed that a subarea planning process is the best course of action to comprehensively address land use issues associated with the future of the Port/Tideflats area, and given the multiple planning mandates and policy objectives for the area, the diverse stakeholder interests, and new scientific information relevant to the area, maintaining the status quo in the Port/Tideflats during the subarea planning process would serve to protect the integrity of that process until such time as these issues may be resolved through an adopted Subarea Plan.

D. Findings of Fact Part 2: Planning Mandates

26. Planning Mandates and Guidelines

GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act, and that all proposed amendments, with certain limited exceptions, shall be considered concurrently so that the cumulative effect of the various changes can be ascertained. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:

- The State Growth Management Act (GMA);
- The State Environment Policy Act (SEPA);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2040* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County;
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations.

F. Findings of Fact Part 4: Public Notification and Involvement

27. Public Hearing Notification Process:

(a) A public hearing was set for September 11th at 6:00 pm at the Greater Tacoma Convention Center. Public comments will be accepted through September 13th at 5:00 pm.

(b) An informational Session was scheduled on September 7th from 5:00 – 7:00 pm for citizens to learn more about the proposed amendments and ask questions.

(c) Public Hearing Notice:

- **Public Hearing Notice**
- **News Media**
- **60-Day Notice**
- **Public review documents were posted to the City of Tacoma's website at www.cityoftacoma.org/tideflatsinterim**

28. Consultation with the Puyallup Tribe of Indians
On July 26, 2017 the City of Tacoma sent a letter of request for consultation to Chairman Sterud of the Puyallup Tribe of Indians, inviting early involvement and comments from the Puyallup Tribe throughout the development of the interim regulations.

29. Public Hearing Comments and Responses:
Placeholder

Findings of Fact Part 5: SEPA Review
Interim regulations are exempt from SEPA review, per WAC 197-11-800.19 Procedural actions and WAC 197-11-880 Emergencies.

G. EXHIBITS:
Placeholder

H. CONCLUSIONS:

1. The Commission concludes that interim regulations are warranted for the duration of the Tideflats Subarea Planning process to maintain the status quo until such time as the Subarea Plan is completed:

- Conversion of industrial lands is a critical regional issue and current codes allow significant non-industrial uses within the Port Tideflats, as well encroachment by potentially incompatible residential land uses. Therefore, limitations on non-industrial uses both within the Port/Tideflats and along the related slopes above Marine View Drive are appropriate until such time as the subarea plan is completed;
- Significant new development projects are likely to occur during the subarea planning timeframe that could pre-empt the subarea planning process. Therefore, limitations on new uses that are potentially high risk/high impact are appropriate until such time as the subarea plan is completed;
- A subarea planning process typically takes between 2-3 years to complete. However, the schedule and length of the process is dependent upon the final scope of work developed through a public process, the breadth and depth of issues to be reviewed, and the legislative process. While a shorter subarea planning process would limit the overall risk of projects occurring during the planning timeframe, there is a likelihood that the permanent regulations, developed through the subarea plan, may require more than the typical timeframe to complete which would increase the risks of significant new developments occurring during the plan and code development;
- Beyond the issues relating to incompatible land uses, pre-emption of the planning process, or risks of new development occurring during the planning timeframe, there are also multiple goals, policies, studies, programs, and emergency ordinances that pertain to the Port/Tideflats and which have been adopted over a significant length of time and in a piecemeal fashion. It is clear at this time that these issues must be addressed through a comprehensive manner through the subarea planning process. It is appropriate, therefore, to place a pause on significant new developments until such time as this planning effort has been completed, to ensure that new uses and development are fully compliant with the City's goals and policies and that plans and strategies are in place to invest in the necessary supportive infrastructure and mitigation measures.

E. RECOMMENDATIONS:
Placeholder