



MINUTES (Approved on 10-18-17)

TIME: Wednesday, October 4, 2017, 5:00 p.m.
PLACE: Council Chambers, Tacoma Municipal Building, 1st Floor
747 Market Street, Tacoma, WA 98402
PRESENT: Stephen Wamback (Chair), Carolyn Edmonds, Brett Santhuff, Andrew Strobel, Dorian Waller, Jeremy Woolley
ABSENT: Anna Petersen (Vice-Chair), Jeff McInnis

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 5:02 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF SEPTEMBER 6, 2017 AND SEPTEMBER 13, 2017

The agenda was approved. The minutes of the meetings on September 6, 2017 and September 13, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

No members of the public came forward to provide comments.

D. DISCUSSION ITEMS

1. Hilltop Link Expansion – FTA/SGA Technical Assistance Grant

Lauren Flemister, Planning Services Division, reviewed that the City of Tacoma had received a grant from the Federal Transit Administration (FTA) for Transit Oriented Development assistance, as a complementary effort to the Links to Opportunity Project. The goal of the technical assistance was to support the City in better understanding the existing and future housing market conditions and needs of the Hilltop community in anticipation for the Link light rail expansion into the neighborhood.

Chris Zimmerman, Smart Growth America, reported that they were the entity through which the FTA offered technical assistance to work on issues of transit oriented development, to ensure that they got the development outcome they wanted, and to help ensure that those outcomes were equitable. In Tacoma they were working with staff to address equity issues, housing affordability, and the potential role of a new transit line. Mr. Zimmerman discussed their process from understanding the conditions to identifying potential policy tools to address issues that might be more acute with the opening of a new transit line.

Laura Searfoss, Enterprise Community Partners, reported that they were in the second half of Phase 2 and had done a lot to build an understanding of the housing market conditions within Hilltop, what tools the City was already using, and other external factors that could affect affordability. Things that they could build on included the Links to Opportunity Project, the digital inclusion study, the anchor engagement work, and the planning that had already been done. Ms. Searfoss reported that one of the biggest challenges in tackling affordability was limited resources, so they were also considering how to bring more resources to bear. As they considered what affordability means they would be focusing on the housing side, but would also consider complementary work through Links to Opportunity and other avenues to increase people's incomes. Ms. Searfoss reported that the proposed strategy framework included four strategies intended to increase affordability in Hilltop, promote better policy alignment, promote equity, and support longtime residents. They hoped that the goals could be met through the

cultivation of new resources, streamlining the existing policy framework, strengthening the programs that already serve many of the needs today, and through policies that support existing residents.

Commissioners provided the following questions and comments.

- Commissioner Edmonds asked how they defined affordable housing. Ms. Searfoss responded that they were looking at residents who were paying more than 30% of their income towards housing costs.
- Commissioner Edmonds asked if the project would also address access to jobs that pay a higher income. Ms. Flemister responded that the Anchor Initiative would do a lot of work to address jobs and income.
- Commissioner Strobel asked who the other stakeholders involved in the project were. Ms. Flemister responded that principle partners included Tacoma Housing Authority, the Community and Economic Development Department's Housing Group, the Hilltop Engagement Committee, the Hilltop Action Coalition, and others.

2. Tideflats Interim Regulations

Chair Wamback reviewed that the Commission bylaws included a provision about disclosing contacts or meetings with interested parties to preserve the integrity of the Commission's process. He asked fellow Commissioners who had been contacted since the close of the hearing to disclose those contacts. Chair Wamback reported that he had received written comments from the Longshoreman's Union and phone contacts from Schnitzer Steel, the Port of Tacoma, and Citizens for a Healthy Bay. Commissioner Edmonds reported having received written comments from Citizens for a Healthy Bay and several phone calls that were not returned. Commissioner Woolley reported receiving a phone call from Citizens for a Healthy Bay. Commissioner Santhuff reported having several interested parties attempt to contact him but not engaging them. Commissioner Waller reported having received a few emails from Citizens for a Healthy Bay. Commissioner Strobel reported having contact with the Port of Tacoma, City of Tacoma, Citizens for a Healthy Bay, Longshoreman's Union, and individual community members.

Stephen Atkinson, Planning Services Division, reviewed that staff was seeking for the Commission to make a recommendation to the City Council on the need for, and the recommendations pertaining to, the Tideflats Interim Regulations. They would proceed through an informal poll of Commissioners for the individual components and then ask for a motion from the Commission on the entire package. Mr. Atkinson noted that the inclusion of an alternative draft of the amendment in the agenda packet was intended to show how different options considered by the Commission would look if codified, not to circumvent the process.

The Findings of Fact were discussed. Mr. Atkinson reviewed that some of the key pieces provided by staff included findings related to state policy on liquid fossil fuels, the lifting of the ban on crude oil exports, documentation of the public notification process, documentation of Commission deliberations, documentation of public comments, and tentative recommendations from the Commission. Findings that would be documented following the meeting included the final summary of recommendations to the City Council and the changes made between the public review document and the final recommendation.

Mr. Atkinson discussed the expanded notification proposal. He reviewed that at the previous meeting the Commission had discussed whether the proposal should be permanent and the degree to which it was precedent setting. The staff recommendation was to keep the proposal in the interim regulations.

Chair Wamback called for a straw poll of Commissioners as to whether they supported the element as presented by staff. Commissioners indicated unanimous support.

Mr. Atkinson reviewed proposed regulations for non-industrial uses in the Port Manufacturing/Industrial Center (M/IC). The proposal would limit certain non-industrial uses in the Port to address concerns about conversion of industrial lands into non-industrial uses and to ensure that they would not see new large non-industrial uses during the subarea planning process. The proposed modifications were to allow expansion through nonconforming use provisions, to remove correctional facilities from the list of prohibited uses, and to not prohibit uses allowed only in the M-1 zoning.

Commissioner Strobel asked for an explanation of the provisions behind the non-conforming use expansion allowance. Mr. Atkinson reviewed that existing non-conforming use code allowed up to a 10% increase in trip generation or 10% parking quantity. The second provision recognized some uses that provided a positive benefit to the location but would not be appropriate for upzoning.

Chair Wamback noted that a credit union had expressed concern about whether they would be able to expand into their extended footprint. He asked if an expansion would automatically be approved if their customer base had already grown and filling the rest of their footprint would not generate new trips. Mr. Atkinson responded that it was the kind of circumstance where they would recommend having some mechanism through the conditional use process to allow some flexibility.

Commissioner Edmonds asked if it was appropriate for them to include non-industrial uses, commenting that they had not had time to consider the potential impacts of the regulations on those uses.

Chair Wamback called for straw polls for the individual aspects included in the category of non-industrial uses. He asked if there was support for any sort of prohibition of non-industrial uses in the Port M/IC. Five of six Commissioners expressed support with Commissioner Edmonds opposed.

Chair Wamback asked if there was support for a non-conforming use provision as recommended by staff. Five of six Commissioners expressed support with Commissioner Edmonds opposed.

Chair Wamback asked if there was support for applying the regulations on non-industrial uses to the entirety of the Port M/IC. All Commissioners expressed opposition.

Chair Wamback asked if there was support for removing the M1 zone and focusing the regulations on the PMI, Shoreline, and M2 zoning. Five of six Commissioners expressed support with Commissioner Edmonds opposed.

Chair Wamback asked if there was support for not including correctional facilities on the list of prohibited uses. All Commissioners concurred with striking correctional facilities from the list.

Mr. Atkinson reviewed proposed regulations for residential development along Marine View Drive. The proposal was to pause all new platting, subdivision, and new residential construction. Mr. Atkinson reviewed that there had been a question as to whether denying building permits for an approved plat could be considered a taking. As a result of that discussion, the staff recommendation was to keep the pause on all new plats and subdivision and allow reasonable use of existing lots in the interim.

Commissioner Edmonds asked if Noble Manor v. Pierce County, the case cited in the legal memo, had involved interim regulations. Steve Victor, Deputy City Attorney, responded that it did not involve interim regulations, but there was still potential for conflict with a vested right to develop platted property.

Commissioner Edmonds commented that it made no sense to allow even one house to be built when the neighbors of northeast Tacoma were experiencing huge impacts from the development in the Port.

Chair Wamback asked if the item could be recommended as the first work item of the subarea plan. He noted that they had received letters from property owners that had already platted land and had expectations of developing it. Brian Boudet, Planning Services Division Manager, responded that the subarea plan would be a comprehensive process that looks at all of the issues concurrently rather than addressing individual issues in certain sequential manner.

Commissioner Santhuff commented that he shared the concerns about residences being built up there, but he also felt that the interim regulations shouldn't prohibit development from moving forward. He commented that if they included a pause on new residential construction, they would likely see some legal challenge. He commented that stopping new platting and subdivisions would be the critical part.

Commissioner Edmonds asked if they could require that anyone purchasing a home in that area be informed of the activities of the port. Mr. Boudet responded that it could be done as a notice on title or with less formal notifications that could meet the same intent.

Chair Wamback called for a straw poll on whether there was support for pausing residential construction in already platted subdivisions zoned residential, i.e., taking the "most restrictive" approach. Half of the

Commissioners expressed support with Commissioner Santhuff, Chair Wamback, and Commissioner Woolley expressing opposition. The straw vote failed due to a tie vote.

Chair Wamback asked if there was support for the modified approach that included the staff recommendation and the Commission's suggestion for providing additional notice to let people know about concerns during the process. Commissioners expressed unanimous support.

Mr. Atkinson discussed proposed restrictions for heavy industrial uses. The proposal would apply citywide wherever heavy industry was allowed and would prohibit establishment of certain new uses. Based on feedback from the last discussion, staff had added a limitation on expansion for up to a 10% increase in storage, production, or distribution capacity subject to a conditional use permit (CUP).

Commissioner Edmonds commented that coal and fossil fuel uses should be the focus of the restrictions.

Commissioner Strobel expressed support for including a limit to expansion, which had been a significant concern in many public comments. He asked if improvements like seismic upgrades would be subject to the proposed limitations on expansion. Mr. Atkinson responded that they did not intend to place limitations on those kinds of improvements, because they would not affect the capacity of a facility.

Commissioner Strobel asked if a biofuels project would trigger the restrictions or would be able to go through the Planning Director's Rule. Mr. Atkinson responded that a biofuels project would go through the director's interpretation to determine if it fits within the parameters.

Commissioner Strobel commented that he was comfortable with the list of uses, adding that he had been supporting the inclusion of mining and quarrying based on concerns for the steep slopes.

Commissioner Santhuff reviewed that he would be in favor of expanding the list, but trusted that the process of the subarea plan would look at all of the uses.

Chair Wamback reviewed that the interim regulations would be affecting heavy industrial uses in both the Port and South Tacoma, asking if the subarea plan would affect the South Tacoma as well. Mr. Atkinson responded that there would be economic research and environmental review done during the subarea plan that would be transferrable to other areas and would help inform a separate decision.

Chair Wamback called for straw polls for whether individual heavy industrial uses listed would be subject to restrictions. For coal, oil, or gaseous fossil fuel uses, all Commissioners indicated support for inclusion on the list. For chemical production, processing, and bulk storage, four of six Commissioners supported inclusion on the list, while Chair Wamback and Commissioner Edmonds were opposed. For smelting, with three of six Commissioners supporting inclusion on the list and Chair Wamback and Commissioners Edmonds and Waller opposing, the straw vote failed due to a tie vote. For mining and quarrying, four of six Commissioners supported inclusion on the list, while Chair Wamback and Commissioner Edmonds were opposed. Due to the lack of support from the majority Commissioner for including smelting on the list of uses being restricted, Chair Wamback recommended removing it from the list.

Chair Wamback asked if there was support for limiting the expansion of uses as presented by staff. Following discussion, three Commissioners indicated support for the limitation on expansion as proposed by staff with Chair Wamback, Commissioner Waller, and Commissioner Edmonds opposed. Chair Wamback commented that his objection was to creating a parallel CUP process and they had not been provided facts to support that approach. Commissioner Edmonds commented that there were so many potential unintended consequences, that she would prefer there be no limitation on expansion. Commissioner Waller commented that he would prefer expansion be subject to a CUP without a specific limit on the percentage of expansion allowed.

Commissioner Santhuff noted that there had been a lot of public comment expressing concern about the potential expansion of existing uses. He commended that the staff proposal addressed those concerns as well as concerns about not wanting to count upgrades to facilities against the 10%. He commented that it was important that they make sure that the business did not invest too much in a property that would have negative consequences for the subarea planning process.

Commissioner Strobel commented that they should take existing uses into consideration because the subarea plan process would include an environmental study to establish a baseline understanding what

was happening to the environment in the Tideflats. Without a pause, they could have elements changing as they were developing the subarea plan document such as the surface mine which could radically effect the steep slopes. If they had an expansion limitation in place, they would be able to better control the process and understand the environmental baseline that they were trying to get out of the subarea process. He added that they would be able to review the restrictions every six months (as the interim regulations are due for renewal) during the subarea planning process and would have opportunities to reevaluate the restrictions.

Chair Wamback asked for a second straw vote regarding limiting the expansion of uses as presented by staff. Four of six Commissioners indicated support with Commissioner Edmonds and Chair Wamback expressing opposition.

Mr. Atkinson noted that there were several other recommendations to be included as part of the interim regulations. For the duration of interim regulations, the Commission had an option to recommend whether the interim regulations be enacted initially for six months or one year. The Commission could also make a recommendation pertaining to the work plan associated with a one-year duration of the interim regulations. The Commission had brought up the need for tracking and reporting what kind of permit applications they were seeing and other associated issues. There had also been comments from Commissioners regarding the importance of the Tideflats planning effort, so staff had included a statement recognizing the need to prioritize resources to expedite the process. Mr. Atkinson asked if there were any other recommendations or statements that the Commission wanted to include. He also asked if there were any modifications to the findings needed.

Commissioner Strobel recommended referencing the Magnuson Amendment in relation to fossil fuel oriented development in the findings.

Commissioner Edmonds questioned the initial 12 month duration for the interim regulations, suggesting that 6 months would be more consistent with the 6-month reauthorization period during the subarea plan. Following discussion, a majority of Commissioners concurred with enacting the interim regulations initially for six months and subsequently renewed every six months for the duration of the subarea plan.

Chair Wamback recommended that the subarea planning process invite participation from all jurisdictions within Pierce County and the Puyallup Tribal government. He requested that they also include a process through which the neighborhood councils and citizens could be involved.

Mr. Boudet reviewed the straw votes made by the Commission on the individual elements of the interim regulations package and recapped the modifications made by the Commission to certain elements. Commissioner Woolley motioned to recommend to City Council the interim regulations package as summarized by Mr. Boudet. Commissioner Strobel seconded. Chair Wamback requested an amendment to the motion to allow him to make some editorial changes to the draft Letter of Recommendation as presented in the agenda packet. Commissioner Woolley and Commissioner Strobel approved including the amendment. Commissioner Edmonds suggested that the letter also identify issues that had divided the Commission during the straw poll process. Mr. Boudet suggested that it be addressed in the Findings of Fact and Recommendations Report. The Commission concurred. The motion with Chair Wamback's amendment was approved, four-to-two, with Chair Wamback and Commissioner Edmonds voting against.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Boudet provided the following updates:

- Staff had provided a memo regarding the key issues identified during the last discussion of the Tacoma Mall Neighborhood Subarea Plan.
- The City Council was considering an extension of the effective date of the State of Public Health Emergency declared in May 2017 and concurrently considering modifications to and extension of the Emergency Temporary Shelters Interim Regulations.
- The City Clerk's Office would be accepting applications through October 16, 2017 for filling the vacant Planning Commission position representing District No. 5.
- The next meeting of the Planning Commission would likely include the Tacoma Mall Neighborhood Subarea Plan and Billboards on the agenda.

F. ADJOURNMENT

At 7:43 p.m., the meeting of the Planning Commission was concluded.