



MINUTES (Approved on 9-6-17)

TIME: Wednesday, August 16, 2017, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Jeff McInnis, Anna Petersen, Brett Santhuff, Jeremy Woolley, Andrew Strobel, Carolyn Edmonds
ABSENT: Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Vice-Chair Wamback called the meeting to order at 4:06 p.m. A quorum was declared. Chair Chris Beale announced that he would be stepping down as Chair. As the Acting Chair, Vice-Chair Wamback continued to preside over the meeting.

B. APPROVAL OF AGENDA

The agenda was approved. The agenda was later amended to include election of new officers.

C. PUBLIC COMMENTS

Vice-Chair Wamback invited citizens to provide comments on items related to the agenda. No citizens came forward to provide comments.

D. DISCUSSION ITEMS

1. Tideflats Area Land Use Interim Regulations

Stephen Atkinson, Planning Services Division, facilitated a discussion to authorize distribution of draft interim regulations for public review and set a date for the public hearing. Mr. Atkinson reviewed that at the previous meeting there had been questions about high risk/high impact use terminology and the possibility of expediting the timeline. He reviewed potential alternative timelines based on whether or not the Commission held a public hearing that could potentially move the final reading up by one month. Mr. Atkinson reviewed that the interim regulation process had been initiated under Amended Resolution No. 39723 based on multiple factors: a Council Consideration Request concerning high impact/high risk uses and the presence of significant non-industrial uses; the Northeast Tacoma Buffer Zone Application to the annual amendment which requested a downzone of the area; the Director's Rule on Expanded Notification for Large Industrial Projects which indicated that more notification was needed; and recent development applications that had generated a great deal of public comment. Mr. Atkinson reported that code changes through interim regulations would be difficult as the concepts affected many different sections of code.

Mr. Atkinson discussed the expanded notification concept. He reviewed that it would expand the notification distance for large industrial uses and require an early community meeting for any discretionary permit or SEPA determination. Commissioner McInnis asked if the proposal would be affected by internal notifications for the Port of Tacoma. Mr. Atkinson responded that Port of Tacoma projects would also be included in the expanded notification.

Non-industrial use interim regulations were discussed. Mr. Atkinson reviewed that the concept would prohibit new non-industrial uses in the Port of Tacoma Manufacturing/Industrial Center (M/IC) and prohibit a list of uses consistent with the South Tacoma M/IC. He noted that existing uses would be allowed with

limited expansion. Mr. Atkinson reviewed that Commissioners had previously indicated that they wished to include correctional facilities on the list of prohibited uses. He suggested keeping the issues separate and waiting until correctional facility regulations came before the Commission in Fall.

Commissioner Petersen requested that work release centers be included in the prohibited uses table.

Residential Encroachment was discussed. Mr. Atkinson reported that the intent of interim regulations was to limit the development of new residential uses in an area above Marine View Drive. Mr. Atkinson discussed a map of properties in the area with development potential, reporting that there were roughly 270 acres of unimproved private land that could accommodate between 150 and 450 units. Mr. Atkinson reviewed that the staff concept would limit development to one unit per parcel, place a hold on new platting, and clarify that it would not be applicable to existing residences. He commented that the recommendation of allowing one unit per parcel was to provide for reasonable economic use of property.

Commissioner Strobel asked how the limit of one unit per parcel would impact current policy for accessory dwelling units (ADU). Mr. Atkinson responded that it would restrict ADUs as no new residential units would be allowed.

Commissioner Beale commented that if they considered residential encroachment on the core to be in conflict with Comprehensive Plan policies, it might be reasonable to consider a moratorium while the Tidelands Subarea Plan was developed. Mr. Atkinson responded that the Commission could consider a moratorium, with careful considerations, in the findings. He recommended allowing the building permits to proceed for the parcels that had gone through the platting process and were already vested.

High risk/high impact uses were discussed. Mr. Atkinson reviewed that the concept for interim regulations was to prohibit new development for a list of high risk/high impact uses in all industrial zoning districts. He reviewed that the existing uses would not be considered non-conforming and could expand up to 10%. Expansion would be subject to a conditional use permit (CUP) and there would be exceptions for certain activities such as maintenance or meeting building code. Mr. Atkinson noted that current code identified the listed uses, but did not define them, so staff was recommending using the North American Industry Classification System definitions.

Commissioner Edmonds asked if there was a situation where one of the high risk/high impact uses could, through changes or improvements, be no longer considered a high impact/high risk use. Mr. Atkinson responded that it could be evaluated through a CUP.

Commissioner Edmonds asked how they had determined which uses to include on the list. Mr. Atkinson responded that it came from previous City ordinances which had identified uses that should be limited to the Port Maritime & Industrial zone (PMI) due to their impact.

Commissioner Petersen asked if they were trying to send the message that they were considering eliminating those uses from the City entirely, since they were currently limited to the PMI. Mr. Atkinson responded that the intent was not to send a message that the uses were incompatible with the City, but to create a pause on significant new projects and allow the subarea planning process to make refinements if needed.

Commissioner Strobel suggested that the list of high risk/high impact uses could be separated into three different tiers with different levels of restriction for each. Mr. Atkinson responded that it could be a viable option to recommend, though the level of analysis might be more appropriate for the subarea plan.

Commissioner Beale reviewed that one piece of the Council Consideration Request that had been the basis for interim regulations was the need for consistency with the community's vision for the area. He encouraged staff to consider that the community was more focused on fossil fuel uses, which would be the focus of future community input and the City Council action. Mr. Atkinson responded that part of his job was to include voices that were not present at the meetings, noting that industrial uses near the shoreline were a concern that had also been expressed by the community.

Vice-Chair Wambach asked if a business that converted used vegetable oil into biofuel would be prohibited in the Port of Tacoma under the proposed regulations. Mr. Atkinson responded that he would have to research it further.

At the conclusion of the discussion, the Commission began to decide whether to release the draft interim regulations for public review. Vice-Chair Wamback suggested that they first establish if there was concurrence from the Commission that there was a basis for interim regulations. Commissioner Beale motioned that there was a need for interim regulations. Commissioner Strobel seconded. Commissioner McInnis commented that he liked some of the things in the interim regulations, but there was not enough to justify preempting the subarea planning process. The motion was approved by a 7-1 vote with Commissioner McInnis voting against.

Vice-Chair Wamback asked for a motion on whether to hold a public hearing before making a recommendation to the City Council or to proceed without one. Commissioner Edmonds commented that after telling the public that they would listen to them, it was their duty to hold a public hearing. Following deliberation on a public hearing date, Commissioner Edmonds motioned to set the date for the public hearing as September 13, 2017. Commissioner Santhuff seconded. The motion was approved unanimously. It was noted by staff that the public hearing would be held at the Greater Tacoma Convention Center, starting at 6:00 p.m.

In determining the substance of the draft interim regulations to be released for public review, Vice-Chair Wamback suggested that the Commission vote on each category of potential code amendments as presented by staff.

Concerning the category of high risk/high impact heavy industrial uses, Commissioner McInnis motioned to prohibit unlisted uses. Commissioner Beale seconded. The motion was approved unanimously.

For the same category, Commissioner Beale motioned that for new high risk/high impact uses, the list of prohibited uses only include coal terminals and bulk storage facilities; oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining; bulk chemical storage, production or processing, including acid manufacture; and smelting. Commissioner Strobel seconded. Commissioners deliberated whether additional uses should be included on the list. Commissioner Santhuff reviewed that the broader list of uses addressed the concerns of Northeast Tacoma residents. Commissioner Strobel requested that mining and quarrying be included on the list. Commissioner Beale amended the motion to include mining and quarrying on the list of prohibited new uses. Commissioner Strobel seconded. Following discussion, the motion was approved by a vote of 6-2 with Commissioner Santhuff and Commissioner McInnis voting against.

Also for the same category, Vice-Chair Wamback asked for a motion on whether to limit, through the conditional use permit (CUP) process, the expansion of existing uses included on the list of prohibited high risk/high impact uses. There was no motion, which implied that existing facilities would be allowed to expand without limitation.

Concerning the category of non-industrial uses, Commissioner Petersen motioned to prohibit new non-industrial uses, as recommended by staff, with the addition of work release centers as a use that would not be allowed. Commissioner Edmonds seconded. The motion was approved unanimously.

For the same category, Vice-Chair Wamback asked for a motion on whether to allow expansion of existing non-industrial uses. Commissioner Beale motioned that uses already determined to not be permitted during interim regulations, as listed on page 5 of the packet, not be allowed to expand at all during the interim period. Commissioner Petersen seconded. Discussion ensued on whether correctional facilities should be included in uses that would not have expansion allowed. Vice-Chair Wamback commented that the motion on the table would not allow correctional facilities to expand as the use was listed on page 5 of the packet. The motion was approved by a vote of 7-1 with Commissioner McInnis voting against.

Concerning the category of expanded notification for heavy industrial uses, Commissioner Edmonds motioned to accept the staff recommendation on expanded notification. Commissioner McInnis seconded. The motion was approved unanimously.

Concerning the category of Marine View Drive residential development restrictions, Commissioner Edmonds motioned for a moratorium on new residential development in the area as defined in the staff packet, on the map of "Restrictions on Residential Encroachment: Area Applicability". Commissioner

Beale seconded. Commissioner Strobel recommended that if they moved forward with a moratorium, that limitations on platting be removed as some of the designations were based on zonings not related to residential development. Discussion ensued. It was clarified that the motion would be to prohibit all new residential development including residential platting and subdivision of land, Brian Boudet, Planning Services Division Manager, suggested clarifying in the wording that the intent was not to limit commercial platting. The motion was approved by a vote of 7-1 with Commissioner McInnis voting against.

Vice-Chair Wamback recessed the meeting at 6:34 p.m. The meeting resumed at 6:45 p.m.

2. Emergency Temporary Shelters Interim Regulations

Lauren Flemister, Planning Services Division, facilitated a discussion to begin the development of permanent regulations. She reviewed that the Commission had developed Findings of Fact and Recommendations for interim regulations on July 19 and that the regulations had been retained by the City Council on July 25 upon receiving no comment at a public hearing. Ms. Flemister reported that she was seeking concurrence on the scope of work for temporary homeless camps and emergency authority and response. She noted that the scope of work pertained to two ordinances: Ordinance No. 28432 and Ordinance No. 28216.

Ms. Flemister noted that the scope of work for Emergency Authority and Response would involve consulting with the Emergency Management Division and looking at the Comprehensive Emergency Management Plan (CEMP). They would need to address who would have authority over land use actions; coordination with federal and state guidelines; and land use regulations under emergencies where conditions might vary.

For temporary homeless camps and shelters, Ms. Flemister reviewed that the original ordinance was written to allow faith based organizations to host camps. In revising TMC Section 13.06, areas of review would include expansion from faith based organizations to also include governmental organizations; number of residents; site area; maximum duration of camp; recurrence of camps at specific sites; number of camps concurrently allowed; site requirements; age of camp inhabitants; facility and services provision; and other areas that create unnecessary constraints. Ms. Flemister reported that they would also need to review the use table, which didn't clearly define transitional or permanent supportive housing types.

The outreach strategy was discussed. Ms. Flemister reported that they were partnering with Neighborhood and Community Services, which had connections with faith based organizations, to analyze what was working and how to make it more palatable to them to host the camps. In collaboration with different service providers City of Tacoma staff would seek to understand best practices, complementary activities that could be supported, and the policy direction from the City Council and City Manager.

Commissioner Petersen asked why the City wasn't reaching out to the established nonprofits that work with the homeless. Ms. Flemister responded that they would work with nonprofits but the primary focus would be on the religious organizations who were the target of the original ordinance to find out why they did not utilize it.

Commissioner Petersen asked if individual religious organizations had to pay a \$1500 permit fee each time they hosted a camp. Ms. Flemister responded that they had a process for waivers, but needed to do more to spread awareness of it.

Commissioner Wooley asked if they would incorporate partnerships with organizations like Tacoma Housing Authority. Ms. Flemister confirmed that they had been trying to facilitate partnerships and create a community that could approach the issue from a lot of different angles.

Commissioner Edmonds asked if a private university or school would fall under the proposed regulations. Ms. Flemister responded that they had considered that educational institutions would be potential groups that host camps.

Commissioner Strobel suggested reviewing the maximum duration of camps, commenting there should be some programming to prevent winter transitions or extend permits.

Commissioner Edmonds reported that when Seattle had considered the issue one of the recommendations was that sites be located near public transportation. Ms. Flemister confirmed that it was one of the current provisions in the code. Commissioner Petersen commented that accessing public transportation was important, but a camp shouldn't be prevented because of it. Vice-Chair Wamback noted that there were parts of the City that did not get regular transit services, which had been previously considered in which areas were allowed to host sites.

Vice-Chair Wamback suggested that they consider other issues that could be limiting including the parking requirement, drug and alcohol use, allowing pets, and hosting safe injection sites.

Commissioner Strobel suggested that they consider the need for bike facilities as much of the population relied on bicycling. He discussed touring a stability site and noticing that 2nd Cycle was operating an on-site bike repair facility.

Commissioner Santhuff asked if the shelters would be allowed in any zone. Ms. Flemister responded that churches could exist in any zoning, so the allowance would be dictated more by use than zoning.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Lihuang Wung, Planning Services Division, provided the following updates:

- The public hearings for the Tacoma Mall Neighborhood Subarea Plan and for the Marijuana Use Code Buffers Amendment would be held on September 6, 2017, starting at 5 p.m., at the Asia Pacific Cultural Center.
- The public hearing for Tideflats Area Land Use Interim Regulations would be September 13, 2017 at an offsite location, tentatively the Greater Tacoma Convention and Trade Center.
- Since Commissioner Beale had resigned from being Chair, the Commission could immediately proceed with nomination and election of new leaders if they wished.

Vice-Chair Wamback noted they would need to modify the agenda if they wanted to hold the election for Commission leadership at the current meeting. Commissioner Petersen motioned to amend the agenda to include the nominations and elections of Chair and Vice-Chair. Commissioner Beale seconded. The motion was approved unanimously.

Commissioner Edmonds motioned to nominate Vice-Chair Wamback as the new Chair. Commissioner Beale seconded. Vice-Chair Wamback accepted the nomination and there were no further nominations. The motion was approved unanimously.

Chair Wamback motioned to nominate Commissioner Petersen for the Vice-Chair position. Commissioner Beale seconded. Commissioner Petersen accepted the nomination and there were no further nominations. The motion was approved unanimously.

Mr. Boudet discussed the need to disclose contacts made outside of meetings regarding the Tideflats. Chair Wamback suggested Commissioners formally disclose their contacts at a meeting following the public hearing.

Commissioner Strobel reported that at the next City Council Study Session on August 22, the Puyallup Tribe's lead attorney would be providing a presentation on the Puyallup Indian Tribal Land Claims Settlement Agreement.

F. ADJOURNMENT

At 7:38 p.m., the meeting of the Planning Commission was concluded.