



To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **Tideflats and Industrial Land Use Regulations**
Meeting Date: February 3, 2021
Memo Date: January 27, 2021

Action Requested:

Select a regulatory option for Heavy Industrial Use Category 5 “Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining of oil or other liquefied or gaseous fossil fuels;” release draft exhibits for public review and comments; and set a public hearing on March 3, 2021 at approximately 5:30 PM, and accepting public comments through close of business on March 8, 2021.

Discussion:

At the Planning Commission’s meeting on February 3, 2021, staff will present a summary of pertinent policies and area-wide context that apply specifically to the discussion of oil and other fossil fuel production facilities currently located in the Port of Tacoma Manufacturing and Industrial Center. The attachments include a review of Comprehensive Plan policies, the Magnuson Amendment, the Washington State Oceanic Resources Management Act, Tacoma City Council Resolution No. 40509 declaring a climate emergency, and information regarding local, regional, and state greenhouse gas emissions targets.

Staff is seeking Planning Commission direction on a preferred code option to develop for release for public review and comment. Key issues to address in order to release a draft code exhibit include:

1. Differentiating fossil fuel production facilities and renewable fuel production facilities;
2. Expansion of existing facilities;
3. Conditional use criteria for new or expanded fossil fuel or renewable fuel facilities, including greenhouse gas mitigation, fuel transfer reporting requirements, bonding, spill management plans, and mitigation sequencing for impacts to environmental, social, and economic resources, including tribal fishing rights.

Finally, staff will review the exhibits relating to 1. Permit Notification, 2. Conversion of Industrial Lands, 3. Residential Encroachment, and 4. Siting of Heavy Industrial Uses, and request approval to release documents for public review.

In support of the discussion, staff will provide an update to the Commission on the Fossil Fuel Baseline Study, as directed by Council in Resolution No. 40509. BERK consulting staff, who are supporting the effort, will present the following topics:

- Trends in energy and fossil fuel consumption, movement, and infrastructure for the State
- For Tacoma specifically, overview of fossil fuels facilities, movement of fossil fuels for select modes of transportation
- Overview of data availability and planned next steps

The presentation will end with a discussion of key questions and follow-up to support the Planning Commission’s consideration of final recommendations.



Project Summary:

On October 20, 2020 the City Council approved Amended Ordinance No. 28696, which approved a 6-month extension of the Tideflats Interim Regulations and also directed the Planning Commission and staff to begin a process to develop new recommendations for a non-interim ordinance to replace the interim regulations.

This project will review 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;
- Siting of potentially high risk/high impact heavy industrial uses.

The process will result, at a minimum, in proposed amendments to the Tacoma Municipal Code, Title 19 Shoreline Master Program and Title 13 Land Use Regulatory Code, and will be conducted in accordance with the procedural requirements of the State Shoreline Management Act, Growth Management Act, State Environmental Policy Act, and Tacoma Municipal Code.

Prior Actions:

On January 20, 2021, the Planning Commission reviewed key data and findings related to Issue 4 Siting of Potentially High Risk/High Impact Heavy Industrial Uses, and reviewed regulatory options for 1. Mining and Quarrying, 2. Smelting, 3. Coal Facilities, and 4. Chemical Manufacturing.

On January 13, 2021, the Planning Commission conducted a listening session with panelists representing environment and health, neighborhoods, and port/labor/industry perspectives.

On January 6, 2021, the Planning Commission reviewed proposed regulatory options for 1. Permit Notification, 2. Conversion of Industrial Lands, and 3. Residential Encroachment.

On December 2, 2020, the Planning Commission conducted a public scoping hearing and accepted written comments on the draft scope of work. Following the hearing, the Commission discussed the public testimony and approved modifications to the scope of work.

On November 18, the Planning Commission reviewed Amended Ordinance No. 28696 and a Draft Scope of Work for the Non-interim Industrial Land Use Regulations and set a public scoping hearing for December 2, 2020. The Commission modified the scope of work to include additional potential engagement opportunities.

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

The Planning Commission determined that interim regulations were warranted and on October 4, 2017 forwarded its recommendation to the City Council for consideration. In support of these deliberations the Commission conducted a public hearing, at which 81 people testified, and reviewed over 200 written comments. Attached is the Commission's Findings and Recommendations Report, dated October 4, 2017.

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Attachments:

- A. Draft Options Analysis Report – Siting and Expansion of High Risk/High Impact Heavy Industrial Uses, Section VI, Oil and Liquefied Fossil Fuel Industries
 - B. Draft Exhibits
 - C. Resolution No. 40509
- c. Peter Huffman, Director

Section D. Siting and Expansion of High Risk/High Impact Heavy Industrial Uses

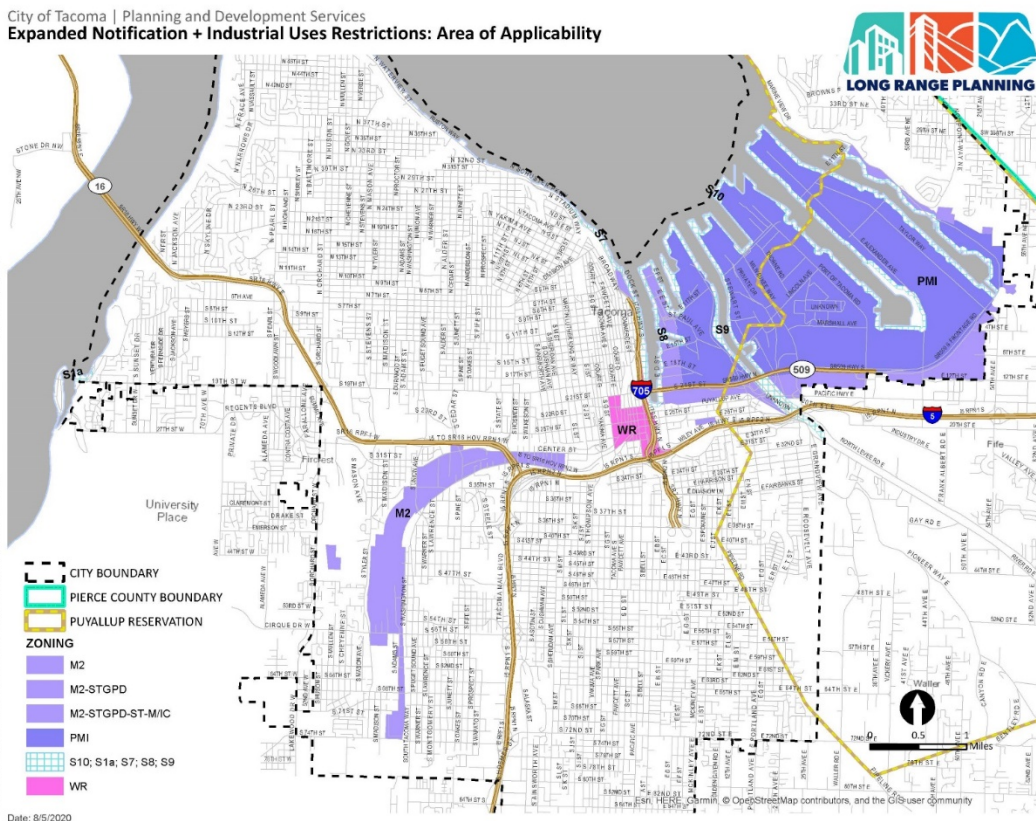
Subsection VI: Oil and liquefied fossil fuel industries

1. Issue Description

Broadly, this review will consider the siting of specific potentially high risk/high impact heavy industrial uses. Current zoning and land use regulations consolidate a broad spectrum of industrial use and activity within a single heavy industrial use category despite a diverse differentiation of potential impacts and risks associated with such uses. In addition, current regulations permit heavy industrial use outright within the M-2 Heavy Industrial District and PMI Port Maritime Industrial District without special use standards tailored to address the disparate potential impacts of use and activity that fall under this category. This review will consider the compatibility of specific heavy industrial uses with the use priorities in the Port Tideflats as well as compatibility with environmental site context and surrounding land uses. The result of this review may be the establishment of more specific uses to be regulated under TMC 13.06 Zoning and Title 19 Shoreline Master Program.

2. Interim Area of Applicability

This review applies to heavy industrial uses citywide. There are five general use categories under consideration, all of which are allowed in different zoning districts throughout the City. In general, the following map indicates zoning districts that allow heavy industrial uses. However, the specific use subsections will identify other zoning districts where the uses are allowed.



3. Policy Review

In addition to policies specifically cited in previous staff reports from January 6, 2021 and January 20, 2021, the following policies and findings apply to the discussion of oil and liquefied fossil fuel industries.

➤ **Magnuson Amendment**

<https://www.law.cornell.edu/uscode/text/33/476>

(a) The Congress finds that—

- (1) the navigable waters of Puget Sound in the State of Washington, and the natural resources therein, are a fragile and important national asset;
 - (2) Puget Sound and the shore area immediately adjacent thereto is threatened by increased domestic and international traffic of tankers carrying crude oil in bulk which increases the possibility of vessel collisions and oil spills; and
 - (3) it is necessary to restrict such tanker traffic in Puget Sound in order to protect the navigable waters thereof, the natural resources therein, and the shore area immediately adjacent thereto, from environmental harm.
- (b) Notwithstanding any other provision of law, on and after October 18, 1977, no officer, employee, or other official of the Federal Government shall, or shall have authority to, issue, renew, grant, or otherwise approve any permit, license, or other authority for constructing, renovating, modifying, or otherwise altering a terminal, dock, or other facility in, on, or immediately adjacent to, or affecting the navigable waters of Puget Sound, or any other navigable waters in the State of Washington east of Port Angeles, which will or may result in any increase in the volume of crude oil capable of being handled at any such facility (measured as of October 18, 1977), other than oil to be refined for consumption in the State of Washington.

➤ **Ocean Resources Management Act**

<https://app.leg.wa.gov/RCW/default.aspx?cite=43.143>

Legislative findings.

(1) Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources.

(2) Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future.

(3) Washington's coastal waters, seabed, and shorelines are faced with conflicting use demands. Some uses may pose unacceptable environmental or social risks at certain times.

(4) The state of Washington has primary jurisdiction over the management of coastal and ocean natural resources within three miles of its coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and environment, the state has an inherent interest in how these resources are managed.

Legislative policy and intent—Moratorium on leases for oil and gas exploration, development, or production—Appeals from regulation of recreational uses—Participation in federal ocean and marine resource decisions.

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays

Attachment A

Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW [43.143.030](#). It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW [43.143.030](#). If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW [43.143.030](#), the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

Planning and project review criteria.

(1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in RCW [43.143.010](#) shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

➤ City of Tacoma Shoreline Master Program and State Shoreline Management Act

Designation of Shorelines of Statewide Significance

In accordance with RCW 90.58.030(2)(f), the following City of Tacoma shorelines are designated shorelines of statewide significance:

1. The Puyallup River and associated shorelands within the City boundary consistent with RCW 90.58.030(2)(f)(v)(A) and (vi); and

Attachment A

2. Those areas of the Puget Sound and Commencement Bay within the City lying seaward from the line of extreme low tide.

4.3 Statewide Interests Protected

In accordance with RCW 90.58.020, the City shall manage shorelines of statewide significance in accordance with this section and in accordance with this Program as a whole. Preference shall be given to uses that are consistent with the statewide interest in such shorelines. Uses that are not consistent with this section or do not comply with the other applicable policies and regulations of this Program shall not be permitted on shorelines of statewide significance. In managing shorelines of statewide significance, The City of Tacoma shall:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Seek long-term benefits over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shoreline;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4.4 Policies for Shorelines of Statewide Significance

The statewide interest should be recognized and protected over the local interest in shorelines of statewide significance. To ensure that statewide interests are protected over local interests, the City shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies:

1. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.
2. The Washington Departments of Fish and Wildlife and Ecology, the Puyallup Tribe, and other resource agencies should be consulted for development proposals that could affect anadromous fisheries.
3. The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternative sites are available.
4. Potential short term economic gains or convenience should be measured against potential long term and/or costly impairment of natural features.
5. Protection or enhancement of aesthetic values should be actively promoted in new or expanding development.
6. Resources and ecological systems of shorelines of statewide significance should be protected.
7. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected to the maximum extent feasible.
8. Erosion and sedimentation from development sites should be controlled to minimize adverse impacts on ecosystem processes. If site conditions preclude effective erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be not be permitted.
9. Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.

Attachment A

10. Public and private developments should be encouraged to provide trails, viewpoints, water access points and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.
11. Development not requiring a waterside or shoreline location should be located upland so that lawful public enjoyment of shorelines is enhanced.

Purpose and Intent

Consistent with the Shoreline Management Act, this Program is intended to:

1. Prevent the inherent harm of uncoordinated and piecemeal development of the state's shoreline.
2. Implement the following laws or the applicable elements of the following:
 - a. Shoreline Management Act: RCW 90.58;
 - b. Shoreline Guidelines: WAC 173-26;
 - c. Shoreline Management Permit and Enforcement procedures: WAC 173-27; and
 - d. To achieve consistency with the following laws or the applicable elements of the following:
 - i. The Growth Management Act: RCW 36.70A;
 - ii. City of Tacoma Comprehensive Plan; and
 - iii. Chapter 13 of the City of Tacoma Municipal Code;
3. Guide the future development of shorelines in the City of Tacoma in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).
4. Promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Tacoma's shorelines; and
5. Ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people

Attachment A

generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

Shoreline Land Use Policies

1. Encourage new water-dependent, water-related, and water-enjoyment uses in priority order.
2. Support the City Comprehensive Plan policies as they relate to the shoreline.
7. Discourage new non-water-oriented industrial uses from locating inside shoreline jurisdiction, in order to reserve adequate land supply to serve future water-dependent and water-related industrial uses.
8. Promote and encourage uses and facilities that require and take advantage of the deep water of Commencement Bay and the associated Waterways.
9. Support the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and ensure that container ports continue to function effectively alongside vibrant city waterfronts.

Economic Policies

3. Encourage new economic uses that create family wage jobs and employment.
4. Ensure that only those new industries that are either water-dependent or water-related operate in the shoreline area.
6. Encourage economic development that has minimal adverse effects and mitigates unavoidable impacts upon shoreline ecological functions and processes and the built environment.
7. Support the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and ensure that container ports continue to function effectively alongside vibrant city waterfronts.
8. Encourage shoreline development that has a positive effect upon economic and social activities of value to the City and region.

Flood Prevention and Flood Damage Minimization

3. Discourage development in floodplains, channel migration zones and coastal high hazard areas associated with the City's shorelines that would individually or cumulatively result in an increased risk of flood damage.

Attachment A

Critical Areas and Marine Shoreline Protection

1. Maintain healthy, functioning ecosystems through the protection of ground and surface waters, marine shorelines, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species.
2. Prevent cumulative adverse impacts to water quality, streams, FWHCAs, geologic hazard areas, shoreline functions and processes, and wetlands over time.
3. Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.
4. Shoreline use and development should be carried out in a manner that achieves no net loss of ecological functions; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.
7. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events.
8. Protect natural processes and functions of Tacoma's environmental assets (wetlands, streams, lakes, and marine shorelines) in anticipation of climate change impacts, including sea level rise.

Port/Industrial Use Policies

1. Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.
2. Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.

➤ One Tacoma Comprehensive Plan

The introduction to One Tacoma states an overarching goal to advance sustainable growth, including an overall reduction in greenhouse gas emissions.

- Policy EN-1.3 Consider the impacts of climate change and the risks to the city's environmental assets in all phases of planning, programming and investing.
- Policy EN-1.9 Develop hazard mitigation plans that reduce exposure of Tacoma citizens to future disasters or hazards (e.g., flooding, earthquakes, winds).
- Policy EN-1.12 Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil conservation organizations and community organizations and groups to maximize the benefits and cost-effectiveness of watershed environmental efforts and investments.
- Policy EN-1.17 Assess and periodically review the best available science for managing critical areas and natural resources and utilize the development of plans and regulations while also taking into consideration Tacoma's obligation to meet urban-level densities under the Growth Management Act.
- Policy EN-1.26 Maintain, implement and periodically update a climate action plan and greenhouse gas inventory, and adjust greenhouse gas emission targets accordingly to ensure successful implementation and consistency with regional and state goals.
- Policy EN-1.30 Promote community resilience through the development of climate change adaptation strategies. Strategies should be used by both the public and private sectors to help minimize the potential impacts of climate change on new and existing development and operations, include programs that

Attachment A

encourage retrofitting of existing development and infrastructure to adapt to the effects of climate change.

- Goal EN-3 Ensure that all Tacomans have access to clean air and water, can experience nature in their daily lives and benefit from development that is designed to lessen the impacts of natural hazards and environmental contamination and degradation, now and in the future.
- Policy EN-3.1 Ensure that the City achieves no-net-loss of ecological functions over time.
- Policy EN-3.2 Evaluate the potential adverse impacts of proposed development on Tacoma's environmental assets, their functions and the ecosystem services they provide.
- Policy EN-3.3 Require that developments avoid and minimize adverse impacts, to the maximum extent feasible, to existing natural resources, critical areas and shorelines through site design prior to providing mitigation to compensate for project impacts.
- Policy EN-3.4 Encourage mitigation approaches when preservation is not feasible that maximize the intended ecosystem benefits. Require on-site or use of established approved mitigation banks versus off-site mitigation; unless off-site mitigation within the same watershed will improve mitigation effectiveness.
- Goal EN-4 Achieve the greatest possible gain in environmental health City-wide over the next 25 years through proactive planning, investment and stewardship.
- Policy EN-4.7 Ensure that plans and investments are consistent with, and advance, efforts to improve air quality and reduce exposure to air toxics, criteria pollutants and urban heat island effects. Consider air quality related health impacts on all Tacomans.
- Policy EN-4.8 Achieve criteria air pollutant [particle pollution, ground-level ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead] reductions in both municipal operations and the community.
- Policy EN-4.41 Support the reduction of Tacoma's greenhouse gas emissions consistent with the City's adopted targets.

➤ Resolution 40509

[T]he City declares that our city, region, state, nation, civilization, humanity, and the natural world are experiencing a climate emergency, and the City Council hereby expresses its support for initiatives to foster a Citywide climate emergency mobilization effort to combat global warming that will result in the goal of a just transition to a carbon-neutral economy and accelerate adaptation and resilience strategies in preparation for intensifying climate impacts.

[T]he City Manager shall establish a method by which the quantity and type of fossil and bio-fuels produced, refined, stored in, and distributed through the City of Tacoma can be determined, and periodically reported. The City Manager should further establish a method to gather information on specific fossil fuel facilities in the City of Tacoma, including changes of ownership, mergers and acquisitions, investor presentations and reports, or any other public information that may indicate a facility's interest or intent to expand in the future, taking into account broader market trends in oil and gas refining and export in the Pacific Northwest. If this method does not require the consideration of additional City Council legislation, the method will be implemented and the data furnished to the City Council on a periodic basis, depending on the frequency of availability of data.

➤ Staff Findings:

1. The Magnuson Amendment describes the risks associated with oil shipments in Puget Sound waters and enunciates a policy to restrict new crude oil vessel traffic to prevent irreparable harm. However, Magnuson only applies to Federal permits and not local permitting.

Attachment A

2. The Ocean Resources Management Act (ORMA) describes the value and fragility of marine/oceanic resources and acknowledges that significant other social and economic uses depend on the health of these waters. ORMA was adopted in response to potential oil and gas exploration, development, and production in oceanic waters and provides a framework for prioritizing uses. Specifically, ORMA recognizes the risk to oceanic resources resulting from liquid fossil fuels and includes a state policy to conserve liquid fossil fuels. In addition, ORM gives priority to uses that will not have an adverse impact on renewable resources.
3. The State Shoreline Management Act and Tacoma’s Shoreline Master Program establish use policies and preferences for shoreline areas, which include:
 - a. Fostering reasonable and appropriate uses;
 - b. Ports and industrial uses which are dependent on a shoreline location.
 - c. For shorelines of statewide significance, which includes the waters of Commencement Bay and the Puyallup River, the policy intent is to protect long term interests and statewide interests over local, short term benefits. Furthermore, the intent prioritizes uses that will protect the ecological functions of these waters and promotes the preservation of shoreline space for the use of succeeding generations.
4. In considering which uses are deemed “reasonable and appropriate” the following policies should be considered:
 - a. Discourage uses that would increase potential flood damage.
 - b. Encourage uses that will not result in cumulative adverse impacts to natural resources.
 - c. Support uses that result in a broader economic and social contribution.
 - d. Give special consideration to the potential impacts to salmonids.
 - e. Prioritize uses that can achieve no net loss of ecological functions.
 - f. Finally, the policies include language expressly discouraging expansion of oil super tankers, recognizing the potential harm resulting from a spill or collision.
 - g. Encourage new uses that support the City’s air quality goals, for both reduction of criteria air pollutants and greenhouse gas emissions.
5. Resolution No. 40509 direct the City to mobilize to transition to a carbon-neutral economy.

4. Code Amendment Options

➤ **Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:**

"Facility Emissions" means greenhouse gas emissions associated with fossil fuel refineries, processing, or fossil fuel transshipment facilities based upon the refining and processing of fossil fuels located within the Port of Tacoma Manufacturing and Industrial Center.

"Fossil fuels" include coal, petroleum, crude oil, natural gas, oil shales, bitumens, tar sands, propane, butane, and heavy oils. All contain carbon and were formed as a result of geologic processes acting on the remains of organic matter. Renewable fuels are not fossil fuels.

"Fossil-Fuel Refinery" means a facility that converts crude oil and other liquids into petroleum products including but not limited to gasoline, distillates such as diesel fuel and heating oil, jet fuel, petrochemical

Attachment A

feedstocks, waxes, lubricating oils, and asphalt. Activities that support refineries include but are not limited to: bulk storage, manufacturing, or processing of fossil fuels or by-products. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

“Greenhouse Gas Emissions” means gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

“Lifecycle greenhouse gas emissions” means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

“Major fossil fuel facilities” means:

- Fossil fuel refinery;
- Terminals engaged in the bulk movement of fossil fuels (excluding railyards and marine fueling facilities);
- Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (i.e., liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (i.e., pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.
- Bulk storage and processing of one type of fossil fuel, or a combination of multiple types of fossil fuels, in excess of one million gallons.

“Renewable Fuel” means fuels that are synthesized from renewable energy sources, such as wind and solar, those approved by the US Environmental Protection Agency (EPA) Renewable Fuels Standard Program and hydrogen fuels (when produced with renewable processes), that result in a lifecycle greenhouse gas emission reduction of at least 50% or more under the Federal Clean Air Act, until such time as a state renewable fuel standard is adopted. Upon adoption of a state standard, the state standards will be used to define the use classification. Renewable fuels shall not include products produced from palm oil or other feedstocks that cannot be proven to reduce greenhouse gas emissions utilizing accepted methods of the Washington State Department of Ecology or US EPA.

“Renewable Fuel Production Facilities” means

- A Renewable Fuel Refinery: a facility that processes or produces renewable fuels, excluding Small Fossil or Renewable Storage and Distribution Facilities.
- Shipment and Trassshipment facilities: the process of off-loading of fuel materials, refined or unrefined, refinery feedstocks, products or by products, from one transportation facility and loading it onto another transportation facility for the purposes of transporting such products into or out of the City of Tacoma. Examples of transportation facilities include ship, truck, or freight car.
- Bulk storage of one type of renewable fuel, or a combination of multiple types of renewable fuels, in excess of two million gallons.

Attachment A

“Small Fossil or Renewable Fuel Storage and Distribution Facilities” means:

- Equipment and buildings used for purposes of direct sale or distribution to consumers of fossil fuels or renewable fuels, or
- Accessory equipment that supplies fossil fuels or renewable fuels to an onsite allowed commercial or industrial operation, including facilities for vessel and vehicle fueling, and that does not meet the definitions of a major fossil fuel facility.

➤ **Proposed Amendments to TMC 13.05.010 Conditional Use Permits and Title 19 Chapter 2.1.7.f Shoreline Conditional Use Permits:**

***New* Major Fossil Fuel Facilities and Renewable Fuel Facilities**

In addition to the general conditional use criteria, new or expansion of Major Fossil Fuel Facilities and Renewable Fuel Facilities must demonstrate the following:

1. There is a demonstrated significant local, state, or national need for the proposed use or activity;
2. There is no reasonable alternative to meet the public need for the proposed use or activity;
3. There will be no likely long-term significant adverse impacts to shoreline resources or uses or state waters;
4. All feasible steps are taken to avoid and minimize adverse environmental impacts.
5. All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
6. Compensation is provided to mitigate adverse impacts to shoreline resources or uses;
7. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts.
8. The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies.
9. Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
10. The proposed facility shall meet a minimum 50% reduction in lifecycle GHG per Clean Air Act at the time of occupancy and 80% reduction by 2050.
11. Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.

➤ **Proposed Amendments to TMC 13.06.080 Special Use Standards and Title 19 Shoreline Master Program Chapter 7:**

***New* Subsection: Major Fossil Fuel Facilities and Renewable Fuel Facilities**

1. Applicability: The following standards apply to all existing or proposed Major Fossil Fuel Facilities and Renewable Fuel Production Facilities where allowed in the base zoning district.

Attachment A

2. Purpose: The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility expansion; to and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

3. Use Standards:

a. New major fossil fuel facilities are prohibited.

b. Existing major fossil fuel facilities, legally permitted at the time of adoption of this ordinance (REFERENCE), shall be considered permitted uses, subject to the following limitations:

(1) Expansion (non-production or storage capacity) of existing facilities. Existing uses may conduct repairs, improvements, maintenance, modifications, remodeling or other changes that do not demonstrably increase facility capacity, including but not limited to the following, provided that a conditional use permit is not required:

- Accessory and appurtenant buildings, and structures.
- Office space.
- Parking lots.
- Radio communications facilities.
- Security buildings, fire stations, and operation centers.
- Storage buildings.
- Routine maintenance and repair.
- Environmental improvements and other projects that are required on the subject site by federal, state, regional, or local regulations.
- Temporary trailers.
- Heating and cooling systems.
- Cable installation.
- Information technology improvements.
- Continuous emissions monitoring systems or analyzer shelters.
- Wastewater and stormwater treatment facilities.
- Replacement and upgrading of existing equipment.
- Safety upgrades.
- Any other non-capacity project that is necessary to the continued viability of a legally established use.

(2) Maintenance and repair: A Conditional Use Permit, 13.05.010.A.25, is required in the following circumstances:

- Replacement of any storage tank in excess of 1428 barrels (60,000 gallons, the SEPA threshold)
- Modification of any storage tank to change the type of fossil fuel stored in the tank.
- Replacement or other modification of any transshipment or transportation facility.

Attachment A

(3) Prohibited improvements:

- New driveways, private rail sidings, docks, piers, wharves and floats, or storage tanks.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
- New refining or processing equipment and facilities, except for normal maintenance and repair.

(4) Projects are limited to property owned and occupied by the use as of {date}.

(5) Change of Use:

- (a) An existing Major Fossil Fuel Facility may change use to a Renewable Fuel Production Facility, subject to a Conditional Use Permit.
- (b) A change of use of a Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to a fossil fuel facility inside the boundary of an existing legal fossil fuel refinery requires a conditional use permit subject to CUP 13.05.010.A.25. Other changes of use from Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to fossil fuel facilities are prohibited.

4. Renewable Fuel Facilities are allowed, subject to a Conditional Use Permit and the criteria in REFERENCE.

5. New or expansion of existing Major Fossil Fuel Facilities and Renewable Fuel Facilities shall meet the following special use standards:

a. Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

- (1) Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.
- (2) Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.
- (3) Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:
 - i. Within the City of Tacoma;
 - ii. Within the Puyallup River Watershed;
 - iii. Within Pierce County;
 - iv. Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

b. The applicant shall provide annual reporting of the following:

- The number of vessel transfers of crude oil or other fossil or renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting crude oil, fossil fuels, or renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting fossil or renewable fuel, both to and from the site, including a description of the product, volume, and destination.

Attachment A

- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three-year forecast.

➤ **Alternative A: Minor Expansion of Existing Major Fossil Fuel Facilities**

Expansions can be considered based on a total volume or on a proportional basis.

- Option 1: 1,000,000 gallons which is equal to the threshold defining a major fossil fuel facility.
- Option 2: Percent expansion based on the actual existing facility storage volume, such as a 10% storage volume expansion.

Sample Language:

- An existing Major Fossil Fuel Facility may expand up to a lifetime cumulative maximum of 10%/10,000 barrels of daily refining capacity and/or 10%/1,000,000 gallons of storage.
- Any expansion of refining or storage capacity is subject to a conditional use permit (in accordance with the criteria proposed above).

Examples:

- U.S. Oil and Refining has an approximate daily throughput capacity of 42,000 barrels.
 - 10% Expansion = 4,200 barrels. One barrel = approximately 42 gallons. Gallons = 176,000 gallons.
- Seaport Sound Terminal has an estimated storage capacity of 1,362,460 barrels.
 - A 10% expansion would = 136,246 additional barrels = 5.7 million gallons.
 - Allowing 1,000,000 gallons of new capacity = Approximately 24,000 barrels = 1.7% expansion of existing capacity.

➤ **Alternative B: Major Fossil Fuel Facility Definition**

- The definition uses a storage threshold of 1,000,000 gallons (or approximately 24,000 barrels) to distinguish between a “Small” and “Major” facility.
- This threshold would result in one of the existing uses, Pacific Functional Fluids, being excluded from the “Major” facility category as that use falls just under the 1,000,000 gallon capacity.
- The Commission could consider a larger or smaller threshold. King County uses 2,000,000 gallons as a threshold.

➤ **Alternative C: Permit Type for Small Fossil or Renewable Fuel Storage and Distribution Facilities**

- The current proposal does not require a conditional use permit for such facilities in the PMI zone.
- However, under the proposed “High Impact Use” category, these facilities would require a shoreline conditional use permit in all shoreline districts, if they meet the volume thresholds.
- As an alternative, the Commission could consider requiring a conditional use permit for these small projects as well as major projects.
- Shoreline substantial development permits are required for any new in-water facility.

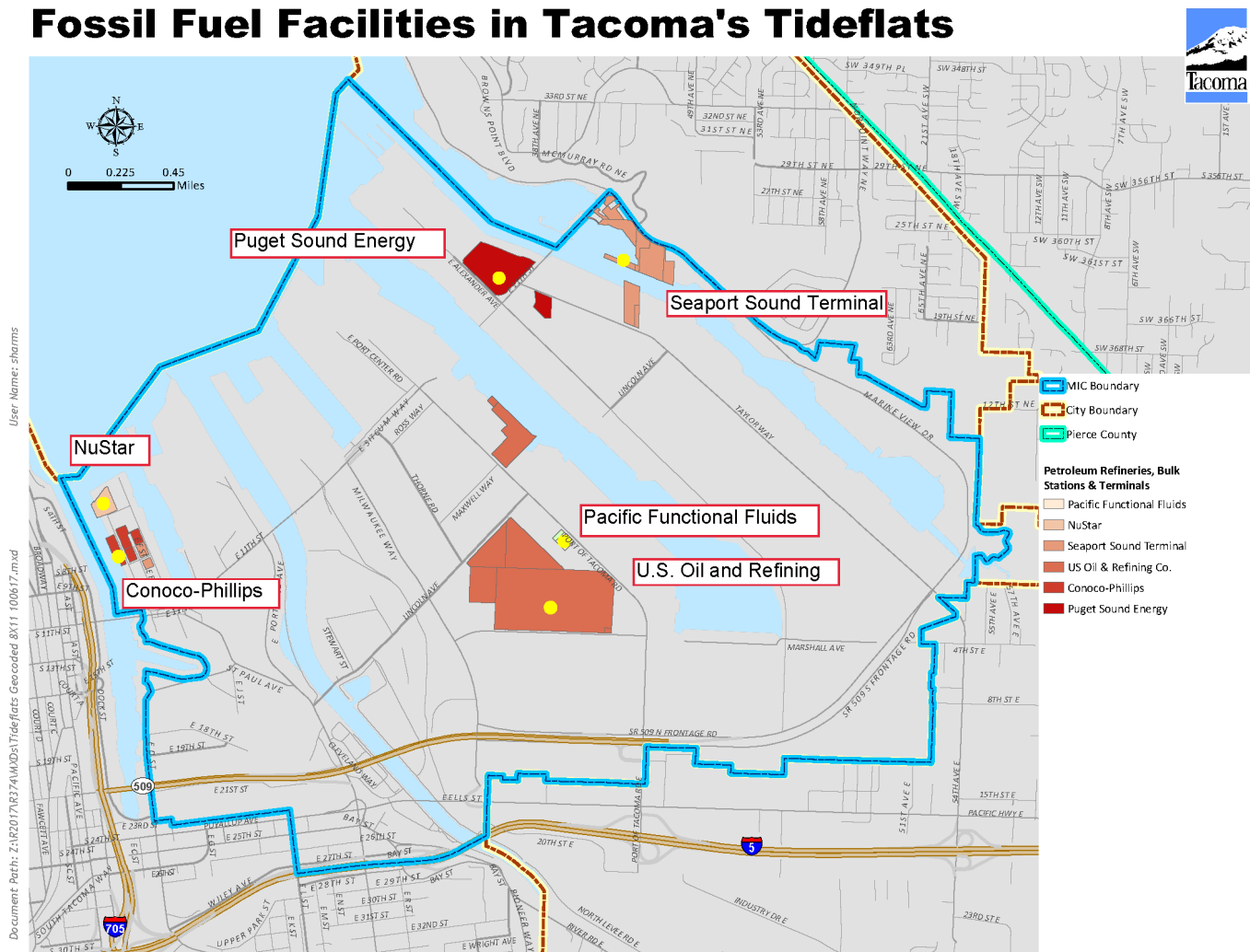
5. Supplemental Information

Tideflats Fossil Fuel Storage, Refinement and Processing Facilities

The City of Tacoma's tideflats are home to six fossil fuel storage, refinement, and processing facilities. These include:

1. Seaport Sound Terminal
2. U.S. Oil and Refining
3. Conoco-Phillips
4. NuStar
5. Puget Sound Energy
6. Pacific Functional Fluids

Fossil Fuel Facilities in Tacoma's Tideflats



Attachment A

1. Seaport Sound Terminal (TARGA)

Facility Description: “SeaPort Sound Terminal provides bulk liquid storage of petroleum, petroleum products, and renewable fuels. It is accessible by water, rail, pipeline, and truck and offers on-water diesel, a five-lane truck rack, oily water treatment, transmix, specialty blending, and rail car logistics. The Facility ... is two distinct parcels separated by the Hylebos Waterway. The main Facility is a 33-acre loading terminal with 52 aboveground storage tanks (ASTs), a 5-lane truck loading rack, an 800-ft tug and vessel fueling pier, and old un-used refining equipment. The topography is relatively flat. Each tank storing petroleum products is surrounded by secondary containment, and drainage is controlled by valves and piping with ultimate discharge to the Hylebos Waterway to the southwest. The second parcel is a 6-acre rail offload area with 36 rail spots located on the southwest side of the Hylebos Waterway. A pipeline under the Hylebos Waterway sediment transports fuel from the rail offload area to the terminal.”



Source: Seaport Sound Terminal LLC, “Spill Prevention, Control, and Countermeasure Plan,” December 2018.

Tanks: 52 tanks

Storage Capacity: 1,362,460 barrels

Products/materials: Diesel, gasoline, additives, ethanol

Modes served: Vessel, rail, pipeline, and truck.

Truck Facilities: 5 lanes

Dock Data: 800’ tug and vessel fueling pier.

Greenhouse Gas Emissions: TBD

Vessel Transfers: TBD

Direct Employment: TBD

2. U.S. Oil and Refining

Facility Description: “U.S. Oil & Refining Co.'s (USOR) Tacoma Refinery (NAICS Code 32411) is a continuous processing plant with 42,000 barrels (bbl) per day crude oil charge rate capacity. Products produced at the refinery include gasoline, jet fuel, diesel fuel, marine fuel oils, gas oils (intermediate product), as well as emulsified, medium curing and road asphalts. The refinery has storage capacity for approximately 2.8 million barrels of crude oil and refined products.



Attachment A

Source: “Facility Oil Spill Prevention, Control, and Countermeasures Plan Submittal Agreement for U.S. Oil & Refining Co., (2018)”

Storage Capacity: 2.8 million barrels of crude oil and refined products.

Products/materials: Gasoline, jet fuel, diesel fuel, marine fuel oils, gas oils, asphalts.

Modes served: Vessel, rail, pipeline, and truck.

Average Daily Throughput: 42,000 barrels per day

Greenhouse Gas Emissions: 146,000 metric tons annually, 2019, per <https://www.epa.gov/ghgreporting/ghgrp-refineries#trends-subsector>

Vessel Transfers: TBD

Direct Employment: TBD

3. Conoco-Phillips

Facility Description: “The Tacoma Terminal is a 24-hr bulk storage and distribution terminal for finished products. Petroleum products (gasoline and mid-distillates) and additives are delivered to, stored at, and distributed from the terminal. Products are received by pipeline and barge, and distributed by tank trucks. The majority of the petroleum product is received through the Olympic Pipeline, with an average receipt range of 1,500-2,000 bph. Ethanol and gasoline additives are received at the terminal by tank trucks.”

Source: <https://www.phillips66pipeline.com/amsite/media/tacoma-renton-terminal-erap-2.pdf>

Tanks: 18 tanks

Storage Capacity: 298,809 barrels

Products/materials: Diesel, gasoline, additives, ethanol

Modes served: Pipeline, Vessel, and Trucks

Truck Facilities: 4 lanes

Dock Data: Draft: 26 feet; LOA: 450 feet; Loading rate 3,000-4,000 bph; Unloading rate: 7,000 bph

Average Daily Throughput: 504,000 gallons of bulk petroleum products

Greenhouse Gas Emissions: TBD

Vessel Transfers: TBD

Direct Employment: TBD



4. NuStar

Source:

http://www.nustarenergy.com/Business/AssetSheets?assetid=TR_TAC_WA&assettype=Storage

Tanks: 15 tanks

Storage Capacity: 377,000 barrels

Products/materials: Gasoline, Aviation fuels, Diesel, Ethanol, Fuel Oils

Modes served: Barge, Pipeline, Rail, Truck, Vessel

Truck Facilities: 4 lanes

Dock Data: Draft: 26 feet; LOA: 450 feet; Loading rate 3,000-4,000 bph; Unloading rate: 7,000 bph

Greenhouse Gas Emissions: TBD

Vessel Transfers: TBD

Direct Employment: TBD



5. Puget Sound Energy LNG Facility

Facility Description: “The facility would chill natural gas to produce approximately 250,000 gallons of liquefied natural gas (LNG) daily for use as a reduced-emissions fuel for marine vessels and land-based vehicles, as well as for utility peak shaving during periods of high demand. A single eight-million gallon, non-pressurized full-containment LNG storage tank consisting of an inner nickel-steel tank and an outer concrete tank with interstitial insulation, would be located on the site. The facility would also include infrastructure for loading marine vessels with LNG from a new fueling platform and mooring dolphins to be installed on the Blair Waterway.”

Source:

https://www.cityoftacoma.org/government/city_departments/planning_and_development_services/planning_services/pse_proposed_tideflats_lng_facility

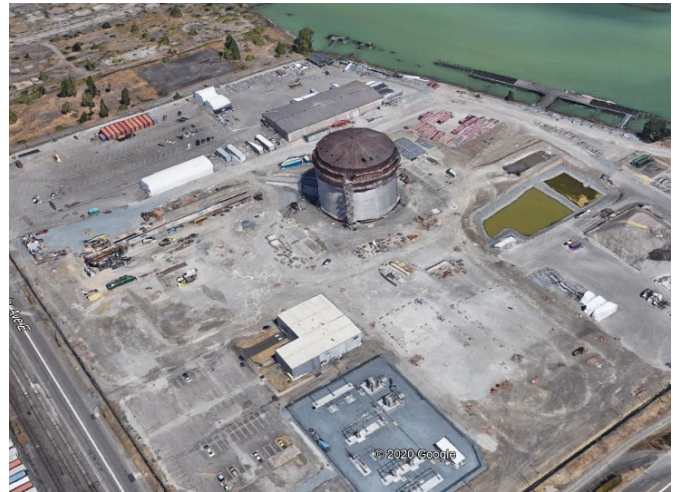
Storage Tanks: 1

Production Capacity: 250,000 gallons of liquefied natural gas daily

Storage Capacity: 8,000,000 gallons

Direct Employment: 18 permanent jobs

Modes Served: Gas arrives via pipeline, project includes marine vessel fueling facilities



6. Pacific Functional Fluids

Facility Description: “This plant is primarily a storage/distribution facility, but also has blending/compounding capabilities. Non hazardous products stored at this plant include bio-diesel fuels; lubrication oils, Propylene Glycol, aircraft de-icing fluids, runway de-icing fluids, along with various chemical and oil blend additives. Hazardous products stored at this facility on a daily basis are Acetic Acid, Potassium Hydroxide (KOH), drums of gasoline, diesel fuel, small amounts of various solvents, and propane for fuel. Pacific Functional Fluids tank transport vehicles are occasionally parked in the containment area of the facility loaded with Jet Fuels, lubricating oils, and/or deicing fluids for delivery the next day.”



Source: Pacific Functional Fluids, “Oil Spill Plan,” 2011 (revised 2018).

Tanks: 60

Storage Capacity: 919,205 gallons

Products/materials: Acetic Acid, Chemical Blend, De-Icer, Diesel #2, E36-Runway De-Icer, Flush Diesel, Glycol Blend, Lube Oil, Lube Oil Blend, Octaflow EF Concentrated, Octaflow EF Diluted, PG, Propylene Glycol, Polar Plus concentrate, Polar Plus Diluted, Potassium Hydroxide

Modes served: Rail, Truck

Truck Facilities: TBD

Dock Data: N/A

Greenhouse Gas Emissions: TBD

Direct Employment: TBD

Attachment A

Additional Fuel Users (partial list)

City of Tacoma Tideflats, Nalley Valley, and Surrounding Area Employer List.

- Data provided by the Economic Development Board of Pierce County
- Employment data from 2020 Pierce County Major Employers Annual Report

	Employer	Industry Sector	JOBS 2020 FTE	FTE Code
1	AERO PRECISION	MANUFACTURING	345	
2	AUTO WAREHOUSING	DISTRIBUTION		
3	CAL PORTLAND	MANUFACTURING	80	
4	CARAUSTAR TACOMA BOARD (GRIEF)	LOGISTICS		
5	CARLILE TRANSPORTATION SYSTEMS	LOGISTICS	93	
6	CODEL ENTRY SYSTEM	MANUFACTURING	100	†
7	COMMENCEMENT BAY CORRUGATED	MANUFACTURING	166	
8	CONCRETE TECHNOLOGY	MANUFACTURING	230	
9	GEORGIA PACIFIC GYPSUM	MANUFACTURING	106	
10	GREEN AIR SUPPLY	MANUFACTURING		
11	MACMILLIAN PIPER	LOGISTICS	100	†
12	MANKE LUMBER COMPANY	MANUFACTURING	385	
13	NEWCOLD	LOGISTICS	85	
14	NORTH STAR GLOVE	MANUFACTURING	50	
15	NW ETCH	MANUFACTURING		
16	PABCO ROOFING PRODUCTS	MANUFACTURING	143	
17	PEPSI BOTTLING GROUP	MANUFACTURING	100	†
18	REDDAWAY	LOGISTICS	93	*
19	SOUND BROKERAGE INTERNATIONAL, LLC	LOGISTICS		
20	TACOMA SCREW PRODUCTS	DISTRIBUTION	155	
21	TOTE MARITIME	LOGISTICS	150	
22	TRIDENT SEAFOODS	MANUFACTURING FOOD	95	
23	TRIPAK	LOGISTICS		
25	WALLENIUS WILHELMSSEN	LOGISTICS	100	†

Attachment A

26	WESTROCK	MANUFACTURING	394	
27	WORLD FUEL (ASSOCIATED PETROLEUM PRODUCTS)	LOGISTICS	295	
28	SERVICE STEEL AEROSPACE	AEROSPACE	42	
29	BROWN & HALEY	MANUFACTURING FOOD	215	
30	BRADKEN	MANUFACTURING	229	
31	BNSF RAIL	TRANSPORTATION	450	
32	SCHNITZER STEEL	RECYCLING	125	
33	GLOBE MACHINE MANUFACTURING	MANUFACTURING		
34	EMERALD SERVICES	RECYCLING	30	

4,546

*Most recent count available

†anecdotal data indicates > 100 FTEs; not ranked

Interim Permit Activity

As part of the City Council interim regulations periodic extensions, the City Council has requested information on permit activity for existing fossil fuel industries and whether that permit activity has resulted in an expansion of storage or production capacity. The following is a summary of staff findings.

Seaport Sound Terminal (formerly Targa)

Permit Activity: Seaport Sound Terminal has applied for multiple permits during the interim period, including:

- December 2016 – Seaport Sound Terminal was permitted for piling replacement and pier modifications that resulted in an expansion of overwater coverage. This shoreline permit was approved prior to the Interim Regulations.
- November 2019 – Seaport Sound Terminal was permitted for four new rail spurs on the Taylor Way property that expanded the number of rail car unloading stations onsite from 36 to 68.
- July 2020 – Seaport Sound Terminal has applied for permits to demolish existing refinery equipment and replace it with new storage tanks. The proposal would result in a net increase of 166,000 barrels of bulk fuel storage onsite.

Staff Finding: The projects will result in an increase in the operational capacity of the facility long-term, subject to additional permitting, and an immediate increase in the volume of bulk fuels stored at the site.

U.S. Oil and Refining

Permit Activity: Prior to the interim regulations taking effect, U.S. Oil and Refining applied for permits to convert a portion of the existing facility to ethanol production and mixing of biofuels. U.S. Oil permits during the interim period include a Commercial Alteration to install a new foundation, support structure and containment for two product transfer pumps.

Attachment A

Staff Finding: No capacity expansion has been permitted during the interim period by the City of Tacoma.

NuStar Energy

Permit Activity: No significant permit activity during the interim period.

Staff Finding: No capacity expansion has been permitted during the interim period by the City of Tacoma.

Phillips 66

Permit Activity: No significant permit activity during the interim period.

Staff Finding: No capacity expansion has been permitted during the interim period by the City of Tacoma.

Pacific Functional Fluids

Permit Activity: No significant permit activity during the interim period.

Staff Finding: No capacity expansion has been permitted during the interim period by the City of Tacoma.

Puget Sound Energy – LNG Facility

Permit Activity: Puget Sound Energy, Inc. (PSE) is in the process of constructing a natural gas liquefaction and storage facility in the Tideflats. The project was permitted prior to the interim regulations taking effect and as such is considered an existing use under the City's land use codes. Additional building and mechanical permits for the facility have been issued during the interim period, including an office conversion, interior remodel, right-of-way permits for fencing, and other operations.

Staff Finding: No capacity expansion beyond that which was considered as part of the initial environmental review has been permitted during the interim period by the City of Tacoma.

Renewable Fuel Standard Program – Fuel Pathways

The following link is to the Environmental Protection Agency website that describes the renewable fuel standards and approved renewable fuel pathways.

<https://www.epa.gov/renewable-fuel-standard-program/what-fuel-pathway>

Kalama Methanol Project

This article summarizes Ecology findings that though the methanol proposal in Kalama would reduce global greenhouse gas emissions over other sources of methanol production, it would still contribute to an increase in emissions and that the impact of the proposal outweighed the state interest in ecologically responsible economic development. This is an example of how Ecology is balancing the goals to foster appropriate shoreline economic use with the broader goal to protect shorelines of statewide significance and local versus global impacts.

Attachment A

https://tdn.com/news/local/ecology-denies-permit-for-kalama-methanol-plant/article_5852cbfa-1565-5c61-a973-94df2485da4c.html?fbclid=IwAR3CJabbGzRZsBPuaRyKGMcedABGAlTMaznj4ozSQTyQlyELlx8mSJPQmA

<https://ecology.wa.gov/DOE/files/0b/0b8ab19a-75a9-41db-9c5c-9e5505bb4bfe.pdf>

Excerpts:

12. For the above reasons, Ecology has determined that the Project is inconsistent with the following policies of the Shoreline Management Act, as provided in RCW 90.58.020:

- a. "This policy is designed to insure the development of these shorelines in a manner which...will promote and enhance the public interest." RCW 90.58.020.
- b. "This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...." RCW 90.58.020.

B. Inconsistency with the Cowlitz County Shoreline Master Program (SMP) policies related to shorelines of statewide significance. WAC 173-27-160(1)(a).

1. The Project would be located on the Columbia River, which the Shoreline Management Act and the Cowlitz County SMP identify as a shoreline of statewide significance. RCW 90.58.030(2)(f)(v)(A); SMP at 68. The Shoreline Management Act provides "that the interest of all of the people shall be paramount in the management of shorelines of statewide significance." RCW 90.58.020. The Cowlitz County SMP provides that shorelines of statewide significance: are considered as deserving of consideration beyond that ascribed to other water bodies. Since these specified shorelines are major resources from which all people in the state derive benefit, we must:

- ... 2) Preserve the natural character of the shoreline.
- 3) Address uses which result in a long-term over short-term benefit.
- 4) Protect the resources and ecology of the shorelines. ...

SMP at 2. 2.

For the reasons identified in Section A above, Ecology has determined that the Project is inconsistent with the above referenced policies of the Cowlitz County SMP because it will directly contribute to and exacerbate climate change impacts that will alter the natural character of and damage the shorelines of the Columbia River.

C. Failure to demonstrate that the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located. WAC 173-27-160(1)(d).

1. For the reasons identified in Section A above, Ecology has determined that the Project proponents have not demonstrated that the Project will not cause significant adverse effects to the shoreline of the Columbia River. Therefore, conditional use permit criterion WAC 173-27-160(1)(d) has not been met.

D. Failure to demonstrate that the public interest suffers no substantial detrimental effect. WAC 173-27-160(1)(e).

1. The Final Second SEIS demonstrated that the Project's greenhouse gas emissions are significant, and will exacerbate the impacts of climate change we are already experiencing in the state of Washington, as well as on the shorelines and waters of the state. 2019 Supplemental EIS at 3-2 to 3-4; Final Second SEIS at 30-34, 101-103.
2. The Legislature has specifically found that avoiding global warming, which has serious health and ecological impacts in the state of Washington, is only possible if greenhouse gas Port of Kalama Northwest Innovation Works, LLC January 19, 2021 Page 6 emissions start to decline precipitously and as soon as possible through immediate and aggressive action. Laws of 2020, ch. 79, § 1.
3. The Legislature has also found that the longer our state delays in taking definitive action to reduce greenhouse gases, the greater the threat posed by climate change to current and future generations, and the more costly it will be to protect our communities from the impacts of climate change. Laws of 2020, ch. 79, § 1.
4. Accordingly, the Legislature intends for the state to limit and reduce emissions of greenhouse gases over the next 30 years. See Final Second SEIS at 33-34.

Attachment A

5. The quantity of the Project's emissions and the length of time those emissions would occur will significantly impede the state's ability to meet the emissions limits provided in RCW 70A.45.
6. As such, and for the reasons identified in Section A above, Ecology has determined that the Project proponents have not demonstrated that the public interest will suffer no substantial detrimental effect as result of the granting of a conditional use permit. Therefore, conditional use permit criterion WAC 173-27-160(1)(e) has not been met.
7. In addition, a federal court recently vacated two permits issued by the Army Corps of Engineers under the Clean Water Act and Rivers and Harbors Act, finding that the Project did not meet the "public interest" assessment required by those statutes for three reasons:
 - (1) the Corps improperly relied on uncertain global benefits of the Project without assessing global detriments;
 - (2) the Corps failed to consider the need for expansion of a regional gas pipeline as a reasonably foreseeable future action; and,
 - (3) the Corps failed to properly consider recreational impacts near the site due to air quality concerns.In regards to the first reason, Ecology's Final Second SEIS demonstrates that the Project will have significant impacts in the form of in-state, upstream, and downstream emissions. The second and third reasons demonstrate that there are substantial unanswered questions in regards to this proposal's impact to the public interest.

Greenhouse Gas Impacts, Inventory and Targets

PSRC Climate Change Background Report

This document provides a broad summary of state and regional greenhouse gas reduction targets, regional sources of emissions, expected climate change impacts in the region, and regional strategies to reduce greenhouse gas emissions.

<https://www.psrc.org/sites/default/files/vision2050climatepaper.pdf>

Excerpt:

The University of Washington's Climate Impacts Group published State of Knowledge:

Climate Change in Puget Sound in 2015, describing expected impacts from climate change in the Puget Sound region. Changes are expected to include temperature, precipitation, sea level, and ocean acidification. These changes will affect snowpack and streamflow, landslides, flooding, species and habitat, forests and agriculture. A few examples of impacts the region can expect to experience include:

- Decreased snowpack and increased winter stream flows
- Increased landslides, erosion and sediment transport during fall, winter and spring
- Increased extent and frequency of flooding and storm surge
- Negative effects on salmon from warmer streams, ocean acidification, lower summer streamflow, and higher winter streamflow
- Changes in forest tree species and increased large wildfires
- Changes to agriculture including increased pests, heat stress, flood risk, and growing season and decreased summer water availability
- Changes in coastal habitats, including increased salt marshes and erosion and decreased freshwater marshes
- More frequent and severe harmful algal blooms

Negative effects to some species such as salmon and shellfish due to changes in marine ecosystems The impacts listed above will, in turn, have many effects on people and communities. Hazards such as floods, wildfires, and heat waves will have impacts on the built environment, including transportation, energy, drinking water, stormwater, and wastewater systems. An increase in heat waves and flooding, poor air and water quality, and increased allergens and spread of

Attachment A

diseases will harm human health. Communities of color, indigenous people, and people with lower incomes are at higher risk due to greater exposure to hazards and often have fewer resources to respond to those hazards. Tribes are particularly vulnerable due to impacts on the forest, coastal and marine ecosystems on which they rely.

2019 City of Tacoma Greenhouse Gas Inventory

The following pages provide a summary of the current Greenhouse Gas Inventory, a comparison with past inventory data, and a business as usual forecast of future emissions.

Tacoma Carbon Emissions

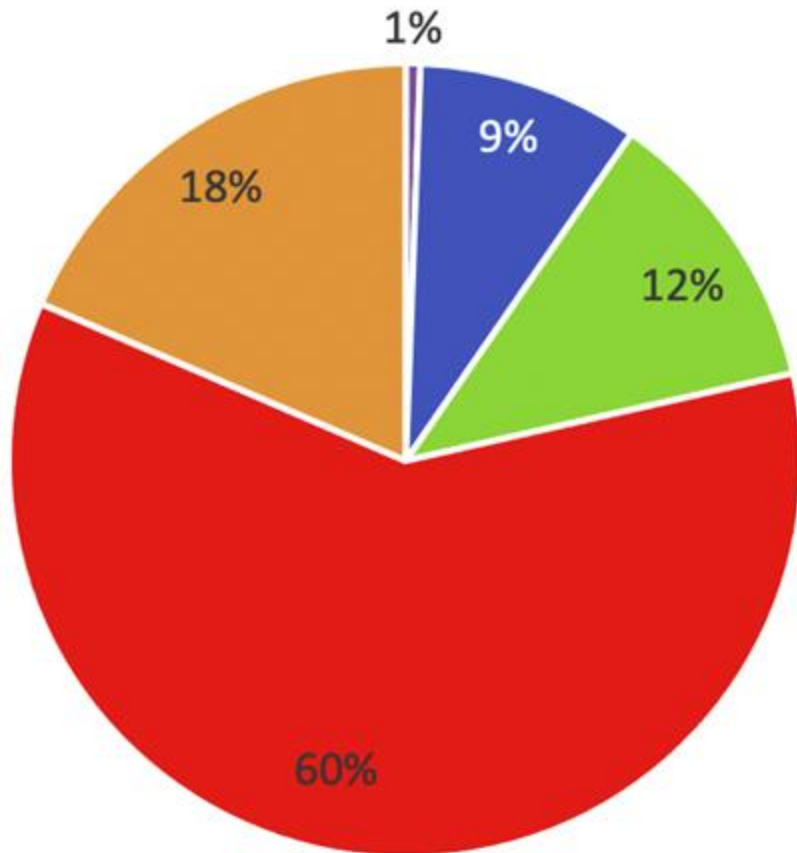
DRAFT

January 24, 2021

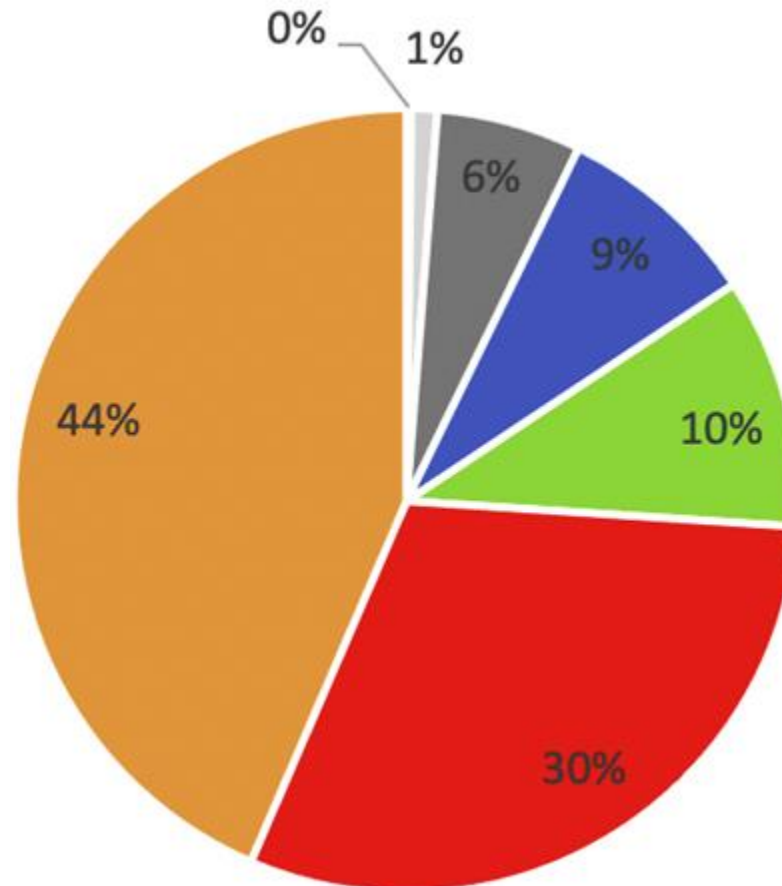


Where do our community emissions come from?

Energy



Emissions



- Municipal
- Fugitive
- Waste
- Commercial
- Residential
- Industrial
- Transportation

What is our emissions outlook?

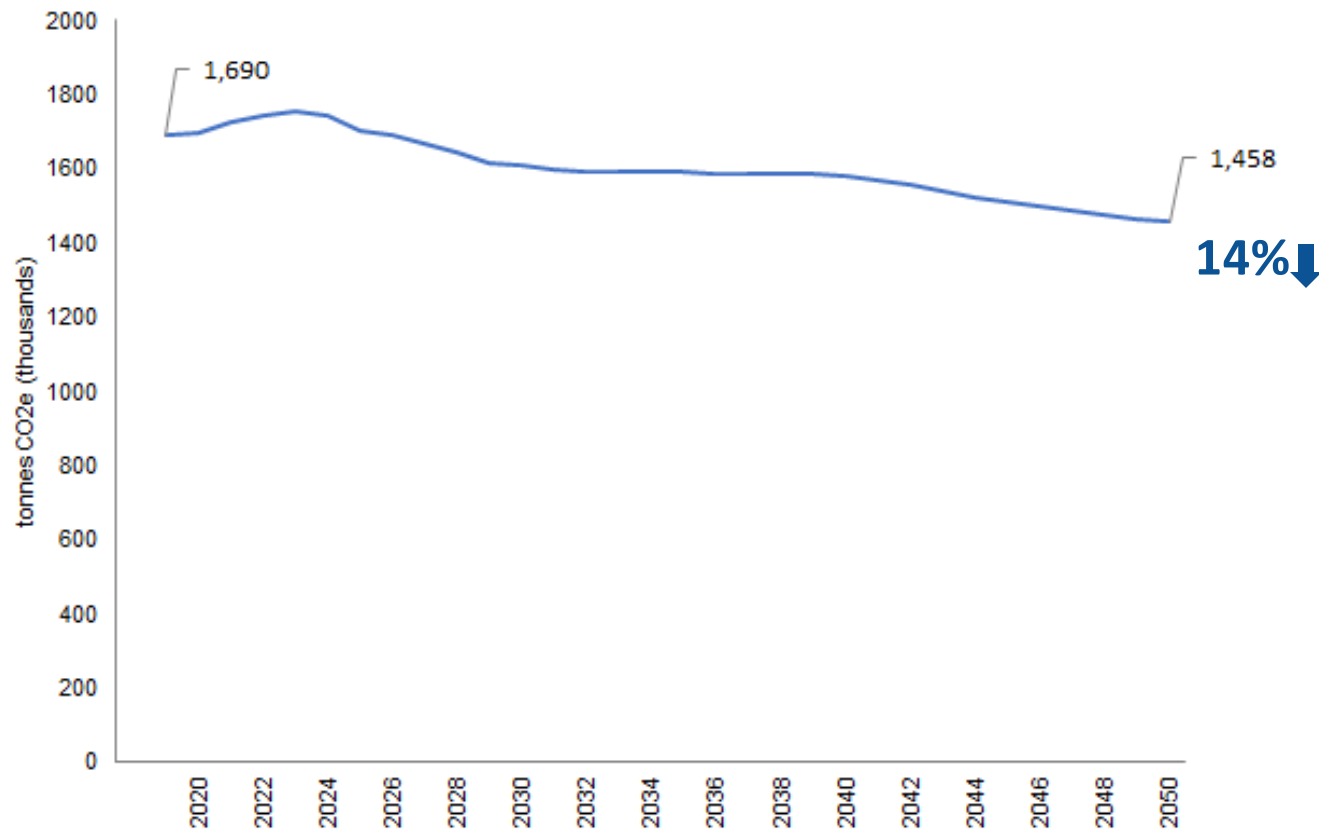
Business As Usual Scenario – what's "on-the-books"

- Includes population growth projections

Existing plans/laws/strategies:

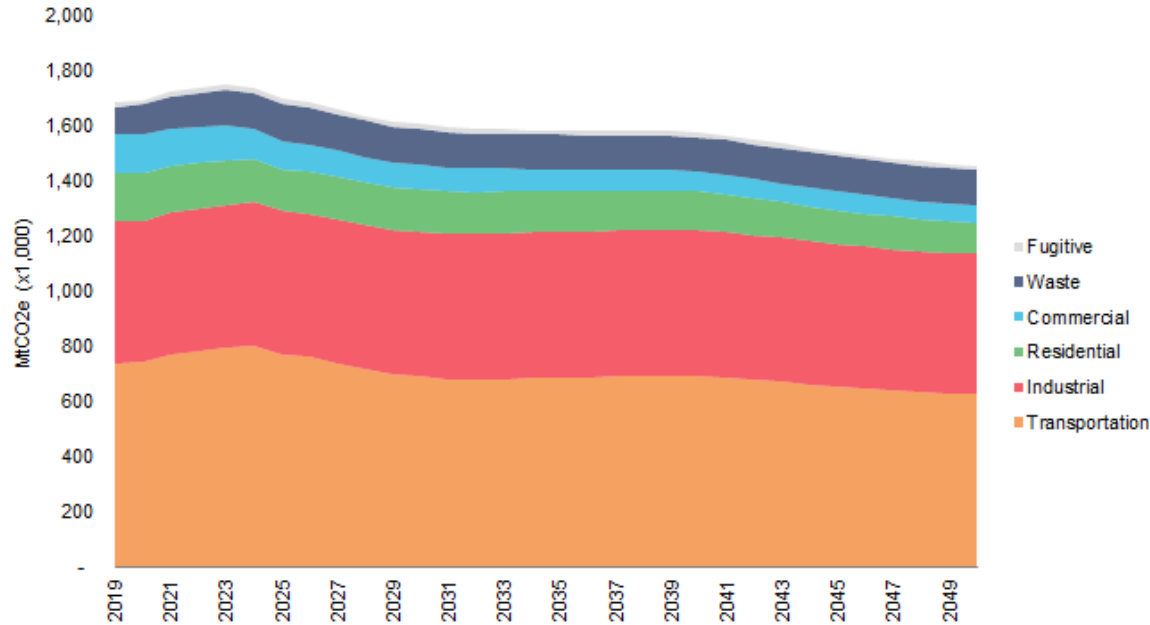
- **Federal** (EIA Energy Transportation Outlook, EPA vehicle fuel efficiency standards)
- **State** (Clean Buildings Act)
- **Region** (Puget Sound Regional Transportation Plan)
- **City** (Sustainable Material Management Plan, Land Use Vision V2)
- **Industry/other** (Tacoma Power Conservation Plan)

2019-2050 Emissions – Business As Usual Projections

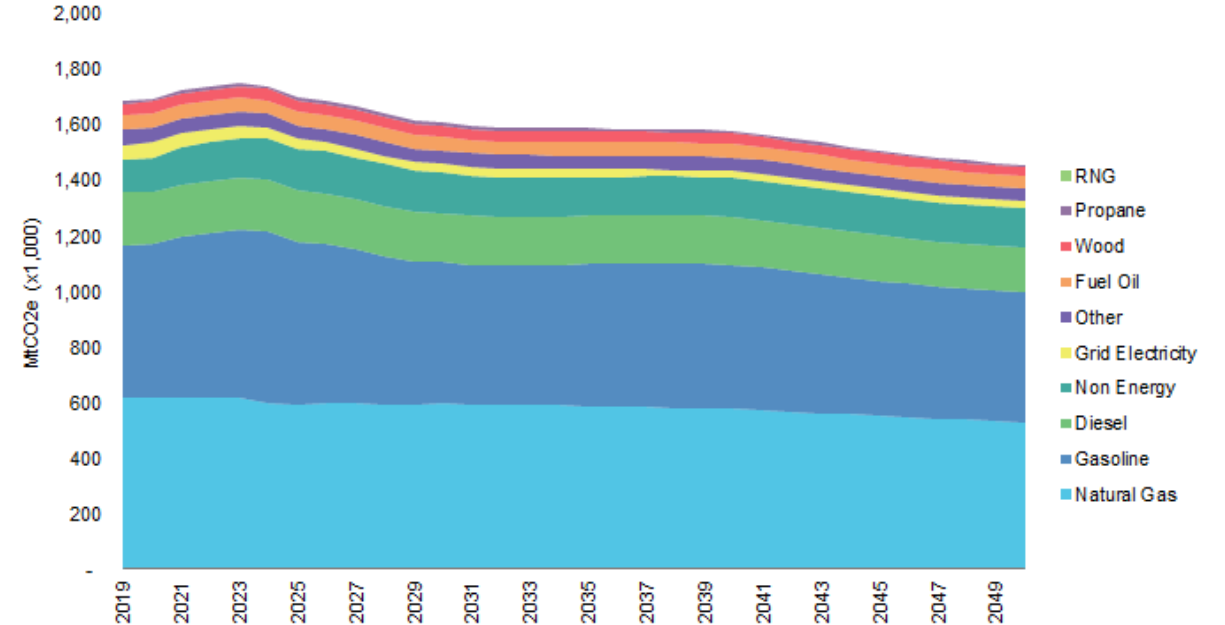


2019-2050 Emissions BAU Projections

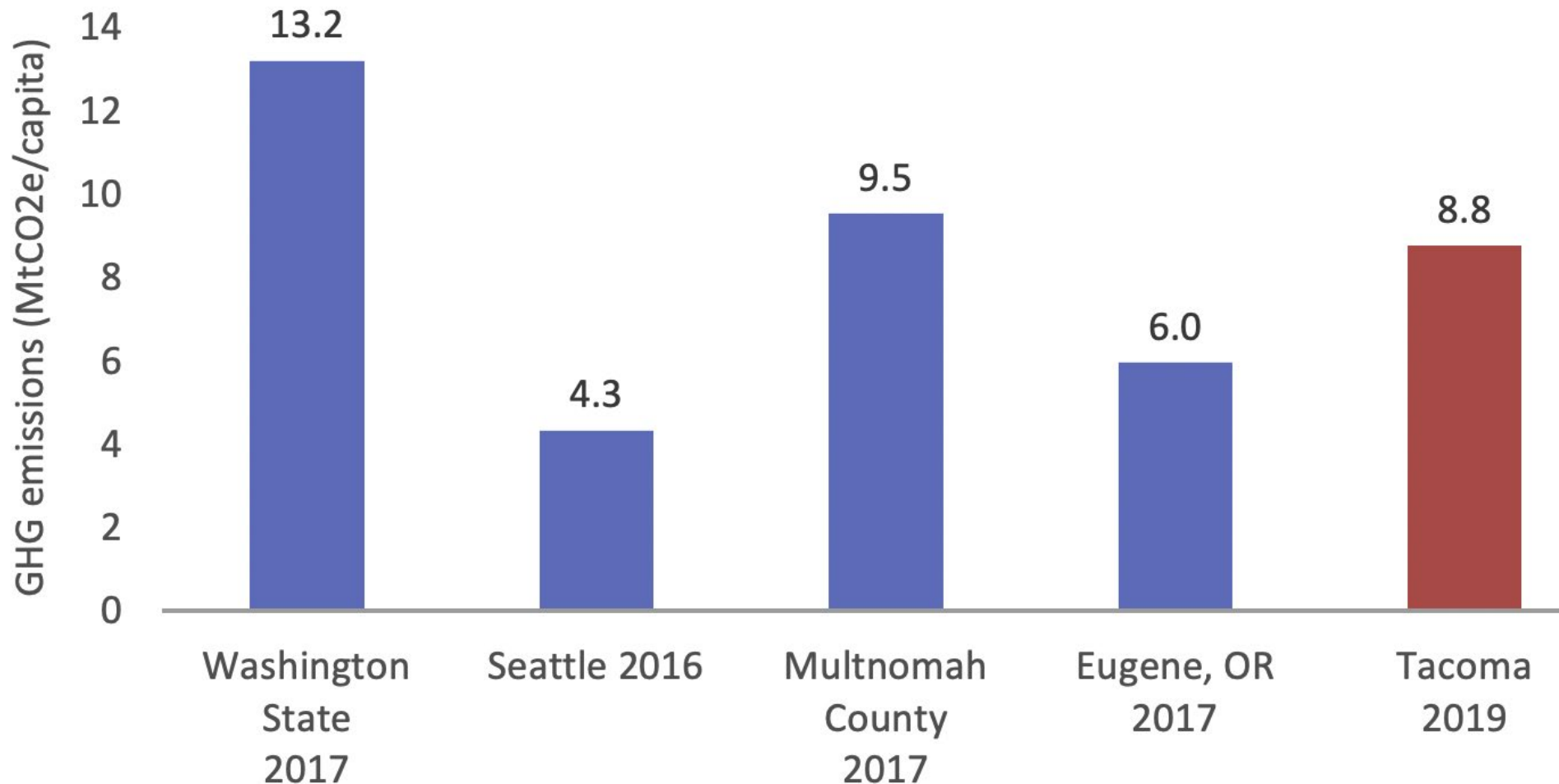
Sector



Fuels



Our emissions compared to others



What is our emissions outlook?

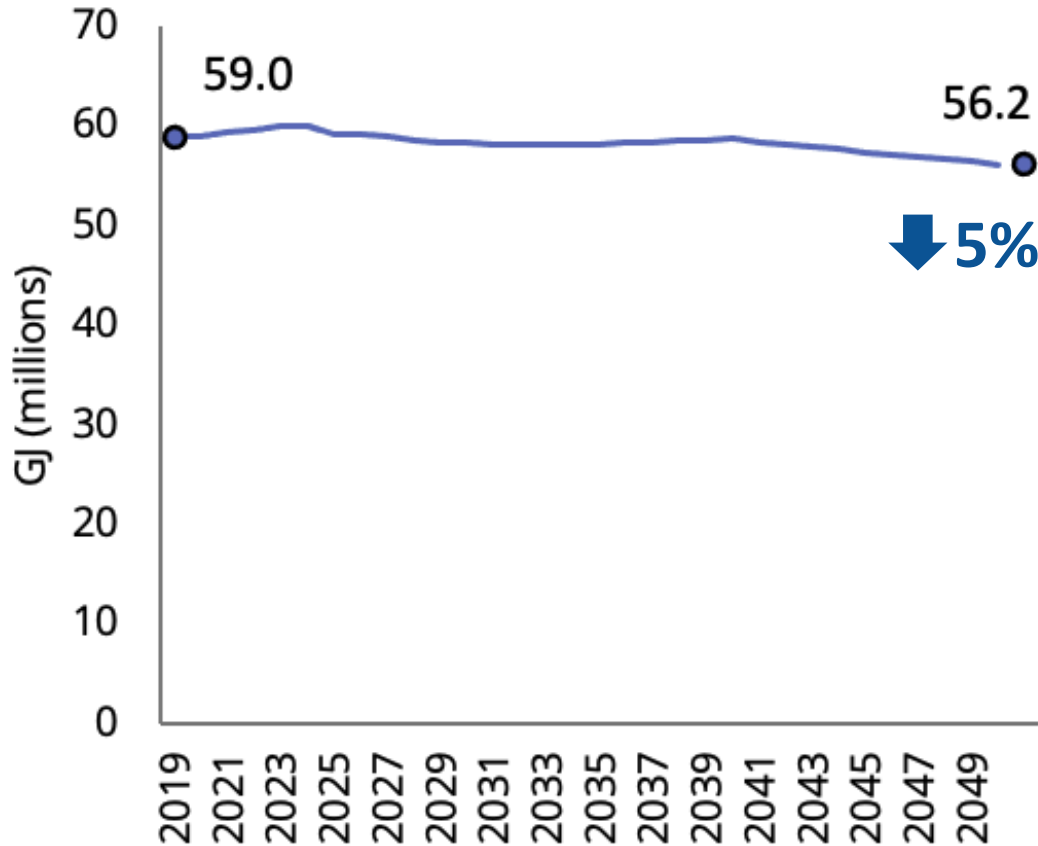
Business As Usual Scenario

Existing plans/laws/strategies:

- **Federal** (EIA Energy Transportation Outlook, EPA vehicle fuel efficiency standards)
- **State** (Clean Buildings Act)
- **Region** (Puget Sound Regional Transportation Plan)
- **City** (Sustainable Material Management Plan, Land Use Vision V2)
- **Industry/other** (Tacoma Power Conservation Plan)

2019-2050 Energy and Emissions - total

Energy



Emissions

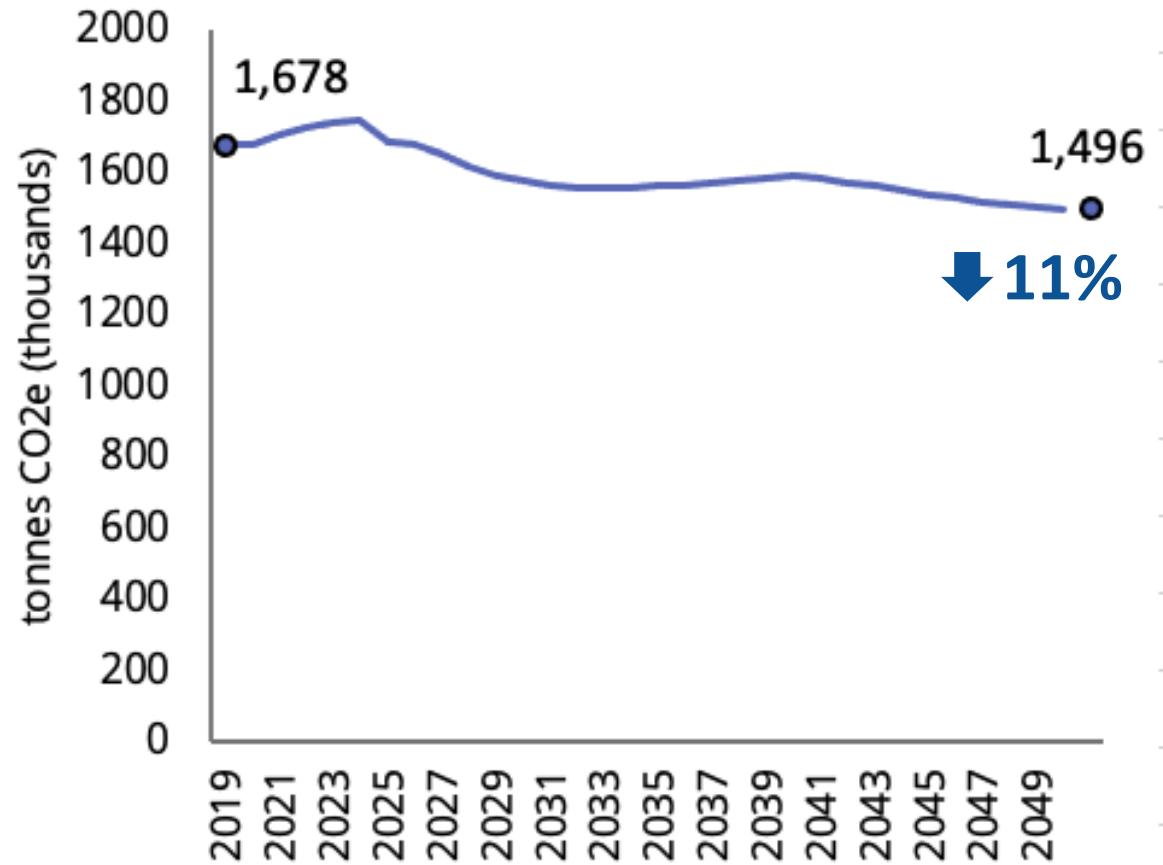


Exhibit A. Permit and Land Use Notifications

1. Proposal Description

Permit and land use notifications are intended to ensure that potentially impacted parties are aware of permit applications and have an opportunity to participate in the permit process. Public input is vital to understand the potential impacts of a project and the appropriate mitigation measures. However, due to the size of the City's industrial areas in South Tacoma and the Tideflats, permit notification distances for direct mailing were insufficient to notify potentially impacted communities of the projects under consideration. Given the range of uses that are potentially permissible in the City's industrial areas and the ranging areas of impact, the City enacted a Director's Rule in 2017 to expand notification for discretionary permits associated with heavy industrial activities. The Director's Rule was then carried over into the Tideflats Interim Regulations. This proposal seeks to finalize appropriate direct mailing notification areas related to heavy industrial use permits.

2. Summary of Proposed Amendments

The proposed amendments would apply to two primary sections of the Tacoma Municipal Code: TMC 13.05 Land Use Permits and Procedures, and TMC 13.02 Planning Commission.

TMC 13.05.070: This amendment to the Notice Process Summary Table identify specific permit types that are subject to expanded notification.

TMC 13.05.070.I: This amendment would add a new section to the municipal code describing the expanded notification purpose and procedures.

TMC 13.05.070.J: Sub-section J pertains to public hearings and would amend the procedures to do the following:

- Extend notices to occupants as well as taxpayers;
- Extend notification distances to 2500' of a subject property for all land use designation changes and area-wide zoning reclassifications;
- Extend notification distances for designated Regional Growth Centers and Manufacturing and Industrial Centers to 2500' of the center boundary for land use designation changes and areawide zoning reclassifications.

TMC 13.05.030: This amendment ensures a consistent notice procedure for the notice of application of a proposed zoning areawide rezone.

TMC 13.02.070: This amendment ensures a consistent notice procedure for the notice of application of a proposed Comprehensive Plan land use designation change.

Other proposed modifications:

1. Allow for agencies and neighborhood groups to request electronic notification rather than (or in addition to) first class mail.
2. Distinguish between mailed public notice and the Notice of Application; allows flexibility in how the City designs mailings to make them most useful for the public.
3. Eliminates some redundant code sections and inconsistencies in mailing distances.

Attachment B: Draft Exhibits

3. Detailed Code Amendments

➤ Proposed Amendments to TMC 13.05.070 Notice process.¹

A. Purpose.

The purpose of this section is to provide notice requirements for land use applications.

B. Administrative Determination.

1. A public notice of application is not required for Administrative Determinations. Examples of Administrative Determinations are minor variances, reasonable accommodation requests, review of non-conforming rights, zoning verification requests, and information requests.

2. Determinations of the Director shall be mailed to the applicant and the property owner (if different than the applicant) by first class mail.

3. At the discretion of the Director, notice of the Determination and/or summary of Determination may be provided to other qualified or interested parties.

C. Process I – Minor Land Use Decisions.

1. A public notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E. Examples of minor land use decisions are variances, Conditional Use Major Modifications, temporary shelters, wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.

2. Public notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); the Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. ~~and to~~ Notice shall also be mailed by first-class mail to residents and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H.

3. Parties receiving public notice of application shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department. ~~The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.~~

4. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.

(a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.

¹ Code Reviser’s note: Previously codified as 13.05.020 (Notice process); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

Attachment B: Draft Exhibits

~~(b) A notice of decision shall be mailed by first-class mail to: all recipients of the initial public notice, as described above. owners of property and/or taxpayers of record as indicated by the Pierce County Assessor/Treasurer's records within the distance identified in Section 13.05.020.H; neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; and the Puyallup Indian Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988.~~

5. A neighborhood or community organization shall be qualified to receive notice under this section upon a finding that the organization:

(a) has filed a request for a notification with the City Clerk in the form prescribed by rule, specifying the names and addresses of its representatives for the receipt of notice and its officers and directors;

(b) includes within its boundaries land within the jurisdiction of the permit authority;

(c) allows full participating membership to allow property owners/residents within its boundaries;

6. More than one neighborhood or community organization may represent the same area.

7. It shall be the duty of the neighborhood group to advise the City Clerk's office in writing of changes in its boundaries, or changes in the names and addresses of the officers and representatives for receipt of notice.

8. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.

D. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, Site Approvals.

1. A public notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E.

2. Public notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations consistent with the requirements set forth for Process I land use permits; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); the Puyallup Indian Tribe for "substantial action" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. ; and to Notice shall also be mailed by first-class mail to residents and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all residents and owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. from the boundary of the PRD District.

3. Parties receiving public notice of application shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 14 days from the date of mailing (including the day of mailing) to provide

Attachment B: Draft Exhibits

any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.070.G. ~~The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 30 days of the mailing of such notice, or who requests receipt of a copy of the decision.~~

4. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection H of this section.

E. Process III – Decisions Requiring a Public Hearing.

1. A public notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.C.

2. Public notice of application, including the information identified in Section 13.05.070.F, shall be mailed by first-class mail to the applicant, property owner (if different than the applicant), neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988. ~~Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. ; and~~ ~~to~~ Notice shall also be mailed by first-class mail to residents and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to residents and all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H from the boundary of the PRD District.

3. The notified parties shall be allowed 21 days from the date of mailing to comment on the pre-threshold environmental determination under provisions of Chapter 13.12, after which time the responsible official for SEPA shall make a final determination. Those parties who comment on the environmental information shall receive notice of the environmental determination. If an appeal of the determination is filed, it will be considered by the Hearing Examiner at the public hearing on the proposal.

4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection H of this section.

F. Content of Public Notice and Notice of Application.

1. At a minimum, the Public Notice shall contain the following elements:

Attachment B: Draft Exhibits

a. A clear statement that a full Notice of Application as described below is available, and how to access that Notice;

b. A project description, including type of permit requested, proponent, location, and vicinity map;

c. Preliminary environmental determination (or exemption);

d. Project contact information, including comment method and deadline and, as applicable, the following:

i. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);

ii. A provision which advises that a “public meeting” may be requested by any party entitled to notice.

2. The Notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal. The notice shall be made available, at a minimum, in the project’s online permit file, and by any other methods deemed appropriate:

a. Date of application;

b. Date of notice of completion for the application;

c. Date of the notice of application;

d. Description of the proposed project action;

e. List of permits included in the application;

f. List of studies requested;

g. Other permits which may be required;

h. A list of existing environmental documents used to evaluate the proposed project(s) and where they can be reviewed;

i. Public comment period (not less than 14 nor more than 30 days), statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;

j. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);

k. Statement of preliminary determination of development regulations that will be used for project mitigation and of consistency;

l. A provision which advises that a “public meeting” may be requested by any party entitled to notice;

m. Notice that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.

n. Any other information determined appropriate, e.g., preliminary environmental determination, applicant’s analysis of code/policy applicability to project.

G. Public Comment Provisions.

Parties receiving public notice of application shall be given the opportunity to comment in writing to the department. A “public meeting” to obtain information, as defined in Section 13.01.050, may be held on applications which require public notification under Process II, and Conditional Use Major Modifications, when:

1. The Director determines that the proposed project is of broad public significance; or

2. The neighborhood council pursuant to TMC 1.45 or the neighborhood business district pursuant to TMC 1.47 in the area of the proposed project requests a “public meeting”; or

Attachment B: Draft Exhibits

3. The owners of five or more parcels entitled to notice for the application make a written request for a meeting;
or

4. The applicant has requested a “public meeting.”

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the “public meeting” shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

The comment period for permit type is identified in Section 13.05.070.H. When a proposal requires an environmental determination under Chapter 13.12, the notice shall include the time within which comments will be accepted prior to making a threshold determination of environmental significance or non-significance.

H. Notice and Comment Period for Specified Permit Applications.

Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

➤ Proposed Amendments to TMC 13.05.070 Notice Process Summary Table

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

Attachment B: Draft Exhibits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
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	Required	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years
Conditional use* (see TMC 13.05.020.I)	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
Conditional use, correctional facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	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 Shelters 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

➤ **Propose Amendments to TMC 13.05.070**

New Section [13.05.070.I Expanded Notification for Heavy Industrial Uses](#)

[1. 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.](#)

Attachment B: Draft Exhibits

2. 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.

3. 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 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.

4. 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.

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

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

➤ **Proposed Amendments to TMC 13.05.070.J Notice for Public Hearings**

1. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to TMC 1.45, neighborhood business districts pursuant to TMC 1.47, and other individuals or organizations identified by the Department as either affected or likely to be interested.

2. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers and occupants, as indicated in the records of the Pierce County Assessor, within ~~2500~~1000 feet of the subject area.

3. For land use designation amendments, area-wide zoning reclassifications, or center boundary modifications affecting a designated regional growth center or manufacturing and industrial center, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers and occupants within, and within 2500 feet, of the designated center.

3. For a proposed amendment to the Comprehensive Plan land use designations or area-wide zoning classifications within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted in the affected area at least 14 calendar days prior to the Planning

Attachment B: Draft Exhibits

Commission public hearing. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the proposed amendment. The applicant shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition. The sign shall contain, at a minimum, the name of the applicant, a description and location of the proposed amendment, and where additional information may be obtained.

4. The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date.

➤ **Proposed Amendments to TMC 13.05.030 Zoning and Land Use Regulatory Code Amendments**

B. Area-Wide Zoning Reclassifications

...

9. Planning Commission Review.

a. The Department will present the proposed amendment along with analysis conducted pursuant to this Section to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.

b. In formulating its recommendations to the City Council concerning a proposed area-wide zoning reclassification, the Planning Commission shall provide public notice and conduct at least one public hearing.

c. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.

d. For area-wide zoning reclassifications, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, **and occupants**, within, and within **2500 400**-feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

e. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan.

➤ **Proposed Amendments to TMC 13.02.070 Comprehensive Plan Amendments**

G. Planning Commission review.

1. The Department will present the proposed amendment along with analysis conducted pursuant to Section 13.02.070.F to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.

2. In formulating its recommendations to the City Council concerning adoption or amendment of the Comprehensive Plan, the Planning Commission shall provide public notice and conduct at least one public hearing.

Attachment B: Draft Exhibits

3. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.
4. Planning Commission public hearings for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.
5. For land use designation changes, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants within, and within ~~2500~~ 400 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.
6. After a public hearing, the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration.

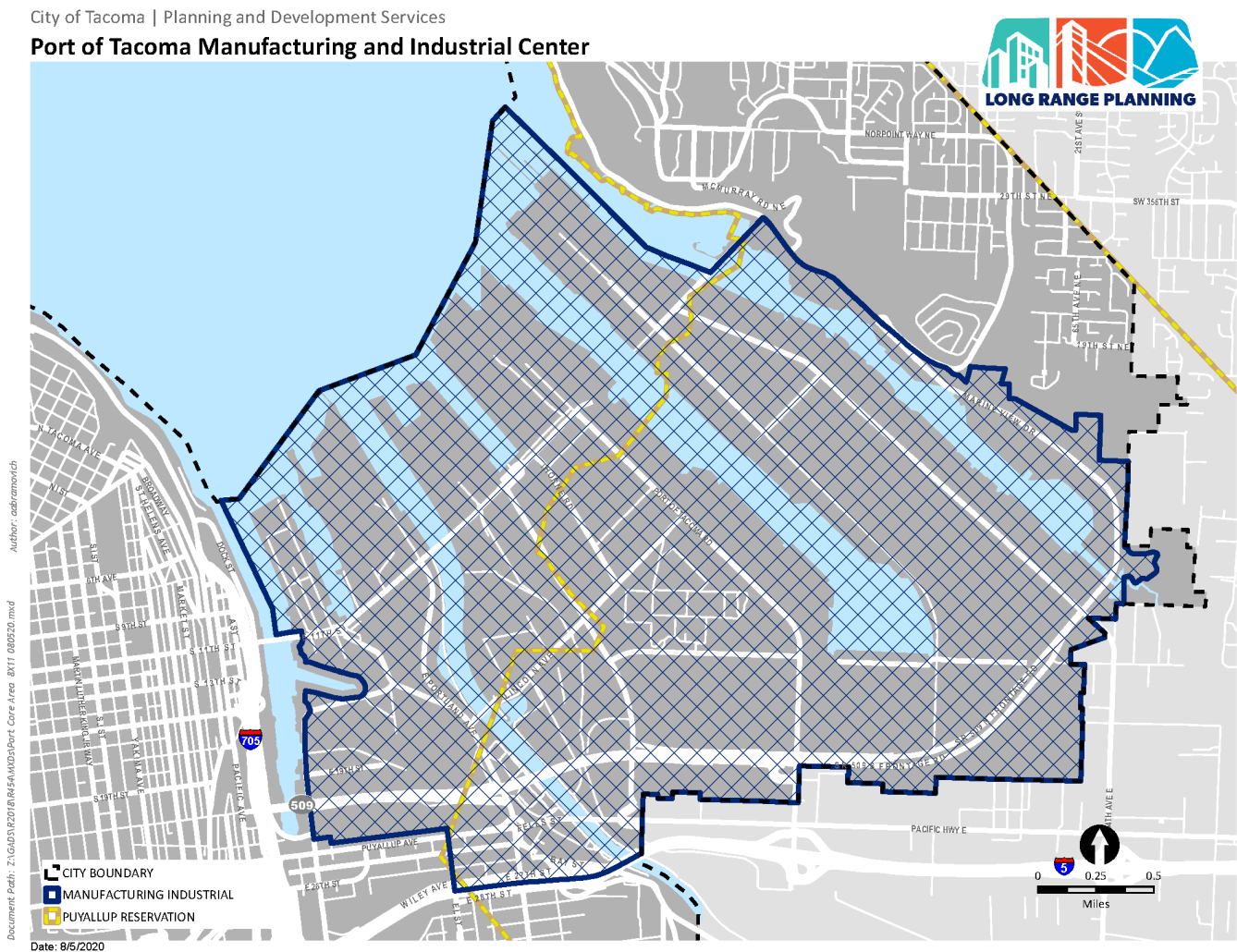
Exhibit B. Conversion of Industrial Lands

1. Issue Description

Regional and local policy supports the retention of industrial lands and directs local governments, particularly those with a designated regional Manufacturing and Industrial Center (MIC) and those planning under the Container Port Element of the Growth Management Act, to protect such lands from incompatible non-industrial uses. While the City established a Container Port Element in the One Tacoma Plan in 2014 for the area designated as a MIC, the City's zoning does not fully implement the policies articulated in that Element. As a result, if the baseline zoning were left in place, significant non-industrial uses could locate in the MIC thereby reducing the available land supply for industrial use and creating long-term conflicts with prioritized uses and activities. The purpose of this regulatory review is to bring the City's zoning districts into compliance with established policies and use preferences.

2. Area of Applicability

This regulatory review applies to the Port of Tacoma Manufacturing and Industrial Center as depicted in the map below:



Attachment B: Draft Exhibits

3. Proposed Code Amendments

Proposed Amendments to TMC 13.06.060.E Industrial Use District Use Restrictions

Use Category	Buffer Area		Core Area	
	M-1	M-2	PMI	
Agriculture	<u>CUN</u>	<u>CUN</u>	<u>N CU</u>	
Airport	<u>N CU</u>	<u>N CU</u>	<u>N CU</u>	
Commercial Recreation and Entertainment	<u>CU** P</u>	<u>CU* P</u>	N	<u>*Indoor only</u> <u>** Indoor and Outdoor</u>
Cultural Institution	<u>CU P</u>	<u>CU P</u>	N	
Dwellings	<u>CU* P</u>	N**	N**	*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
Golf Course	<u>N P</u>	<u>N P</u>	N	
Hospital	<u>CU P</u>	<u>N P</u>	N	
Juvenile Community Facility	<u>CU P</u>	<u>N P</u>	<u>N P</u>	
Marijuana Retailer	<u>P* P</u>	<u>CU* P</u>	<u>N P</u>	Limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.
Office	<u>P*</u>	<u>P*</u>	<u>CU*</u>	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 of floor area per development site in the M-1 District.
Parks, Recreation and Open Space – High Intensity/Destination Facilities	<u>CU** P</u>	<u>CU* P</u>	<u>N P</u>	<u>*Indoor only</u> <u>** Indoor and Outdoor</u>
Retail	<u>P*</u>	<u>CU* P</u>	<u>N P</u>	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 of floor area per development site in the M-1 District.
School, Public or Private	<u>CU P</u>	<u>N P</u>	<u>N P</u>	<u>General K-12 only</u>
Work Release Center	CU	<u>N CU</u>	<u>N P</u>	

Attachment B: Draft Exhibits

Proposed Amendments to TMC 13.05.010.A Conditional Use Permits

***New* Section:** TMC 13.05.010.A.26 Non-Industrial Uses in the Port of Tacoma MIC

a. In addition to the general conditional use criteria in TMC 13.05.010.A, non-industrial conditional uses in the Port of Tacoma Manufacturing and Industrial Center shall meet the following criteria. In consider conditional use permit applications, the City will consult with the Puyallup Tribe of Indians and Port of Tacoma to determine potential off-site impacts on port/industrial facilities and operations, and to identify appropriate mitigation measures.

- Location will not significantly interfere with container shipping facilities. Mitigation may be required to avoid and minimize disruptions to nearby industrial activity.
- Location is buffered from certain potentially high-risk industrial facilities.
- Use will incorporate design elements to reduce impact on employees and customers from adjacent or nearby industrial activities.

Exhibit C. Residential Encroachment

1. Issue Description

In 2014, the City adopted a Container Port Element in the Comprehensive Plan, consistent with Growth Management Act requirements. The policies in the Container Port Element called for buffers to limit encroachment of incompatible land uses on the Port of Tacoma Manufacturing and Industrial, specifically identifying slopes and other topographical features as natural buffers to be maintained. However, zoning and land use regulations for this area in NE Tacoma, were not amended to fully implement the adopted policies. Instead, the area remained zoned primarily for single family residential dwellings, with a 5,000 square foot minimum lot size. In the past the City had relied on market conditions to limit development – assuming that development on steep slopes would be infeasible. However, in recent years, new permit activity has been documented along the hillside and new housing developments were constructed contrary to established policy. The encroachment of residential uses, especially single family, on industrial areas can often create new impacts on both the residential communities resulting from noise, light and odor from industrial activities, and can likewise result in nuisance complaints or other interference with industrial activity. This review will consider limitations on new development along Marine View Drive and NE Tacoma to improve the long term interface between industrial and non-industrial uses.

2. Proposed Code Amendments

➤ **Proposed Amendment to TMC 13.06.070 Overlay Districts**

***New Section*:** [TMC 13.06.070.G Port of Tacoma Transition Overlay Zone](#)

[1. Applicability.](#)

[a. The Port of Tacoma Transition Overlay Zone applies to all residential platting, subdivision, and land uses within the district boundaries established herein:](#)

Attachment B: Draft Exhibits

d. Design. Residential development shall be designed to minimize disruptions to Port/industrial operations, including minimizing clearing and grading, driveways, and vegetation removal.

e. 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.

f. Notice on Title. As a condition of residential development, developers shall record a notice on title prior to initial sale which attests that the property is within proximity of the Port of Tacoma Manufacturing and Industrial Center, in which industrial activities, including container terminal facilities, are operating and will continue to operate and expand in the future. The distance of the unit from the Port of Tacoma Manufacturing and Industrial Center shall be recorded.

Exhibit D. Siting and Expansion of High Risk/High Impact Heavy Industrial Uses

1. Issue Description

Broadly, this review will consider the siting of specific potentially high risk/high impact heavy industrial uses. Current zoning and land use regulations consolidate a broad spectrum of industrial use and activity within a single heavy industrial use category despite a diverse differentiation of potential impacts and risks associated with such uses. In addition, current regulations permit heavy industrial use outright within the M-2 Heavy Industrial District and PMI Port Maritime Industrial District without special use standards tailored to address the disparate potential impacts of use and activity that fall under this category. This review will consider the compatibility of specific heavy industrial uses with the use priorities in the Port Tidelands as well as compatibility with environmental site context and surrounding land uses. The result of this review may be the establishment of more specific uses to be regulated under TMC 13.06 Zoning and Title 19 Shoreline Master Program.

2. Proposed Code Amendments

Proposed Amendments 1: Mining and Quarrying

➤ **Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:**

“Mining and Quarrying”

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. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction.

➤ **Proposed amendments to use tables in TMC 13.06.020.E Residential Districts, 13.06.030.E Commercial Districts, 13.06.040.E Mixed Use Districts, 13.06.060.E Industrial Districts, and Title 19 Shoreline Master Program Chapter 7.2 and Table 9-2.**

- All Districts: CU P*/N

*Existing surface mines permitted prior to (adoption date) are considered Permitted, subject to standards in TMC 13.06.080.O Surface Mining and all other applicable development standards. Otherwise prohibited.

Proposed Amendments 2: Smelting

➤ **Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:**

“Smelting”

Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base

Attachment B: Draft Exhibits

metals. This use category includes all smelting activities identified in NAICS codes 331411, 331313, and 331410.

- **Proposed amendments to use tables in TMC 13.06.020.E Residential Districts, 13.06.030.E Commercial Districts, 13.06.040.E Mixed Use Districts, 13.06.050.E Downtown, 13.06.060.E Industrial Districts, and Title 19 Shoreline Master Program Chapter 7.2 and Table 9-2.**
 - All Districts: Prohibited

Proposed Amendments 3: Coal Facilities

- **Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:**
“Coal facilities”
 - Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power, or for wholesale distribution.
 - Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.
- **Proposed amendments to use tables in TMC 13.06.020.E Residential Districts, 13.06.030.E Commercial Districts, 13.06.040.E Mixed Use Districts, 13.06.050.E Downtown, 13.06.060.E Industrial Districts, and Title 19 Shoreline Master Program Chapter 7.2 and Table 9-2.**
 - All Districts: Prohibited

Proposed Amendments 4: Chemical Manufacturing, Processing and Wholesale Distribution

- **Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:**
“Chemical Manufacturing.” The production, processing, and wholesale distribution of chemicals and allied products.
 1. “Production and processing:” Establishments primarily engaged in 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.
 2. “Wholesaling:” Establishments primarily engaged in the merchant wholesale distribution of chemicals and allied products (except agricultural and medicinal chemicals, paints and varnishes, fireworks, and plastics materials and basic forms and shapes).
 3. “Petrochemical Manufacturing:” Establishments primarily engaged in (1) manufacturing acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbons and/or (2) manufacturing cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons. NAICS 325110
 4. “Explosives Manufacturing:” Establishments primarily engaged in manufacturing explosives.

Attachment B: Draft Exhibits

5. “Fertilizer Manufacturing:” Establishments primarily engaged in one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing fertilizers from sewage or animal waste; (3) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; (4) mixing ingredients made elsewhere into fertilizers; and (5) formulating and preparing pesticides and other agricultural chemicals.

➤ **Proposed Amendments to TMC 13.05.010 Conditional Use Permits and Title 19 Chapter 2.1.7.f Shoreline Conditional Use Permits:**

New 13.05.010.A.23 Chemical Manufacturing, Processing, and Wholesale Distribution.

1. The Hearings Examiner will seek input from the Fire Chief, Tacoma-Pierce County Health Department, Puyallup Tribe of Indians, and any other subject matter experts necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.
2. 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, spill prevention, and other factors may be required;
3. The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety;
4. Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned.
5. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts.
6. The lot is located, and the use can be appropriately mitigated, to avoid any adverse impacts on HUD funding for affordable housing and community development in adjacent residential and mixed-use areas. The City will consider the methodology for Acceptable Separation Distances as published by the Department of Housing and Urban in determining appropriate separation distances and on-site mitigation measures.
7. All reasonable steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time;
8. All reasonable steps are taken to avoid, minimize, and compensate for adverse social and economic impacts, including impacts on recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
9. 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.

➤ **Proposed amendments to use tables in TMC 13.06.020.E Residential Districts, 13.06.030.E Commercial Districts, 13.06.040.E Mixed Use Districts:**

- All Districts: Prohibited

Attachment B: Draft Exhibits

➤ Proposed Amendments to use table in TMC 13.06.060.E.4 Industrial Districts Use Table and Title 19 Shoreline Master Program Table 9-2:

- Chemical Manufacturing, Processing, and Wholesale Distribution

- S-10 and S-13 Shoreline Districts: CU*/N~

*Primary uses are prohibited. Supportive water-dependent facilities may be permitted subject to a conditional use permit.

- Port Maritime Industrial District (PMI): P/CU**/N~

**A conditional use permit is required for the manufacture, processing, and wholesaling of hazardous materials as referenced in the City's Fire Code when a hazardous materials license is required, subject to criteria in 13.05.010.

Heavy Industrial District (M-2): CU/N**~P

~Prohibited in all districts: Petrochemical manufacturing, Explosives manufacturing, and Fertilizer Manufacturing

Proposed Amendments 5: High Impact Uses

➤ Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:

"High Impact Use"

Means any use where the business activity will result in the manufacturing, processing, storage, transshipment, or disposal of hazardous materials, as defined in the UN Hazard Classification System, when hazardous materials are present in quantities greater than 2,500 pounds of solids, 275 gallons of liquids, or 1,000 cubic feet of gas at any time.

➤ Proposed Amendments to TMC 13.05.010 Conditional Use Permits and Title 19 Chapter 2.1.7.f Shoreline Conditional Use Permits:

New High Impact Uses

1. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
2. 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;
3. 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
4. The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

➤ Proposed amendments to use tables in TMC 13.06.020.E Residential Districts, 13.06.030.E Commercial Districts, 13.06.040.E Mixed Use Districts, 13.06.050.E Downtown:

- All Districts: Conditional Use where the primary use is otherwise allowed.

➤ Proposed amendments to use tables in TMC 13.06.060.E Industrial Districts:

Attachment B: Draft Exhibits

- PMI District: Permitted.
 - M-2 and M-1: Conditional Use where the primary use is otherwise allowed.
- **Proposed amendments to Title 19 Shoreline Master Program Table 9-2:**
- All Districts: Conditional Use where the primary use is otherwise allowed.

Proposed Amendments 6: TMC 13.06.050 Downtown

➤ **Proposed Amendments to TMC 13.06.050.E District use restrictions.¹**

1. Downtown Commercial Core District (DCC).

- a. Preferred – retail, office, hotel, cultural, governmental.
- b. Allowable – residential, educational, industrial located entirely within a building.
- c. Prohibited – Light industrial uses not located entirely within a building and automobile service stations/gasoline dispensing facilities other than those noted in Section 13.06.050.E.7.

2. Downtown Mixed-Use District (DMU).

- a. Preferred – governmental, educational, office, residential, cultural.
- b. Allowable – retail, residential, industrial located entirely within a building.
- c. Prohibited – Light industrial uses not located entirely within a building, and automobile service stations/gasoline dispensing facilities, in addition to those noted in Section 13.06.050.E.7.

3. Downtown Residential District (DR).

- a. Preferred – residential.
- b. Allowable – retail, office, educational.
- c. Prohibited - industrial, other than those noted in Section 13.06.050.E.7.

4. Warehouse/Residential District (WR).

- a. Preferred – Light industrial located entirely in a building, residential.
- b. Allowable – retail, educational, office, governmental.
- c. Prohibited – uses can be found in Section 13.06.050.E.7.

5. University of Washington, Tacoma Campus: Management of landscaping, street trees, parking (including ADA parking), telecommunications, street design (including pedestrian streets), ground floor uses, streetscape design, light and glare, storm drainage, signage, etc., shall all be addressed on a campus-wide basis. Please refer to the Campus Master Plan.

6. Use Categories.

- a. Preferred. Preferred uses are expected to be the predominant use in each district.
- b. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.

¹ Code Reviser's note: Previously codified as 13.06A.050 (Additional use regulations); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28361 Ex. B; passed May 24, 2016: Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28230 Ex. E; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. G; passed Jun. 25, 2013: Ord. 28088 Ex. B; passed Sept. 25, 2012: Ord. 27539 § 21; passed Oct. 31, 2006: Ord. 27245 § 23; passed Jun. 22, 2004: Ord. 26556 § 28; passed Dec. 14, 1999.

Attachment B: Draft Exhibits

c. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

d. Conditional. Conditional uses may be allowed if specific criteria can be met.

7. The following uses are conditional in all of the above districts, unless otherwise specifically allowed:

a. High Risk Uses

8. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

a. Adult retail and entertainment.

b. Heliports.

c. Work release facilities.

d. Correctional and detention facilities.

e. Billboards

f. Drive-throughs not located entirely within a building.

8. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.080.N.

9. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.080.I.

10. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher and marijuana retailer).

Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.080.J. Marijuana producers, marijuana processors, and marijuana researchers shall be prohibited in all downtown districts.

11. Heavy industrial uses

12. Mining and Quarrying

Proposed Amendments 7: Major Fossil Fuel Facilities and Renewable Fuel Facilities

➤ **Proposed Amendments to TMC 13.01 Definitions and Title 19 Shoreline Master Program Chapter 10:**

"Facility Emissions" means greenhouse gas emissions associated with fossil fuel refineries, processing, or fossil fuel transshipment facilities based upon the refining and processing of fossil fuels located within the Port of Tacoma Manufacturing and Industrial Center.

"Fossil fuels" include coal, petroleum, crude oil, natural gas, oil shales, bitumens, tar sands, propane, butane, and heavy oils. All contain carbon and were formed as a result of geologic processes acting on the remains of organic matter. Renewable fuels are not fossil fuels.

"Fossil-Fuel Refinery" means a facility that converts crude oil and other liquids into petroleum products including but not limited to gasoline, distillates such as diesel fuel and heating oil, jet fuel, petrochemical feedstocks, waxes, lubricating oils, and asphalt. Activities that support refineries include but are not limited to: bulk storage, manufacturing, or processing of fossil fuels or by-products. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

"Greenhouse Gas Emissions" means gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,

Attachment B: Draft Exhibits

perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

“Lifecycle greenhouse gas emissions” means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

“Major fossil fuel facilities” means:

- Fossil fuel refinery;
- Terminals engaged in the bulk movement of fossil fuels (excluding railyards and marine fueling facilities);
- Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (i.e., liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (i.e., pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.
- Bulk storage and processing of one type of fossil fuel, or a combination of multiple types of fossil fuels, in excess of one million gallons.

“Renewable Fuel” means fuels that are synthesized from renewable energy sources, such as wind and solar, those approved by the US Environmental Protection Agency (EPA) Renewable Fuels Standard Program and hydrogen fuels (when produced with renewable processes), that result in a lifecycle greenhouse gas emission reduction of at least 50% or more under the Federal Clean Air Act, until such time as a state renewable fuel standard is adopted. Upon adoption of a state standard, the state standards will be used to define the use classification. Renewable fuels shall not include products produced from palm oil or other feedstocks that cannot be proven to reduce greenhouse gas emissions utilizing accepted methods of the Washington State Department of Ecology or US EPA.

“Renewable Fuel Production Facilities” means

- A Renewable Fuel Refinery: a facility that processes or produces renewable fuels, excluding Small Fossil or Renewable Storage and Distribution Facilities.
- Shipment and Trassshipment facilities: the process of off-loading of fuel materials, refined or unrefined, refinery feedstocks, products or by products, from one transportation facility and loading it onto another transportation facility for the purposes of transporting such products into or out of the City of Tacoma. Examples of transportation facilities include ship, truck, or freight car.
- Bulk storage of one type of renewable fuel, or a combination of multiple types of renewable fuels, in excess of two million gallons.

“Small Fossil or Renewable Fuel Storage and Distribution Facilities” means:

- Equipment and buildings used for purposes of direct sale or distribution to consumers of fossil fuels or renewable fuels, or

Attachment B: Draft Exhibits

- Accessory equipment that supplies fossil fuels or renewable fuels to an onsite allowed commercial or industrial operation, including facilities for vessel and vehicle fueling, and that does not meet the definitions of fossil or renewable fuel refinery, or fossil or renewable fuel transshipment facilities.

➤ Proposed Amendments to TMC 13.05.010 Conditional Use Permits and Title 19 Chapter 2.1.7.f Shoreline Conditional Use Permits:

New Major Fossil Fuel Facilities and Renewable Fuel Facilities

In addition to the general conditional use criteria, new or expansion of Major Fossil Fuel Facilities and Renewable Fuel Facilities must demonstrate the following:

1. There is a demonstrated significant local, state, or national need for the proposed use or activity;
2. There is no reasonable alternative to meet the public need for the proposed use or activity;
3. There will be no likely long-term significant adverse impacts to shoreline resources or uses or state waters;
4. All feasible steps are taken to avoid and minimize adverse environmental impacts.
5. All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
6. Compensation is provided to mitigate adverse impacts to shoreline resources or uses;
7. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts.
8. The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies.
9. Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
10. The proposed facility shall meet a minimum 50% reduction in lifecycle GHG per Clean Air Act at the time of occupancy and 80% reduction by 2050.
11. Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.

➤ Proposed Amendments to TMC 13.06.080 Special Use Standards and Title 19 Shoreline Master Program Chapter 7:

New Subsection: Major Fossil Fuel Facilities and Renewable Fuel Facilities

1. Applicability: The following standards apply to all existing or proposed Major Fossil Fuel Facilities and Renewable Fuel Production Facilities where allowed in the base zoning district.

2. Purpose: The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility

Attachment B: Draft Exhibits

expansion; to and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

3. Use Standards:

a. New major fossil fuel facilities are prohibited.

b. Existing major fossil fuel facilities, legally permitted at the time of adoption of this ordinance (REFERENCE), shall be considered permitted uses, subject to the following limitations:

(1) Expansion (non-capacity) of existing facilities. Existing uses may conduct repairs, improvements, maintenance, modifications, remodeling or other changes that do not demonstrably increase facility capacity, including but not limited to the following, provided that a conditional use permit is not required:

- Accessory and appurtenant buildings, and structures.
- Office space.
- Parking lots.
- Radio communications facilities.
- Security buildings, fire stations, and operation centers.
- Storage buildings.
- Routine maintenance and repair.
- Environmental improvements and other projects that are required on the subject site by federal, state, regional, or local regulations.
- Temporary trailers.
- Heating and cooling systems.
- Cable installation.
- Information technology improvements.
- Continuous emissions monitoring systems or analyzer shelters.
- Wastewater and stormwater treatment facilities.
- Replacement and upgrading of existing equipment.
- Safety upgrades.
- Any other non-capacity project that is necessary to the continued viability of a legally established use.

(2) Maintenance and repair: A Conditional Use Permit, 13.05.010.A.25, is required in the following circumstances:

- Replacement of any storage tank in excess of 1428 barrels (60,000 gallons, the SEPA threshold)
- Modification of any storage tank to change the type of fossil fuel stored in the tank.
- Replacement or other modification of any transshipment or transportation facility.

(3) Prohibited improvements:

- New driveways, private rail sidings, docks, piers, wharves and floats, or storage tanks.
- Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.

Attachment B: Draft Exhibits

- New refining or processing equipment and facilities, except for normal maintenance and repair.

(4) Projects are limited to property owned and occupied by the use as of {date}.

(5) Change of Use:

(a) An existing Major Fossil Fuel Facility may change use to a Renewable Fuel Production Facility, subject to a Conditional Use Permit.

(b) A change of use of a Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to a fossil fuel facility inside the boundary of an existing legal fossil fuel refinery requires a conditional use permit subject to CUP 13.05.010.A.25. Other changes of use from Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to fossil fuel facilities are prohibited.

4. Renewable Fuel Facilities are allowed, subject to a Conditional Use Permit and the criteria in 13.05.010.A.25.

5. New or expansion of existing Major Fossil Fuel Facilities and Renewable Fuel Facilities shall meet the following special use standards:

a. Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

(1) Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

(2) Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

(3) Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

i. Within the City of Tacoma;

ii. Within the Puyallup River Watershed;

iii. Within Pierce County;

iv. Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

b. The applicant shall provide annual reporting of the following:

- The number of vessel transfers of crude oil or other fossil or renewable fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting crude oil, fossil fuels, or renewable fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting fossil or renewable fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.

Attachment B: Draft Exhibits

Proposed Amendments 8: Zoning District Purpose Statements

➤ Proposed Amendments to TMC 13.06.060 Industrial Districts

A. Applicability.

The following tables compose the land use regulations for all districts of Section 13.06.060. All portions of Section 13.06.060 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.

B. Purpose.

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 context-sensitive industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

5. Expand and diversify employment opportunities.

6. Preserve an adequate supply of land for employment generating uses.

7. Protect industrial and manufacturing areas from encroachment while providing for reasonable transitions that ensure compatibility with surrounding areas.

C. 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 to ~~as a buffer between heavy industrial uses and less intensive commercial and/or residential uses, provide areas for light manufacturing, warehousing and a limited mix of commercial or civic uses that are complementary and not detrimental to either existing or proposed industrial uses, or neighboring commercial and residential districts. M-1 districts may be established in new areas of the City and is an appropriate zone to apply as a transition between heavy industrial districts and non-industrial areas. Development standards should ensure compatibility between the industrial operations therein and the existing activities and character of the community in which the district is located.~~ However, ~~†~~ This classification is only appropriate inside Comprehensive Plan areas designated for Light Industrial, medium and high intensity uses.

2. M-2 Heavy Industrial District.

This district is intended to allow ~~most~~ heavy industrial and manufacturing uses that can reasonably be accommodated without adverse impacts on the public's health, welfare, or safety. 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 Heavy Industrial~~ medium and high intensity uses.

3. PMI Port Maritime & Industrial District.

This district is intended to implement the use priorities of the Container Port Element of the Comprehensive Plan, specifically as they pertain to the Core Maritime Industrial Area, and to protect the long-term function and viability of the area. These use priorities include: Cargo port terminal, port-related container and industrial activity, compatible manufacturing, industrial-related office, cargo yard, warehousing, transportation facilities, and other similar uses.

~~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.

Attachment B: Draft Exhibits

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.

Proposed Amendments 9: Unlisted Uses

➤ **Proposed Amendments to use table in TMC 13.06.060.E.4 Industrial Districts Use Table**

Uses	M-1	M-2	PMI	Additional Regulations
Uses not prohibited by City Charter and not prohibited herein	N	N	CUP	



RESOLUTION NO. 40509

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE
2 AND MELLO

3 A RESOLUTION relating to the reality of climate change, and declaring that these
4 threats, while long-term, require immediate actions to minimize harm to
5 current and future generations and therefore constitutes a public
6 emergency; and expressing the City Council’s support of initiatives that
7 mitigate the impact.

8 WHEREAS, in 1984, the City was placed on the United States
9 Environmental Protection Agency’s National Priority List of contaminated sites as
10 one of the nation’s most polluted cities, and

11 WHEREAS the City recognized the clear threat posed to the community’s
12 long-term health and economic vitality by this pollution, and so courageously
13 committed to cleaning up its highly polluted lands, waters, and air, and

14 WHEREAS, in 2008, the City recognized the threat of climate change and
15 created a Climate Action Plan to begin the long process of addressing the
16 consequences presented by global climate change, and

17 WHEREAS, in January 2015, the City committed, in the vision of the
18 Tacoma 2025 Strategic Plan, to a high quality of life for all of its residents now and
19 across future generations, described by access to healthy, affordable housing;
20 sustainable transportation; a vibrant economy with a robust green jobs sector; a
21 rich multicultural community; and thriving ecosystems and green spaces in an
22 urban system developed through smart growth, and

23 WHEREAS, in 2016, the City adopted an Environmental Action Plan
24 outlining 67 actions to be taken by City government and the local community over
25
26

Attachment C: Resolution No. 40509



1 a five-year period, to become more environmentally sustainable and help respond
2 to climate change and its many adverse impacts to the community and improve our
3 overall environment, and

4 WHEREAS the Transportation Master Plan has adopted policies supporting
5 electrification, mode shift, and, more explicitly, reduction in greenhouse gas
6 emissions, and

7 WHEREAS, in 2015, the City Council adopted a new Comprehensive Plan,
8 *One Tacoma*, which included new and strengthened goals and policies pertaining
9 to the assessment of climate risks and pursuing measures to support adaptation,
10 mitigation of climate causing greenhouse gas emissions, and the promotion of
11 community resilience strategies, and

12 WHEREAS, despite the adopted policies of the City, additional actions are
13 needed to advance the necessary progress regarding actions on climate change,
14 and
15

16 WHEREAS, in April 2016, world leaders from 175 countries recognized the
17 threat of climate change and the urgent need to combat it by adopting the Paris
18 Agreement, and working to limit warming to no more than 1.5°C, and
19

20 WHEREAS, in 2018, the United Nations' Intergovernmental Panel on
21 Climate Change ("IPCC") warned that it would not be possible to meet the 1.5°C
22 goal unless global carbon levels were reduced 45 percent below 2010 levels by
23 2030, requiring an unprecedented transformation of every sector of the global
24 economy over the next 11 years, and
25
26



1 WHEREAS, in 2017, the Tacoma City Council enacted interim regulations
2 that temporarily prohibit new heavy industrial projects in the Port of Tacoma/
3 Tacoma Tide Flats subarea, and the temporary prohibition includes large fossil fuel
4 projects such as refineries and large storage facilities, and

5 WHEREAS, in 2018, the City entered into an Intergovernmental Agreement
6 with the Puyallup Tribe of Indians and the Port of Tacoma to develop new
7 permanent regulations for the Port of Tacoma/Tacoma Tide Flats subarea, with
8 one of the stated goals of this process being environmental remediation and
9 protection, and consideration of limitations on new or expanded large fossil fuel
10 projects will be part of that work, and
11

12 WHEREAS global temperatures having increased approximately 1.1°C
13 above late 19th century levels, demonstrating that climate change is causing
14 damage to the Earth as experienced by increased and intensifying wildfires, floods,
15 rising seas, diseases, homelessness, species extinctions, food and potable water
16 shortages, droughts, and extreme weather, and
17

18 WHEREAS unchecked climate change will bring evermore drastic decline to
19 the health and prosperity of future generations, particularly for the most vulnerable
20 communities, and
21

22 WHEREAS the longer we delay taking definitive action to reduce carbon
23 pollution, the greater the threat posed by climate change to current and future
24 generations and the more costly it will be to protect and maintain our community
25 from the impacts of climate change, and
26

Attachment C: Resolution No. 40509



1 WHEREAS the City cherishes its youth, who are the key to our community's
2 prosperity, and strives to engage them in decisions being made right now,
3 including through the establishment of the Mayor's Youth Commission, in an
4 ultimate effort to empower them to follow their dreams and live prosperously, and

5 WHEREAS City leaders have seen, time and again, that seemingly
6 impossible challenges can be met when the will of the community is mobilized, and

7 WHEREAS restoring a safe and stable climate requires "Climate
8 Mobilization" across all of our society, including all levels of government and
9 across all economic sectors, including agriculture, manufacturing, transportation,
10 and energy production at a speed and scale not seen since World War II to reach
11 zero greenhouse gas emissions, to rapidly and safely drawdown excess carbon
12 from the atmosphere, and

13
14 WHEREAS building capacity and initiating dialogue with other organizations
15 will be integral to the City's goals related to greenhouse gas reduction, and

16
17 WHEREAS this Resolution is not intended to supplant any City purchasing
18 policies, and

19
20 WHEREAS our community is blessed with Tacoma Power's 98 percent
21 carbon-neutral and affordable electricity to light and heat our buildings and power
22 our economy and transportation, and provides us with leverage points to meet
23 these extreme challenges, and

24
25 WHEREAS Tacoma Power is already committed to achieving the
26 requirements in the Washington State Clean Energy Transformation Act ("CETA"),



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including 100 percent carbon-neutral electricity by 2030 and 100 percent carbon-free electricity by 2045, and

WHEREAS Tacoma Power is committed to achieving the low income and vulnerable communities provisions required under CETA, and

WHEREAS the City’s 2016 Greenhouse Gas inventory identifies our use of fossil fuels for transportation such as commuting, commercial trucking, and other freight transport as our largest component of carbon emissions, comprising over 70 percent of Tacoma’s overall community greenhouse gas emissions, and

WHEREAS Tacoma can be the catalyst and proving ground for widespread, economy-wide transformation to a clean energy economy through investment and development of clean, alternative fuel technology, and

WHEREAS transition to a climate-safe future requires the need for full community participation, inclusion, and support, and recognizes that the residents of Tacoma, particularly frontline communities and community organizations, including communities of faith, youth, organized labor, business, academic institutions, homeowners’ associations, and environmental, economic, racial, gender, family and disability justice, indigenous, immigrant, and women’s rights organizations and other such allies, will be integral to and in the leadership of the mobilization effort, and

WHEREAS, on September 20, 2019, the City’s youth and young adults joined with their companions around the world to call for a global climate strike and greater, more urgent climate leadership from their elected officials and public institutions, and



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WHEREAS the Puyallup Tribe of Indians is also expected to declare a climate emergency, and this Resolution affirms our mutual interests to address a regionally comprehensive and coordinated effort to combat climate change, and

WHEREAS each generation has a duty to leave a sustainable and healthy planet for future generations; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City declares that our city, region, state, nation, civilization, humanity, and the natural world are experiencing a climate emergency, and the City Council hereby expresses its support for initiatives to foster a Citywide climate emergency mobilization effort to combat global warming that will result in the goal of a just transition to a carbon-neutral economy and accelerate adaptation and resilience strategies in preparation for intensifying climate impacts.

Section 2. That the City Manager will work with the Office of Environmental Policy and Sustainability (“OEPS”) to develop an updated Environmental Action Plan (“EAP”) by April 22, 2021. The EAP shall outline a pathway to reaching the City’s carbon reduction goals by 2050, and, at a minimum:

- Establish the feasibility, cost, timeline, performance targets, scope, strategy for implementation, and specific actions for reaching greenhouse gas (“GHG”) reduction goals, which also addresses the City’s transportation infrastructure. To demonstrate the City’s commitment to leading by example to the broader Tacoma community and addressing the emergency declaration as stated in this Resolution, the City Manager will conduct an organization-wide assessment of the City’s current GHG emissions and set ten-year reduction targets through the year 2050 with an aspirational aim toward making City operations carbon-neutral by 2050. Progress toward these targets shall be shared with the City Council as part of the EAP reporting process, along with information as to any barriers to achieving the ten-year targets and what action steps will be taken



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by the City Manager to address those barriers. The community goals include an 80 percent GHG reduction by 2050. These goals shall be published in the One Tacoma Comprehensive Plan, including the Transportation Master Plan, which may include a new Climate element that incorporates these goals and key strategies;

- Include actions that support goals of the One Tacoma Comprehensive Plan and other relevant planning and policy documents;
- Commit to equity and social justice playing an integral role in all phases of the EAP;
- Support and develop community environmental justice leaders by building capacity among youth and young adults and in marginalized communities to shape and implement climate change solutions;
- Create an Environmental Justice Leadership Workgroup that engages and collaborates with community members and those most burdened by environmental impacts to participate in the update of the City's EAP; and
- Include a green economy section that will define actions and targets to assist existing Tacoma businesses with sustainability actions, attract and retain carbon-neutral and climate friendly businesses, increase the number of living wage jobs, and provide a just transition for the workforce into the next generation of sustainable manufacturing and construction jobs.

Following completion of the updated EAP, the City Manager will work with OEPS to develop a plan for ongoing staff training on the latest climate science, the ten-year reduction targets, and other changes to the EAP as deemed appropriate by the City Manager.

Section 3. That the City Manager shall establish a method by which the quantity and type of fossil and bio-fuels produced, refined, stored in, and distributed through the City of Tacoma can be determined, and periodically reported. The City Manager should further establish a method to gather information on specific fossil fuel facilities in the City of Tacoma, including changes of ownership, mergers and acquisitions, investor presentations and reports, or any



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other public information that may indicate a facility's interest or intent to expand in the future, taking into account broader market trends in oil and gas refining and export in the Pacific Northwest. If this method does not require the consideration of additional City Council legislation, the method will be implemented and the data furnished to the City Council on a periodic basis, depending on the frequency of availability of data.

Section 4. That the City Manager will review the reporting structure of OEPS to better collaborate with all City departments and initiatives to address shared responsibilities, seriousness, and urgency for climate action, and report back to the City Council by March 31, 2020, with those recommendations.

Section 5. That the City Manager, in coordination with Tacoma Public Utilities, shall identify and propose to the City Council and Public Utility Board sustainable funding mechanisms for actions prescribed in the EAP which are determined practicable by the City Council, which may include, but are not limited to, smart growth strategies, building electrification, sustainable transportation systems, green jobs with living wages, community development strategies that uphold culture and equity, urban tree canopy, and Tacoma's air, water, and lands.

Section 6. That the City Manager is directed to coordinate with Tacoma Public Utilities to establish a training plan for all City department directors regarding climate science and equity to ensure awareness for how climate change impacts the delivery of services to the public and capital improvements by March 31, 2020. The training shall occur in the interim prior to completion of the updated EAP.

Attachment C: Resolution No. 40509



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Section 7. That the City Manager is directed to coordinate with the community and partners, including artists, students, and justice organizations who care for and protect the earth, to celebrate the most diverse global mobilization in defense of the environment in world history and in honor of Earth Day's 50th anniversary on April 22, 2020.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Non-Interim Tideflats and Industrial Land Use Regulations

Planning Commission
2.03.2021



STEPHEN ATKINSON
PRINCIPAL PLANNER

MEETING PURPOSE

Requested Action: Release draft code for public review; set a public hearing for March 3, 2021 at approximately 5:30 PM and accept comments through March 8, 2021.

In support of the request:

- Summary of process to date
- Introduce the new topic for consideration
- Discuss early findings from the Fossil Fuel Study
- Next Steps

PREVIOUSLY REVIEWED - CONTEXT

- Scoping Period
- Legislative background
- Pertinent policies re: economy, environment, use, life safety
- Heavy Industrial Use Category
- South Tacoma Context
- Tideflats Context
- Listening Session

PREVIOUSLY REVIEWED – CODE DEVELOPMENT

- **Permit Notification**

- 2500' from MIC Boundary
- Include occupants
- Other cleanups

- **Conversion of Industrial Lands**

- Utilize core/buffer areas to structure code
- Prohibit certain non-industrial uses
- Conditional Use permits for certain uses and transition areas
- Conditional Use criteria

- **Residential Encroachment**

- Overlay District
- Two boundary adjustments
- Minimum lot size approach

PREVIOUSLY REVIEWED – HEAVY INDUSTRIAL USES

- Mining and Quarrying – Prohibit citywide
- Smelting – Prohibit citywide
- Coal facilities – Prohibit citywide
- Chemical Manufacturing –
 - Prohibit certain uses citywide
 - Prohibit primary uses in shoreline
 - PMI – Conditional Use for hazardous materials production and processing
 - M-2 – Conditional Use
 - M-1/ WR – Prohibit Heavy Industrial Use, allow Light Industry

NEW TOPIC: OIL AND LIQUEFIED FOSSIL FUELS

Presentation:

- Policy Framework
- Proposed code
- Fossil fuel trends and existing businesses

Other materials in packet:

- Permit activity during the interim period
- Overview of existing businesses and fuel users
- EPA Renewable Fuel Pathways
- Greenhouse Gas Targets and Forecasting
- Recent state permit decisions
- Climate Emergency Resolution

POLICY FRAMEWORK

- **Magnuson Amendment**
- **Ocean Resources Management Act**
- **Shoreline Management**
- **Resolution No 40509 – Declaring Climate Emergency**

2017 INTERIM ORDINANCE

Baseline Code:

- Heavy Industry allowed outright in PMI, M-2, S-10 Zoning Districts
- Refineries and processing prohibited in South Tacoma Groundwater Protection District

Planning Commission Interim Recommendation:

- New Uses Prohibited
- Existing uses:
 - Expansion up to 10% of storage, production, or distribution capacity
 - Subject to conditional use permit

City Council Amended Ordinance:

- Applied only to new uses; no restrictions on existing facilities

STARTING POINT FOR CODE DEVELOPMENT

1. Lessons from Listening Session
2. Support transition to renewable fuels
3. Avoid cumulative impact of substantial new development, and associated risks
4. Minimize economic impacts, support appropriate new economic development
5. Keep it simple, predictable
6. Administrable
7. Follow existing frameworks, targets where feasible

PROPOSED CODE FRAMEWORK

- DEFINITIONS

Major Fossil Fuel Production Facilities:

- Refining, natural gas processing, terminals, storage of more than 1,000,000 gallons

Renewable Fuel Production:

- Based on EPA pathways, potential state legislation, must achieve 50% reduction in GHG

PROPOSED CODE FRAMEWORK

- NEW AND EXPANSION

Major Fossil Fuel Facilities:

- New Facilities: Prohibited
- Expansion:
 - Capacity expansions prohibited (docks, rail sidings, storage, refining, and driveways)
 - Non-capacity expansions allowed

Renewable Fuel Production:

- New use and expansion is allowed as a conditional use

PROPOSED CODE FRAMEWORK

- SPECIAL USE STANDARDS

Greenhouse gas emissions and mitigation:

- Applies to fossil fuel and renewable fuel production facilities
- Assess facility emissions and mitigate impacts

Reporting:

- Document and describe products, volumes, destinations
- Vessel, rail, truck modes of transport
- Facility emissions

PROPOSED CODE FRAMEWORK

- CONDITIONAL USE CRITERIA

Criteria:

- Demonstrated need;
- No reasonable alternative;
- No likely long-term significant impacts to shoreline resources, uses, or waters;
- Avoid and minimize impacts, prior to compensation;
- No increased risk of spill – must provide spill plan;
- Performance bonding for failure incidents and decommissioning;
- Must show 50% reduction in lifecycle GHG, plus 80% reduction by 2050.

PROPOSED CODE FRAMEWORK

- ZONING DISTRICT INTENT STATEMENTS

1. **PMI:** Expressly cite the Container Port Element and established use priorities (not ALL uses are equal);
2. **M-2:** Acknowledge continued need to ensure health, welfare and safety of surrounding areas;
3. **M-1:** Discuss role of the district as transition and ensure compatibility between heavy industry and non-industrial areas.

PROPOSED CODE FRAMEWORK

- EXAMPLE

Seaport Sound Terminal in the past 3 years:

- Doubled the number of rail car handling
- 14% increase in bulk storage

Staff findings:

- All of these improvements increase capacity of the facility (though not necessarily actual throughput);
- All of these improvements would be prohibited by proposed code (unless supporting renewable fuels);
- Absent these improvements, throughput could still increase and demand could be met from other suppliers

ALTERNATIVES

Minor Expansions: Allow existing major fossil fuel facilities to expand capacity

- Overall expansion limit
- Based on % increase or absolute volume increase

Major Facility Definition:

- 1,000,000 gallons of storage -
 - Example: Pacific Functional Fluids is about 1,000,000 gallons
- Does not include vessel fueling facilities



NEXT STEPS

1. Impacts and compatibility: Staff will reach out to adjacent and affected jurisdictions
2. SEPA: Berk team will support environmental review
3. Submit Draft Code to Ecology for State Review
4. Public Comment Map (currently active)
5. Health, Equity, and Sustainability Review
6. Takings Review
7. Fossil Fuel study

Tacoma Fossil Fuels Study

Draft – February 3, 2021

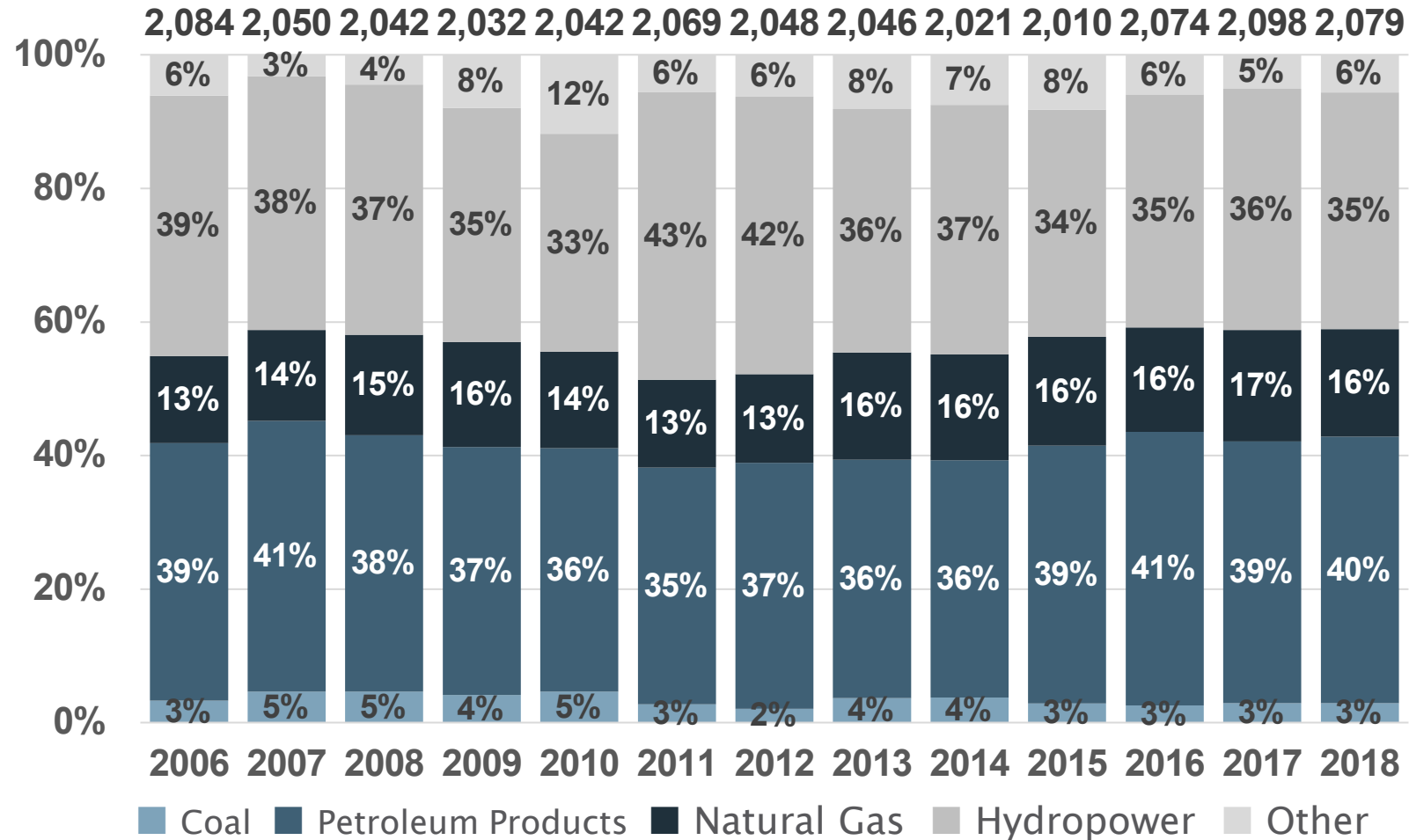


Introductions

- Who we are
- Please keep in mind questions that will guide next steps:
 1. What information do you need?
 2. What will help you most to make a recommendation?

Energy Consumption in WA State

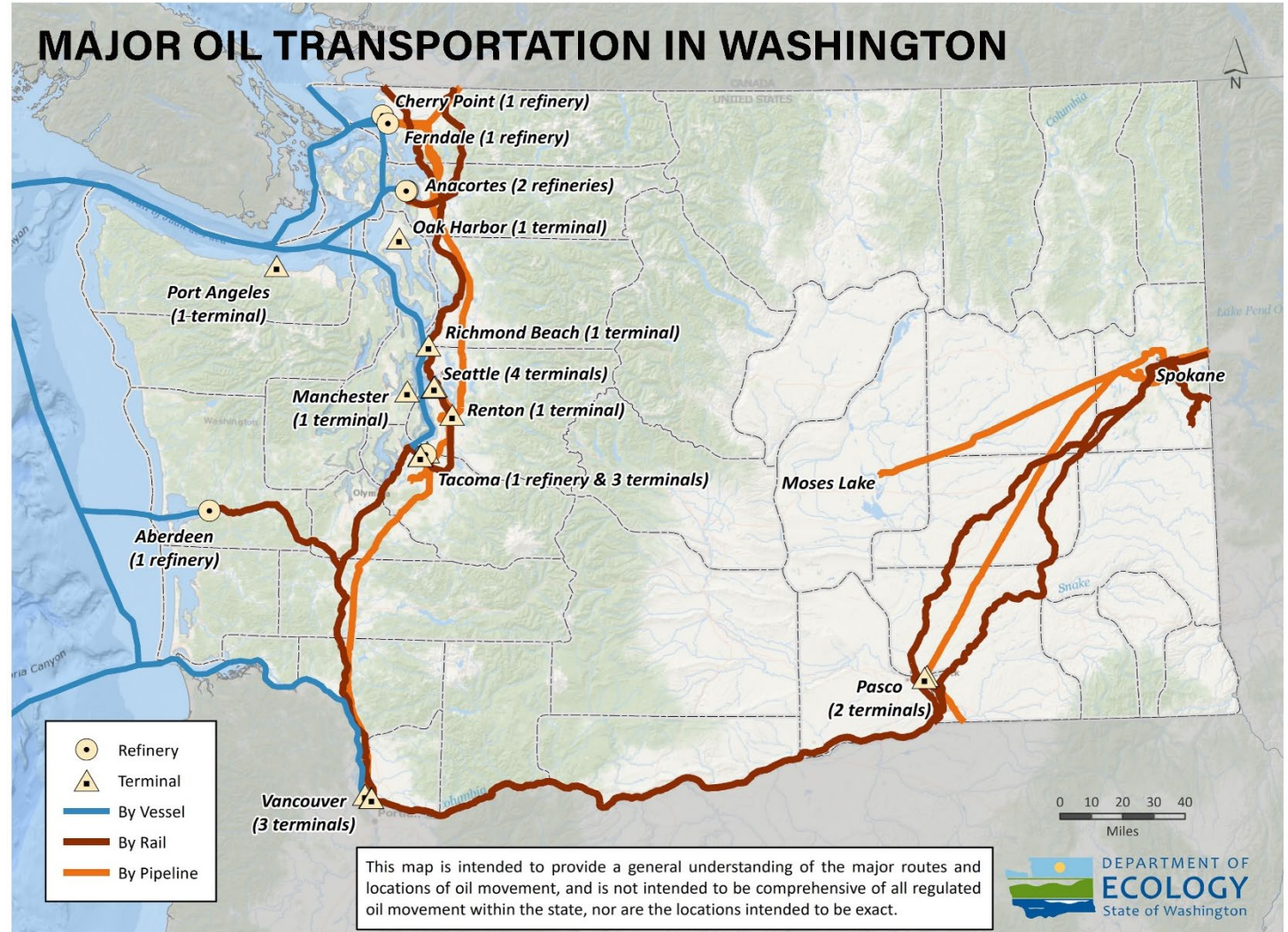
Share of Total Energy Consumption for WA State by Source (in trillion BTUs)



Sources: U.S. Energy Information Administration, 2018; BERK, 2021.

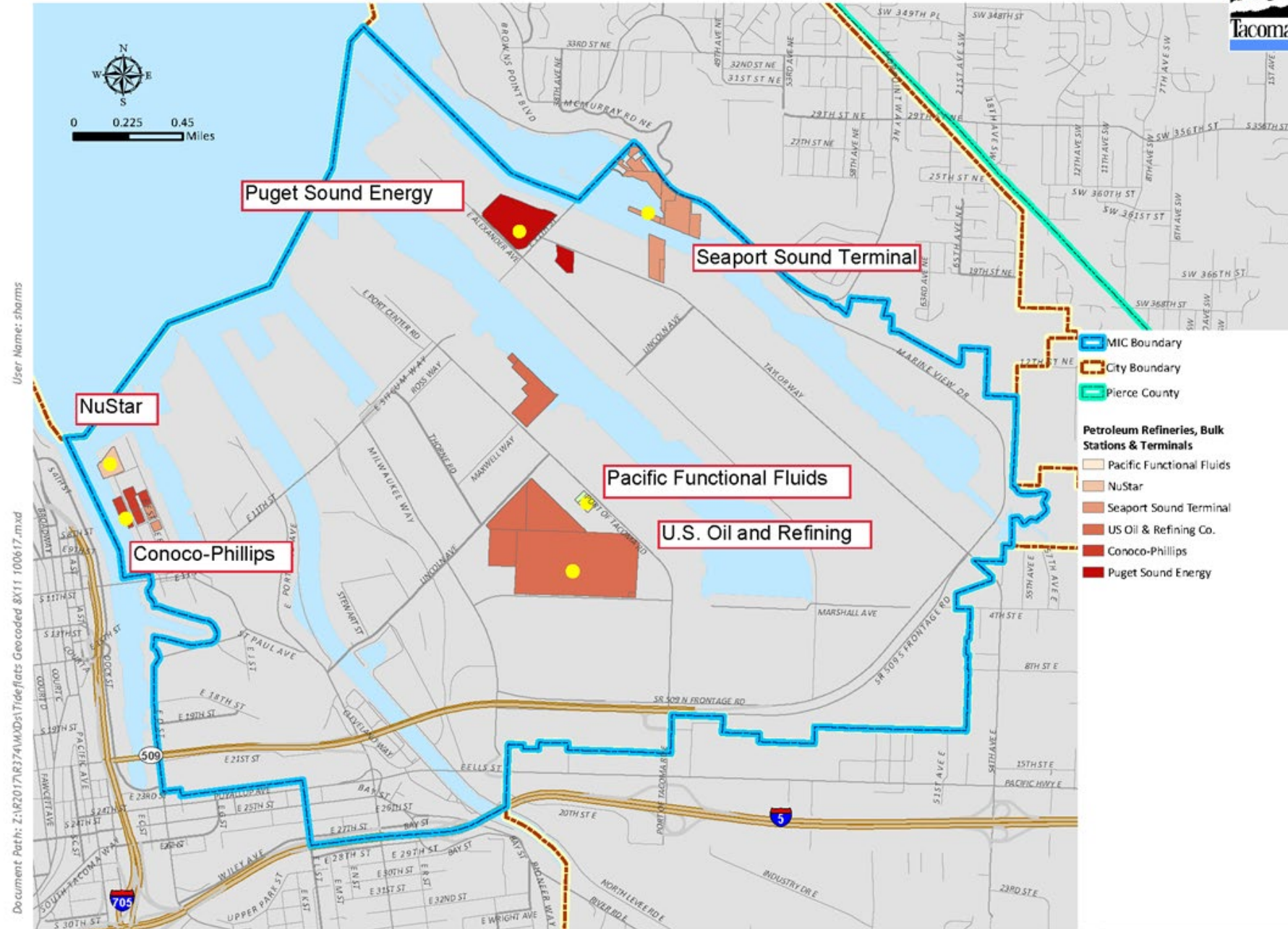
Oil Movement and Infrastructure in WA State

- Eastern WA has no refineries and is supplied by pipelines from Utah
- Western WA is primarily supplied by the state's five refineries or from marine tanker deliveries from other domestic and foreign sources.
- The state's refineries are supplied with crude oil by pipeline, rail, and marine vessels.
 - By marine → Alaska
 - By pipeline → Canada
 - By train → North Dakota, Wyoming, Canada
- In recent years, several proposed new oil facilities have been pursued and subsequently abandoned in Vancouver, Grays Harbor, and Anacortes in the face of public opposition.



Note: The refinery located in Aberdeen is a biodiesel plant and not a petroleum refinery
Source: Department of Ecology, 2019.

Fossil Fuel Facilities in Tacoma's Tideflats



User Name: sharms

Document Path: Z:\R2017\6374\MapDocs\Tideflats Geocoded 8X11 100617.mxd



Summary of Facilities in the Tideflats

Within the Tideflats, there are six fossil fuel storage, refinement, or processing facilities. These facilities have a maximum storage capacity of nearly 5.2 million barrels in fossil fuels and a production capacity of around 47,000 barrels per day.

Name	Type	Storage Capacity (Barrels)	Production Capacity (Barrels/ day)
Par Pacific*	Refinery	2,800,000	40,700
Seaport Sound Terminal	Terminal	1,500,000	-
NuStar	Terminal	370,000	-
Conoco-Phillips	Terminal	300,000	-
Pacific Functional Fluids	Terminal	25,000	-
PSELNG Facility**	LNG Facility	190,000	6,000
TOTAL (Barrels)		5,185,000	46,700
TOTAL (Thousand Barrels)		5,185	47

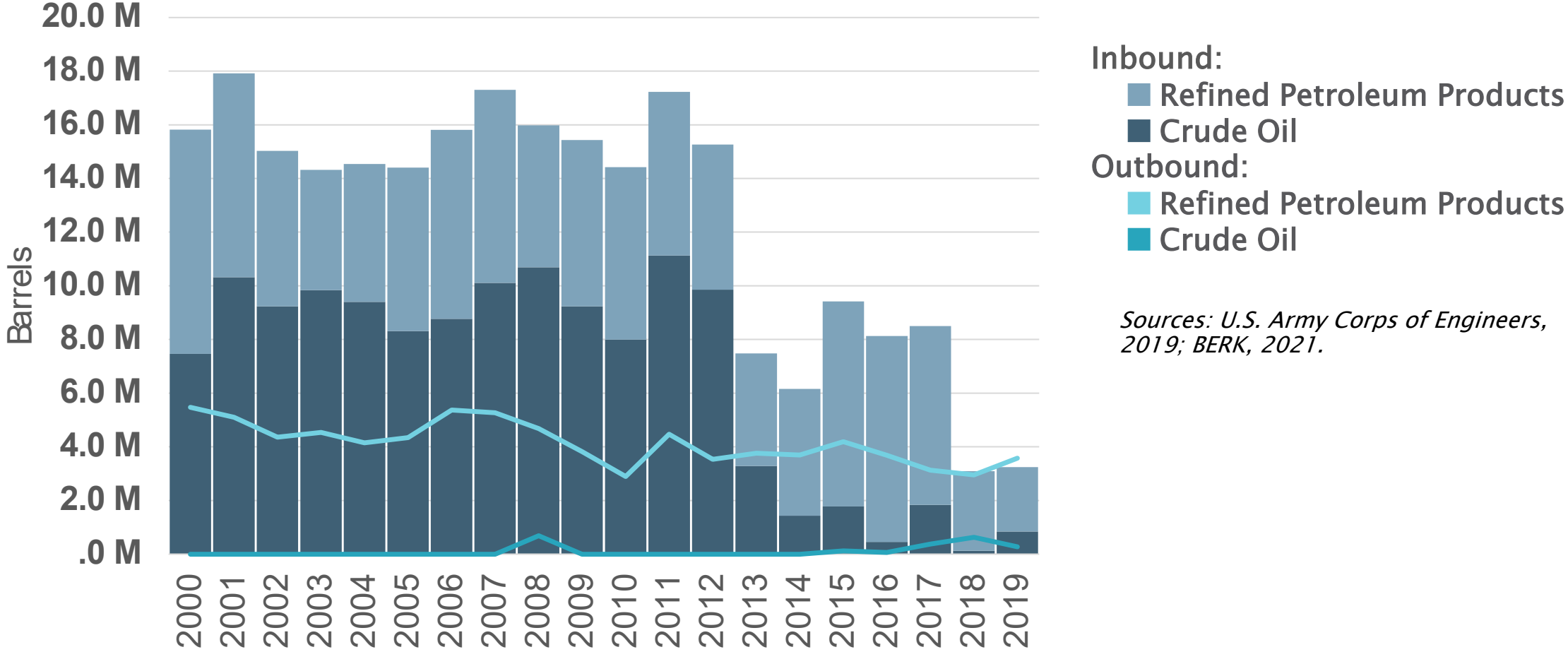
Note: Storage capacity for Seaport Sound Terminal is self-reported. LNG capacity is converted from gallons based on the conversion of 42 gallons per barrel.

Sources: U.S. Energy Information Administration, 2020; BERK, 2021.

* formerly known as U.S. Oil and Refining

** pending - under construction

Crude Oil & Refined Petroleum Products, Inbound and Outbound at Port of Tacoma (by water)

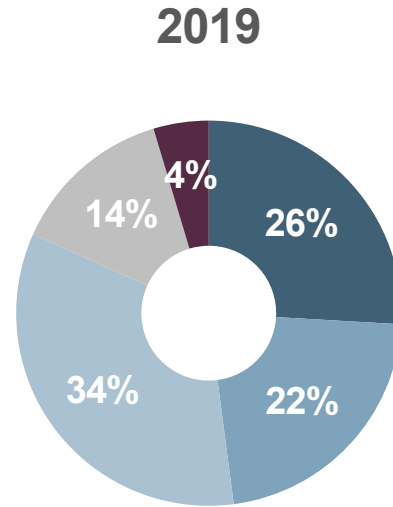
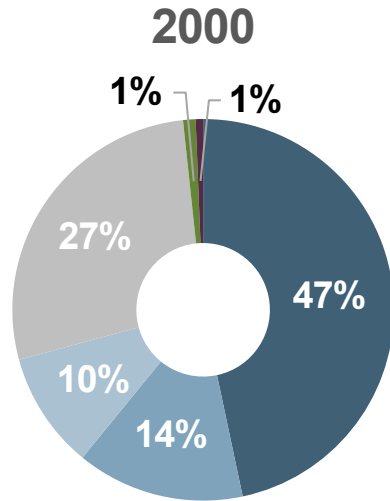


Sources: U.S. Army Corps of Engineers, 2019; BERK, 2021.



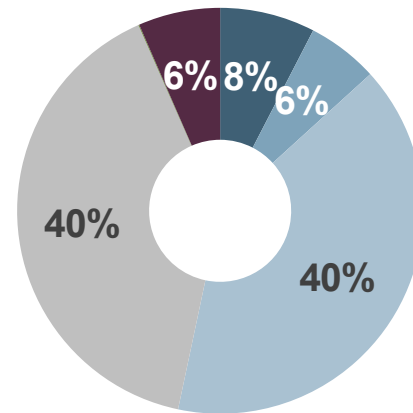
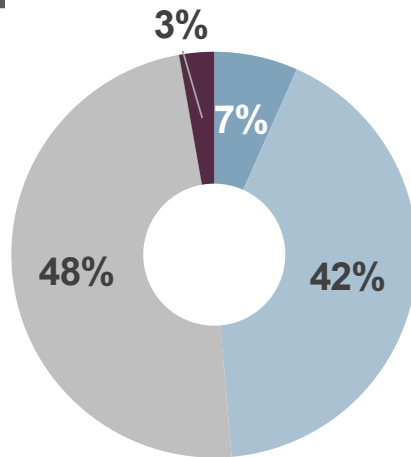
Crude Oil & Refined Petroleum Products by Type – Port of Tacoma (by water)

Inbound



- Crude Oil
- Gasoline
- Distillate Fuel Oil
- Residual Fuel Oil
- Coal, Lignite, & Coal Coke
- All Other Petroleum Products

Outbound

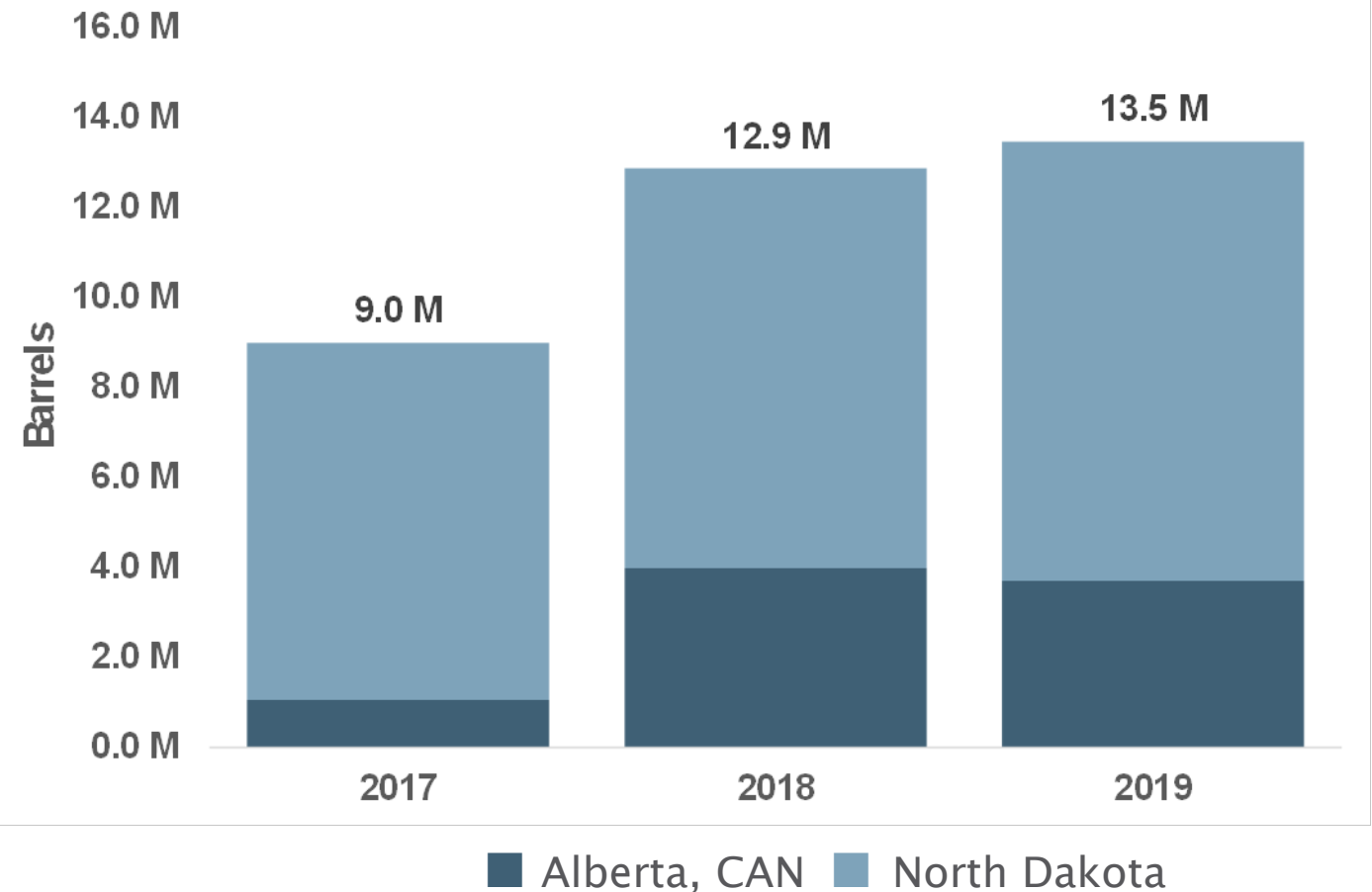


Sources: U.S. Army Corps of Engineers, 2019; BERK, 2021.

Crude Oil Inbound (by Rail)

- Crude oil movement via rail has increased to Tacoma in recent years
- Oil transfers are primarily originating in North Dakota, though rail shipments from Alberta have become more significant in 2018 and 2019
- Par Pacific and Seaport Sound Terminal as well as the Conoco-Phillips facility are accessible by rail
- The Par Pacific refinery has a maximum annual operable capacity of processing around 15 million barrels

Crude Oil Transfers to Tacoma, by Rail, 2017–2019



Note: Data is preliminary and is pending verifications with DOE

Sources: Department of Ecology, 2019; BERK, 2021.

Next Steps

- Continued baseline data analysis and collection
 - Pending data requests with ECY and DOL
- Interviews with representatives of Tideflats facilities
- Estimate economic impact analysis of Tideflats facilities

Questions for Commission:

1. What information do you need?
2. What will help you most to make a recommendation?

REQUESTED ACTION:

1. Release for public review:

- Set a joint public hearing for March 3, 2021 at 5:30 PM with Department of Ecology;
- Release documents for public review and accept comments through March 8, 2021.

2. Set a special meeting for March 31, 2021 for recommendation.

3. Guidance on data and analysis for post-public hearing discussion.