

Original

RESOLUTION NO. 2814

A RESOLUTION of the Port Commission of the Port of Seattle, King County, Washington, pertaining to the redevelopment of Terminal 91 (Piers 90/91) making certain findings about conditions for redevelopment; adopting general harbor development policies relating to said property; adopting redevelopment policies for said property; and authorizing the Port Staff to commence certain activities necessary to fulfill the policies and objectives established by this Resolution.

WHEREAS, at its August 11, 1975 meeting the Port Commission of the Port of Seattle, Washington (the "Port") adopted policies (attached hereto) to guide the acquisition and utilization of Terminal 91; and

WHEREAS, the Port has conscientiously fulfilled those policies by establishing open communication and participatory planning procedures, making public access and park improvements on said property, maintaining the then existing character of the property by undertaking limited essential physical improvements, and by completing a comprehensive development study (Report on Alternative Uses for Terminal 91 published in August 1980) accompanied by an assessment of environmental impacts (Draft EIS on Alternative Uses for Terminal 91 published September 1980, Public Hearing on November 6, 1980, Final EIS published January 1981); and

WHEREAS, the Port accepts State and local Shoreline Management Policies which direct that use of said property shall be "water-dependent"; and

WHEREAS, the Port's objectives for use of said property are limited to "water-dependent" uses within the statutorily defined powers of a "Port District"; and

WHEREAS, the basic objective of the Port as stated in the Port's "Statement of Purposes and Objectives, revised December 1980" is the "development of an increasing flow of commerce into, out of and through the District with the aim of broadening and strengthening the economic base of the District while working within the constraints of good environmental planning"; and

WHEREAS, the U.S. Department of Commerce Maritime Administration's National Port Assessment 1980/1990 and the Washington Public Port's Associations recent 1980 Public Port System Update both project significant waterborne cargo trade increases for this region over the next two decades;

NOW THEREFORE BE IT RESOLVED, by the Port Commission of the Port of Seattle, Washington as follows:

Section 1: Based on the studies and environmental assessments prepared during the preceding two years and the processes employed in their development, the Port Commission finds that its policies for Terminal 91 adopted on August 11, 1975 did serve to guide subsequent activities. An updated 1981 version of those policies shall further attest to the vitality of those policies where they pertain to forthcoming efforts in the redevelopment of Terminal 91. They are as follows:

Port of Seattle Commission  
Policy Statement - Piers 90/91  
Acquisition and Utilization (Revised April 1981)

POLICY STATEMENT

It is therefore the policy of the Port Commission to complete any remaining actions necessary for the redevelopment of Piers 90/91 subject to the understanding that the Port will:

- No. 1: Continue a Piers 90/91 Neighbors Advisory Committee consisting of one appointee each from the Magnolia Community Club, the Queen Anne Community Council and the Port, with the latter designated by the Executive Director as the Port official responsible for Piers 90/91. Meetings of the Committee will be scheduled to discuss items of mutual concern. The meetings will involve a free and open discussion of all aspects of the use and development of the Piers 90/91 property. The Committee will be advised on all proposed developmental projects, changes of use and additional property acquisitions for Piers 90/91. After reviewing a proposal, the Committee may make recommendations thereon, such as a finding that an Environmental Impact Statement (EIS) should be prepared, to the Port Commission. The responsible official will consider all recommendations and respond as appropriate, e.g., present a written or oral assessment to the Port Commission and to the Committee demonstrating in detail why an EIS is or is not necessary. One of the first assignments of the Committee will be to work with the Port staff to prepare a general planning guide and environmental analysis covering those items contained in policy 2 and others which may arise in the course of time. Establishment of this Committee will neither preclude the application of normal procedures for soliciting input from other sections of the general public or from official agencies nor affect the responsibility of the Port Commission to make final decisions on the use of the property. The minutes of Committee meetings will be made available to the Port Commission and the public.

The Committee may take on similar responsibilities for the use and development of the Pier 86 property.

- No. 2: Provide and/or maintain an appropriate width buffer strip around the upland perimeter of the Piers 90/91 property wherever such a buffer is effective for achieving aesthetic purposes and/or noise reduction. Width, type of vegetation and other details of the strip will be decided by the Port Commission after considering the Committee's recommendations.
- No. 3: Area A\* - Transfer of title for Area A to the City of Seattle for use as an open-water park will include stipulations that the area remain in an undeveloped state and that any attempt to use the area for another purpose or to sell the area to another party will give the Port the right to recover title upon payment of \$1.00 to the City of Seattle. Transfer of title will occur when pending litigation is resolved.

\*1975 Piers 90/91 reference map exhibit is attached.

Area E - The Port Commission acknowledges that it intends to allow fill which may alter the water surface between Piers 90 and 91 to the extent that such fill is necessary for the restructuring and rehabilitation of those two existing piers. The Port recognizes that there are likely to be many value concerns applicable to major filling. Future decisions on further development in this area will be subject to policies and to all of the procedural and substantive requirements established by SEPA, the Shoreline Management Act, the Federal Water Pollution Control Act and other environmental legislation.

Areas D and E (North) - There will be filling at the north ends of the slips and waterways for the purposes of providing improved and revised access to the terminal. Such filling shall not extend south more than approximately 150 feet at pier level.

- No. 4: Prior to carrying out any major development or acquiring any additional land (except as necessary or desirable for access revisions) contiguous to the Piers 90/91 property or to Area A, prepare an overall development plan, including alternatives, environmental support studies, project environmental impact statement and citizen participation, as well as economic and engineering data. The meaning of the term "major development" will be decided in conjunction with the Committee and in light of subsequent policy and applicable law and regulations.

The Port will continue to study the nature and extent of environmental impacts which may result from Piers 90/91 operations. To the extent that mitigation of adverse effects may be possible, the Port will implement all such reasonable measures. Except for emergency work no maintenance or construction activities producing unacceptable levels of noise will be carried out between midnight and 7:00 a.m.

Section 2: Based on the studies and environmental assessments

previously cited plus the recommendations of Port Staff contained in the staff memorandum dated March 11, 1981 from Mr. Clifford Muller, Director of Planning and Research, to Mr. Richard D. Ford, Executive Director, and the public testimony received thereon, the Port Commission hereby finds as follows:

- A. Current marine terminal uses and existing tenant requirements in the Seattle Harbor can be expected to grow during the next two decades. However, growth of various uses will occur at different rates.
- B. The most significant rates of growth are anticipated in containerized cargoes and agricultural commodities.
- C. Additional Port facilities may be required to accommodate the probable growth in containerized cargo and agricultural products.
- D. The current volume of cargo handled at Port of Seattle container facilities is less than they can accommodate and that volume increases can be achieved at these facilities.
- E. Sufficient Port-owned property and property contiguous to present container terminals exists to allow for container facility expansion capable of accommodating projected container traffic to the year 1990 and possibly beyond.
- F. Container terminal expansion south from Terminal 18 on to Terminal 20 will conflict with current breakbulk and freeze/chill operations there.

- G. Fill of the Pier 89-90 slip poses adverse environmental impacts.
- H. Potential dust emissions and contaminated storm water runoff pose environmental obstacles for the Coal use of Terminal 91.
- I. All container terminal development options would violate current nighttime noise levels and three of the four would violate daytime noise levels. Research into, and development of, new technologies for noise mitigation would be required before a Container use could be implemented at T-91.
- J. Certain Freeze/Chill, Breakbulk and Neobulk operations (as described in the Final EIS) at Terminal 91 could violate permissible nighttime noise regulations. Depending on their location, noise controls would have to be developed for these uses prior to implementing them for around the clock operation.
- K. Development of the Marina use would limit other marine terminal uses to berthage on the west side of Pier 91 and operations on Pier 91 in areas north of the Garfield Street Bridge only. Marina use would also dedicate one of the few remaining deep draft sites to a shallow draft use.
- L. Revision and relocation of vehicular access to Terminal 91 may help alleviate residential noise and traffic impacts.
- M. Public comment received on the Coal, Container Terminal, and Port Industry uses of T-91 has been generally unfavorable.

Section 3: Based upon the "Statement of Purposes and Objectives, revised December 1980" adopted by this Commission and previously cited studies, environmental assessments, public testimony, Port staff recommendations and the foregoing findings of fact, the Port Commission hereby declares that:

- A. The COAL use for Terminal 91 be eliminated from any further consideration due to its probable adverse environmental impacts and insufficient acreage.
- B. The MARINA use for Terminal 91 be removed from any further consideration because it consumes and irretrievably commits a significant proportion of Terminal 91's principal value, the deep water terminal, for a use not requiring such characteristics. The Commission has further indicated its priorities by not accepting general responsibility for small craft marina development as stated in the "Purposes and Objectives" document.
- C. Sufficient opportunity exists on other Port properties and within the District for effective accommodation of the PORT-RELATED INDUSTRIES and GENERAL INDUSTRY uses as described in the "Alternatives Report" for Terminal 91 and therefore these should be eliminated from further consideration.
- D. It is the affirmative intention of the Port Commission to redevelop Terminal 91 and therefore the NO ACTION alternative as described is not a preferred use. Several of the existing uses and tenants at Terminal 91 contained within the definition of "No action" are of considerable value and importance to this Port District and their satisfactory accommodation shall be considered and may become part of the development strategy adopted for Terminal 91.

Section 4: Based on the preceding findings of fact and declarations of intent regarding the redevelopment of Terminal 91, the Port Commission hereby adopts the following GENERAL HARBOR DEVELOPMENT POLICIES AND OBJECTIVES WHICH SHALL GUIDE AND INFLUENCE THE REDEVELOPMENT OF TERMINAL 91:

POLICY A

THE PORT OF SEATTLE SHALL CONTINUE BALANCED DEVELOPMENT AS A FULL-SERVICE PORT WHILE PURSUING PRE-EMINENCE AS A CONTAINER PORT ON THE WEST COAST OF NORTH AMERICA.

Objective:

Maintain ample first-class facilities and services for all types of cargo and maintain priority in the acquisition, reservation and development of Port real property for potential container terminal use.

POLICY B

THE PORT SHALL PURSUE CONTAINER TERMINAL FACILITIES EXPANSION ON PROPERTIES OR IN AREAS CONTIGUOUS TO EXISTING CONTAINER TERMINALS AND INTERMODAL RAIL FACILITIES. EXPANSION OF CONTAINER FACILITIES SHALL OBSERVE THE FOLLOWING GENERAL PRIORITIES:

1. The area known as the Southeast Harbor;
2. Harbor Island; and
3. The Duwamish River subject to further study to determine feasibility of that location.
4. Terminal 91

Objective:

Concentrate container facility development in order to maximize effective use of terminal equipment and on site services as well as the related truck and rail facilities and services required by such terminals.

POLICY C

HIGH PRIORITY SHALL BE GIVEN TO ACHIEVING VOLUME INCREASES AT EXISTING CONTAINER TERMINAL FACILITIES. FACILITY EXPANSION SHOULD BE AIMED AT IMPLEMENTING PROCEDURES ON FACILITIES WHICH WILL INCREASE THEIR LEVEL OF PERFORMANCE.

Objectives:

To balance capital requirements by emphasizing priority for fully using productive capacity of existing investments in facilities.

SECTION 5: Based on the preceding sections of this Resolution, the Port Commission hereby adopts the following Policies and Objectives for the Redevelopment of Terminal 91:

POLICY A

TERMINAL 91 SHALL BE REDEVELOPED FOR BREAKBULK, NEOBULK, AND FREEZE/CHILL CARGOES WITH CONTAINER TERMINAL BEING AN ALTERNATIVE POTENTIAL LONG RANGE USE AFTER 1990 BASED ON THE POLICIES SET FORTH IN THIS RESOLUTION.

Objectives:

Relocate certain existing uses and tenants effected by Southeast Harbor and Harbor Island container terminal expansion to modern facilities of a first-class standard at Terminal 91.

Provide a high quality facility for the handling and transshipment of fruit and other agricultural products at Terminal 91.

Provide the capability to handle occasional overflow ships and cargoes from other Port of Seattle breakbulk and neobulk terminals and to accommodate special projects or special purpose cargo movements, e.g. Alaska pipeline materiel.

#### POLICY B

TERMINAL 91 SHALL NOT OPERATE AS A CONTAINER TERMINAL IN THE 1980'S. ANY SUCH CONVERSION TO A CONTAINER TERMINAL USE SHALL BE BASED UPON POLICIES PREVIOUSLY SET FORTH IN THIS RESOLUTION AND ACHIEVEMENT OF THOSE OBJECTIVES PREVIOUSLY SET FORTH IN THIS RESOLUTION.

#### Objective:

In addition to pursuing concentration of container facility development in areas where such investments already exist, the Port shall seek to direct container facility development to properties having the least impact on the general public.

#### POLICY C

ALL NEW DEVELOPMENTS AT TERMINAL 91 SHALL BE DESIGNED TO MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS ON ADJOINING COMMUNITIES. THE PORT SHALL CLOSELY MONITOR THE STATE OF THE ART ON THOSE MEANS AND TECHNOLOGIES WHICH, IN PARTICULAR, ARE MOST EFFECTIVE AT IDENTIFYING AND MITIGATING THE IMPACTS OF LIGHT, NOISE, TRAFFIC AND VISUAL DISRUPTION. FURTHER, THE PORT SHALL CONSIDER AND INCORPORATE WHERE FEASIBLE AND APPROPRIATE IN ANY ENGINEERING DESIGN AT TERMINAL 91 TECHNOLOGIES WHICH ARE AVAILABLE TO IDENTIFY AND TO MITIGATE ADVERSE ENVIRONMENTAL IMPACTS ON THE SURROUNDING COMMUNITY. ALL NEW DEVELOPMENTS SHALL COMPLY WITH EXISTING APPLICABLE FEDERAL, STATE AND LOCAL STATUTES AND REGULATORY CRITERIA.

#### Objective:

The Port shall continue to carry out the full intent of the State Environmental Policy Act and follow sound development principles in all new developments.

Section 6: The neighborhoods adjacent to Terminal 91 expressed concern over qualitative aspects of any redevelopment of Terminal 91 at the Commission's special meeting of April 7, 1981. The Commission hereby directs the staff to consider and follow in the design of new facilities, to the extent feasible, the principles contained in Appendix A attached hereto.

Section 7: Having acted upon the "non-project" Final EIS on Alternative Uses for Terminal 91 by making certain findings of fact and establishing policies and objectives for general harbor development and the specific redevelopment of Terminal 91, the Port Commission hereby states its intent to pursue the vacation of Smith Cove Waterway. Such action shall be initiated by adoption of Commission Resolution No. 2815.

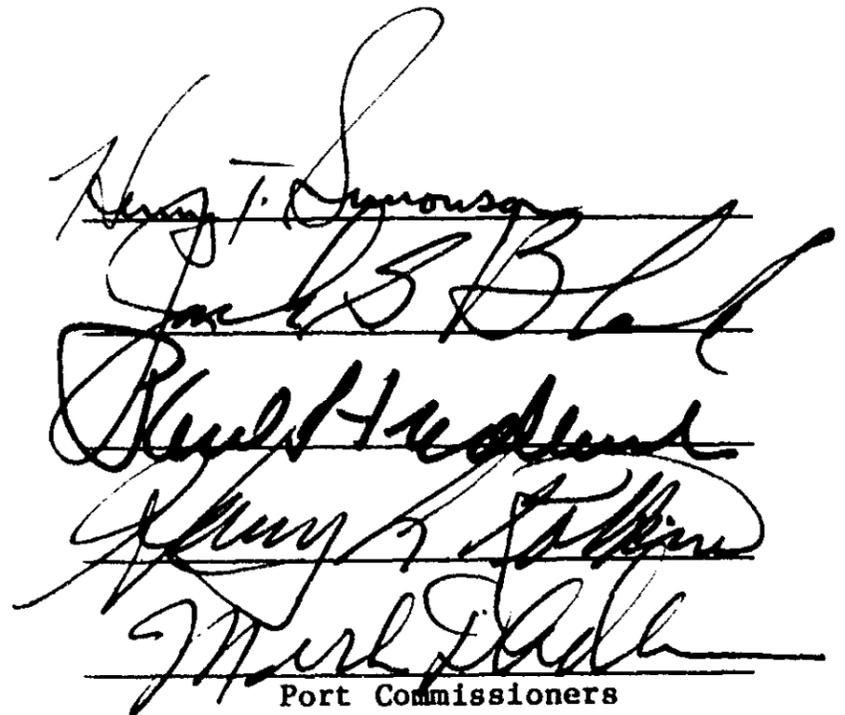
Section 8: Having acted upon the "non-project" Final EIS on Alternative Uses for Terminal 91 by making certain findings of fact and establishing policies and objectives for general harbor development and the specific redevelopment of Terminal 91, the Port Commission hereby authorizes and

directs the Port's staff to undertake certain initial actions as specified in Appendix B of this Resolution to implement the Commission's action. The Port Commission hereby authorizes its respective department heads to retain those consulting services necessary to supplement staff in the implementation of this Commission action.

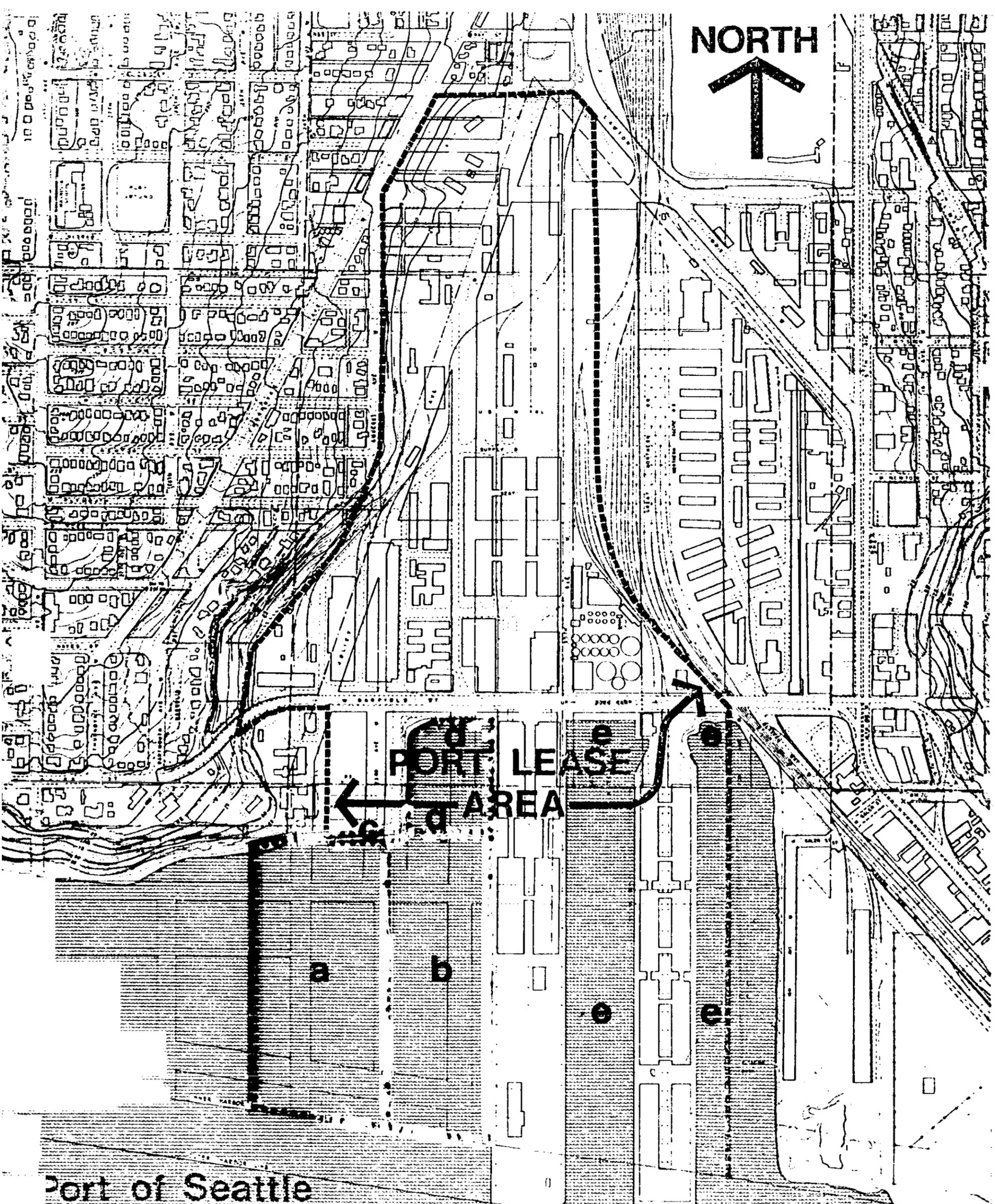
Section 9: The Port staff is hereby authorized and directed to do all things necessary to implement the policies and actions set forth in this Resolution.

Section 10: The policies set forth in this resolution shall supersede all previous policy statements, in whatever form made, with regard to the redevelopment of Terminal 91.

ADOPTED by the Port Commission of the Port of Seattle at regular meeting held April 28, 1981, and duly authenticated in open session by the signatures of the Commissioners voting and the seal of the Commission.



Port Commissioners



**NORTH**  
↑

**PORT LEASE  
AREA**

**a**

**b**

**c**

**e**

**Port of Seattle  
Planning & Research**

**SCALE: 1" = 400'**

**91 90 89**

**1975 PORT COMMISSION POLICY REFERENCE EXHIBIT**

APPENDIX A

DESIGN PRINCIPLES FOR THE REDEVELOPMENT OF TERMINAL 91

1. The Port should provide publicly accessible linkages between the Pier 70-86 trail and the public access corridor on the west side of Terminal 91 which leads to Smith Cove park.
2. Elements of the redevelopment design, which are determined to cause significant adverse impact upon adjacent residential populations, shall be so identified in the EIS and accompanied by proposals to the Commission for their mitigation and treatment.
3. Terminal lighting systems shall be designed to meet operating requirements while providing maximum protection to adjoining residential communities.
4. Terminal-generated traffic should be accommodated via revised access designed for minimal disruption of current levels of service, minimal impact on transportation facilities, and resulting in the least impact on residential neighborhoods.
5. Landscaping should be used on and around the site to enhance appearance from the ground level and elevated perspectives.
6. Buildings should be designed with particular attention given to their appearance from adjoining communities.

APPENDIX B

Phase II consists of activities necessary to prepare the design of a specific preferred project selected from an examination of alternative design concepts and an assessment of the environmental impacts of those alternatives. Anticipated tasks and estimated costs for Phase II include the following:

I. Design and execute planning, research, and environmental studies for Phase II alternatives.

A. Access Revisions Study \$20,000

-identify location and alignment options, select the optimal solution, and prepare design parameters for truck, public, and employee access, capacity, signalization, gatehouse, entry, staging, and cueing requirements.

-acquire necessary property for provision of revised terminal access.

B. Prepare a draft and final EIS. \$88,000

-conduct all special studies of traffic, noise, and light issues prior to issuance of draft EIS.

C. Commence a comprehensive study of Container Terminal Utilization and Productivity.

D. Study the feasibility of accommodating existing T-91 water dependent uses on or off site and prepare relocation plans and specifications as appropriate.

II. Preliminary Design

A. Prepare alternate development concepts.

B. Prepare preliminary cost estimates.

C. Assess alternate development concepts.

III. Preparation of Contract Documents for Adopted Scheme

A. General yard and pier design including facilities and equipment design.

B. Entry/public access design.

Estimated Project Cost Range

1. General yard and pier development including facilities and equipment	-----	\$40,400,000 to \$57,700,000
2. Entry/public access	-----	<u>2,300,000 to 4,600,000</u>
Estimated Project Cost Range	-----	\$42,700,000 to \$62,300,000*

\*These costs include engineering, consultant costs, contract administration, and sales tax.