

City of Tacoma

State Environmental Policy Act

Revised Determination of Nonsignificance

September 17, 2021

Location: City of Tacoma

Lead Agency: City of Tacoma

City Contact: Stephen Atkinson

Planning and Development Services Department

747 Market Street, Room 345

Tacoma, WA 98402

(253) 905-4146 or satkinson@cityoftacoma.org

SEPA File Number: LU21-0035

The City of Tacoma is proposing land use regulations in the Port of Tacoma Manufacturing and Industrial Center and Zoning Districts City-wide to address the following issues:

- Public notification requirements for permits and land use amendments;
- Conversion of industrial lands to non-industrial uses;
- Encroachment of residential developments on industrial lands; and
- Siting of potentially high risk/high impact heavy industrial uses.

With new regulations, interim regulations first established in November 2017 through Ordinance 28470 and renewed every six months through October 2020 would expire.

The complete text of the proposed amendments and the associated staff analysis reports are available for review at the Planning and Development Services Department at the below address and posted on the website at <http://www.cityoftacoma.org/tideflatsinterim>.

The City of Tacoma has revised its SEPA threshold determination of Nonsignificance issued on February 22, 2021 and revised on April 14, 2021, in consideration of the following changes:

An Addendum describes the modifications to Option A-1, called A-2, that is in the range of options evaluated in the SEPA Checklist Options.

The City of Tacoma has reaffirmed that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This determination is based on the following findings and conclusions:

Option A-2 further advances the purpose and intent of the regulations to improve compatibility of industrial and non-industrial uses and to address the potential impacts associated with certain heavy industrial uses. The option expands the definition for renewable fuels to encompass other clean fuel standards, shifts from a reliance on conditional use permitting for renewable fuel facilities to utilizing an expanded SEPA process for project review in coordination with specific limits on new petroleum tankage, provides for financial assurances, addresses projects which have previously undergone environmental review and fully mitigated the environmental impacts pursuant to a Mitigation

Agreement between the applicant and the City, and removes the proposed High Impact Use category while continuing to utilize SEPA, building codes, fire codes, and other existing regulations to ensure review of facilities that are considered Group-H occupancies.

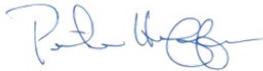
This “modified” DNS is issued under WAC 197-11-340(2)(f) and does not include additional notice and comment.

There is no administrative appeal for this determination. Appeals must be filed in conjunction with appeals of the adopted amendments to the Growth Management Hearings Board; appeals shall be taken in accordance with procedures and limitations set forth in RCW 43.21C.075 and WAC 242-02. In addition to Growth Management Hearings Board requirements, a copy of the appeal shall be filed with the Planning and Development Services Department, 747 Market Street, Room 345, Tacoma, Washington 98402.

Responsible Official: Peter Huffman

Position/Title: Director, Planning and Development Services Department

Signature:



SEPA Officer Signature:



Issue Date: September 19, 2021

NOTE: The issuance of this Preliminary Determination of Nonsignificance does not constitute project approval. Future project applicants must comply with all other applicable requirements of the City of Tacoma and other agencies with jurisdiction prior to receiving development permits.

Addendum

City of Tacoma Tideflats and Industrial Land Use Regulations

SEPA Checklist and Determination of Non-Significance Issued February 22, 2021 and Revised on April 14, 2021.

Addendum Date September 17, 2021

INTRODUCTION AND REFINED OPTIONS

The City of Tacoma has prepared this Addendum to the Tideflats and Industrial Land Use Regulations SEPA Checklist and Determination of Non-Significance issued February 22, 2021 and as revised on April 14, 2021. The initial environmental evaluation examined a range of three options:

- Option A: Proposal Alternative – Planning Commission Hearing Draft for February 3, 2021.
- Option B: Baseline – the “No Action” Pre-Interim Ordinance.
- Option C: Current Ordinance – the Interim Regulations that are in effect.

The City issued a revised Determination of Non-significance on April 14, 2021 with an Addendum, documenting modifications to Option A, called Option A-1, approved by the Planning Commission in response to public comments on the preliminary determination.

This Addendum describes modifications to Option A-1 that are in the range of the studied options. Per WAC 197-11-706, this Addendum is an environmental document that provides additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

This Addendum describes the modifications to Option A-1, called Option A-2. Option A-2 refers to Infrastructure, Planning, and Sustainability Committee recommendations, dated August 30, 2021. Appendix A provides a full description of the amendments approved by the Infrastructure, Planning and Sustainability Committee and documented here as Option A-2. Option A-2 builds on Option A-1 and reflects responses to public comments; it includes the following refinements:

1. New and Expanded Cleaner Fuel Facilities Permitted. Allows new and expanded Cleaner Fuel Infrastructure with Enhanced SEPA review. New Cleaner Fuel Infrastructure shall not include new tankage for petroleum storage. Existing petroleum tankage may be expanded solely for production of Cleaner Fuels, and may not be increased more than 15% for that purpose. Repurposing or partial/total conversion of any permitted Cleaner Fuel infrastructure constitutes a violation of regulations and grounds for permit revocation and civil enforcement.
2. Petroleum Fuel Facility Projects for Maintenance, Safety, Security, or Required to Meet Regulatory Changes. Allows existing Petroleum fuel infrastructure improvements which are for the sole purpose of maintenance, safety, security, or to meet regulatory changes, and including infrastructure which reduces air emissions and storm water runoff.
3. National Security Petroleum Fuel Facilities. Allows expansion of petroleum fuel facilities for national security when requested in writing by the Department of Defense.
4. Projects which have undergone Environmental Review and Mitigated Impacts. Allows completion of infrastructure in petroleum fuel facilities where that infrastructure has been previously identified, studied under SEPA and fully mitigated via a completed mitigation agreement.
5. Financial Assurance. Requires all applicants governed by the Non-Interim Tideflats and Industrial Land Use Regulations to prove that they comply with any financial assurance requirements imposed by State or federal law for their project, and if the applicant relies on a insurance policy to meet any requirements, the applicant will add the City of Tacoma as an additional insured.
6. Residential – Northeast Tacoma Slope. Removing CBRE property from Port of Tacoma’s Transition Overlay District and exempting the Heiberg property from the overlay’s residential density limitations.
7. Residential Use in the M-1 District. Scrivener error correction to retain prohibition on small-scale residential uses in the M-1 District within the Port of Tacoma M/IC.
8. High Impact Uses. Removal from code.

The proposed adjustments further advance the purpose and intent of the regulations to improve compatibility of industrial and non-industrial uses like Options A and C and offer simpler permit procedures for repair, maintenance, and upgrade of existing fossil fuel facilities and renewable fuel production facilities like Options B and C. It

also refines notification procedures, residential design in NE Tacoma, and high impact use permit requirements in industrial zones to address use compatibility.

CHECKLIST CLARIFICATIONS

For each section of the checklist, the clarifications are noted with underline. The full original February 22, 2022 checklist and the April 14, 2021 revised checklist is available at the SEPA Register.¹

A. Background

11) Give brief, complete description of your proposal...

Amend third paragraph of A.11): This SEPA Checklist has been prepared to evaluate alternatives illustrating a range of code allowances:

- Option A: Proposal Alternative – Planning Commission Hearing Draft for February 3, 2021.
- Option A–1 refers to Planning Commission Recommended Regulations, dated April 7, 2021. The recommendations build on Option A but respond to public comments and suggest refinements and revisions.
 - Option A–2 refers to Infrastructure, Planning and Sustainability Committee amendments to the Planning Commission proposal, dated August 30, 2021. The recommendations build on Option A–1 but respond to public comments and suggest refinements and revisions.
- Option B: Baseline – the “No Action” Pre–Interim Ordinance.
- Option C: Current Ordinance – the Interim Regulations that are in effect.

B. Environmental Elements

2. AIR

Add to 2.a between the descriptions of Options A and B (between paragraphs 3 and

¹ See: <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202100905>.

4): Option A-1 would allow for renewable fuels like Option A but without a conditional use permit if baseline capacities are retained. Also, repair, maintenance, and upgrade of existing fossil fuel facilities would be allowed with a simpler review if baseline capacities are retained. Like Option A, GHG analysis would be conducted as part of new or expansion of Renewable Fuel Production Facilities beyond baseline capacities. Other federal and state standards would continue as well.

Add to 2.c in the last paragraph: Under Option A and Option A-1, the Proposal Alternative, the City would limit new Major Fossil Fuel Facilities and allow new or expanded Renewable Fuel Facilities with GHG impact analysis and mitigation offsets along with regular reporting.

3. WATER

Add to 3.b.2) third paragraph: Under Options A, A-1, A-2 and C, added restriction or regulation of mining, smelting, and chemical manufacturing as well as fossil fuel and renewable fuel facilities should further reduce risks to surface and groundwater quality.

4. PLANTS

Amend 4.b second paragraph: ... Options A, A-1, A-2, and C reduce residential densities in the Marine View Drive area, which would likely result in less vegetative clearing.

5. ANIMALS

Amend last paragraph of 5.d: In addition Options A, A-1, A-2, and C limit or further regulate activities that could affect water quality and some priority or listed species, such as mining, smelting, chemical manufacturing, and fossil fuel and renewable fuel facilities. As well, reducing potential GHG emissions is intended to help avoid negative effects to streamflow, flooding, coastal habitats, and algal blooms to avoid negative impacts to fish and wildlife species as well as to the community as a whole. See [Staff Report Section D](#), regarding PSRC Climate Change Background Report.

6. ENERGY AND NATURAL RESOURCES

Amend 6.a: Not applicable – not a site specific proposal. Future development could use electric, gas, oil, and solar energy. Major energy users in the city include industrial; transportation, residential, and commercial uses represent smaller shares

of energy users. See [Staff Report Section D](#) regarding City GHG emission inventories. Option B would allow a greater range of industrial uses that could use more energy compared to Options A, A-1, A-2, and C that would limit or further regulate industrial uses. Option A, Option A-1, and Option A-2, regulations would allow for existing fossil fuel uses and new renewable energy facilities provided there is GHG mitigation and offsets could include energy reductions among other strategies.

7. ENVIRONMENTAL HEALTH

Amend 7.a.3): Not applicable – not a site specific proposal. The City has multiple existing chemical wholesale and distribution facilities. Options A, A-1, A-2, and C would limit or further regulate new uses with chemical manufacturing, smelting, fossil fuel and renewable fuel handling, processing, and storage. Option B would allow a wider range of facilities that could store, use, or produce hazardous chemicals, or explosive materials. Option A-2 would allow for repair, maintenance, and upgrade of existing fossil fuel facilities which maintain, or improve the safety or security of the facility, or allow the facility to meet new regulatory requirements including the State Clean Fuel Standard, including infrastructure which reduces air emissions and storm water runoff.

8. LAND AND SHORELINE USE

Amend 8.j: The non-project action does not propose site specific development that would displace current uses. Under Option A and Option C, there is less likelihood of conversion from industrial uses to non-industrial uses compared to Option B since Options A, A-1, A-2, and C fulfill City policies in the Container Port Element and Comprehensive Plan to protect industrial uses. As well, under Options A, A-1, A-2, and C, there would be less residential density to the east along Marine View Drive improving land use compatibility with industrial uses. Under all Options existing mine, smelter, chemical manufacturing, fossil fuel and renewable fuel can continue. Under Options B and C such uses could expand, whereas Option A would include more strict limits on expansions for fossil fuel facilities (no capacity additions). However, under Option C there is a potential to have new or expanded renewable fossil fuel industries with GHG mitigation. Option A-1 would allow for existing fossil fuel uses and switching to renewable fuel facilities with simpler permit procedures but parameters of keeping within baseline capacities; new and expanded renewable fuel

facilities that exceed established baseline capacities would follow a conditional use permit. Option A-2 would allow for existing fossil fuel uses to switch to renewable fuel facilities without a conditional use permit with a 15% limit on expansion of petroleum tankage for the purpose of renewable fuel production. New renewable fuel facilities would be allowed without a conditional use permit but would not be allowed to add new petroleum tankage. Thus, under all options including Options A, A-1, A-2 and C, the job mix could change over time with new industries such as those associated with renewable fuels, but the current jobs are anticipated to remain.

Amend 8.k: See 8.j above. For both the South Tacoma and Port M/IC there would be a reduction in non-industrial uses in industrial zones under Options A, A-1, A-2, and C.

9. HOUSING

Amend 9a: Not applicable – not a site specific proposal. Under Options A, A-1, A-2, B, or C, housing is not a primary use in industrial zones. Housing would be more carefully permitted in the M-1 zone and prohibited in the M-2 and PMI zones under Options A, A-1, A-2 and C. Option A-2 would address an error in the code that inadvertently would have allowed certain low density housing types as a conditional use in the M-1. Under Optino A-2, these uses would be prohibited. Caretaker quarters would continue to be allowed as would Live/Work and Work/Live.

Under Options A, A-1, A-2 and C there would be limits on density along Marine View Drive. Option A, Option A-1, and Option A-2 would limit residential development to one dwelling unit per acre, focusing uses on single-family residential.

Amend 9b: Not applicable – not a site specific proposal. In areas along Marine Drive there are environmental limitations, and Options A, A-1, A-2, and C would reduce housing densities accordingly to one per acre. Option A would not only limit densities but dwelling types too, to focus on detached single family housing. In addition, housing related uses would be limited in industrial zones under Options A, A-1, A-2, and C to improve land use compatibility with Port M/IC and South Tacoma M/IC and fulfill Comprehensive Plan policies, and for consistency with PSRC Centers criteria for M/IC areas.

Amend 9c: No significant impacts are identified for the non-project proposal. The City would continue to implement its Comprehensive Plan housing and mixed use designations, and Land Use Regulatory Code, TMC Title 13. The limitation on residential uses in industrial zones and density reductions along Marine View Drive

would improve housing compatibility with employment uses under Options A, A-1, A-2, and C. Option A-1 and A-2 would also apply design standards to reduce light and noise impacts to residents.

10. AESTHETICS

Amend 10.b: View protection overlays along Marine View Drive would be retained under all Options. The density reductions along Marine View Drive under Options A, A-1, A-2 and C could help retain tree cover, which could limit the changes to views.

11. LIGHT AND GLARE

Amend 11.d: Land Use Regulatory Code, TMC Title 13 would be retained and applied including lighting standards and avoiding light and glare (e.g. signs). Option A-1 and A-2 would also apply building design standards to reduce light impacts to residents.

12. RECREATION

Amend 12b: ...New High Intensity and Destination Park and Recreation facilities, which include stadiums, ballfields, and community centers, would change from a permitted use to a conditional use in the M-1 and M-2 zones under Option A, Option A-1, and Option A-2. In the M-2 zone only indoor facilities are allowed.

High Intensity and Destination Park and Recreation facilities would become prohibited in the PMI zone under Option A, Option A-1, and A-2.

Amend 12c: The City would continue to implement the Parks and Recreation Element of its Comprehensive Plan in partnership with MetroParks Tacoma. Existing parks could continue and may require additional permit procedures for conditionally permitted or nonconforming parks under Options A, A-1 and A-2. Option B would continue to allow for Parks, Recreation, and Open Space without additional standards.

14. TRANSPORTATION

Amend 14.d: The nonproject proposals in Options A, A-1, A-2, and C do not alter the City's growth targets or the City's planned roadway and nonmotorized road improvements.

15. PUBLIC SERVICES

Amend 15a fourth paragraph: Options A, A-1, A-2, and C would limit land uses with

greater potential for fire and emergency medical services in the Tideflats due to their use of hazardous and explosive materials: ... Option A-2 would remove the High Impact Use category which is currently regulated under SEPA and the Fire Code as a Group-H occupancy.

D. Supplemental sheet for nonproject actions

Amend 7): Option A, Option A-1, and Option A-2 would solidify code changes intended to increase consistency with federal, state, and city plans, policies, and strategies. See Exhibit 23. Option B is the least consistent. Option C is similar to Options A, A-1 and A-2 though it is not as fully developed with regard to renewable fuels, and is interim in nature.

Appendix A.

Tideflats and Industrial Land Use Regulations

Description

INTRODUCTION AND PURPOSE

The City of Tacoma is proposing new permanent land use regulations in the Port of Tacoma Manufacturing and Industrial Center and Industrial Zoning Districts City-wide to address the following issues:

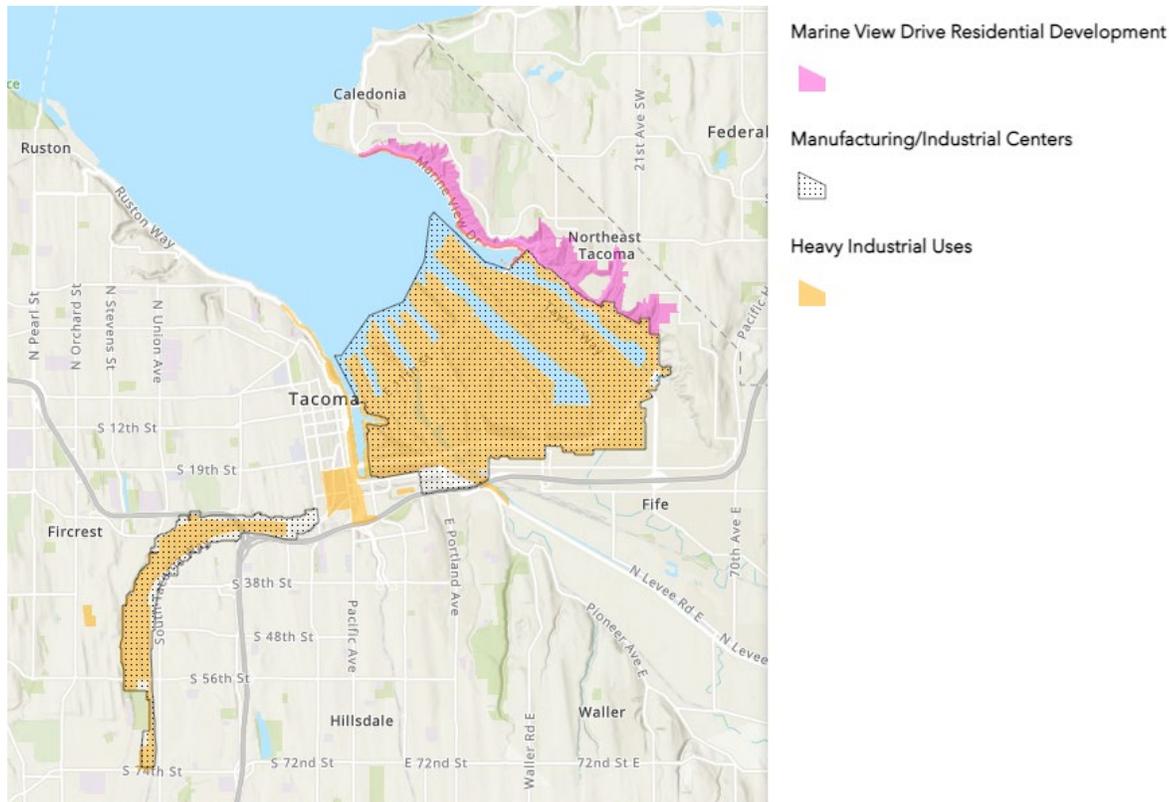
- Public notification requirements for permits and land use amendments;
- Conversion of industrial lands to non-industrial uses;
- Encroachment of residential developments on industrial lands; and
- Siting of potentially high risk/high impact heavy industrial uses.

With new permanent regulations, interim regulations first established in November 2017 through Ordinance 28470, and renewed every six months through June 2 of 2021, would expire.

AFFECTED AREAS

The land use regulations apply to different components of heavy industrial areas and adjacent residential lands illustrated on Exhibit 1.

Exhibit 1. Study Area



Source: City of Tacoma, 2021

ALTERNATIVES

The City has conducted an environmental review of the proposed permanent regulations under the State Environmental Policy Act (SEPA). A SEPA Checklist has been prepared to examine a range of possible code changes:

- Option A: Proposal Alternative – Planning Commission Hearing Draft for February 3, 2021.
- Option A-1: Proposal Alternative – Planning Commission Recommendation, April 7, 2021.
- Option A-2: Proposal Alternative – Infrastructure, Planning and Sustainability Committee Recommendations, August 30, 2021.
- Option B: Baseline – the “No Action” Pre-Interim Ordinance.
- Option C: Current Ordinance – the Interim Regulations that are in effect.

The following is a description of Option A-2 revisions to Option A-1, as recommended by the Infrastructure, Planning and Sustainability Committee (IPS). The full IPS Committee recommendation is available for review at www.cityoftacoma.org/tideflatsinterim.

Amendment 1. New and Expanded Cleaner Fuel Facilities Permitted

I move to allow through the normal permitting process, infrastructure for the production, storage, transportation and transshipment of fuels that are carbon-free and generate no carbon emissions including green hydrogen and other carbon-free fuels produced with renewable electricity such as hydroelectric power, and fuels that are approved by the US Environmental Protection Agency under the federal Renewable Fuel Standard program, or under Washington State Law, including credit generating fuels under the Clean Fuel Standard (CFS) program, this includes infrastructure for:

- a. Any credit generating fuel under the Washington CFS.
- b. Any EPA approved and listed fuel under the RFS.
- c. Renewable diesel meeting Washington State requirements.
- d. Ethanol and E85 blends meeting Washington State requirements.
- e. natural gas, propane, green hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meet California motor vehicle emission standards as defined in Washington State law.

Amendment 1. Code

Definitions

“Cleaner Fuels” shall mean carbon-free fuels that generate no carbon emissions including green hydrogen, any credit generating fuel under the Washington Clean Fuel Standard, any blends of EPA approved and listed fuel under the federal Renewable Fuel Standard, any Renewable Diesel meeting the requirements of Washington State law, any Ethanol and E85 blends meeting the requirements of Washington State law, any natural gas, propane, green hydrogen, or electricity, produced or stored for use as fuels in a motor vehicle that meeting the motor vehicle emission standards for Alternative Fuels in Washington State law.

“Enhanced SEPA Review” shall mean additions to the standard SEPA review process and checklist for project proposals governed by this chapter to be promulgated and updated from time to time by the Director. Such additions to the SEPA review process and checklist shall include but not be limited to; a public meeting for a SEPA application, which occurs after SEPA determination that an application is complete but prior to issuance of a preliminary threshold determination; an expanded Notice Distribution List to include direct mailing to taxpayers and occupants, consistent with Land Use Permits; expanded Public Notification Distance for Direct Mailing to 2500’ from the Manufacturing and Industrial Center, consistent with Land Use Permits; expanded Notification Period and Comment Period for SEPA to 30 days for Consistency with Land Use Permits, and a supplemental checklist specific to SEPA review of fuel production and or chemical manufacturing. To ensure application of this Enhanced SEPA review, the City of Tacoma shall be SEPA lead agency for all fuel-related projects permitted under this chapter.

“Expanded Cleaner Fuel Infrastructure” shall mean the expansion of storage infrastructure including tankage constructed prior to effective date of this chapter to store petroleum, where the expansion of such petroleum storage infrastructure is for the sole purpose of blending petroleum with biomass and other cleaner fuels in the production of cleaner fuels.

“Green Hydrogen” shall mean hydrogen produced through electrolysis powered by renewable electricity, specifically including hydroelectric power.

“New Cleaner Fuel Infrastructure” shall mean new infrastructure for the production, storage, transportation and transshipment of Cleaner Fuels as defined herein, including infrastructure for blending biomass and other cleaner fuels with petroleum. New Cleaner Fuel Infrastructure shall not include new tankage for petroleum storage.

“Petroleum” shall mean crude oil, petroleum products and byproducts, and gaseous hydrocarbons and byproducts.

“Storage Capacity” shall be defined as gallons of petroleum capable of being stored within the entirety of the applicant’s facility for purposes of measuring expansion as allowed herein.

Standards

New and Expanded Cleaner Fuel Infrastructure as defined in this chapter shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, and subject to the following requirements.

1. Any New or Expanded Cleaner Fuel Infrastructure permitted through this chapter shall not be repurposed for production, storage, transportation and transshipment of petroleum. Total or partial conversion of permitted Cleaner Fuel Infrastructure shall constitute grounds for permit revocation and civil enforcement.
2. Any Expanded Cleaner Fuel Infrastructure permitted through this chapter, in combination with any other expansion of petroleum storage allowed under this chapter, shall not exceed a cumulative total increase of fifteen percent (15%) more storage over the applicant’s total petroleum storage on the effective date of this chapter.

Amendment 2. Petroleum Fuel Facility Projects for Maintenance, Safety, Security, or Required to Meet Regulatory Changes

I move to allow through the normal permitting process, replacements and improvements to existing petroleum fuel facilities which, maintain, or improve the safety or security of the facility, or allow the facility to meet new regulatory requirements including the State Clean Fuel Standard, including infrastructure which reduces air emissions and storm water runoff.

Amendment 2. Code

Replacement of and improvements to existing petroleum infrastructure shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, for maintenance, for improvement of the safety or security of the infrastructure, decrease air or water emissions, or to allow the infrastructure to meet new regulatory requirements.

Amendment 3. National Security Petroleum Fuel Facilities

I move to allow expansion, modifications and additions to existing petroleum fuel facilities through the normal permitting process, where the project is requested in writing by the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs.

Amendment 3. Code

Definition

“Department of Defense” shall mean the United States Department of Defense (“DOD”) and any subdivision including the Defense Logistics Agency.

Standards

Expansion of production, storage, transportation and transshipment of petroleum fuels when requested in writing by the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director.

Amendment 4. Projects which have undergone Environmental Review and Mitigated Impacts

I move to allow additions to existing petroleum fuel facilities which would create the maximum proposed capacity of a facility that was the subject of an EIS prepared and published by the City under RCW 43.21C and TMC Ch. 13.12 on or before June 2, 2021 and for which the City has accepted on or before June 2, 2021, all funds that fully mitigate the adverse environmental impacts of the facility’s maximum capacity pursuant to a Mitigation Agreement between the City and the facility proponent.

Amendment 4. Code

Expansion of or addition to existing petroleum fuel facilities is allowed through the normal permitting process when the particular expansion would create the maximum proposed capacity of a facility that was the subject of an Environmental Impact Statement prepared and published by the City under RCW 43.21C and TMC Ch. 13.12 on or before June 2, 2021, and for which the City has accepted on or before June 2, 2021, all funds that fully mitigate the adverse environmental impacts of the facility’s maximum capacity pursuant to a Mitigation Agreement between the City and the facility proponent.

Amendment 5. Financial Assurances

I move to add a financial assurance requirement that an applicant must provide proof of financial assurance sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their project.

Amendment 5. Code

An applicant must provide proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Tacoma as an additional insured as a condition of permit issuance.

Amendment 6: High Impact Uses

Definition

~~“High Impact Use.” Means any Type-H Occupancy when the primary use classification is allowed in the base zone, excluding uses otherwise classified as “Chemical Manufacturing, Processing, and Wholesaling,” “Fossil Fuel Facility – Major”, or “Renewable Fuel Facility – Major.”~~

Conditional Use Permits

24. High Impact Uses

a. Decision: Hearing Examiner

~~b. In addition to the general conditional use criteria, the following apply:~~

~~(1) The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.~~

~~(2) The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying these criteria the City shall consider impacts to Trust Lands of the Puyallup Tribe of Indians, employee-dense businesses in the Tideflats, as well as detention/correctional facilities and people detained within those facilities:~~

- ~~• A management plan may be required. The Hearings Examiner may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, and other factors may be required;~~
- ~~• The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and~~
- ~~• The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.~~

Industrial Districts – Use Table

* * *				
High Impact Uses				
High Impact Uses	CU	CU	P	See conditional use criteria in Section 13.05.010.
* * *				

Amendment 6: Residential Uses in the M-1 District

I move to correct the identified scrivener’s error in the Commission’s recommendation regarding residential uses in the M-1 District, so that we retain the prohibition on small-scale residential uses in the M-1 District within the Port of Tacoma M/IC.

Amendment 6: CODE

Industrial Districts – Use Table

Uses	M-1	M-2	PMI	Additional Regulations ¹
Residential Uses				
Dwelling Types				
Dwelling, accessory (ADU)	P/ CU*/N ~	N	N	Subject to additional requirements contained in 13.06.150. ~Not permitted within the South Tacoma M/IC Overlay District <u>or the Port of Tacoma M/IC.</u> <u>*Conditional use in the Port of Tacoma M/IC.</u>
Dwelling, single-family detached	P/ CU**/ 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.
Dwelling, two-family	P/ CU**/ N*~	N*≈	N*≈	In M-1 districts, new multi-family residential dwellings are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.
Dwelling, three-family	P/ CU**/ N*~	N*≈	N*≈	*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
Dwelling, multiple-family	P/ CU**/ N*~	N*≈	N*≈	~Not permitted within the South Tacoma M/IC Overlay District <u>or Port of Tacoma M/IC,</u> except for quarters for caretakers and watchpersons and temporary worker housing, as noted above, <u>and</u>

					except where allowed as a conditional use in the <u>Port of Tacoma M/IC.</u>
-	<u>Dwelling, townhouse</u>	<u>P/CU**/ N*~</u>	<u>N*~</u>	<u>N*~</u>	<u>**Conditional use in the Port of Tacoma M/IC.</u>

Amendment 7: NE Tacoma NE Tacoma Slope (Port of Tacoma Transition Overlay District)

I move to amend the proposed Port of Tacoma Transition Overlay District in the Commission’s recommendation to remove the CBRE property from the boundaries of the district, and to exempt the Heiberg property from the overlay’s residential density limitations.

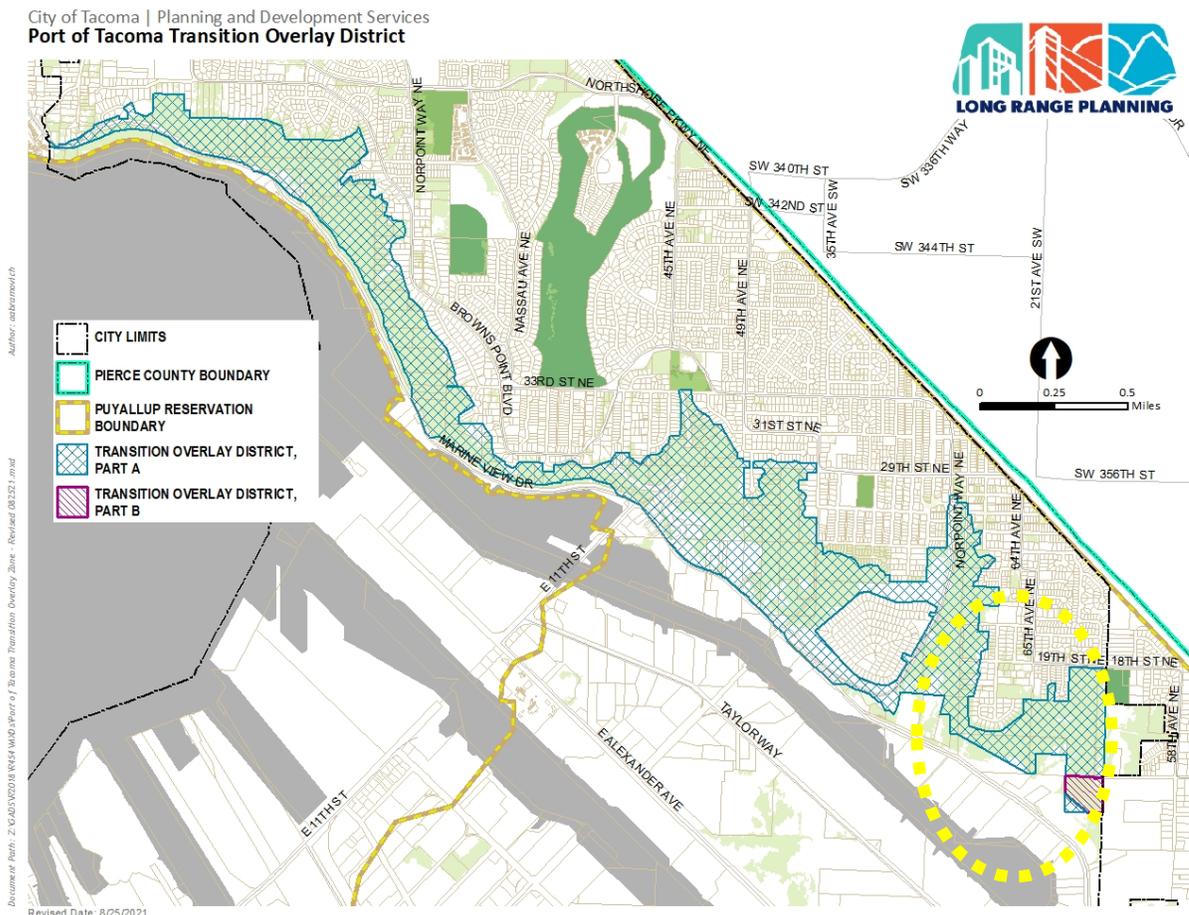
Amendment 7: Code

Port of Tacoma Transition Overlay District

1. Applicability.

a. The Port of Tacoma Transition Overlay District applies to all residential platting, subdivision, and land uses within the district boundaries established herein:

b.



Standards established through the overlay district are in addition to the requirements of the underlying zoning. In all cases, where the overlay district imposes more restrictive standards than the underlying zoning, these shall apply. Unless specifically noted otherwise, all of the standards herein apply within both Parts A and B of the overlay district, as identified on the map above.

2. Purpose. The purpose of the Port of Tacoma Transition Overlay District is to maintain an appropriate separation between port/industrial activity in the Port of Tacoma Manufacturing and Industrial Center and residential neighborhoods, to avoid and minimize off-site impacts on residential areas, and to minimize disruption to port operations and associated industrial activity resulting from residential encroachment, consistent with the Container Port Element of the One Tacoma Plan and the Growth Management Act.

3. District Development Standards

a. Prohibited uses. Multifamily dwelling units, including duplex, triplex, cottage housing, and fourplex, are prohibited as stand-alone primary uses or as part of a mixed-use development.

b. Maximum density. Subdivision of existing lots shall not average less one lot per acre. **This maximum density shall not apply within Part B of the Port of Tacoma Transition Overlay District, as shown on the map above.**

c. Use and Maximum Density Exception: A Planned Residential Development (PRD) for a lot that abuts the northern edge of the overlay district and has access from the top of the slope may utilize the dwelling type allowances and density bonuses provided in TMC 13.06.070.C. In this Overlay District the base density used for PRD density bonus calculations will be one unit per acre.

d. Location. Residential development shall be located the greatest distance from the boundaries of the Port of Tacoma Manufacturing and Industrial Center as is feasible.

e. Site Development Standards. Residential development shall be designed to minimize disruptions to Port/industrial operations, including minimizing clearing and grading, driveways, and vegetation/tree canopy removal.

f. Building Design Standards. Residential buildings will incorporate design elements to reduce, to the greatest extent practicable, impacts on occupants from noise and light impacts from nearby port/industrial activity.

g. Accessory uses and structures. Uses and structures accessory to a single dwelling unit are permitted in the Overlay district consistent with established development standards for accessory uses in the base zone.

h. Notice on Title. As a condition of subdivision approval or residential building permit issuance for properties within the Overlay Zone, the Applicant shall record a notice on title which attests that (1) the property is located within the Port of Tacoma Manufacturing and Industrial Center Overlay Zone, (2) Port of Tacoma industrial activities, including container terminal facilities, are operating and will continue to operate and may expand in the future. The Notice on Title shall include the specific distance of the property from the closest boundary of the Port of Tacoma Manufacturing and Industrial Center.