



## **PORT OF TACOMA COMPREHENSIVE SCHEME OF HARBOR IMPROVEMENTS Revised and Amended December 21, 2017**

### **I. What is a Comprehensive Scheme of Harbor Improvements?**

#### **Historical Background**

Washington State's ports provide diverse economic development opportunities ranging from recreational marinas to international shipping terminals. Regardless of a port's physical size or function, each and every port was created by the same process as directed by the Revised Code of Washington (RCW). This process was first established in 1911 granting local citizens the ability to create and manage public port districts for the movement of goods and cargo. With the legislation enacted, citizens could then elect commissioners to administer their port districts and oversee development and operations. This process made Washington state ports public, thereby elevating each port's accountability to the people it serves and endowing each district with the expectation that it become an economic driver in its community and region.

Subsequent legislation granted authority to port districts to pursue industrial development, operate marinas, docks, airports, railroads, recreational facilities and promote tourism. This allowed for port districts to take a long view and invest in economic activities that would unlikely be developed or improved if left entirely to the private sector. Ports also can develop the infrastructure necessary to attract job-creating businesses. This infrastructure includes waterways, roads, rail, utilities and other such facilities. Port-owned properties and facilities are often leased by the port to private-sector businesses that generate jobs in the community.

The codified requirements that relate to port districts have evolved from the original 1911 legislation. The original intent of Comprehensive Scheme of Harbor Improvement (CSHI) was to require the Port commission, prior to entering into any scheme of improvement, to place before people the actual plan disclosing with reasonable definiteness the character and costs of any planned improvements. Later, this requirement was relaxed to require public notice and hearing prior to a vote of the Port Commission's vote and adoption of a comprehensive scheme of harbor improvements, which set forth in general terms the Port's planned improvements. The Port of Tacoma believes this intent still holds true today, and is the motivation for this document's creation and future amendments.

Comprehensive Schemes of Harbor Improvements (CSHI) vary considerably from port to port. In surveying available documented CSHIs for Washington ports, one will likely find an original resolution defining a geographic area within which facilities development and industrial improvements are specified. As the port grows, this Comprehensive Scheme of Harbor Improvements is generally amended to expand the description of both the Port's planned improvement projects, and the geographic limits of development needed to support improvement projects. Often, the Comprehensive Scheme of Harbor Improvements is merely a comprehensive listing of resolutions amending the port district's development area and narrative descriptions outlining in a general way improvements the port intends to make within that district. The specific requirement that all port districts are to follow is located in state statute, Chapter 53.20 RCW. Nothing in the statutory language specifies the required length, content, or title of the comprehensive scheme. The Washington Supreme Court has interpreted the statute and held that the legislative purpose of RCW 53.20.010 is to give the taxpayers a fairly

detailed picture of what the port will do with .land if and when it is acquired, and [to inform] the taxpayers of the manner and purposes for which their money will be spent<sup>1</sup>.

Washington Courts also have reviewed the level of detail necessary to satisfy the statute's purpose of providing notice to the public of planned port actions. While the Court has rejected a mere recitation of the Port's general powers as insufficient, the Washington State Supreme Court also has ruled that a document, or a set of documents, and/or documents not necessary entitled as a "comprehensive scheme of harbor improvements" satisfies the statute's requirement.<sup>2</sup>

More recent decisions agree that compliance was achieved by adoption of Master Plans, Plans which gave "reasonably detailed pictures of what the Port intended to do", and plans that "fairly informed voters of nature and extent of proposed improvement", but which did not include "such detail as necessary for final construction of improvement". *Port of Seattle v. Certified Mfg. Co.* (1965) 66 Wash.2d 598, 404 P.2d 25. Thus the statute and case law allows a port commission considerable discretion in the creation of a comprehensive scheme of harbor improvements.<sup>3</sup>

The specific chapters, plus the associated Chapter 53.25.090, are highlighted below:

**53.20.010 Adoption of Harbor Improvement Plan.**

*It shall be the duty of the port commission of any port district, before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvements in the port district, after a public hearing thereon, of which notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the port district, and no expenditure for the carrying out of any harbor improvement shall be made by the port commission other than necessary salaries, including engineers, clerical and office expenses of the port district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of the general scheme of harbor improvements in the port district, unless and until the comprehensive scheme of harbor improvements has been so officially adopted by the port commission.*

**53.20.020 Improvement to Follow Plans Adopted.**

*When such general plans shall have been adopted or approved, as aforesaid, every improvement to be made by said commission shall be made substantially in accordance therewith unless and until such general plans shall have been officially changed by the port commission after a public hearing thereon, of which at least ten days' notice shall be published in a newspaper in general circulation in such port district.*

**53.25.090 Conditions precedent to making improvements.**

*No expenditure for improvement of property in an industrial development district, other than the expense of preparing and submitting a plan of improvement shall be made by a port district, and no property shall be acquired by it therefore except as*

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<sup>1</sup> *Hutchinson v. Port of Benton*, 62 Wn.2d 451,457,383 P.2d 500 (1963).

<sup>2</sup> *Port of Everett v. Everett Imp. Co.* (1923) 124 Wash. 486, 214 P. 1064,

<sup>3</sup> *In Re: the Matter of the Recall of PAUL TELFORD and BILL McGREGOR, Port of Olympia Commissioners*, 166 Wn.2d 148, 206 P.3d 1248 (2009).

*provided for hereinbefore until it has been made a part of the comprehensive scheme of harbor improvements and industrial developments or amendments thereto.*

*That said comprehensive scheme or amendments thereto shall provide for the development or redevelopment of those marginal lands acquired and a provision for the continuing of the land uses which are hereby declared to constitute public uses and the purposes for which public moneys may be advanced and provide property acquired.*

### **Comprehensive Scheme is Not a GMA Comprehensive Plan or GM Planning Tool**

The Port of Tacoma is a dynamic and vibrant industrial employment center, which expects to grow and evolve. The Port is not however an agency required to create land use plans pursuant to the state's planning law, the Growth Management Act "GMA." The state GMA governs various land use planning requirements to which certain cities and counties (general purpose government agencies) must adhere. A port Comprehensive Scheme thus should not be confused with GMA's requirement for a Comprehensive Plan. Instead Port growth continues to occur under the umbrella of existing general purpose government land use laws and regulatory requirements such as:

- Local zoning
- State Environmental Policy Act (SEPA)
- Shoreline Management Act (SMA)
- Growth Management Act (GMA), including
  - Container Port Element required by GMA and as adopted in collaboration with the City of Tacoma
- Critical Areas Ordinance (CAO)
- Endangered Species Act (ESA)
- Storm and surface water management
- Noise control statutes

## **II. Introduction to the Port of Tacoma**

The Port of Tacoma was officially established by Pierce County citizens in 1918, it started on 240 acres of unimproved Tidelands. Today, it encompasses an area covering over 2,500 acres. As the Port of Tacoma looks ahead towards its 100<sup>th</sup> anniversary, it is not only appropriate to look back upon its many milestones and phenomenal growth, but look forward to its future and prepare for a new era in Port development and planning.

### **The Port of Tacoma's Mission**

Deliver prosperity by connecting customers, cargo and community with the world

### **The Port of Tacoma's Goals**

1. Enhance the Port's competitive position
2. Provide reliable and efficient regional and local infrastructure connections
3. Improve the Port' financial performance
4. Increase organizational capabilities
5. Advance environmental stewardship
6. Strengthen the Port's community connections

### **The Port of Tacoma's Core Values**

- **Integrity**--being ethically unyielding and honest; inspiring trust by saying what we mean and matching our behaviors to our words; acting in the public interest and in a manner to maintain public confidence
- **Customer Focus**—creating long-term relationships by consistently delivering value; helping customers to become high-performance businesses by understanding their business needs; establishing realistic expectations and meeting commitments
- **Teamwork**—focusing on the success of the entire organization; fully utilizing our collective skills, knowledge and experiences to achieve our goals; encouraging diversity, respect and full participation; being effective collaborators with a broad range of partners in the region; having fun together
- **Courage**—facing challenges with fortitude; setting aside fears and standing by personal principles; extending beyond personal comfort zones to achieve goals; taking responsibility for actions
- **Competitive Spirit**—pursuing our goals with energy, drive, and the desire to exceed expectations; going the extra mile for our customers to differentiate ourselves in the market; demonstrating passion and dedication to our mission; constantly improving quality, timeliness and value of our work
- **Sustainability**—focusing on long-term financial viability; valuing the economic wellbeing of our neighbors; doing business in ways that improve our environment

### **III. The Updated and Amended Comprehensive Scheme of Harbor Improvements**

The Port is required to maintain a Comprehensive Scheme of Harbor Improvements (CSHI) as mandated by state law and it has done so since the CSHI was first adopted in April 1919. To continue to do business effectively, which includes managing the Port's physical growth, developing effective and sustainable environmental mitigation sites, creating new infrastructure, and developing supportive industrial and commercial real estate, the Port must align the CSHI to an appropriate geographic area to continue to develop under the existing umbrella of land use laws and regulatory requirements mentioned above, and to give the public a reasonably detailed pictures of what the Port intended to do, and provide plans that "fairly inform voters of the nature and extent of proposed improvements.

- Port of Tacoma's planning boundary includes the geographic bounds of Pierce County for which it serves.
- The Port's intent is to engage in the implementation of its Strategic Plan for 2012-2022 to guide the organization in achieving its next chapter of economic growth and business success. This growth will occur within its geographic planning area and under its guiding policies in order to satisfy the Port's Mission and Goals.
- The Port's Strategic Plan, together with the Program Budget and this Comprehensive Scheme of Harbor Improvements, will in concert describe the Port's plans and intended future improvements and provide the public notice for purposes of satisfying the Port's comprehensive scheme requirements of the RCW 53.02.010.
- **Fossil Fuels.** The Port of Tacoma chooses not to develop new facilities for the international export of bulk fossil fuels on port owned property.