



**TO:** Elizabeth Pauli, City Manager

**FROM:** Peter Huffman, Director, Planning and Development Services Department 

**SUBJECT:** **Tideflats Interim Regulations**

**DATE:** October 25, 2018

On Tuesday, October 23, 2018, the City Council held a public hearing on the proposed six-month extension of the Tideflats Interim Regulations. At the City Council study session next Tuesday, October 30, 2018, staff will be presenting a summary of the public comments and testimony received on the proposed extension as well as options to amend the ordinance relating to the current exemption of existing uses, as requested by the City Council following the public hearing. First reading of the ordinance is scheduled to occur that evening, with final reading tentatively scheduled for November 6, 2018.

#### **BACKGROUND**

On November 21, 2017, the City Council passed Amended Ordinance No. 28470, establishing interim regulations for the Tideflats and other heavy industrial zoning districts. The ordinance established the interim regulations for an initial one-year period. The Tacoma Municipal Code, consistent with state law, requires that the City Council consider re-authorization of the interim regulations every six months subsequent to the initial one-year authorization period. At the time of re-authorization, the City Council may also consider amendments to the ordinance.

The Tideflats Interim Regulations consist of the following four elements:

- Category 1: Expanded public notification of heavy industrial use permits;
- Category 2: Temporary prohibition of certain new non-industrial uses in the Port of Tacoma Manufacturing and Industrial Center;
- Category 3: Temporary prohibition of new residential platting and subdivisions along Marine View Drive and northeast Tacoma slopes; and
- Category 4: Temporary prohibition on certain types of new heavy industrial uses.

#### **ISSUES**

In support of the City Council's review of the proposed extension, and consistent with both state law and Tacoma Municipal Code, the City Council conducted a public hearing on October 23, 2018.

Approximately 12,000 public notices were mailed to potentially affected taxpayers and other interested parties. The hearing was also advertised via news release and social media event notifications. Several hundred people attended the public hearing, approximately 64 people provided oral testimony, and 15 written comments were submitted for City Council consideration.

While there was diverse testimony provided to the City Council, it generally fit within the following themes:

1. General Support for or Opposition to Interim Regulations

In general, testimony typically fell into three categories:

- Support for the extension
- Strengthen or expand the interim regulations, particularly with regards to existing uses
- Opposition to the extension and to interim regulations in general

2. Expansion of Existing Uses

A significant focus of public testimony related to the current exemption of existing uses within the interim regulations. Commenters requested that the City Council consider limits on the expansion of existing uses and/or an enhanced Conditional Use Permit process to review expansion projects. Following the public hearing, the City Council requested staff present options for an amendment to respond to public concerns relating to the expansion of existing uses. Attached is a summary sheet that provides information on Conditional Use Permits. Staff will provide additional information at the study session.

3. Metal Recycling

Some public testimony identified metal recycling as a potential use for inclusion within the interim regulations. Much of the testimony cited the recent fire at a metal recycling facility in the Tideflats. It is worth noting that during the Planning Commission process for the original interim regulations, the Commission did consider the inclusion of metal recycling facilities but opted to recommend a final list of uses to the City Council that excluded metal recyclers. At study session, staff will provide additional information on how many existing metal recycling facilities are currently located in the Tideflats.

4. Economic Impact of the Interim Regulations

Multiple commenters recognized the role of the Tideflats in providing for employment opportunity, both locally and regionally, as well as the interdependence of businesses in the area. As a result, the comments expressed concern that the interim regulations could result in detrimental impacts, such as:

- Discouraging long-term investment in existing facilities
- Discouraging the location of new businesses in the Tideflats

Other commenters noted their support for employment growth in the Tideflats and that jobs and environment protections do not need to be an “either/or proposition”.

5. Joint-Base Lewis-McChord (JBLM)

Several commenters identified the economic impact of JBLM in the South Sound and the reliance of JBLM on local fuel supplies. As a result, there was concern expressed about the long-term ability of JBLM to respond to national emergencies if the interim regulations were to limit existing uses.

6. Subarea Planning

Comments relating to the Subarea Plan coalesced around two distinct issues. First, there was considerable support for the Subarea Plan as the appropriate path to develop a long-term plan and regulations for the Tideflats and to resolve the issues identified in the interim regulations. However, concern was also cited over the length of time that the planning effort may take as well as the slow progress to date.

7. Other Issues Identified in Testimony

- Climate change
- Species loss
- Sea level rise
- Environmental remediation and covenants
- Environmental hazards (geologic, flood, seismic, etc.) in the Tideflats

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Public review materials and background information related to the Tideflats Interim Regulations are available online at: [www.cityoftacoma.org/tideflatsinterim](http://www.cityoftacoma.org/tideflatsinterim).

For more information, please contact Stephen Atkinson, Principal Planner, at (253) 591-5531 or [satkinson@cityoftacoma.org](mailto:satkinson@cityoftacoma.org).

Attachment

- A. Conditional Use Permit Summary Sheet

# CONDITIONAL USE PERMITS

## WHAT IS A CONDITIONAL USE PERMIT?

In every zoning district, uses are generally divided into one of three categories: Permitted, Not Permitted, or Conditional Uses. Permitted uses are those uses that are allowed outright, with no special approvals necessary. Uses that are Not Permitted are not allowed at all. Conditional Uses are uses that are not allowed outright in that zoning district, but may be allowed with approval of a Conditional Use Permit (CUP).

A Conditional Use Permit allows for evaluation of the specific circumstances of a particular proposal and a particular site, along with increased public involvement in the decision-making process. The Conditional Use Permit process is used to determine whether the proposed use should be allowed in the location proposed. If so, the Conditional Use Permit process also provides a mechanism to apply special conditions that might be necessary to ensure the use is consistent with the vision for the area and to safeguard the surrounding neighborhoods from any possible significant negative impacts of the development.

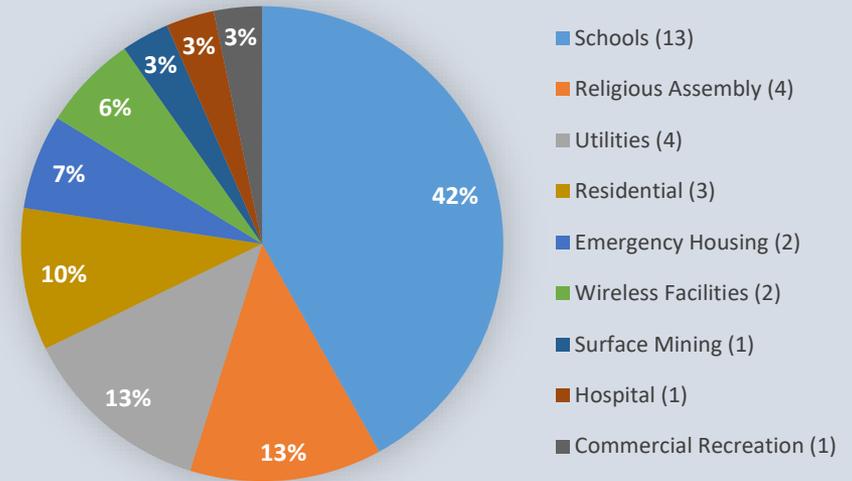
## WHAT ARE SOME EXAMPLES OF CONDITIONAL USES?

Some of the most common Conditional Uses are things like schools, churches, and daycare centers, which are commonly found in residential areas but have a potentially higher impact than the allowed residential uses. Some uses are permitted outright in certain zones but are Conditional Uses in other zones (e.g. taverns are allowed outright in the C-2 General Commercial Zone but require a Conditional Use Permit in the C-1 Neighborhood Commercial Zone). And some other uses, due to their unique nature, do not fit neatly into any zoning district and are thus only allowed through a Conditional Use Permit regardless of zoning (e.g. agriculture, airports, and surface mining). The chart to the right provides a breakdown of the types of Conditional Uses that have been requested and reviewed over the past couple of years.

## WHAT ARE THE STEPS IN THE PERMIT PROCESS?



## 2016-2018 CUP SNAPSHOT



## WHAT KINDS OF CONDITIONS ARE COMMON?

Projects that receive approval of a Conditional Use Permit frequently have special conditions of approval they must meet. These conditions are designed to address the unique circumstances of the proposal and the applicable regulations and policies, and to ensure that the project is developed in a manner that best balances the operations of the project and its compatibility with the surrounding area. Conditions of approval often address issues such as noise or light controls, special environmental issues, hours of operation, traffic access and mitigation, orientation to surrounding uses, and buffering from surrounding uses.