



MINUTES

(Approved on 12-16-2020)

TIME: Wednesday, December 2, 2020, 5:00 p.m.

PRESENT (virtually): Anna Petersen (Chair), Jeff McInnis (Vice-Chair), Carolyn Edmonds, Ryan Givens, David Horne, Christopher Karnes, Brett Santhuff, Andrew Strobel, Alyssa Torrez

ABSENT: N/A

A. CALL TO ORDER AND QUORUM CALL

Vice-Chair McInnis called the meeting to order at 5:04 p.m. A quorum was declared.

B. APPROVAL OF AGENDA

The agenda for the meeting was approved.

C. PUBLIC COMMENTS

Public comments were not accepted at the meeting. No written comments regarding Discussion Items D1 and D3 had been submitted as directed in the agenda notice.

Written comments received on the subject of the public scoping hearing would be reviewed in the appropriate portion of the meeting.

D. DISCUSSION ITEMS

1. Transportation Commission Updates

Jennifer Kammerzell, Public Works, began with an overview of the Transportation Commission and their 2021 priorities, consisting of the Impact Fees, Vision Zero Action Plan, and Transportation Master Plan Amendments. The Impact Fees, as allowed by the Growth Management Act, may be adopted by local agencies to help pay for certain portion of the cost of capital improvement projects associated with Transportation, Fire, Parks, and Schools that are needed due to new development. Ms. Kammerzell explained which costs could be funded by impact fees and which could not. She also presented a graphic to demonstrate how the impact fees work and how they could be applied to a project. As the only major city along the I-5 corridor that has not implemented Impact Fees, the City of Tacoma is in the process of developing an Impact Fees Program with four main parameters in mind – Phasing, Infrastructure, Costs to Development, and Incentives. The Planning Commission and the Transportation Commission will be intensively involved in the development of such program within the next six to seven months, Ms. Kammerzell indicated. Another major project was the Vision Zero Action Plan, which was initiated by the City Council's Resolution No. 40559 (adopted on February 18, 2020), with the goal to eliminate traffic fatalities and severe injuries in the City by 2035. The approach and strategies for this plan were reviewed. As for the Transportation Master Plan (TMP) update, this iteration of revision would focus on updating the performance measures, incorporation of subarea plan, consistency between the TMP and other planning documents as well as relevant projects. The materials were intended to be completed prior to the Planning Commission's 2022 Annual Amendment process so that the TMP update application would be included in the amendment package. Lastly, Ms. Kammerzell described other key projects and involvement that the Transportation Commission had. She also explained the letter from the Bicycle and Pedestrian Technical

Advisory Group to the Sound Transit Board of Directors regarding the Tacoma Dome Link Extension project (provided at the end of the meeting agenda packet).

Commissioner Karnes asked about the timeline of when Public Works staff would come back to brief the Planning Commission on these projects. Commissioner Givens had questions about how the Impact Fees would be applied in a scenario and requested more information on the fees in connection to Land Uses at future meetings.

2. Tidelands Non-Interim Regulations – Public Scoping Hearing

Chair Petersen called the public scoping hearing on the scope of work for the Tidelands Non-Interim Regulations to order at 5:30 p.m., and went over the procedures of the hearing.

Stephen Atkinson, Planning Services Division, briefed the Commission on the objective of the meeting, which was to receive community input during the public scoping hearing portion and finalize the scope of work with any necessary modifications afterward. He quickly reviewed the background information for the Tidelands Non-Interim Regulations project, which was initiated by the City Council's Ordinance No. 28696 adopted on October 20, 2020. In connection to the Tidelands Interim Regulations process, Mr. Atkinson stated that the initial regulations were adopted in November 2017 (Ordinance No. 28470) following the City Council's directive and the Planning Commission's recommendation. Since then, the Tidelands Interim Regulations had been extended five times. He also explained four issues identified in the interim regulations and potential amendments to address them – public awareness of permits, conversion of industrial lands, residential encroachment, and siting of potentially high-risk/high-impact industrial uses. Additionally, the types of supplemental information to be provided to the Commission, outreach and engagement strategy, and timeline of the project were presented.

Chair Petersen reiterated that the subject of the public hearing was the scope of work of the project rather than the code changes, then reviewed the hearing procedures and called for testimony. The following citizens testified:

- 1) **Rachel Haxtema** – Ms. Haxtema was a resident in Tacoma, active in her local community. She was on the board of Earth Ministry advocating for strong environmental policy. She called for a broad scope that would include protection of the area from expansion of existing high-risk facilities. She also asked for consultation with the Puyallup Tribe regarding their concerns during the process, as well as consultation with marginalized groups that would be affected by the polluting industries. Lastly, she supported having listening sessions and other outreach methods.
- 2) **Barret Carpenter** – Ms. Carpenter lived within 15 minutes of the Tidelands area. She stated that the non-interim regulations must set health, safety, science, and justice as priorities. New fossil fuel projects could not be treated differently than expansion of existing ones. She called for a stop to expansion of fossil fuel industries on the Tidelands. Strengthening of regulations and public oversight in decision-making were suggested. So were engagement with the Puyallup Tribe, education of health impacts to the public, and allowance for renewable energy jobs.
- 3) **Josef Barlow-Farrar** – Mr. Barlow-Farrar commented that the most recent study released by the Intergovernmental Panel on Climate Change indicated that we had 10 years to address the climate issues, while other organizations were claiming closer to 7 years. No expansion of fossil fuel or high-risk facilities could be allowed in the Tidelands. He wanted to see an end to fossil fuel industries.
- 4) **Robb Crabill** – Mr. Crabill was a member of the Southeast Neighborhood Alliance. He was concerned about the capacity expansion of fossil fuel companies. He would like the scope of the regulations to include existing fossil fuel companies in Tacoma. He was also concerned about the impacts of high-risk industrial uses in the South Tacoma area. He found it troubling that those uses were put in neighborhoods that were previously redlined, thus believed the scope of work should

include environmental racism and justice. More outreach was requested in the south and southeast areas of the City.

- 5) **Eric Johnson** – Mr. Johnson was the Executive Director of the Port of Tacoma. He commented on the complexity of the policy development process, specifically involving the State’s Constitution that had protection for harbor areas reserved for commerce and navigation. He also mentioned the Shoreline Management Act and the Growth Management Act. He asked the Commission to review the allowed uses in industrial zones for consistency with the City’s Comprehensive Plan. He would like the Tideflats Manufacturing Industrial Center to receive the same protection as the South Tacoma area had. Mr. Johnson further asked the Commission to review the definition of heavy manufacturing/heavy industrial uses as well as consider changes to platting and subdivision on Marine View Drive.
- 6) **Tony Ivey** – Mr. Ivey was an activist with the Washington Conservation Voters and Environmental Council. He stated that the scope needed to focus on the health and safety, racial equity, and climate urgency. Due to the circumstantial changes, the high-risk fossil fuel uses must be included. So as racial equity.
- 7) **Maddie Smith** – Ms. Smith was a member of the Earth Ministry’s Washington Interfaith Power & Light. She urged for the inclusion of existing facilities that processed or stored fossil fuel in the regulations.
- 8) **Barbara Church** – Ms. Church was a Northeast Tacoma resident. She commented that many members of the community had spoken against the expansion of fossil fuel facilities allowed in the interim regulations. She stated reasons for which neither new nor existing fossil fuel industries should be allowed to expand.
- 9) **John Gustafson** – Mr. Gustafson was a resident of Browns Point and the Environmental Health and Safety Manager at the US Oil & Refining Company. His company considered the transition to low carbon fuel as their future and was ready to work with the Commission in the regulations development process. He raised questions regarding the definition of expansion, ways to stimulate renewable fuel activities, ways to support activities associated with national security, etc. and most importantly the question of what the ultimate goal was. A single regulatory process was necessary to provide certainty and predictability. Mr. Gustafson and his company were open to continue the discussion outside of the hearing process.
- 10) **Marquis Mason** – Mr. Mason worked for the Citizens for a Healthy Bay. He expressed that the scope of work should focus on the expansion of high-risk industries under the current regulations, and provided supporting information to reinforce his point.
- 11) **Alexandra Brewer** – Ms. Brewer was pleased that the climate urgency was a factor of consideration. She agreed that scope should look at existing uses. She encouraged the Commission to invest in robust and diverse engagement strategies outside of the typical approach.
- 12) **Les Pogue** – Mr. Pogue was a member of 350 Tacoma. He advocated for the following components to be part of the scope: (1) study of toxic fallout from existing toxic industries, study of proposed developments and their effects on contamination; (2) study of cumulative air quality and additional impact to the air quality with proposed developments; (3) consideration of testimonies from environmentally concerned parties in previous years; (4) consultation with the Puyallup Tribe; (5) study of disproportionate environmental health impacts on communities of color; (6) recommendations of the Human Rights Commission in response to environmental concerns; and (7) inclusion of green industries and infrastructures at the Port of Tacoma.

- 13) **Cory Haven** – Mr. Haven was the Chairman of the Tacoma Rangers Gaelic Athletic Club. He would like to see outreach to local sporting organizations for consideration of recreational or sporting facilities in the Port area.
- 14) **Elijah Cetas** – Mr. Cetas was a community organizer from Oregon. He expressed support for all previous comments. He used a situation in Portland as example to show how the regulations could be worked around and exploited if the expansion of existing fossil fuel facilities were not in the scope of work of the project.
- 15) **Victoria Leistman** – Ms. Leistman commented that the scope of work of the non-interim regulations should be broader than that of the interim regulations started in 2017, and the recommendation stronger. She urged the Commission to proactively work with the Puyallup Tribe, as well as consider environmental justice and impacts of fossil fuels on workers and incarcerated population at the detention facilities in the Tideflats. She also discussed the loophole in the current interim regulations. Lastly, the scope should consider the sea level rise and change in landscape of the Tideflats.
- 16) **John Carlton** – Mr. Carlton not only supported restraint on the expansion of existing fossil fuel industries and addition of new ones, but also argued for reduction of fossil fuel industries and production in the Port. He, then, commented on JBLM's influence in the process.
- 17) **Ryan Rittenhouse** – Mr. Rittenhouse was a Conservation Organizer at the Friends of the Columbia Gorge. Cumulatively, the Columbia River Gorge National Scenic Area suffered negative impacts caused by rail traffic and transporting of commodities through the area to service the industries in the Tideflats. Mr. Rittenhouse asked the Commission not only to limit existing uses but also to go beyond and start building new infrastructures to replace fossil fuel industries. He finally expressed support for inclusion of the Puyallup Tribe in the discussion.
- 18) **Level Pratt** – Ms. Pratt was the Marine Protection and Policy Director at the Friends of the San Juans. She stated that the decision regarding the regulations would affect coastal communities throughout the Salish Sea region. She supported prohibiting expansion and conversion of existing facilities. The changes in use of existing facilities could significantly impact rail, pipeline truck, and vessel traffic, which could in turn have devastating effect on the endangered orca population. She also urged the Commission to reach out to all the tribes with treaty rights in the Salish Sea.
- 19) **Jamie** – Mr. Jamie discussed the process of methane emission from LNG, and wanted measurement for the life cycle of LNG and methane release and other greenhouse gas emissions. He also had questions about the Green Gateway project.
- 20) **Cathy** – Ms. Cathy would like the Commission to consider future industries such as artificial intelligence, robotic, self-driving car parts, medical products, etc. for long-term jobs. These would require clean air and water. She also commented on the decline of fossil fuel industries, adding that it would be risky to be dependent on them.
- 21) **Stacy Oakes** – Ms. Oakes was an activist with 350 Seattle. She asked the Commission to go through this process with climate urgency, public health crisis, and impacts on communities of color in mind. She also offered a list of issues that had not been substantially discussed.
- 22) **Alex Ramel** – Mr. Ramel indicated that the Cherry Point area in Whatcom County was similar to the Tideflats. Their community went through a comparable process of policy development and was close to completion. Mr. Ramel invited the Commission to connect and share insights in support of the project.
- 23) **Anna Doty** – Ms. Doty was speaking on behalf of the Washington Environmental Council and Washington Conservation Voters. She encouraged the Commission to include several years of

fossil fuel storage data and records of facility expansion, review the approaches from other jurisdictions that were in similar situations, and determine broader policy goals. Lastly, she echoed support for inclusion of the Puyallup Tribe.

- 24) **Frank Boykin** – Mr. Boykin was the Director of the Manufacturing Industrial Council for the South Sound. He had three suggestions to be included in the scope of work: (1) review of the Land Use code and policy protecting industrial lands, businesses, and infrastructures; (2) amendments that would add to the economic prosperity and jobs; and (3) review of allowed uses in industrial zones for consistency with the Comprehensive Plan.
- 25) **Heidi Stevens** – Ms. Stevens was a resident in South Tacoma. She commented on the South Tacoma Manufacturing Industrial Center, requesting the rezoning of the area of and surrounding the South Tacoma aquifer to non-industrial. She also wanted to prohibit private prison facilities within the Tideflats.
- 26) **Oneida Arnold** – Ms. Arnold believed that the process for developing permanent regulations should center on those most impacted, including seeking input from the Puyallup Tribe and other disproportionately impacted communities. It should also consider health and safety impacts on communities along the transport routes, cumulative impacts on the health of the community, and the impacts on workers and incarcerated population.
- 27) **Venus Dergan** – Ms. Dergan was a resident in South Tacoma and a board member of the South Tacoma Neighborhood Council. She expressed concern over the South Tacoma Groundwater Protection District being zone M-2 Heavy Industrial District. This area sat above the South Tacoma aquifer that supplied 40% of Tacoma's drinking water, and could become contaminated due to heavy industrial lead and metals. She asked the Commission to collaborate with appropriate agencies and consider disallowing heavy industrial uses in the area.
- 28) **Eddy Ury** – Mr. Ury had been engaged in a similar process in Whatcom County. He offered several advices to the Commission on how to approach and move through this process.

Chair Petersen closed the public scoping hearing at 6:53 p.m.

The meeting was recessed at 6:53 p.m. and resumed at 7:02 p.m.

Following the public scoping hearing, the Commission moved onto the debriefing portion. Per Mr. Atkinson, approximately 140 written comments had been submitted to the Commission prior to the 4:00 p.m. deadline specified in the agenda notice. Focal points of the comments were summarized. He proceeded to explaining the proposed scope of work and potential modifications to reflect input received from the community. The public outreach methods and schedule of meetings were also presented.

Commissioner Edmonds had questions relating to the boundary adjustments of residential areas in Northeast Tacoma. Vice-Chair McInnis was in support of conducting listening sessions, but asked for them to be structured with specific groups and have opportunity for discussion. Commissioner Strobel would like to communicate with jurisdictions that had developed similar regulations for benchmarking and learn from their experience. Application of the Equity Index Map, sea level rise modeling, and analysis of fossil fuel industries were also discussed. Next, Commissioner Karnes was interested in how the City would meet its goals in the Environmental Action Plan with expansion of the industrial sector. He stated that the scope of work should be goal-oriented and de-emphasize Conditional Use permits. Chair Petersen shared Commissioner Strobel's point of view regarding the broader regional impact of the Tideflats, and added that the participants of the listening sessions should be carefully selected to provide missing input. Commissioner Santhuff wanted to see outcomes from the community such as the loopholes they had identified. He also had concerns about overlapping of agenda items and prolonged meetings. Chair Petersen continued by asking the Commission to keep in mind how the decisions made in this process might affect the future subarea plan. Commissioner Givens and Vice-Chair McInnis agreed with her

comments. Commissioner Strobel inquired about the possibility to reduce the scope of work to focus on the fossil fuel industries and potentially defer other uses to be under the subarea plan. Also with the limited preparation time, he mentioned the idea of reporting to the City Council that the Commission was making notable progress but still would need more time to formulate recommendations. Additionally, Commissioner Torrez wanted to ensure all public comments were taken into consideration and reflected in the scope of work, adding that she would also like to hear from subject matter experts on the various components of this project. Commissioner Horne was also concerned about the aggressive timeline proposed.

Commissioner Edmonds moved to approve the proposed scope of work for the Tideflats Non-Interim Regulations with the modifications as recommended by staff. Commissioner Strobel seconded the motion. It passed unanimously.

Commissioner Edmonds moved to set a special meeting for January 13, 2021 for a listening session. Commissioner Torrez seconded the motion. It passed unanimously.

3. Election of Chair and Vice-Chair for 2020-2021

Lihuang Wung, Planning Services Division, informed the Commission that the election of Chair and Vice-Chair should have been conducted in September, but was delayed due to the pandemic and other priorities. The Chair and Vice-Chair elected at this meeting would start serving at the following meeting until September 2021.

Chair Petersen was nominated to remain serving as Chair, and Vice-Chair McInnis to continue as Vice-Chair. Commissioner Strobel made a motion to secure the aforementioned nominations. The motion was seconded by Commissioner Santhuff and passed unanimously.

E. TOPICS OF THE UPCOMING MEETINGS

- 1) Agenda for December 16, 2020 meeting includes:
 - Urban Design Studio
 - Home In Tacoma Project
 - 2020 Year-in-Review
- 2) Agenda for January 6, 2021 meeting includes:
 - Tideflats Non-Interim Regulations
- 3) Agenda for January 13, 2021 special meeting includes:
 - Tideflats Non-Interim Regulations – Listening Session

F. COMMUNICATION ITEMS

The Commission acknowledged receipt of communication items on the agenda.

Brian Boudet, Planning Division Manager, reported to the Commission of the following:

- The City Council had finalized the 2021-2022 Biennial Budget process and approved funding for a neighborhood planning effort in 2021.
- The City Council had conducted a public hearing and study session for the 2020 Annual Amendment on November 24th and the first reading of three ordinances adopting the three respective applications on December 1st. Public comments received by the Council were primarily on the View Sensitive District and similar to what the Commission had heard. The Council would make their decision on December 8, 2020.

G. ADJOURNMENT

The meeting was adjourned at 8:27 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: http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/***