

# ACTION ITEM MEMO

Port of Tacoma Commission



Item No: 5D  
Meeting Date: 12/19/23

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**DATE:** December 5, 2023  
**TO:** Port of Tacoma Commission  
**FROM:** Eric Johnson, Executive Director  
Sponsor: Jason Jordan, Director, Environmental & Planning Services  
Project Manager: Matthew Mauer, Government Affairs Manager  
**SUBJECT:** Shoreline Access ILA Extension

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**A. ACTION REQUESTED**

Request approval of a two-year extension to the interlocal agreement (ILA) with the City of Tacoma, authorizing a flexible approach to the shoreline public access provision under the Shoreline Master Program.

**B. BACKGROUND**

1. Legislative

Under the City of Tacoma's Shoreline Master Program, the Port of Tacoma is required to provide public access as mitigation for developing shoreline areas in a manner that preempts public use. Given the limited opportunities to provide high quality public access on Port property, the City's Shoreline Master Program authorizes the City to enter into agreements with the Port and other public agencies for public access provision geographically separate from the new development site, including the use of a public access fund and an in-lieu fee.

Upon finalization of the Shoreline Master Program, the City adopted Resolution No. 38706 authorizing the City Manager to execute an ILA between the City and Port that: (1) provided a mechanism to better ensure that public access mitigation helps to create an integrated and connected public access system; (2) identifies shared priority public access projects, (3) streamlines permitting for both the Port and private applicants, (4) provides certainty to the City, Port, and private sector applicants for the duration of the agreement, and (5) provides a methodology for the use of a public access fee-in-lieu that can be utilized by the Port and private parties.

The Port executed the agreement on December 13, 2013, which provided a flexible approach to shoreline public access for the Port and our tenants to use in fulfilling the public access permit requirements of the City's Shoreline Master Program.

Paragraph 13 of the agreement – Duration of Agreement and Termination – states that the agreement "shall continue for a term of 10 years from the execution date of this agreement

and may be extended by mutual agreement of the parties and upon approval of each party's respective legislative body." The agreement will expire on December 13, 2023.

On February 10, 2019, the City, Port, Puyallup Tribe of Indians, City of Fife and Pierce County finalized a Work Plan to jointly develop the Tideflats Subarea Plan, which includes consideration of Shoreline Management Act planning requirements, including public access and recreation provisions. The Tideflats Subarea Plan is expected to be completed within the next two years and will include recommendations on the provision of public access in the Tideflats area.

On November 21, 2023, the City of Tacoma approved the ILA extension.

2. Operational

The Port of Tacoma was given credits for access already provided prior to the original approval of the ILA in 2013. Those projects were the Dick Gilmur Kayak Launch and Place of Circling Waters. The Dick Gilmur Kayak Launch was given as credit for the Husky Terminal Redesign project and the Place of Circling Waters was given as credit for the EB1 Expansion Project.

Moving forward, the current ILA lists 9 public access points or projects that we can fund with any in-lieu fees we are required to pay for projects that trigger the Shoreline Master Program. Those projects are: Chinese Reconciliation Park, West Foss Central Park, Waterway Park, Balfour Dock Esplanade, Schuster Corridor Multi-Use Trail, 11th Street Boat Ramp, Dick Gilmur Kayak Launch, Julia's Gulch, and the Youth Marine Foundation.

**C. SCOPE**

This amendment will extend the existing the Shoreline Access ILA with the City of Tacoma by two years. The amendment also includes automatic 1-year extensions after the initial two years until the Tideflats Subarea Plan is complete.

**D. TIMEFRAME/PROJECT SCHEDULE**

Approve two-year extension	December 19, 2023
Adopt Tideflats Subarea Plan	Q4 2025 (estimate)
Automatic 1-year extension (if subarea plan not complete)	December 19, 2025

**E. FINANCIAL SUMMARY**

**Financial Impacts** The adoption of this extension has no cost. However, continuation of the ILA provides certainty for our shoreline impacting projects. Moreover, it reduces staff time that would be required to design and build on-site public access sites in areas not conducive to Port operations.

**F. ALTERNATIVE ANALYSIS**

1. **Do nothing:** The Port could allow the existing ILA to expire. However, in doing so, the Port would be required to provide on-site public access for any and all shoreline projects moving forward, potentially resulting in permit delays and conflicts with Port operations.
2. **Make the existing agreement permanent:** Port staff explored this concept with the City. The City was unwilling to do this for two reasons. First, it wanted to await the outcome of the Sub-Area Plan, particularly the chapter associated with public access. Second, the City wanted to reserve the right to potentially replace the ILA with a future ordinance that would extend the same fee-in-lieu opportunity to other actors that may seek to develop on the Tideflats.
3. **Replace the ILA with the ordinance that would extend the same fee-in-lieu opportunity to other actors.** While the City is intrigued with this concept, they are unwilling to act on it pending the outcome of the Sub-Area Plan.
4. **Preferred Alternative:** Amend the existing ILA to extend the expiration date to accommodate the completion of the Sub-Area Plan.

**G. NEXT STEPS**

Pending the approval of the ILA by the Commission, the Executive Director would sign the agreement. Pending the outcome of the Sub-Area Plan, Port staff will work with the City to identify a more permanent solution to the question of providing public access that does not conflict with Port operations.