



## **MINUTES**

(Approved on 3/17/2021)

**TIME:** Wednesday, March 3, 2021, 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**

Chair Petersen called the meeting to order at 5:00 p.m. A quorum was declared.

Chair Petersen read the Land Acknowledgement.

### **B. APPROVAL OF AGENDA**

Chair Petersen suggested an addition to the agenda, after the Public Comments section, to provide Commissioners with an opportunity to disclose any conversations they had in regards to the Discussion Items. She also made an amendment to the meeting minutes of February 17, 2021, to clarify that the Commission did not reach a consensus on the issue of full-block vs. mid-block zoning transitions.

The agenda for the meeting was approved as amended.

The minutes for the February 17, 2021 meeting were approved as amended.

### **C. PUBLIC COMMENTS**

Public comments regarding Discussion Item D1 – VISION 2050 and Regional Planning were not accepted at the meeting. No written comments had been submitted as directed in the agenda notice.

Lihuang Wung, Planning Services Division, reported to the Commission that 37 written comments on the subject of the Public Hearing - Tidelands and Industrial Land Use Regulations had been received. The comments were made available on the Planning Commission webpage for review. The public comment period remained open until 5:00 p.m. on Monday, March 8, 2021.

### **D. CONTACT DISCLOSURE**

Vice-Chair McInnis referenced the Commission's Bylaws and encouraged other Commissioners to engage with interested individuals and parties on topics in review by the Commission. He disclosed that he had had a conversation with Frank Boykin (Manufacturing and Industrial Council) on the topic of the Tidelands and Industrial Land Use Regulations.

Commissioner Strobel agreed with Vice-Chair McInnis's point of view and shared that he had had contact with members of the Protect Tacoma Tidelands Coalition.

Commissioner Givens disclosed that his firm, Stantec, did grant writing for the Port of Tacoma but his decision-making would not be affected by that. For transparency purposes, he would prefer to have another Commissioner also partake in conversations outside of public hearing setting.

## **E. DISCUSSION ITEMS**

### **1. VISION 2050 and Regional Planning**

Maggie Moore, Puget Sound Regional Council (PSRC), provided an overview of the PSRC including its membership and role in regional planning. VISION 2050 was a regional policy direction established by PSRC laying the groundwork for other planning projects and programs. Ms. Moore presented the regional 2050 growth forecast and investments to demonstrate the need and reason for the regional growth strategy. She also covered other PSRC's projects such as Regional Housing Strategy, Regional Equity Strategy, 2022 Regional Transportation Plan, Transportation Funding, Passenger Only Ferry Study, and local planning.

Commissioner Givens asked about potential staff support that PSRC could provide to staff at local jurisdictions. Commissioner Karnes had questions regarding the scope of the Transportation Plan update. Commissioner Santhuff commented on the environmental section in the VISION 2050, which he was pleased to see and would like more focus on how to tackle the issue of invasive species in the region. Chair Petersen inquired for more information on the Passenger Only Ferry Study, in particular the next steps following the study.

The meeting was recessed at 5:32 p.m. and resumed at 5:37 p.m.

### **2. Joint Public Hearing with Ecology – Tidelands and Industrial Land Use Regulations**

Chair Petersen called the joint public hearing with the Department of Ecology to order at 5:37 p.m., and went over the procedures of the hearing.

Stephen Atkinson, Planning Services Division, stated the purpose of the public hearing and introduced Kim Van Zwalenburg from the Department of Ecology. Ms. Van Zwalenburg remarked on the role of the Department of Ecology in this process.

Mr. Atkinson reviewed the four topics of the discussion, legislative background for the project, previous discussions and milestones by the Planning Commission, and next steps in the review.

Chair Petersen called for testimony. Thirty-four people testified in the order listed below.

- (1) **Andrew Troske** – I am the Facility Manager at U.S. Oil [and Refining] (USO&R). We sincerely understand that our community wants neither expansion of production nor increased marine or rail transportation of petroleum products. As you consider how Tacoma can manage its growth, I believe together we can shape a future that meets community environmental goals. We want to be part of the solution, but the current proposal leaves us unable to do so. Tacoma is an energy island, what USO&R produces is used locally, all of which would have to be replaced by product transported via truck, marine, or rail traffic. If refinery operations were to stop, the current proposal leans heavily on a restrictive conditional use permit (CUP). They will chill innovation and limit transition to renewable fuels. USO&R is a community refinery; as such, it is less complex, has a smaller capacity and can adjust to local needs. We know the citizens of this community will demand cleaner fuels but without the certainty to respond quickly, a small refinery like ours will lose out to imported solutions that are not invested in this place. We have the expertise and the infrastructure. Together these attributes provide a unique opportunity to define refinery the Tacoma way. It is our collective interest to finalize the growth plan such that regional priorities are met. We will still maintain local jobs and supply needs. CUPs for maintenance, safety, environmental and renewable fuels development do not give the regulatory clarity and certainty needed to garner investment and transform our shared vision into a resource that benefits this community. Our written comments will detail our feedback on the proposal based on this context.

- (2) **Samuel Rodabough** – I am a Land Use attorney representing the Heiberg family who since the 1950s have owned an 8-acre residential parcel located at 5324 12th Street NE. The property will be adversely affected by the proposed regulations. Of the various aspects of these proposed regulations, section 2.C. regarding alleged residential encroachment has received little attention. Instead, the spotlight has been grabbed by vocal individuals and interest groups with strong opinions regarding the expansion of industrial uses, fossil fuels, and carbon emissions. As such, it has been challenging for my clients' concerns to be heard above the din of this vocal lobby. To that end, my clients genuinely appreciate recent efforts by Mr. Atkinson to discuss potential options to limit the impact of these proposed regulations on my clients' property. The Heiberg property is located at the southeast corner of the proposed district, pressed up against the City's eastern border and the BPA's high-voltage lines. The northeastern portion is relatively flat and the remainder is forested and drops precipitously to the Tideflats on the south and to a gulch that extends almost a half mile inland on the west. The property is currently zoned R-2 with the minimum lot size of 5,000 square feet, but the City is proposing to downzone the property to R-1 or just one home per acre; again from a minimum lot size of 5,000 square feet to a minimum lot size of one acre. First, my clients would like to see the residential encroachment issue removed from the current proposal and considered in conjunction with the subsequent review of the subarea plan. Alternatively, the geographic scope of the overlay district and its regulations warrant some fine-tuning. Obviously, my clients would be in favor of a removal of their property from the overlay. It makes sense, as they have no access to Marine View Drive, they take access through the unincorporated County to the East and through Fife, and so their property does not have the same usage conflicts as others. They would also support the allowance of clustered development. Imposing a one-acre minimum lot size is one thing but a lot yield allowance based on one-acre lot size would be far more attractive. It would allow the owners to cluster development far away from the bluff and as far away from the industry as their site would allow. Finally, the regulations should differentiate between the residential properties at the toe of the bluff that have direct access to Marine View and those at the top that don't and don't present usage conflicts. My clients remain willing to work with the City on drafting language to implement any of these refinements.
- (3) **Lexi Brewer** – I currently chair the Sustainable Tacoma Commission. We have a letter that is heading your way, which should be by later today signaling our general support of the non-interim regulations as drafted, but we do have a few recommendations for changes to the regulations that we think would both clarify and strengthen them. In section B, we feel that the definition of open space currently referenced seems to include non-heavy use and passive use open space in the prohibited uses, and things such as pocket parks or pockets of open space for biodiversity might be currently prohibited. We think this language should be clarified again to prohibit only those heavy intensity uses. We also strongly support section C, the regulations as drafted. It is important to the health and safety of both Tacoma residents and our environment to minimize residential encroachment on industrial areas and to minimize the impact of development on steep slopes and biodiversity corridors. In section D, we strongly support the regulations as drafted with the following recommendations looking at the definition of renewable fuels. We think it would make sense to also include adopting a regional standard as well as the State standard, should one come into effect between now and the end of the subarea planning process. We also think the language in the proposed amendments to the Tacoma Municipal Code CUPs should be clarified. It is currently not entirely clear to the casual reader what is allowed and what is not. We also believe that all fossil fuel facilities including those under that one-million gallon threshold should be subject to conditional user permitting. Lastly, we strongly encourage throughout this process for the Planning staff to recruit or develop the skillset to thoroughly vet permit application information that will be put forward through this process, including technical information such as greenhouse gas emissions modeling or mitigation for allowable uses. If those skills are not already present within the Planning department, it would be good to use this time to cultivate them. We also had some questions as to enforcement. We think staff should establish a process such as regular reporting requirements to proactively review activities and enforce regulations beyond the common approach, which is complaint-based. Complaint-based enforcement tends to be ineffective and puts the burden on community members to review.

- (4) **Bryan Flint** – I am the chair of Tacoma Public Utilities (TPU). We sent a letter earlier this week, and I want to give some context to that letter and then read some selections. Several years ago, when we ended the conversation about the methanol plant as a community, it was very clear what we did not want in our Port industrial area. But what was missing was a dialogue about what we want and I think this process and the following process around the subarea plan creates that opportunity to talk about how we create a sustainable economy in the Port. So reading from the letter, we believe the regulations put forth will transition us to a sustainable economy and give reliable guidelines that will allow our customers in the Tideflats to thrive. TPU recognizes the economic benefit of regulations that support renewable fuel production – for example, green hydrogen storage and transportation within the Tideflats and the City's industrial zone. Therefore, we support a number of the amendments, which are listed in the letter. Tacoma Power is playing a strategic role in decarbonizing our future. That can be done by supporting the development of a nascent industry cluster and putting Tacoma-Pierce County at the leading edge of a carbon-free fuel production within the nation. And in one of these things we have had discussions with electrofuels manufacturers using our clean electricity from hydro power to create electrofuels. So these amendments will go a long way to making this goal attainable.
- (5) **Lester Pogue** – I am a father, brother, son, and lover of Mother Earth. I support all those that have been repetitive or we will be repetitive tonight. My commentary is addressing topics one through four displayed earlier this evening with an emphasis on topic number four. Strengthen interim regulations to not allow current existing or future further expansion of fossil fuels industry down at the Port. I recommend that this Planning Commission support our efforts in requiring that all the governmental agencies involved in the Tideflats subarea planning project finance an accumulative air quality study by an independent and reputable company, and be transparent to the public about the data received regarding the existing toxicity levels that are harmful to our humanity and our relatives in the air, the land, and the Salish Sea. Use that information to guide future expansion of industry at the port and surrounding industrial areas. These actions can guide the Department of Ecology to establish rules that guide everyone involved in making these critical decisions leading to outcomes that are more environmentally, economically and socially just for the people of Tacoma-Pierce County and the state of Washington. The Planning Commission has an opportunity to change the direction of continued reliance on industry that is detrimental to our natural environment and move toward a future that improves the health of our future generations. I hope that you take this opportunity to influence the City and the Port to steer us towards more environmentally friendly practices and with all of the industry that is currently there and the plans for future expansion like the Northwest Seaport Alliance. Please use this opportunity to hear us and help us to be heard; we have been speaking on this for years. You have a chance to make some heavy decisions right now to keep the non-interim regulations in effect.
- (6) **Stacy Oaks** – I urge you to recommend the strongest regulations possible. To expand or not to expand, that is the question. Do we expand fossil fuel storage and distribution? Do we green-light the continuation of business as usual of toxic emissions as usual? Further violations of the estuary as usual? To be or not to be a City that holds people, communities, and life as sacred and centered in decision-making? To be or not to be a City that looks past abuse, extraction, exploitation, and blood stains on our bills believing that all money and all jobs are good and scrutiny and regulation are bad? Are we so stuck in the past that we cannot imagine business as anything other than the toxic industries serving up cancer, asthma, birth defects as their contribution to our community? Are we a City that invites every industry to the table but leaves no seat for doctors and health assessments? To be or not to be a City that lies and makes a fool and a sacrifice of our youth agreeing to declare climate emergency yet pretending we don't know that our addiction to fossil fuels is the bullet train speeding us to extinction? Do we cling to our infamy, the Tacoma Aroma, the Northwest Detention Center, two dozen superfund sites, water you cannot drink or swim in, whether you are a salmon or a human? Or do we begin the process of reconciling that past? So City of Destiny, what are you destined to become? Tomorrow's history is happening today, and your decisions as the Planning Commission are shaping it. Please hold the people in the communities as central in your decisions.

- (7) **Ken Zirinsky** – I am a retired physician and I just want to first acknowledge that we are talking about the land of the Puyallup Tribe. Then I would like to comment and express my opinion that the interim regulations should be strengthened as much as possible. I would like to talk a little bit in detail about the implications of the fossil fuel, fracked gas in particular, for the health of our community here in Tacoma. There are direct pollution effects from fracked natural gas. The toxins that are associated with the natural gas include methanol. The natural gas can cause blindness, seizures, kidney failure, and birth defects. Benzene is also a byproduct in the natural gas, and that can cause leukemia. Formaldehyde is another by-product that can cause cancer of nasal passages and lung cancer. Toluene is another by-product that can cause birth defects. Therefore, I am hoping that the interim regulations will be strengthened in ways that will clearly prohibit any new additional capacity. I understand that the Seaport Sound expansion is enabling a 15% both storage expansion and I am hoping that these expansions can be eliminated as much as possible with the interim regulations.
- (8) **Heidi Stephens** – I am a resident of South Tacoma. South Tacoma should not have been so casually included in these non-interim regulations since it is not the same as the Port. Our residents were essentially unaware of these proposals until only a short time ago. The South Tacoma neighborhood already has some of the worst air pollution and early mortality rates and should not have more heavy industry in the middle of our City where we have residential, recreational, and school districts, and especially not directly over our protected groundwater aquifer which affects the drinking water supply of much more than just South Tacoma. Water will be the most critically important element of the future and we must protect this precious resource. Other cities take great effort to keep lands above their aquifers clear of potential hazards. It is insane that these regulations are instead prohibiting non-polluting businesses contrary to our City's Comprehensive Plan, the Environmental and Climate Justice Action Plan. Climate change will not just bring sea level rise along the shoreline; it may also affect groundwater up to a mile inland pushing up into contaminated soil resulting in even more toxins in our drinking water and air. If we are serious about these City-declared environmental approaches, all land above and near the aquifer eventually need to be rezoned away from heavy industry and immediately prohibit any further auto crushing from anywhere within the City limits, but especially from above the aquifer. This would not limit industry in South Tacoma; it would actually be allowing for more of the right kind. I will be submitting written comments explaining how rezoning can be done while promoting eco-industrial parks and economic green zones, which are very successful in other cities in which South Tacoma would be a perfect prospect for, along with all the federal incentives that come with that, which Tacoma is currently missing out on. The Planning department has stated there just are not the resources to give South Tacoma its own review later, so that means this is our time to correct these oversights. This is our chance to make South Tacoma a green business district of the future.
- (9) **Anna Doty** – I am speaking on behalf of Washington Environmental Council and also Washington Conservation Voters tonight. I want to share our strong support for the proposed code amendments, which finally take seriously in addressing the environmental health and safety risks created by the expansion of existing fossil fuel facilities in Tacoma. This proposed code is a substantial improvement on the current code and the interim regulations. Specifically, I want to name our support for the recommendations and intent of the code to prohibit all new fossil fuel and petrochemical facilities, to prohibit new infrastructure that would increase storage or transloading capacity at existing facilities, and also to require additional oversight via CUPs for maintenance and modification activities at existing facilities, as well as the strengthened conditional use criteria that accompany the conditional use requirements throughout the code. These amendments are necessary because Tacoma cannot meet its on climate and environmental protection goals while continuing to allow unchecked expansion nor can Washington meet our state goals without this local action. We have seen over the last few years that the current code, the interim regulation, and the Port's commitment to not pursue fossil fuels on their own Port-owned properties are all together still insufficient to prevent ongoing expansions and increased throughput from existing facilities on the Tideflats, which we know have the very same impact as new facilities. As far as the renewable fuels components in the code, we are supportive of the Commission's current approach and believe that the CUP requirement for new renewable fuel facilities is both appropriate and necessary. First, they ensure that any proposal would meet environmental standards that we need in order to achieve our science-based climate goals that

they are truly clean fuels, and to protect our community from the potential adverse impacts from these facilities. Renewable fuels are likely to play a key role in our transition to a clean energy economy, but they can also pose many of the same health and safety risks as other high-risk facilities. We believe there are some areas of the code that could be strengthened and clarified, and will be submitting some written comments later this week to address those specifically related to facility expansions and change of use, as well as the threshold for some of those things. We believe the Commission is on the right track to finally address this really pressing environmental and health challenge. We really appreciate all the work that you and staff have put in and all the community input you've taken into consideration in this process, which really includes years of public testimony on these issues. These improvements are really long time coming. I urge you to approve these amendments and send your recommendations on to the City Council.

(10)**Marquis Mason** – I am the Climate Justice Community Organizer with Citizens for a Healthy Bay. I am giving comment on behalf of the Protect Tacoma Tideflats Coalition in support of the non-interim regulations. Advocates had to play whack-a-mole for years in Tacoma to shed light on the dangerous fossil fuel projects and increase the risk of having polluting industries in the heart of an urban area like Tacoma. We amend the Tideflats regulations so we can focus on mobilizing around a positive vision – how we make this economy-wide transition to NetZero before we face climate ruin. We support the amended ordinance that includes blanket prohibitions on mining, quarrying, smelting, coal storage, and export. Alongside the prohibition of aggressive expansions for major fossil fuels facilities, it is the first step in creating a low-carbon future. As I'm sure many people agree, the expansion of polluting industries is at odds with the 2015 Environmental Action Plan and the 2019 Climate Emergency Declaration. Before we support the requirement for existing high-risk facilities to undergo a conditional use permitting process, for too long these facilities have been able to grow on the Tideflats with little oversight and no real analysis of the impacts to air, water, earth, wildlife, or people. Although the proposed amendments as written are pretty good, we would like to raise concerns of the following areas of the code. Tacoma should not allow the future conversion of renewable fuel facilities to fossil fuel facilities. Even with a CUP requirement, that conversion should not be eligible. Such a conversion would pose to the very same health and safety environmental risks, as would a new or expanded facility. The next is a threshold for major fossil fuel facility should be lowered to encompass all six existing fossil fuel storage, refining, and processing facilities in the Tideflats, which includes specific functional fluids that appears to be roughly about 80,000 gallons short of the classification. Lastly, conditional use criteria for highways facility should specifically require an analysis of human health impacts. We know that the people who live near these industrial areas face far worse health outcomes than their neighbors. We have to make sure that is not happening anymore. Members of the Coalition will be sending in more detailed comments for your consideration.

(11)**Charlene Matheson** – I live in Northeast Tacoma overlooking the Port of Tacoma. I appreciate the consideration of non-interim regulations of industrial development on our Port. I moved to Northeast neighborhood over six years ago from less than two miles away where I lived for 40 years in the Dash Point community. I was shocked at the difference in air quality only two miles away from where I had lived before. I quickly became aware of chemical hazards from Port activities. I am a Puyallup Tribal member; I grew up in Fife – at the time, a small farming community. I watched Fife get turned into an industrial traffic gridlocked dirty air sprawl. I am determined to live my life on my tribal lands. I decided to locate my family up the hill to Dash Point and then move to Northeast Tacoma. In my first year of living above the Port, I made toxic air reports regularly to the Puget Sound Clean Air Agency. I quickly learned that what is considered acceptable limits for air pollution and particles has a very low bar established for my neighborhood. In the last six months, we have had three Hazmat chemical exposure incidents. That made me sick. I was concerned about this and sought information to as whether I should evacuate. I learned about each of the incidents that residents and employees on the Port of Tacoma were evacuated, that residents of Browns Point community were advised to either evacuate or shelter-in-place and keep their doors and windows closed. Northeast Tacoma neighborhood was not notified. The reports indicated that drones were sampling specific areas of the impacted communities and determined that the air was within acceptable standards, which as I mentioned are very low for this neighborhood. In the incident in late 2020 in which the propane on the shipping cargo freight that came in exploded. I became so sick that I, while attending a conference on

Zoom, had to inform the attendees that I needed to leave the meeting and evacuate my home. I took my pets away from my home while I searched for information. I was very afraid I was sick and uncertain who all was impacted by this. I am very pleased that the City is considering regulating Port industry. I would like to see the regulations refined. I thank you for your consideration and I support the acceptance after refinement of the proposed amendments. I want to speak to the residential encroachment and somebody earlier mentioned nuisance activities of residents on the Port, I think that the regulations that require one acre and single-family homes contributes to affordable housing crisis and encourages the expansion of wealthy landowners taking over this land. In summary, I support. I appreciate that Tacoma is considering this. I hope that you are taking into residential consideration. Most residents do not have the ability to interpret the postcard notifications that we receive or the yellow signs that are posted on properties when Land Use activities are happening. And I hope that we are able to get more lay term language about your consideration of these regulations.

(12) **Michael Flynn** – I am a past President of the Washington Association of Realtors and Tacoma-Pierce County Realtors. We work hard to come up with housing. As our presenter from Ecology pointed out the Growth Management Act confers an obligation to accommodate growth – not manage it, accommodate it. That is what the Act says. What I would like to do is address Section 3 in tonight's agenda about this proposal and talk just briefly about a way in which is internally contradictory. By reducing the housing capacity of the area in question and taking it out to one house per acre minimum land area requirement, what we create is a greatly reduced ability to accommodate growth. The problems that will be solved that were identified by the Commission in its preliminary work would be the impacts of noise, light, and odor from industrial activities. Likewise, noise complaints from residents about Port activities. An element of the proposals is that the overlay district would require a notice on title for any new residential unit construction identifying the proximity to established industrial area. That is actually a good idea and has been used well in the past. Whidbey Island, Naval Air Station, Paine Field, SeaTac – they have implemented these kinds of notices. Those sorts of notices to title also occur relating to farming operations. So the solution to reducing or at least addressing the complaints about Port activities lies within the proposal to put the notice on title. Therefore, reducing the amount of housing construction does not increase that benefit, but it reduces the City's ability to accommodate growth. It is materially important when the City of Tacoma goes to Puget Sound Regional Council (PSRC) and participates in grant competition for road funding. I spent eight years on PSRC. Pierce County and its jurisdictions, Tacoma in particular, has done a great job of going after those funds but PSRC looks very closely at accommodating growth and taking a step that materially reduces housing capacity when the solution to the identified problem could be met with the notice to title seems unnecessary. I ask that the Commission really consider that because I think we can get the growth accommodation and manage the understanding of what is happening for the new residents.

(13) **Jessie Gamble** – I am the Government Affairs Director for the Master Builders Association of Pierce County, representing 750 member companies and from there 10,000 employees. I know that the Tacoma Planning Commission and City are balancing a lot of goals with ordinances and we urge the Planning Commissioners to consider the implications of the housing element – topic number three – possibly get a bit more creative. I know someone earlier talked about refinement options to that. Earlier tonight, VISION 2050 had a presentation and Tacoma is expected to take on over a hundred thousand new residents by 2050. Having a large swath of the City go to one unit per acre is absolutely contrary to those goals. I understand that the Planning Commission and the City have time to get creative about these solutions and to balance a lot of the interest that the City is pursuing at once. We urge the Planning Commission and the City to balance a way to take on that density without slowly removing that goal in bite-sized pieces like this ordinance here.

(14) **Eric Johnson** – I am the Executive Director of the Port of Tacoma here tonight to provide comments on the proposed new regulations for the City. We have provided a lot of comments to you a few hours ago – a cover letter that was about two pages long, a staff technical comments that are about three pages long, and a 12-page legal commentary. I would encourage you to look those over. We also are including again for the record the comments that we provided to you in January when you had your

original briefing on the subject where we gave you a significant in-depth comments including a red line of the City's development regulations. I am here to tell you that the staff has not been the slightest bit receptive to the comments that we provided you in January. Matter of fact, they did not listen to any of it. This does not feel like a very collaborative or inclusive process to us. The reason that matters is because both the GMA and the Shoreline Management Act are clear that there needs to be a collaborative and inclusive process with a local Port with an adopted Comprehensive Plan. We do not feel that that has been done yet. You are missing opportunities to use some of the tools that you have at your disposal to account for a thriving Port. The South Tacoma MIC has been adopted by the City and we have asked for a similar overlay in the Tacoma Tidelats and the City is not doing that. These regulations do not provide that. Even though that MIC has been recognized by the PSRC and the South Tacoma one has not. We are frankly at a loss to understand why that simple request is not being accommodated. Also, we appreciate and support the buffer that's been put on the Northeast Tacoma side of the Port, but you're missing opportunities to put enhanced buffers on the south side and on the east side. Those are our basic comments. I will give you some overarching comments related to economic development generally. First of all, the new hearing and notification requirements that you implemented here for about a half of a mile are relatively confusing and relatively burdensome. They are not things that are particularly friendly to businesses. The same thing goes for CUPs. There is a heavy reliance on CUPs from this set of regulations and those mean unpredictability for businesses. CUPs are useful sometimes but you have got too many of them in here. Businesses who want to invest do not know what it is that they are going to have to do. Planning staff might like CUPs, but I will tell you that most economic development professionals do not. I will tell you that the Port of Tacoma has a proud record of cleaning up environmental contamination in the Tidelats, creating fish habitat and wetlands and cleaning up storm water runoff. I would encourage you to continue to partner with us as we both promote our environment and create family wage jobs for people.

(15) **Maddie Smith** – I am with Earth Ministry/Washington Interfaith Power and Light. We are an organization of faith communities working together for environmental and climate justice. I am here tonight with a lot of hope and excitement about the draft non-interim regulations. I am really grateful to the staff for drafting up strong regulations, and for the Commissioners and staff for all of your work in this process, and for listening to the community as we've asked over and over for protection from fossil fuels and polluting industries in Tacoma. I truly feel that together we are on the cusp of something meaningful and powerful. I really want to ask that these regulations not be weakened. In your final recommendations to the City Council, I ask that you include the portions of the current draft code that prevent major expansions of existing fossil fuel facilities. Please also maintain the CUP requirements as well. Expanding polluting industries does not align with my values as a person of faith and we are hearing tonight that it doesn't align with the values of a lot of other folks in the community. These permits are also important to ensure that the Puyallup Tribe whose lands we are all discussing today is adequately consulted. Please amend the draft to make sure that any CUPs granted to existing fossil fuel facilities and other facilities designated as high-impact require minimization of any adverse human health effects. And this protection should include not only residential and commercial areas, but also safeguard those who work on the Tidelats and who are incarcerated at the Northwest Detention Center. As a person of faith, I am called to ensure that all of our neighbors are healthy and not disproportionately affected by polluting industries. Please recommend the strongest possible regulations that you can to the City Council.

(16) **Kyle Jolibois** – First of all, I like to recognize whose land we are on. We are on the Puyallup Nation's land and I lay my head on it every day. I was born on the Hilltop, adopted by Chippewa's, grew up in South Tacoma. I am a South Tacoma kid, and we hear USO&R talking about being the Tacoma Way. In 2011, the medical cannabis community was fighting the City on cannabis, where to put their storage. They did not want to put them within a thousand feet of anything. And now you want to put a bomb within two miles of my place. In 2015, Christopher Brannon, the Sonic guy, introduced me to a group; we were fighting methanol. The City snuck it in, just as they did the liquefied natural gas. My point is we have been fighting this for six years. A lot of this is your job; this is my life. I smell what comes through my windows from the Port. And all that building going on in my neighborhood in the Stadium neighborhood, all the massive construction is going to be gone if that Port goes. So we need



to strengthen to the highest degree the regulations on growth of any fossil fuel production past or present and hold those accountable, because this is not a job I live, this is the life I live. We could talk about Ruston Point, that was a superfund site and now they sell them for hundreds of thousands of dollars a unit. Tacoma is gritty, it is going to stay gritty, but it is not gritty by the oil standards. One thing the Port has never talked about is hemp. Hemp could do so much wonders where the Port is – something to think about.

(17)**Ingrid Archibald** – I occupy the unceded land of the Duwamish people in Seattle and work at an organization called Stand.earth where I organized with communities across Washington who are standing against fossil fuel expansion. I want to say that the SAFE Cities team at Stand.earth just want to echo the voices of the Tacoma community and the Puyallup Tribe who are calling to the strongest possible protections from fossil fuels in the Tacoma Tideflats. We support the suggestions put forward by Citizens for a Healthy Bay and we hope to see these improvements adopted in the final code, to make the code as stringent as it possibly can be. I urge you to take the bold leadership that we urgently need to protect Tacoma communities right now and to ensure the well-being of future generations across the region.

(18)**Cathy Carruthers** – I am an energy economist and I want to speak on topic four. I am in support of limiting the fossil fuels in the Tideflats. It is bad for an economy to depend on a declining industry. As it declines, jobs, income, ability to pay for cleanups, etc. will decline as well. Why would I expect the fossil fuel industry to decline? Number one, the decline is already beginning. Exxon is a long-term giant of the industry and it has experienced sufficient problems that it has been dropped from the Dow Jones Industrial Average last year. They had \$22 billion in losses in just one year. BP and Shell on the other hand are diversifying into renewables. BlackRock, one of the world's largest investor organizations, is demanding sustainability from the industries in its portfolio. Number two, green energy is rapidly becoming cheaper than fossil fuel. Solar is cheaper than natural gas and electricity generation. Battery technology has dropped 89% in cost since 2010. All car companies now have or are developing an EV. The writing is on the wall for the fossil fuel industry. Growing it here does not make sense. Please do not make our economy dependent on it.

(19)**Victoria Leistman** – I am an organizer with the Sierra Club. I am commenting in solidarity with the Protect Tacoma Tideflats Coalition. As was done at the beginning of the meeting, I want to acknowledge that Tacoma in the area of discussion this evening are Puyallup ancestral lands. Prior to the deeply polluting and unhealthy area, that we know the Tideflats to be today, this place was once a teeming estuary. I was present at the 2017 Hearing with the Planning Commission and I have testified at every renewal I think since then. As exhausting as the past renewals every six months have been all these years, I'm happy to say that I'm holding on to renewed hope that the Planning department staff and Commission have been doing good work to develop stronger recommendations to the City Council. The draft code the Planning Commission has developed is a critical improvement and I would like to communicate my strong support for this purpose for that. But I also urge the Commission to address shortcomings that will be submitted in writing by the Coalition to ensure that these recommendations fully achieve the intended protections from high-risk facilities. So that will include strengthening specifically the definition of what is defined as a major fossil fuel facility, and especially in the case where any mitigation requirements are proposed that those should address full life cycle greenhouse gas emissions, not solely facility emissions and also be conducted only in full collaboration with communities most impacted by these facilities. It should not be like a wind farm 10,000 miles away. It has to be investing in communities that are impacted in Tacoma, of which there are many. I am also excited to see the Department of Ecology here tonight as I believe the City of Tacoma has done an incredibly inadequate job of evaluation of fossil fuel projects in the City, specifically in the case of Puget Sound Energy's liquefied natural gas facility. These non-interim regulations are an important opportunity to get Tacoma prepared for changes that will hopefully be coming statewide down the line in further scrutinizing dangerous fossil fuel projects. I also want to remind the Commission that what's happening in the Port of Tacoma is environmental racism, and to recommend anything less than the strongest proposal in your power is to remain complicit and perpetuating in that racism. To quote a colleague of mine, Hop Hopkins, he said, "you can't have climate change without sacrifice zones, you can't have sacrifice zones without disposable people, and

you can't have disposable people without racism." The Tacoma Tidelands and the communities around it are sadly these sacrifice zones right now, unless you all continue the work that you have been doing to make this proposal have the sharpest teeth that it possibly can. And I believe that you will. With some amendments, this proposal can interrupt the systemic poisoning of black and brown communities and provide long needed protections in Tacoma. Let's ensure community health and safety, protect our climate, and uphold the City's own environmental goals that they are saying they have with the Climate Emergency Declaration with action.

(20) **Josef Barlow-Farrar** – I am born and raised lifelong Tacoma resident and a Precinct committee officer in Legislative District 29, Precinct 601. I am here because I believe fossil fuels can no longer be allowed to expand in our City. I believe I have come to this conclusion through sound logic based on verifiable evidence. According to the most recent reports from the Intergovernmental Panel on Climate Change, we have less than seven years to reach NetZero carbon emissions. If we fail in this, the only opportunity we will ever have to reverse climate change will be lost. Global heating will continue and accelerate under its own momentum aided by a variety of positive feedback loops. Extreme weather events will increase in frequency and scope. And the sixth mass extinction on Earth will become unavoidable. We must each do our part. Considering the facts and the reality that exposed, halting all fossil fuel expansion airport is not only the right thing to do, it is the least we could do. So, please take action to safeguard our health, our habitat, our air, our water, and our future by recommending a ban on any and all expansion of the fossil fuel industry in the Port.

(21) **Jennifer Keating** – I am a member of the Puyallup Tribe of Indians and a Citizens for a Healthy Bay board member. But most important, I'm a mother concerned for the health and well-being of my children. It is no secret that the Puyallup Tribe of Indians whose ancestral homelands and current reservation are located in Tacoma and the Tidelands are a salmon people. Our ancestors came from our salmon brothers and sisters. Our people, therefore, has been protectors of the salmon and stewards of the environment – a role that is made more difficult with every year that passes, every fossil fuel expansion allowed to happen, with every permit blindly approved without consideration of cumulative impact, and every legal policy loophole allowed to exist. As we fight to protect our treaty fishing rights and ensure a future for our children by putting millions of dollars and countless hours in mitigation efforts, legal fees, and salmon habitat restoration, our City of Tacoma neighbor has continued to allow fossil fuel industry targeting Tacoma at the cost of our health and safety. Examples of this include interest in a new oil transloading facility and a chemical plant interested in converting to store bolt fossil fuels. By preventing these dangerous proposals, the current interim regulations are working for new facilities. However, these same kind of projects could easily be proposed and approved as expansions of existing facilities with no additional oversight or protections. This inconsistency is dangerous and leaves Tacoma, Puyallup Tribal members, treaty fishing rights, and the survival of traditional Puyallup livelihood at risk. At the end of the day, if Tacoma's waters become too polluted to sustain marine life, or when the air becomes too dirty to breathe, those Tacomans who can afford it have the option to move. They can put their children in schools well beyond any blast zone. They can move to a less urban area with clean air and water. They can send their children to the best doctors to treat their cancers, disease and other ailments caused by environmental hazards. They have choices. Puyallup tribal members do not have the same choices. Our reservation boundaries will not move. We cannot pick up the remains of our ancestors, our historic village sites, our cultural resources and relocate them. Our fishermen whose ancestors fought fiercely to protect the future of our fishing rights will no longer be able to provide for their families in a traditional way. Many of our social services provided to our most vulnerable populations are dependent on being Pierce County residents living on reservation. For these reasons, I respectfully request our partners at the City of Tacoma, the same partners that joined the Puyallup Tribe to declare a climate emergency just one year ago, partner with us now and help protect our tribal members and the future of our cultural sites, fishing sites, and ancestral homelands, and the very future of our Tribe. To protect the health and safety of Tacoma, the interim regulations must be extended to prohibit expansions and conversions of existing facilities. The future of the Puyallup people depend on it.

(22) **Kathryn Barlow** – I am here to say that we must stop fossil fuel expansion in our Tidelands and include the existing facilities in that. Talking about the land here, I grew up here. And growing up, I

was not able to play in the dirt outside as a kid, which I feel every kid should be able to do. I was not able to do that because of the arsenic levels that came from Point Ruston. We are currently not supposed to swim in our Port because it can make us sick. Without a doubt, the fossil fuel companies in the Port put my future and the future of my family at risk. There is without a doubt that they are contributing to our climate emergency. In 2019, our City declared a climate emergency. You have a unique opportunity with your recommendations to help us do that and help us to keep to our environmental goals as a City. There is a slogan that you may have seen for Tacoma that says, "You'll like Tacoma." A City that ignores the health of its citizens for profit is not one that anybody will like. I've heard a lot of people talk about family wage jobs and the amount of jobs is miniscule and the job that they're talking about are construction jobs, which are temporary. So it's really what is most important and I believe that the future of our kids, our area, and our climate are more important than a few family wage jobs.

(23)**John Carlton** – I am a resident of Tacoma. I want to also acknowledge not only the ancestral land of the Puyallup Tribe, but also the reservation of the Puyallup Tribe. I think that we really need to connect with what they see as sustainable and what they have as a vision of the future of their Tidelands. I think, first and foremost, that is the withdrawal of fossil fuel industries from the Port as much as possible – not only for the Puyallup Tribe, but also for the residents of the City of Tacoma, and the surrounding communities as well as the whole planet now. I think that's great that Planning department proposed that major fossil fuel facilities would be prohibited as new ones as well as existing facilities would be prohibited from improvements or expansion. One of the problems I see with that though is the word "major." It seems to me like there are a number of other facilities in the Port that are producing as a whole a significant, if not even more, amount. I watched the Planning Commission's presentation a week or two ago where the Planning department brought in the research people who had done a study of the fossil fuel industry in the Port, and they focused only on the major fossil fuel industries. It was disappointing to me because I know there's a number of other companies down in the Port that are doing large amounts of fossil fuel for distribution mainly, but they weren't included in the study. I think that just because they were under a certain amount of production a year doesn't seem to me like they shouldn't have been included because sometimes a number of smaller facilities add up to be more than what the larger facilities are. I think that the prohibition of expansion of fossil fuel facilities should not be just for the major companies but also for the smaller companies as well. If they produce or distribute fossil fuels, they should not be allowed to expand anymore. We cannot allow for loopholes in this stuff. I want you to look into that, what other companies down there were not being included because they weren't a part of the major fossil fuel facility category. If you need any help finding them, I can help you out.

(24)**Melissa Malott** – I am the Executive Director of Citizens for a Healthy Bay. On behalf of Citizens for a Healthy Bay, I am speaking tonight in support of the non-interim regulations to limit the expansion of high-risk industries, especially fossil fuel industries. I want to first of all thank you for this process. It has been inclusive and appropriately deliberative. I want you to imagine right now that it's 2035 and Tacoma Tidelands is a thriving area. Imagine we have laid the groundwork for the innovative clean industry that is helping our City survive and thrive. And out of Tacoma has come some of the key technology that is helping the world address climate change. Imagine Tacoma is the place where our community engages and interacts with our shorelines and people take their kids for a shoreline walk to see salmon fry went safely through eelgrass on their way to the ocean. Think of our kids watching those salmon return and that they know these salmon are returning home to complete the cycle of life. Imagine that, what would that mean for us for our children and for our community? To get to that future, Tacoma has some work to do right now. We have some of the worst pollution-caused public health problems in the state. While Seattle is the green port, it gets green projects and meets clean air goals; Tacoma seems to be the business-friendly Port. Clean air goals fall to the wayside here. State and federal regulations do not cut it, we're targeted for fossil fuel projects and on and on. The Port fights many change with delay, obfuscation, and obstruction. They get confused between the subarea plan policy and code update we are discussing today. They warned that changes will chill development, but they offer no alternative except to let them keep doing what they are doing. We know that we can do better, that we can have a healthy and thriving community. We know that Tacoma can be part of developing new clean industry and technologies. We know the shipping

industry of launching massive efforts to innovate clean emissions-free solution. Think about how you would feel knowing that the state would be investing in clean energy innovation center for airplanes and conjunction with the JBLM, Boeing, and UW Tacoma. We just have so much potential. That Tacoma would be home to the development of technology to create seagrass beds that improve the health of our waters for salmon and creatures. We have so much potential to not only be a local leader but a global leader. We strongly supports these proposed code changes generally. We have a couple of proposed changes to fill some gaps in it, gaps that we think would undermine the spirit and intent of it, but we're going to be submitting that in writing.

(25) **Verna Lilly** – I am a long-term resident of Tacoma. I heard the Commission mentioned one of its priorities tonight is to be consistent with State's shoreline plans. I acknowledge the value of consistent planning and I want to offer these priorities that I feel also have an important value. One is we need to acknowledge and deal with indigenous peoples, in particular the Puyallup Tribe, as sovereign nations to whom we have legal obligations. We must honor those obligations if we want to be respected as people who are trustworthy. Is that something we want people to say about us? Second, we live in an area that has multiple natural hazards. Part of how we cope with earthquakes, volcanoes, tsunamis, and wildfires is by ignoring the threat; we just look the other way and go on with our lives. The Port of Tacoma has real hazards – health hazards and environmental hazards. Ignoring them is just as bad as ignoring earthquake fault lines, which happens to be in that area too, and volcano lahar zones. The environmental hazards that are in the Port of Tacoma do not stop at the edges of the Port. If you live in the Tacoma area, these hazards affect you, too, and your children and your families and the people that you care about. The decisions that the City of Tacoma makes right now have long-range impacts. We need to prioritize our obligations to our indigenous neighbors and to our future generations.

(26) **Nikie Walters** – I would like to acknowledge that I live here in Tacoma on the Puyallup Tribe's ancestral homelands. I am a board member of the Sustainable Tacoma Commission. I am an elected Precinct Committee Officer in the 29th Legislative District. I also serve as Secretary of the Native American Caucus of Pierce County. Tonight, I am speaking for myself as a resident in Tacoma. I support everybody who in the community that spoke up tonight and also cannot be here because there is a vast amount of people in and out of the Tacoma community that want to see the interim regulations be strengthened as much as possible. I just want to say to strengthen the regulations, to encourage the City Council to strengthen the regulations. Let's start opening up business to more responsible and moral business practices. I support everybody and all the organizations that have spoken up tonight. I have supported them and in their work over the years, and I am going to keep doing so.

(27) **Barbara Church** – I am a resident of Northeast Tacoma. I am an elder in this community. I was here when the smelter was here and remember the taste of sulfur in my mouth. When I would breathe in this pollution from the smelter, I was really happy when it was torn down. I was at the waterfront with my granddaughter and her girlfriend this weekend and my granddaughter asked me, "What was it like when you were young?" I told her we used to go fishing out in the bay and I could fish cod and I could fish salmon and we could go swimming there. But now we don't do that because the salmon runs are dying and there isn't the fish there. It is not the same. They were saying how much they wish that it would be there for when they get older and they have kids. It is just so important that we do what we can to maintain this Earth and all of the creatures. I think for me, one of the things that concerns me a lot is living in Northeast Tacoma. Last week there were a couple of ships on fire – the smell of ammonia. My husband is older and he has trouble smelling but he could go outside and he could smell the toxin from the burning ship, one of them was burning for a couple hours. Some of it was a refrigerant and I know that they are using refrigerant for the liquefied natural gas facility that is coming up. What I want to say is that a lot of the projects in the Port of Tacoma create a safety hazard for me and my family. When we go through and drive through the Port of Tacoma to come home, my granddaughter tells me to roll up the window because it just stinks. And we are breathing it in. I am starting to get an asthma and so it does affect my health and I want you to be sure to emphasize the health and safety of any of the projects there in the Port of Tacoma.

(28)**Deanna Keller** – I am not speaking as a Port of Tacoma Commissioner. I am speaking as a former business owner on 3510 South Pine Street and owning commercial properties there as well as 3502 and 3520 as well as the two properties behind that. So I received a note card about tonight's meeting to be able to talk about that as a business owner. I think it is important to understand we want to make sure that our community is healthy and supported. I totally agree with that and support that but also people need to have jobs. If we get rid of all the jobs, all the lands that support jobs, people have to drive somewhere. It is going to create situations where they need to pay for fossil fuels to get there and so on and so forth. The conditional land use permits is like when my daughters would ask me something that I knew I did not want to say "yes" to, I would say "well maybe." That is what a conditional land use is; it's like – a "well maybe." And that doesn't allow for any certainty for business. If you want to, we can certainly put up signs and just say Tacoma is not open for business, we do not want jobs, we want you to go somewhere else. I am being a little bit excessive in saying that but as a business owner, I felt that so strongly. As a business owner in Tacoma and after 38 years of paying taxes and giving people jobs, I can tell you that it has not been easy as a business owner, but I want to make sure that Tacoma is open for business. I want to make sure it's clean. All good property owners and business owners understand what it means to be good stewards of the environment; if they don't, they go out of business. I mean, it is pretty simple.

(29)**Frank Boykin** – I am the Director for the Manufacturing Industrial Council for the South Sound and the Tacoma-Pierce County Chamber representing more than 1,500 businesses in Pierce County. Whether it is the non-interim regulations or the Tideflats public engagement efforts for the subarea planning process, short-sighted land use restrictions would do permanent damage to our local economy far beyond our current COVID-19 crisis. A common sense and balanced approach to land use regulations for the Tideflats non-interim regulations is essential and is what we continue to seek for the long-term economic wellness of our community. This begins with permanently protecting Tacoma's industrial lands and industrial development as a place for jobs that support our community. This is good for our City and our region. Proposed new notice and hearing requirements regarding industrial lands are not protected in a clear or straightforward manner. They are confusing, burdensome, and in some ways counterproductive. For example, renewal fuel facilities, which should be encouraged as a greener pathway are only allowed with a CUP. Further with this new notice, they must undergo an onerous review. This misstep continues as there is a very heavy reliance on CUPs, which creates great uncertainty for the business community challenging further investment considerations for the long-term and inhibiting innovative speed to market opportunity for local companies in the short term. The definition of chemical manufacturing remains subjective and is currently another missed opportunity to enable smarter greener economic pathways. Short-sighted land use restrictions would do permanent damage to our local economy far beyond our current crisis. A common sense approach to land use regulations for the Tideflats non-interim regulations is essential for the long-term economic wellness of our community and is fundamental to evolving to the greener, healthier economic pathways.

(30)**Ric Berkholtz** – I am a Seattle resident living on the Duwamish land and also a volunteer with the Sierra Club Washington Chapter. Tonight, I am commenting on matters that concern the plans of the Puyallup Nation. The Port of Tacoma has been a sacrifice zone and an environmental injustice zone for too long. New fossil fuel facilities, petrochemical manufacturing coal storage and power plants will mean locking the Tideflats into a future that is 10 times as dire, dangerous, and unjust as it is now. I am not a Tribal member, I do not speak for the tribe, but I know that the Puyallup Nation's people have inherent rights to the salmon and to the shellfish from the bay. These fossil fuel projects are all treaty violations and quite frankly human rights violations for that matter. These regulations must be strengthened. Otherwise, an infamous legacy of broken promises, destruction, and constant pollution will endure.

(31)**Yvonne McCarty** – I am the chair of the Northeast Tacoma Neighborhood Council. I spoke to you all a few weeks ago, so I was not planning on speaking tonight. But after I heard some of my fellow community members speak so strongly, I felt like I needed to come back on here tonight and just reiterate what I told you a few weeks ago. The list of high-impact, high-risk uses that are outlined in the interim regulations should be upheld, should be strengthened by limiting the extension of existing

facilities, which I think you have done. So I thank you. There still is a missing use that should be on there, which is the metal recycling use. I will continue to appeal to you and to the Council to add that on, because I can personally testify the high impact and high risk of living next to a metal recycling plant. I've never shared this in a public forum but I've had a number of my family members including my own parents, my stepmom, my aunt just recently, my grandmother all died of cancer and they all lived in Northeast Tacoma. They had that in common. Today, I found out that a close relative was diagnosed with lymphoma. She is in her 20s, and she has lived here all her life right above this Tideflats. It is far past time to do something to clean up the toxic mess that is down there. We need a better, stronger future of Tacoma. They say what we are asking for puts jobs at risk. That is a false dilemma. You can have jobs and you can have clean air, land, and healthy people. They are not mutually exclusive. I support a win-win future for the City of Tacoma and the Tideflats that brings in innovative green and healthy industries – things that do not put my family and the families around me and my children and their children at risk into the future. So please strengthen these things. Make sure it goes forward. Do not relent on taking the right step forward.

(32) **Stephanie Hillman** – I am a campaign rep at the Sierra Club and I also co-lead the Power Past Fracked Gas Coalition. I first want to thank you all for all the hard work that has gone into this. I know it has been a long process and I am grateful for that and as well for the opportunity to speak this evening. I have heard a lot of powerful testimony before me regarding the health and pollution impacts of what already exists in the Tideflats in the risks of any increase polluting facilities. So at the risk of repeating what has already been said, I will keep it short but I do feel the need to emphasize that it's really critical that Tacoma get this right. I was encouraged to see that proposed amendments are very strong and replace a ban on all new and expanding fossil fuel facilities because that is essential as we have witnessed in the last couple of years. However, there are shortcomings that have been expressed; and I support the voices that came before me, especially those of Puyallup tribal members and Tacoma community members as well as my colleagues calling for better conditional use criteria centering human health and environmental justice impacts, as well as the strengthening of course of any prohibitions of any increased capacity. I trust that you will send the strongest code forward to the Council.

(33) **Chrissy Cooley** – First, I just want to thank all of you for being here as part of this incredibly inclusive process. I have admired how much effort both the City Council and the Planning Commission have put into this effort to collaborate with many stakeholders involved. I am a member of TPU board. This morning, I spent the day virtually on the Hill as part of our Public Power Association's Policy Makers Council, representing TPU asking primarily our Congressional Representatives as well as our fantastic Senators to support our economic development strategies around clean and green energy. Tacoma has an abundant clean hydropower source that can be used to incentivize innovation in the Port; especially we're putting in place policies and specific brain structures to support this. And we think that the regulations like the ones being proposed will work in tandem with those policies to bring about the innovation we need in Tacoma. I want to give a special thanks to our economic development staff for working to review the regulations so carefully. We support the intent of the CUP as the letter says. Tacoma Power is playing a strategic role in decarbonizing our future, which can be done by supporting the development of a nascent industry cluster and putting Tacoma-Pierce County as the leading edge of carbon free fuel production in the nation. These amendments go a long way to making that goal attainable. And again, we outlined our support of that specific amendments in our letter and I'll just close by saying I support these regulations for all that it can do for our economy, but I especially support it for the health of my children and the people who are going to inherit our Earth.

(34) **John Gustafson** – As the Environmental Health and Safety Manager for USO&R, I believe there is a shared vision for the future of the Port of Tacoma. I'm excited for the role that USO&R has and will play in achieving that vision, but I am troubled that the proposed amendments to the land use regulations will stifle development and hinder reaching our shared goals for a vibrant low-carbon future. First, I am working at USO&R because I believe that USO&R is well positioned to take a key role in Tacoma's future growth and development while meeting community environmental goals. Recognizing that there will be continuing need for petroleum-based products for equitable economic opportunity, USO&R is one of the few remaining small refiners and large part due to the unique value

USO&R has and will continue bringing the region. Second, I am excited by USO&R's commitment to a transition to a lower carbon future with renewable fuels. This excitement is built on a legacy of USO&R making environmental improvements well ahead of regulations. In the past seven years, we have implemented projects reducing greenhouse gas emissions from our facility and our products, taking a hundred and forty five thousand cars off the road. Clear, consistent, specific regulations facilitated our ability to make these improvements. Third, I am troubled that the draft amendments to the Tacoma Land Use regulations will hinder our shared goal for the future. Application of subjective conditional use permitting as the basis for Land Use regulatory decisions will stifle and not stimulate needed development and ultimately the transition to a low-carbon renewable future. I am especially concerned that the subjective criteria of conditional use will limit USO&R's ability to continue to improve safety and reduce our environmental footprint. Subjective conditional use permitting will hinder investment to make that future a reality. I believe in a future where we share common goals for the environment and economic vitality of the region, where businesses such as USO&R proactively improve safety and reduce environmental impacts and the regulations incite development by being clear, consistent and predictable.

Chair Petersen closed the public hearing at 7:37 p.m. and reiterated that written comments would be accepted until 5:00 p.m., Monday, March 8, 2021. She thanked those who testified for their feedback.

Mr. Atkinson asked for topics of interest from the Commission that they would like to be covered at the debriefing on March 17, 2021. The Commission requested information on conditional use permits, a map outlining the Heiberg property (in reference to Samuel Rodabough's testimony), and the number of facilities in the region that had the million-gallon threshold.

#### **F. TOPICS OF THE UPCOMING MEETINGS**

- 1) Agenda for March 17, 2021 meeting includes:
  - Tideflats and Industrial Land Use Regulations (Debriefing)
- 2) Agenda for April 7, 2021 meeting includes:
  - Stormwater Management Manual Update
  - Home In Tacoma Project (Public Hearing)

#### **G. COMMUNICATION ITEMS**

The Commission acknowledged receipt of communication items on the agenda.

Brian Boudet, Planning Division Manager, informed the Commission of the following:

- Public notice for the public hearing on the Home In Tacoma project would be distributed the following week.
- The Home In Tacoma project was scheduled for the City Council Study Session on March 16, 2021.
- 2022 Amendment process was open for applications through March 31, 2021. At least four applications were expected to be submitted.

#### **H. ADJOURNMENT**

The meeting was adjourned at 7:48 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/](http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/)