

PORT OF TACOMA COMMISSION MEMO

DATE: February 5, 2019

TO: Port Commission

SPONSORS: Commissioner Meyer and Commissioner McCarthy

Project Managers: Deirdre Wilson, Senior Planning Manager and Evette Mason,
Government Relations Manager

SUBJECT: **Tideflats Subarea Planning Work Plan Update**
February 7, 2019 Port of Tacoma Commission Meeting

A. BRIEFING

This memo is intended to brief the Commission on the Tideflats Subarea Planning Work Plan. Commissioners McCarthy and Meyer will be attending a Steering Committee meeting on February 8, 2019 to consider a Draft Work Plan for the Tideflats subarea planning process. Approval of the Work Plan would obligate the financial contribution of up to \$500,000 as identified in the November 14, 2018 Intergovernmental Agreement (IGA). No action is requested of the Commission today.

B. BACKGROUND

The state law Growth Management Act (GMA) requires inclusion of a Container Port Element in the comprehensive plans of qualifying cities and counties, including Tacoma, because:

- “industrial services that together support a critical amount of our state and national economy, including key parts of our state's manufacturing and agricultural sectors, and
- directly create thousands of high-wage jobs throughout our region, and
- “container port services are increasingly challenged by the conversion of industrial properties to nonindustrial uses, leading to competing and incompatible uses that can hinder port operations, ...and limit the opportunity for improvements to existing port-related facilities”⁶

To enable ports to carry out their regional and state economic benefit role, the state further requires that the Container Port element of certain cities, including Tacoma, to include certain content, via a mandatory “Comprehensive plan—Port element”,¹ applicable to the City and Port of Tacoma. This State planning law establishes that Tacoma:

“must establish policies and programs” to:

¹ RCW 36.70A.085-Comprehensive plans—Port elements.

- (1) Comprehensive plans of cities that have a marine container port with annual operating revenues in excess of sixty million dollars within their jurisdiction must include a container port element.
- (2) Comprehensive plans of cities that include all or part of a port district with annual operating revenues in excess of twenty million dollars may include a marine industrial port element. Prior to adopting a marine industrial port element under this subsection (2), the commission of the applicable port district must adopt a resolution in support of the proposed element.
- (3) Port elements adopted under subsections (1) and (2) of this section must be developed collaboratively between the city and the applicable port, and must establish policies and programs that:
 - (a) Define and protect the core areas of port and port-related industrial uses within the city;

- (a) Define and protect the core areas of port and port-related industrial uses within the city;
- (b) Provide reasonably efficient access to the core area through freight corridors within the city limits; and
- (c) Identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.

Further, state law provides that the Container Port Element must “retain sufficient planning flexibility to secure emerging economic opportunities.” *Id.*²

On July 22, 2014, pursuant to this new planning requirement, the Tacoma City Council adopted the Container Port Element as a new element of the Comprehensive Plan, as part of the 2014 Annual Amendment to their Comprehensive Plan. The 2014 Container Port Element was created in collaboration with the Port of Tacoma.

On May 9, 2017, The Tacoma City Council approved Resolution 39723 instructing staff to begin the process of completing an Interlocal Agreement with the Port of Tacoma and the Puyallup Tribe of Indians to complete a Tideflats Subarea Plan.

On May 11, 2017, The Port of Tacoma Commission approved Resolution 2017-03-PT instructing staff to begin the process of completing an Interlocal Agreement with the City of Tacoma and Pierce County and authorizing up to \$500,000 for the planning process.

On December 21, 2017, the Port of Tacoma Commission approved Resolution 2017-12-PT expressing desire of the Port Commission to enter into an Interlocal Agreement with the City of Tacoma, Pierce County, and the Puyallup Tribe of Indians to complete the Tideflats Subarea Plan. This resolution replaces Resolution 2017-03-PT.

On November 5, 2018, the Port of Tacoma CEO signed the Intergovernmental Agreement (IGA), following Commission authorization on September 27, 2018, to participate in funding a subarea planning process for the Tideflats, contingent on the approval of a Work Plan. The Plan Funding Partners in the IGA are: City of Tacoma (\$500K), Port of Tacoma (\$500K), and Puyallup Tribe of Indians (\$200K). Two additional regional partners were added by the IGA, to complete the Steering Committee: Pierce County and the City of Fife.

C. WORK PLAN

Port of Tacoma Staff, in conjunction with Staff from the other four participating governments, negotiated a Work Plan to carry out the Intergovernmental Subarea Plan planning process. The intent of the Work Plan is to provide a clear framework for cooperation and information sharing among the City of Tacoma, the Puyallup Tribe, the Port of Tacoma, Pierce County, the City of Fife while respecting Tacoma’s jurisdiction, role as SEPA lead agency, and existing substantive and procedural obligations under the Growth Management Act, Shoreline Management Act, State Environmental Policy Act (SEPA), and the Tacoma Municipal Code.

The Work Plan also follows the intent of the Intergovernmental Agreement (IGA) between the Port of Tacoma, the Puyallup Tribe and the City of Tacoma concerning cost sharing for the Subarea Planning in the Tacoma Tideflats (IGA) as executed on November 14, 2018. The IGA calls for

participation by two additional governments, Pierce County and the City of Fife. By participating in this Work Plan, the City of Tacoma, the Puyallup Tribe, the Port of Tacoma, Pierce County, and the City of Fife do not waive any existing legal rights or responsibilities the governments otherwise possess or may assert with respect to this subject matter, to include consultation with the Puyallup Tribe or collaboration with the Port.

As stated, and agreed to in the IGA, overarching themes to the Work Plan will include:

- Economic Prosperity for All
- Environmental Remediation and Protection
- Transportation and Capital Facilities Plan
- Public Participation and Outreach

Subarea planning allows for the establishment of a shared, long-term vision, and a more coordinated approach to development, environmental review and protection, and strategic capital investments in a focused area. Completion of a subarea plan will support the ongoing eligibility for and prioritization of transportation funding in the Port of Tacoma Manufacturing and Industrial Center, and a well-developed plan for the Tideflats will provide great regional benefit. In addition, subarea planning meets the requirements of the State Growth Management Act which mandates that local comprehensive plans comply with VISION 2040, and directs local jurisdictions having one or more regionally designated centers to prepare a subarea plan for each.

Important to the Port, the Work Plan at Section IV, “Anticipated Outcomes” includes several aspirations which repeat GMA’s Container Port Element directives. And, the Work Plan in Section 5 expressly calls out reference to the Container Port Element:

The Subarea Plan, at a minimum, will address requirements under Washington State law to include State Environmental Policy Act (SEPA) environmental review, Growth Management Act (GMA), Shoreline Management Act (SMA), the Puyallup Land Claims Settlement, **the Container Port Element²** and elements for certification of a Manufacturing and Industrial Center (MIC) by the Puget Sound Regional Council (PRSC).

The Port will continue to work through-out the Subarea Plan process to find opportunities to carry out the GMA intent to promote the continued growth and vitality of port and port-related industrial activity, in concert with the port’s ongoing activities to protect and enhance the environment.

² Emphasis added.

The following amendment to clarify Section VI. A. Steering Committee of the Draft Work Plan has been suggested by some Commissioners. That amendment is included below so the Commission may include that amendment in its discussion:

The approval of the Steering Committee shall be three or more governments concurring on a matter. ~~Where the Work Plan calls if a meeting of the Steering Committee is deemed necessary~~ for the approval/concurrence by the Steering Committee, or if the Staff Leadership Team deems it necessary, a Steering Committee meeting must take place within 30-calendar days of the need for a decision and may be called by any member of the Steering Committee if needed to meet this timeframe. Full participation is intended, but the meeting may be held with the attendance of three or more government participants. The position of all governments participating in the decision will be recorded. All participating governments will have the opportunity to offer comment jointly or separately within the same 30-calendar day period for final decision. If no approval vote occurs within the 30-calendar day inter-governmental comment period, the decision moves to the Tacoma City Council's normal process

D. NEXT STEPS

The Steering Committee, which includes Commissioner Meyer and Commissioner McCarthy, will consider the Draft Tideflats Subarea Planning Work Plan. On February 11, 2019, the full commission will have the opportunity to consider the Work Plan before final approval by the Port of Tacoma.

Following approval of the Work Plan by the full Steering Committee, the Project Management Team and Staff Leadership Team will begin the process of advertising for consultant services to assist with the Plan.

Completing the entire consultant selection process is expected to take until approximately September, at which time the contract would be approved by the Tacoma City Council following a recommendation by the Steering Committee. Once a consultant is hired, it is anticipated to take approximately two-years to complete a Draft Subarea Plan.

If the subarea planning process results in changes to the Container Port Element, staff will bring before the Commission a Resolution for consideration of the revised Comprehensive Plan Element.

E. CONTACTS

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F. ATTACHMENT

Draft Tideflats Subarea Planning Work Plan