



MINUTES (Approved on 12-5-18)

TIME: Wednesday, November 7, 2018, 5:00 p.m.
PLACE: STAR Center, 3873 S. 66th Street, Tacoma, WA 98409
PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Carolyn Edmonds, Ryan Givens, Jeff McInnis, Andrew Strobel, Dorian Waller
ABSENT: David Horne, Brett Santhuff

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the special meeting to order at 5:10 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES

The agenda was approved. The minutes for the September 19, 2018 meeting were reviewed. Vice-Chair Petersen pointed out a typo on page 2, where “replies” should be “relies.” The minutes were approved as amended. The minutes for the October 3, 2018 meeting were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Comments were received from the following citizen:

- Venus Dergan – Concerning the Manitou Annexation issue, Ms. Dergan was curious to see if questions previously raised by the community have been answered. She had heard a staff presentation to a City Council’s committee in October indicating that the proposed annexation would have some fiscal impacts to the City, and she wondered if the issue would be addressed at this meeting. She suggested the City establish some financial statistics to properly portray the fiscal impacts. She was also wondering if zoning will be addressed at this meeting. She said the majority of this area is R-2 and many longtime home owners and retirees in this area would like to keep it that way. She asked that the South Tacoma Neighborhood Council be kept informed of the progress of the proposed annexation.

D. DISCUSSION ITEMS

1. Manitou Potential Annexation Area

Lihuang Wung, Planning Services Division, reviewed that the Manitou area is one of Tacoma’s Urban Growth Areas and an unincorporated “island” of Pierce County, and as such, its annexation to the City is expected by the State Growth Management Act and considered a high priority in regional and county-wide planning policies. The annexation would be carried out through an interlocal agreement. The County Council and the City Council have each adopted a resolution recently to initiate the annexation process and the negotiation of the interlocal agreement. The negotiation would take a few months and the annexation is anticipated to be effective in August 2019.

In terms of the fiscal impacts of the proposed annexation, Mr. Wung provided that generally, residents and businesses of the area would see decreases in property taxes and water and solid waste rates; no change in electricity and natural gas rates; and increases in wastewater and storm water fees and business-related taxes and fees. The anticipated revenues to the City would range from \$101,000 to \$131,200 per year, while the anticipated expenditures for providing major services (i.e., Fire, Police, Sewer and Roadways that are currently not provided by the City but would be upon annexation) would

likely exceed the revenues. Mr. Wung concluded that, based on preliminary analyses by the respective service providers and given the small size and scale of the Manitou area, the fiscal impacts are expected to be relatively minimal and manageable, but should be further evaluated.

In terms of land uses, Mr. Wung provided a historic context by describing how the Manitou area became an unincorporated island after the incorporation of University Place and Lakewood and the annexation of the Meadows Golf Course and the Calvary Cemetery in the 1990s. He also mentioned that the City Council had adopted proposed land use designations and zoning districts for the area as part of the 2004 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code. He then presented the current proposal, whereby the existing office and commercial areas would be zoned C-1, auto related service areas C-2, multi-family areas including the mobile home park R-4L, and the single-family areas R-2, all with the South Tacoma Groundwater Protection District Overlay. He stated that the current proposal is a minor amendment to the 2004 version, reflects the existing land uses, preserves the residential characters of the area, is compatible with the surrounding neighborhood, and allows development opportunities. Mr. Wung was seeking the Commission's concurrence with the proposal, which would be incorporated into the 2019 Annual Amendment for the City Council's consideration in May-June 2019. Commissioner Edmonds made a motion, seconded by Vice-Chair Petersen, to concur with the land use and zoning proposal as presented. The motion passed unanimously.

2. Public Hearing – JBLM Airport Compatibility Overlay District

Chair Wamback called the public hearing to order at 5:45 p.m. He reviewed the procedures for the public hearing, and asked the commissioners to introduce themselves.

Larry Harala, Planning Services Division, provided an overview of the subject of the hearing, which was the proposed Airport Compatibility Overlay District corresponding with the Joint Base Lewis McChord's (JBLM) Accident Potential Zone II (APZ II). The intent of the proposal is to reduce risk where possible, increase awareness and decrease risk on the ground should a crash occur, while acknowledging the existing community.

Mr. Harala indicated that the proposal is compliant with the recommendations of the 2015 Joint Land Use Study (JLUS) and the U.S. Air Force's Air Installations Compatible Use Zones Program. Key components of those recommendations are all uses resulting in congregation of less than 50 people per acre and residential densities at or below 2 units per acre. The proposal is designed to allow all the existing development to remain as it is, while public assembly uses would become legal non-conforming and subject to non-conforming standards in city code. In short non-conforming properties can be rebuilt in the event of a catastrophe and can effectively remain in perpetuity. New public assembly uses like schools, day care centers, churches, nightclubs would be prohibited. Certain industrial uses involving large congregations of employees or processing and storage of hazardous materials would be prohibited. Mr. Harala pointed out that there are few undeveloped properties in the area, but that they are all residential zoning and that any new development would be restricted to a maximum of 2 units per acre or 1 home per undeveloped lot on lots that are less than an acre.

Mr. Harala explained that there are three zones the Air Force has identified relating to aircraft accident potential – Clear Zone, Accident Potential Zone I and Accident Potential Zone II. The only designated area within the City of Tacoma is APZ II, while Clear Zone and APZ I are to the south of city limits. Of all the aircraft accidents around military bases, 5% occurred in the APZ II. Mr. Harala pointed out that should a large transport or tanker plane crash that the area of impact would be nearly 10 acres and the entire area is only approximately 200 acres.

In terms of land use conformity to the Air Force recommendations, Mr. Harala provided that generally the subject area is more compliant than areas in the APZ I and Clear Zone to the south, however the area is still somewhat out of compliance with Air Force recommendations. He explained that the area is primarily zoned R-2 and mostly single family in nature with some commercial properties along the South Tacoma Way side of the area and some industrial properties to the southeast quadrant of the area. There are some public assembly uses like churches and Arlington Elementary School in the area.

Mr. Harala also reported on the public notification efforts as well as the generic and targeted outreach efforts, including a community meeting conducted on October 24, 2018 at the STAR Center

(approximately 35 people in attendance). He quickly reviewed the questions and comments received at the community meeting.

Mr. Harala then introduced Bill Adamson of the South Sound Military and Communities Partnership (SSMCP), a key stakeholder of the project. Mr. Adamson commented that the SSMCP supports Tacoma's effort in adopting the proposed Airport Compatibility Overlay District and that Lakewood is pursuing similar effort for APZ I. The Air Force has a zero tolerance policy for accident. Mr. Adamson mentioned the worst accident in terms of fatality (with 37 lives lost) occurred 66 years ago near South Tacoma Way and 84th, right on the border of APZ II and APZ I. He commented that there are three types of risk – risk to the public, operational flight risk, and risk to JBLM's mission. JBLM is a major contributor to the regional economy, while being a completely urban, encroached installation. The Military has been working closely with the surrounding communities to minimize these risks. The JLUS is one of such efforts.

Chair Wamback called for testimony. The following citizens provided comments:

- Rie Suzuki – Ms. Suzuki has never considered that she has lived in a potential accident zone, until the last community meeting, and never heard that a plane may crash there. Many disasters can occur anywhere at any time, such as earthquakes, hurricanes, gas explosions, and mass shootings. She would like to ask the City of Tacoma to seek alternative solutions for these South Tacoma residents and the new public Arlington Elementary School built last year. She wanted to note that the Air Force can build the second runway in another area, as they have a large amount of space on base. However, it is necessary to change the zoning, standards, and restrictions in the future. The City needs to provide all information in the future to the citizens that are affected before it comes into the law. She also asked for the City to allow sufficient time for all the residents and property owners to be able to make plans or change of plans such as accessory dwelling unit applications, expansions, subdivisions and building applications.
- Courtney Brunell – Ms. Brunell is the planning manager for the City of Lakewood. Lakewood has adopted similar regulations to keep residents safe. She thanked the staff, and the Commission, and appreciated the effort to keep citizens safe.
- Barbara Hopkins – Ms. Hopkins purchased her house from HUD, and was not aware that it was in an APZ II. She noted that there is greasy fuel residue on her porch, and sounds from the aircrafts are noticeable. She is concerned about the property restrictions will greatly affect her resale value and taxes. She is shocked that the Arlington Elementary School was allowed to be built. Apparently the safety of the children was not a priority. She believed the proposed action is too little too late, as the school is already built and people already live there. Her house has been there since 1910, and no plane has ever hit it. The proposed restrictions will only harm home owners.
- Betsy Elgar – Ms. Elgar expressed concerns about people living under fear of airplane crash and not being able to renovate their property. She suggested having a tour of the area before developing the land use and development regulations.
- Bill Dixon – Mr. Dixon was a firefighter in the early 1970s for JBLM. He's more concerned for the private plane pilots. He's familiar what happens when planes crash. He stated that the JBLM pilots fly all the time and know the area and monitor maps. They are flying at all hours of the day. He knew about the crash zone back in 1973-75, and was amazed that the school was allowed to be rebuilt. He doesn't know what impact this will have and how that will affect taxes, insurance and resale value. He wanted to know if the City has talked with other cities and insurance companies. He wanted to know if people will be notified with any information from studies that may happen.
- Scott Grover – Mr. Grover owns multiple properties that are right next to each other. They knew they were in the flight path, but not in an accident potential zone. He and his wife bought the homes as an investment while he was in the Navy. He understands why the area wants to be rezoned for safety purposes. He found out that there are no accident potential zones at certain airports and feels it is unjust to place restrictions on home owners in this area and ignore this for

over 40 years. He noted this has nothing to do with keeping people safe and also stated that no projects within this zone and certain distance from the airfield can receive HUD funds. With no HUD funds available, where is anyone going to be able to borrow money to buy the property when people are ready to sell? He asked what is going to happen to Fannie Mae and Freddie Mack, who are also regulated by HUD. He believed this will cause two things to occur – property value will go down, and insurance rates will go up.

- Jeff Hannem – Mr. Hannem is a realtor in Lakewood, who believed there will be somewhat of an impact from this overlay. He owns one property, and wanted to state that it wouldn't make any sense to rebuild a 600 sq. ft. home if it burned down. It's a very large lot, and not being able to add an ADU is a future loss for this property. He will probably sell his property in the area and will find out if there is an impact to the property value. He noted that anything that will spook a potential buyer should be shown in the title. Although that's not good for the realtor business, as a homeowner, he believed people should have the right to know what they are buying. He hoped that over the course of time that people could substantiate losses, as it sounds like this should have happened a long time ago. He noted it's better late than never, but a lot of people have bought and invested in this area.
- Jeff Nolta – Mr. Nolta wanted to talk about three things – risk, mitigation, and property values and rights. He noted that, historically since 1968, the crash risk to the APZ II is 5%, but 32% (which is 6 times as high) within 10 nautical miles of the APZ II. He asked, so what are we going to do with the rest of Tacoma that has a far greater incidences of crashes than the APZ II which should change a lot of what is being proposed here. As far as mitigation, he commented that the chance to mitigate this was in the 1940's when they built McChord. For whatever reason they chose to build it on the far northern end of the base with virtually no other property to have any clearing for APZ zones, so it's too late for that. He commented that there is only about 2.5% of the APZ II that is unbuilt. He believed that the cities' opportunity to mitigate is gone, as the area is completely built up. We're not going to change the density here unless you'll take steps to move people out.
- Venus Dergan – Ms. Dergan commented that realtors don't have to divulge information about the APZ zoning right now, and wondered if they will have to divulge this information in the future. She commented that residents are concerned about insurance. She stated that we all live in an earthquake zone, but not all of us have earthquake insurance – will insurance be voluntary?
- Carolyn Hannemon – Ms. Hannemon commented that because the APZ is not a new development why we are just now imposing this. It's not going to impact the City. It will impact the people. She noted that the City could've taken action back in 2005 during a study that was conducted. It clearly would've come up then, so why is the City trying to put a band aide over this – because it will not impact the City, it will impact the people. She asked, why was the new building of the Arlington Elementary allowed? Property values and insurance values, and the children who live here – all things long term – are being affected. This will harm the citizens wellbeing in this area, but won't affect the City.
- Pamela Nugent – Ms. Nugent agreed with the people. She had been wanting to open up a homeless shelter on her property to serve the Lord. English is not her first language. The restrictions from the zoning overlay crushed her dream. She has been helping people who have been sleeping on the streets. If she cannot be allowed to do what she wants, she wants the City to provide relocation services if she cannot build more on her property to help the homeless.

With no more citizens coming forward to testify, Chair Wamback announced that the Commission will continue to accept written testimony until November 9th and closed the public hearing at 6:36 p.m. He asked Commissioners to provide feedback as to what additional information the Commissioners would like staff to provide at the next meeting.

- Commissioner Edmonds requested for clarifications on whether APZ zones are designated by the Air Force, how long they have been in place, whether the City is required to disclose that information, how insurance is affected, whether staff would be able to gather more recent incidents data than 23 years ago, what the City of Lakewood has done with APZ I, and how many residents and lots the City will be affecting with the proposed overlay district.

- Commissioner Waller asked how many times in the past have we attempted to officially rezone this area. Mr. Harala answered that to his knowledge the City hasn't so far, although he is certain that it has come up in the past, but not to this extent about a discussion to create an overlay district. He will provide additional information for the next meeting.
- Commissioner Givens commented that his biggest concern is to guard against future slum and blight. He wanted to get an insurance and lenders opinion. He wanted to know what other urban areas, older urban areas have done, and wanted to know about the SEPA determination for the Arlington Elementary School. He is curious as to how the school district responded to a lot of the questions on the check list, and that will help him follow their thought pattern.
- Commissioner Strobel was curious about the coordination among JBLM, the City and the City of Lakewood. Mr. Harala pointed out LT. Colonel Kevin is present, who also attended the community meeting on October 24th. Mr. Harala noted that the City of Tacoma is actually a little ahead in a process to follow up on the 2015 JLUS. The base is working with a consultant on this very issue, as well the City of Lakewood. Tacoma is about a year ahead.
- Commissioner McInnis asked that perhaps Lt. Colonel could help us understand what other communities have done, and how they have dealt with this issue.
- Commissioner Edmonds asked if there is a way to incorporate some kind of relocation incentive if people want to relocate from the actions of the City. She also asked if staff have talked to the school district about the elementary school, and why it was allowed to be rebuilt. Mr. Harala answered that it's his understanding that when Arlington was remodeled, this was addressed, and that he will provide more information at the next meeting.
- Chair Wamback commented that it's his understanding that the federal government will not provide funding for subsidized housing through HUD in an APZ II zone. He is curious if that applies FA mortgages like Fanny May, Freddie Mack, and what are the impacts. He noted that it would be useful to have more information on the public side of this process, or was it just agencies getting together to talk amongst themselves. To him, it sounds like this process has been going on for many years, yet what sort of approach was taken to distribute this information to the public. He understood the US Navy in the Hampton Road areas of southeastern Virginia has purchased easements from residential properties surrounding naval air installations. He asked is there any consideration by the Air Force or other federal agencies to treat the people of Tacoma equal to how they have treated people in other areas of the country, or are those programs no longer possible. He is disappointed that the US government didn't come to testify in front of the people they represent. He would encourage staff to get the federal government on board to come and speak directly to them, instead of around them.
- Commissioner Edmonds wanted more perspective on how the land use of Tacoma will impact JBLM's mission.

In closing, Chair Wamback reiterated that the Commission will continue to accept written comments through November 9th. He suggested that those who already testified are welcome to submit additional comments and those who may not have felt comfortable speaking tonight are encouraged to submit comments.

(The meeting was recessed at 6:57 p.m., and resumed at 7:09 p.m.)

E. Communication Items

Brian Boudet, Planning Manager, provided the following comments:

- The next meeting on November 21st is cancelled, so the next regularly scheduled meeting is on December 5th.
- The City Council is finishing up the biennial budget process, with the first reading of ordinance scheduled for November 13th and the final reading on November 20th. Staff will keep the Commission informed of budget modifications, if any, that would affect the Planning Services Division and the Planning Commission Work Program.

- The City Council will conduct the final reading of ordinance on November 13th to extend the Tideflats Interim Regulations, and is considering a potential modification that would require a conditional use permit for the expansion of existing non-industrial and heavy industrial uses.
- The Detached Accessory Dwelling Unit (DADU) Regulations as recommended by the Planning Commission would be reviewed by the Council's Infrastructure, Planning and Sustainability (IPS) Committee on December 12th. Chair Wamback indicated that he plans to be in attendance and speak on behalf of the Commission.
- Concerning the Sound Transit's Tacoma Dome Link Extension project, Sound Transit held a station location and design workshop on November 1st for the Tacoma Dome Station and the East Tacoma Station. Commissioner Santhuff was in attendance. This item may come before the Planning Commission and the Transportation Commission in the near future.
- Lauren Flemister has left Tacoma to the City of Seattle and tomorrow is her last day. Elliott Barnett will be taking over the DADU project.

Chair Wamback suggested staff to reserve some time on the agenda for the December 19th meeting for the Commission to debrief the IPS's review of the DADU proposal and prepare response, if any is needed.

F. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

****These minutes are not a direct transcription of the meeting, but rather a brief capture. For full-length audio recording of the meeting, please visit:***

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