



To: Planning Commission
From: Adam Nolan, Planning Services Division
Subject: **2023 Annual Amendment Package – Public Hearing Debrief**
Memo Date: April 12, 2023
Meeting Date: April 19, 2023

Action Requested:

Provide direction to staff.

Discussion:

The Planning Commission conducted a public hearing on April 5, 2023, to receive oral testimony, and kept the hearing record open through April 7, 2023, to accept additional written comments, concerning the 2023 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (or “[2023 Amendment](#)”), which includes the following applications:

- (1) Mor Furniture Land Use Designation Change (near South 49th and Wilkeson)
- (2) Electric Fence Development Standard Amendments
- (3) Shipping Container Development Standard Amendments
- (4) Delivery-only Retail Businesses
- (5) Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards
- (6) Minor Plan and Code Amendments

At the next meeting on April 19, 2023, the Commission will review public comments received and consider modifications to applications 1, 4, 5, and 6 of the 2023 Amendment. To facilitate the Commission’s review and discussion, staff has included the following materials in the agenda packet:

- Attachment 1 – Staff Responses to PC Questions
- Attachment 2 – List of Commenters
- Attachment 3 – Summary of Oral Testimony
- Attachment 4 – Compilation of Written Comments

Staff is seeking comments and direction from the Commission, which will be used to prepare draft documents of “Planning Commission’s Letter of Recommendations” and “Planning Commission’s Findings of Fact and Recommendations Report” for the Commission’s consideration for approval at the meeting on May 17, 2023.

Tentatively, next steps for the 2023 Annual Amendment include the following dates and actions:

- April 19 – Commission review of public comments
- May 3 – Commission review of public comments
- May 17 – Commission Recommendation
- May/June – City Council Consideration

Project Summary:

The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan, shall be adopted and amended by ordinance of the City Council following the procedures identified in TMC 13.02.070. Proposed amendments may be considered annually, for which the amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council by the end of June of the following year. The process for the [2023](#)



Amendment began with accepting applications during January-March 2022 and is slated for completion in June 2023.

Prior Actions:

- 04/05/2023 – Public Hearing on 2023 Amendment Package
- 03/01/2023 – Review status of “Delivery-Only Retail Businesses” and “Minor Plan and Code Amendments”, and release of 2023 Amendment Package for public review
- 02/15/2023 – Review status of “Delivery-Only Retail Businesses”, “Commercial Zoning Update Phase I”, “Electric Fences”, and “Shipping Containers”
- 02/01/2023 – Review status of “Mor Furniture”
- 01/04/2023 – Review status of “Commercial Zoning Update Phase I”, “Minor Plan and Code Amendments”, and “Delivery-Only Retail Businesses”
- 11/16/2022 – Review status of “Electric Fences” and “Shipping Containers”
- 11/02/2022 – Review status of “Mor Furniture”
- 09/07/2022 – Assessment and Determination of “Commercial Zoning Update Phase I” and “Delivery-Only Retail Businesses” (proceed with technical analysis)
- 08/17/2022 – Assessment and Determination of “Minor Plan and Code Amendments”, “Electric Fences”, and “Shipping Containers” (proceed with technical analysis)
- 07/20/2022 – Assessment and Determination of “Mor Furniture” (proceed with technical analysis)

Staff Contacts:

- Stephen Atkinson, satkinson@cityoftacoma.org
- Jana Magoon, jmagoon@cityoftacoma.org
- Adam Nolan, anolan@cityoftacoma.org
- Wesley Rhodes, wrhodes@cityoftacoma.org

Attachments:

- Attachment 1: Staff Responses to PC Questions
- Attachment 2: List of Commenters
- Attachment 3: Summary of Oral Testimony
- Attachment 4: Compilation of Written Comments

c. Peter Huffman, Director



2023 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Attachment 1: Staff Responses to Planning Commission Comments

(From Public Hearing, April 5, 2023)

"Mor Furniture" Amendment Application

1. Requesting information on the Conservation Futures Funding program, especially South 84th Street site; any applicability to subject site? (Marlo, Strobel)

Staff Response: Planning staff made contact with Pierce County Conservation Futures Fund staff. The [Pierce County Conservation Futures Fund](#) application is open on odd number of years; the application is expected to open in April/May 2023 (open for 3-4 weeks). This is a competitive application process. Sites must be at least one acre in size or connected with existing land identified as preserved open space, and applicant/s can identify up to three conservation priorities (wildlife habitat, passive recreation, etc.) in the application. The application requires: Signed Willing Seller Statement (for land in question), Signed Sponsor's Statement, and Signed Receiving Agency Statement (if different from the Sponsor). Detailed information on the project proposal, including budget (includes CFF funding request and matching funds) and sources of matching funds, are required in the application.

2. Requesting clarification on subject site history when owned by Tacoma Public Schools; was the school required to have and maintain buffer between school and freeway? Any school layout plans to reference? (Dorner)

Staff Response: Staff has reviewed some historic and contemporary permit documents related to the Giaudrone Middle School parcels at 4902 S Alaska St. There is no language indicating that the subject site parcel (1824 S 49th St.) was mandated/required to be a buffer from Interstate 5. Staff review of school layout plans also indicate that the subject site parcel was not necessarily intended to be a buffer to impacts from Interstate 5. Staff review of documents included:

- Conditions of Approval (Dec 17, 1959) and Site Extension Approval (Mar 21, 1961) related to construction of Seward Elementary School. The site extension included Blocks 23-28 (five lots lying east of State right-of-way line; subject site lies within this). No reference to parcels to be utilized for buffer/s between freeway and school.
- Special Use Permit SUP2002-00003 (April 2002) to allow construction of new 124,000 sf middle school on existing Seward Elementary School site. In reference to the area between the school building and Interstate 5 (that includes the subject site area), Page 6 of the SUP notes:
"To help abate the freeway noise exposure to kids using the ball fields (south border of school) a solid fence/wall will be erected at the top of the bank on the west side of the ball fields. Also, there will be some trees planted outside the wall as well as between the wall and the ball fields. **The remainder of the property between the wall and the west boundary will be left with the existing vegetation, which is a combination of grass and blackberry vines.**"

- Planning and Development Services approval of Boundary Line Adjustment LU16-0264 (January 25, 2017) at 4902 S Alaska St to consolidate multiples lots and vacated right of ways into three large lots. One of the lots is the 1.24 acre subject site parcel noted to be “projected for potential commercial rezone.” The other two lots are noted to be “for continued use as school grounds.”

3. Public commenter suggested that the proposed land use designation change at the site would be a violation of the WA state HEAL Act. Provide background on the HEAL Act and how it may/may not apply. (Santhuff)

Staff Response: The HEAL Act creates a coordinated approach to reducing environmental and health disparities across Washington State requiring seven state agencies to apply specific Environmental Justice requirements to agency actions. These agencies are the departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation, and the Puget Sound Partnership. (Washington State Office of the Attorney General website page, [“About the HEAL Act.”](#))

The HEAL Act applies to the state agencies identified above. It does not apply to cities and their permitting and land use actions but may apply in the case of grant funding requirements of these state agencies.

4. Heard about buffer planting programs at Jennie Reed School; provide background/context on this. (Santhuff)

Staff Response: Tacoma Green Schoolyards program is a collaborative effort including the Trust for Public Lands (TPL), Tacoma Public Schools (TPS), and Metro Parks. This initiative currently involves five TPS elementary schools in South and Eastside Tacoma (including Jennie Reed). The initiative also ties into TPL’s 10-minute walk program that promotes community accessibility to parks and greenspaces. TPL has also worked with Metro Park Parks and TPS in previous projects, including at First Creek and Charlotte’s Blueberry Park.

TPL uses GIS resources to identify potential areas of work, then does ground-truthing and community engagement with potential partners and communities. The approach is to engage closely with school staff, students, parents, and community members in visioning and design activities and considerations for each respective location. TPL does not own any of the land, but instead partners with landowners and can assist with design, bidding, construction, and other ongoing considerations. The maintenance and upkeep is the responsibility of the property owner and/or designated partners. The Jennie Reed project is a joint partnership with TPS owning the land and maintaining the space/s during school hours, and Metro Parks maintaining outside of school hours when the schoolyard can be made accessible to the broader community. A contractor has been hired for the Jennie Reed project, and construction will soon begin with anticipated completion by beginning of 2023-2024 school year.

Additional information can be found here:

- <https://www.metroparkstacoma.org/project/community-schoolyards/>
- <https://www.tpl.org/our-work/tacoma-green-schoolyards>

5. What communication has staff had with Tacoma Public Schools and other agencies; how have they weighed in concerning the Mor Furniture application. (Strobel)

Staff Response: Staff has had a few meetings with the Tacoma Public Schools Planning and Construction Department and communications with Gaudrone Middle School administrative personnel. Planning staff gathered that TPS was aware that in selling the subject site parcel in 2018 to the Wesco Management, LLC, it would likely result in commercial development (Refer to staff response to Question 5, specifically “Boundary Line Adjustment LU16-0264”). Of paramount concern to TPS staff is student safety, especially considering how the subject site will be accessed. Access through the applicant-owned commercial parcels off of S 48th would be preferred. Through these conversations, staff became aware of these concerns, but did not receive any formal comments through the Planning Commission public hearing or written comment period from TPS concerning the application.

Staff has also consulted with the Tacoma Pierce County Health Department (TPCHD) concerning potential negative environmental impacts of any development (Air quality and PM2.5 emissions, traffic, lack of tree canopy) on students and residents in the subject site area, especially since the area encircles low- and very low-opportunity neighborhoods (City of Tacoma Equity Index). A letter highlighting TPCHD’s concerns was shared with the Planning Commission as part of the 2/1/2023 meeting packet.

In conducting technical analysis, staff consulted with a number of staff from different departments in the city, including vetting baseline conditions and how city plans and development standards would apply to the subject site. This is a land use designation change request and not attached to a specific development proposal at this time. Site rezone and permitting stages would require development plans that would be subject to additional, thorough analysis and evaluation to identify potential impacts, any required mitigations of impacts, and ensure compliance with city code and standards.

6. Is there a pollution threshold in the area around subject site? Has threshold been reached, or would the proposed land use designation change push area over pollution threshold? (Steele)

Staff Response: This current proposal, being a land use designation change and not attached to any specific development project at this time, would not have an effect on pollution in the area around the subject site. There is also no identified threshold for air pollution levels in the area specifically around the subject site. The WA State Dept. Of Ecology and Puget Sound Clean Air Agency (PSCAA) monitor and track emissions to make sure levels of outdoor air pollutants meet federal and state air quality standards. Air quality and pollution are monitored at a regional level, with monitoring stations set up in different geographic areas throughout the Puget Sound region to measure particulate pollution ([Air Quality Sensor Map](#)). The city does not establish or enforce regulatory standards and monitoring for air quality. Rather, air quality impacts are considered as part of the City’s Environmental Review (SEPA), typically at a project level. City staff does consider air quality impacts in policy and proposals, but it is other agencies that establish the standards, and we rely on those standards. Pollution is further discussed in Question 7 that follows.

The PSCAA requires a [construction permit](#) for “any new or modified air pollution source prior to construction or making operational modifications (including equipment, process, or design changes) that affect the level of air contaminants emitted.” This appears to apply to industrial and commercial uses

that may generate higher emissions and potential pollutants as part of their operations or manufacturing processes (does not generally apply to vehicle impacts).

Staff and policymakers with the City and partner agencies do have tools available to them to help better understand or anticipate environmental, health, and equity impacts in considering policies and government projects. Two of these tools include the [City's Equity Index](#) and the [Washington Environmental Health Disparities Map](#).

7. Has the subject site area been involved in declaration of nonattainment by EPA for status of air pollution, particulate matter? What are the sources of pollution in the area? (Karnes)

Staff Response: The Clean Air Act requires the Environmental Protection Agency to set air quality standards for six common air pollutants (carbon monoxide, lead, ground-level ozone, nitrogen dioxide, particulate matter, and sulfur dioxide). Staff from the WA Dept of Ecology provided the following information by email:

The entire state of Washington is currently in attainment for all criteria pollutants, including the Tacoma/Pierce County area...From past nonattainment, Tacoma/Pierce is currently a PM2.5 maintenance area (ends 2035)...EPA intends to lower the annual standard for PM2.5 in the coming years. However, we believe the monitor will likely continue to demonstrate attainment when the designations occur in ~2025.

The Puget Sound Clean Air Agency monitors regional (Pierce, King, Kitsap, and Snohomish counties) air pollution and focuses monitoring on fine particle pollution because of its health impacts.

[PSCAA Criteria Air Pollutants](#); [PSCAA 2020 Air Quality Data Summary](#)

Due to the proximity to Interstate 5, PM2.5 emissions and concentration are at higher levels. The [Washington Environmental Health Disparities Map](#) (WA Dept. of Health) evaluates environmental health risk factors in communities and rates the census block group containing the subject site a "10" - highest risk rank for "Diesel Exhaust PM2.5 Emissions," "PM2.5 Concentration," and "Proximity to Heavy Traffic Roadways." Additional information, including methodology, data sources, and how to interpret the map can be found in the [2022 Washington Environmental Health Disparities Map Report](#).

The census block group that the subject site is within also has a "Very Low" rating for the Environmental Health Index (includes Diesel Emissions, toxic risk, heavy traffic roadways, and urban heat island index) in the [City of Tacoma's Equity Index](#).

"Minor Plan and Code" Amendment Application

8. What does it take to modify City Charter to allow people to serve on commissions that are not residents. What kind of opportunities are there to edit the city charter in the future, even if the LPC Membership minor amendment is adopted? How might the Charter impact ability for people to serve on Urban Design Review board or other boards in the future? (Santhuff)

Staff Response: This minor amendment is solely related to the Landmarks Preservation Commission membership.

While appointments to certain committees, boards, and commissions (CBCs) must be limited to residents of the City of Tacoma, persons living outside of the City of Tacoma may be considered and appointed to positions not legally restricted to city residents when specific expertise is required as deemed appropriate by the City Council.

City CBCs can be established by City Charter or City Council ordinance or resolution. The City Planning Commission was established by City Charter (Section 3.8). The Landmarks Preservation Commission was established by ordinance and later recognized in the City Charter (Section 3.13 – amended in 2014). Both have residency requirements. Others such as the Human Rights Commission and Sustainable Tacoma Commission, established by ordinance and resolutions, respectively, do not have residency requirements.

Pursuant to Section 2.25 of the City Charter, the City Council shall commence a comprehensive review of the City Charter no less frequently than once every ten years by appointing citizens to a Charter Review Committee. The last Charter Review Committee was held in 2014.

Full City Charter can be accessed here: <https://www.cityoftacoma.org/citycharter>



Attachment 2 Lists of Commenters

Oral Testimony (At Public Hearing, April 5, 2023)	
No.	Name
Application: Mor Furniture Land Use Designation Change	
1.	Kirk Kirkland
2.	Eric Seibel
3.	April Smith
4.	Stacey Oaks
5.	Laura Svancarek
6.	Esther Day
7.	Sean Arent
Application: Electric Fences	
8.	Doug Konop
9.	Michael Pate
10.	Randy Ehli
11.	Charlie Brown
Application: Shipping Containers	
12.	Esther Day

Written Comments

(Received through April 7, 2023)

No.	Name	Affiliation
Application: Mor Furniture Land Use Designation Change		
1.	Dale Bickenbach	
2.	Kirk Kirkland	Tahoma Audubon Society
3.	Michelle Mood	
4.	Janeen Provazek	
5.	Heidi Stephens	
6.	Cathie Urwin	
Application: Electric Fences		
7.	Jody Fetters	Titus-Will Auto Group
8.	Michael Pate/Donald McLellan	AMAROK
9.	Miles Penk	Washington Department of Fish and Wildlife



Oral Testimony Public Hearing - 2023 Annual Amendment Package April 5, 2023

Application: Mor Furniture Land Use Designation Change

1. **Kirk Kirkland** – I'm with the Audubon Society in Pierce County. We have some problems with this particular proposal. It's in violation of several policies that are part of the comp plan. One of the policies pertains to putting commercial growth like this in centers with corridors and transit stations. This is an isolated project at the end of a dead-end road in a challenging neighborhood. Another policy the city has is about the negative impacts of putting a project, this would have negative health impacts in a sensitive area. This is an environmental injustice issue where we have a lot of pollution coming off I-5, and we don't need to add more traffic to the neighborhood. I've included a lot more information in a letter than I can't possibly say in a two-minute speech. So, I can only give you a brief outline. This is a particularly underserved, underrepresented community. There wasn't an analysis done like that. The staff report didn't look into the fact that 55% of the people are people of color, there's low-income people here - 81% - and there's 20% that are over 64. The unemployment rate here is 21%. This is not a neighborhood that needs to be having a commercial district created. It's not part of a regular part of the city that has arterials and transit and other things. So, to be really brief, it's compatible with residential land use. This isn't a commercial zone. It's not supported by transportation and other needs. It disproportionately affects low-income people and people of color, and it's an environmental justice issue in this zip code. We should look into those details and decide to deny this permit.
2. **Eric Seibel** – I'm co-chairman of the Conservation Committee of Oddball Society in Pierce County. Thank you for the opportunity to speak about the Mor Furniture amendment to the comp plan. We would like to ask you to deny this amendment. We believe the site would be better served to help the community if the land was set aside as a forest buffer. We hope that in denying this amendment, you will ask the City Council to explore purchasing the land with the county's Conservation Futures funding. Such a buffer was once created on I-5 at the 84th Street intersection, for example, so the city could make application again. The project, as proposed, is in violation of several city planning policies which would justify you in denying this amendment. First of all, Mor Furniture Outlet proposed opening a store next to a school and on a dead-end neighborhood street. This amendment is incompatible with city policies that require commercial outlets to locate in centers, corridors, and transit station areas. The staff report failed to determine if the proposal was in violation of concerns about environmentally sensitive areas and about community health and safety. The I-5 corridor, for example, from Everett to Tacoma, experiences the worst diesel particulate matter pollution in the state due to heavy truck traffic. The regional health disparities map shows that diesel emissions are concentrated in communities with a higher percentage of low-income people and people of color. Secondly, underserved communities is a factor here. The zip code for this project is comprised largely of low-income families that are disproportionately exposed to environmental harms and health disparities, according to the Tacoma Pierce County Health Department. City Policy UF-1.11 requires evaluating the impacts of land use decisions on current residents of particularly under-served and under-represented communities. The planning staff report skipped this step. This is an environmental injustice. This land use decision affects communities of people of color who live in close proximity to pollution that creates a health disparity. Therefore, we would ask that you deny the Mor Furniture land use rezone.
3. **April Smith** – I'm here to ask that you deny this application. Because of the location right next to this middle school, these children and the families that live in this area are impacted so much already from the pollution from I-5, that they don't need additional pollution from the trucks and all the additional traffic that will come from this being right up against the school. It would be much better served to use as a green space and fill it with trees to help with counteracting the pollution that's coming from I-5.



4. **Stacey Oaks** – I oppose the Mor Furniture rezone. As people have pointed out, this is an area right behind the school. This is an area behind a school that is already rated by the Health Equity Index to have a 10 out of 10 score, which is negative, for environmental pollution. That pollution affects school performance, brain development, life expectancy, incidences of cancer, asthma, and other illnesses. Several agencies have already submitted comments concerned about this. That should be part of any presentation going forward. So, let's just be clear. What we're talking about right now is voting to poison children - children that are already being poisoned. The traffic impact analysis is incomplete, and that matters. Bernice A. King wrote, "Truth is only a threat to those who benefit from lies." So, let's think about that. Why would an incomplete traffic analysis be used? Why wouldn't we be digging into this health equity index prior to it even being brought up by public comments? Because we're benefiting from the lies to try to put this in. Why are we not already addressing that this is an already overburdened community. The Heal Act was passed to try to keep things like this from happening. This is not a proposal where the city can hide behind the excuse of "if it fits in the current land use, we have to say yes" - which is, frankly, from a dirty playbook; but nevertheless, not available to use in this case. This zoning change can and should be denied.
5. **Laura Svancarek** – I'm speaking personally today as a Tacoma resident. I live about three blocks away from the parcel in question. I'm really concerned about traffic impacts, particularly increased freight traffic. I'm not speaking as a driver, but from my experience as a cyclist, pedestrian, and transit user in this neighborhood. South 48th Street, to be really blunt, is scary. I can't tell you how many times that I've almost been hit by drivers while crossing 48th. At the same time, 48th is also the safest way to cross I-5 in south Tacoma if you're walking or biking. While it's safer than other options, I need to be clear that it's still not actually safe, especially if you are on a bike. Those are the current conditions. I understand that staff determines the zoning change will generate less traffic than if the parcel was developed into housing as currently zoned. I think we all know that development into housing was very unlikely anyway, so this is an increase in traffic over the current levels, and it worries me a lot based on my lived experiences on this street. I'm also a member of the Pierce Transit BRT System Expansion Study Technical Advisory Group, and 48th is under serious consideration for the next BRT route in Tacoma. I think that's very important to mention. We should be planning for the success of that route rather than creating more points of roadway conflict for those that have to navigate and slow the system. I really encourage the commission to look at alternatives here, as has been mentioned, the loss of trees, while we already don't have enough in South Tacoma just for another furniture warehouse, which we already have quite a few of within like three blocks, or three miles, an increase in current and truck exhaust - that's really challenging to me. At the very least, I've heard interest from others in my neighborhood around this site, that there should be a plan to mitigate tree loss should this project move forward. So, thank you for your time. I am not supportive of this change.
6. **Esther Day** – This project, while it may sound wonderful to have more commercial business here, it's really not a good idea. It can find another place. We have to think about our children. Put yourself as a parent next to that Mor place and have all that traffic pollution petering into your home where you can't open your windows or air out anything, or even enjoy the outdoors because the pollution is so bad. If you've never sensed that type of pollution, you need to try it, walk in their shoes. Mor Furniture can find another location. Keep it for trees to clean the air - which we need desperately in the city, as we are constantly trying to cut down trees, but also continue to do something better for housing. This is a low-income community, and you're adding to the low-income communities' problems. The children should be our first priority in this regard. In this particular regard, please deny this application.
7. **Sean Arent** – I live in the neighborhood where this project is being proposed, and I oppose it. Let's look at the facts. There's a partnership underway between the Trust for Public Land and Jenny Reed Middle School. The purpose is to plant trees between a school unfortunately sited next to I-5 as a buffer. My question is shouldn't we do this with all the schools located along I-5? Air pollution kills. I worked for the Washington Physicians for Social Responsibility we've effectively drawn that link, particularly when we advocated to ban natural gas hookups in new homes. Air pollution causes life-altering conditions, such as asthma, cardiovascular disease. I-5 is a huge source of air pollution. Kids running on the track at Giardrone are just breathing that right in. My neighborhood has worse air quality and less trees as much of the rest of Tacoma. These things are interlinked. The science behind trees reducing air pollution is clear, and they are a living filter. So, on one hand, we have a clear recognition that tree

buffers are needed for schools and communities next to I-5. We have a public recognition that lower-income neighborhoods in the south and east side need trees and investment. We have a climate action plan and a comprehensive plan that speaks to that. On the other hand, we can change the code and lose the best opportunity to do that in my neighborhood. We can increase truck traffic next to a school and push forward a project to expand the concrete desert of the Tacoma Mall, and build another absolutely unnecessary furniture store in an area that has at least five furniture stores in a 10-minute radius. It isn't your fault what Tacoma Public Schools did in 2018 with selling this. They gifted this public property without looking at the big picture, but you have a choice to make. We can reject this code change and subsequent rezone rendering the property worthless to the developer. Take it back and create a vibrant green space akin to McKinley Park that actively absorbs air pollution in an underserved neighborhood, or you can give us Mor Furniture for less.

Application: Electric Fences

8. **Doug Konop** – I am speaking today as a business owner in the Port of Tacoma. I've been a resident of Tacoma for the last 27 years and in January of this past year, I moved my company from King County to Tacoma to the port. So, since January 2022, I've operated my business there and one of the first things I did was install a chain link fence on the property to protect semi-truck equipment and propane tanks. Since I've had that fence in place, I've had over six break-ins in the past six months. Break-ins cost me \$2,500 to have repaired, and I have losses in the \$1000s for stolen equipment and vandalized equipment. I've made multiple police reports. I've worked with the City of Tacoma and the police department who have tried to help but I still have break-ins on a regular basis. I'm trying to support this measure to allow electric fences in Tacoma. I've applied for a permit through AMAROK back in November, and now we find ourselves here discussing this tonight. My biggest issue on this is - I know I've read through some of the notes from this meeting - I know it's an aesthetic issue, but I'm pleading for public safety both for my employees and people that are living on the streets in front of my property. I do not want my employees to get involved in any altercations with people there, and until we improve the security of our property, these types of issues are going to continue. We currently have a fence, the Amarok fence that we'll put in place, where it'll be behind our fence - it's medically safe, and I think it will keep my employees safe and those people that are around the property safe as well. I really ask that people do this. I'm a small business owner, and I am regretting moving my business here without change.
9. **Michael Pate** – I am with Amarok. We basically are the folks who install many of these devices across the state. We actually have dozens of these devices installed at this time in the city of Tacoma. During the COVID pandemic, for some reason, the city staff initiated an amendment to ban the use of these devices. So, we literally have dozens of these devices now in the city that protect properties, and literally dozens of folks who would like to install these devices that are unable to do so. There are a couple of things with the draft that is proposed right now that really will not work. One is the setback issue. These are not fences, these are alarms and security systems. They go behind the existing fence line. So there really shouldn't be a setback issue at all, they actually go behind the existing fence line as it exists. The other issue that we're looking to right here is the front yards and not allowing them in front yards. This is akin to locking your back door and closing your windows and opening all the windows and doors in the front of your house and leaving. I don't think any of you would do that on your own personal residences, and we don't think anyone should have to do that on their business. It just doesn't make any sense at all. I'd like to also address aesthetics that Doug just brought up. These devices are almost impossible to see the only reason you can really see them as you know where they are and what you're looking for. They are industrial commercial areas that are used for outdoor storage or for businesses that actually store large amounts of property outdoors. I thank you for your time we will be submitting written response to this.
10. **Randy Ehli** – I'm CEO of Ehli Auctions. The Ehli family has been serving the Tacoma market since 1948. We are located on 94th and Pacific. We leased three acres there and 20,000 square feet. So, I guess we're part of your Picture Pac Ave. It's been about 12 months since the city made the decision about businesses utilizing fences. In that time, our business has faced significant losses over \$45,000 in theft and damages. They steal trucks. They run through our gates and steal forklifts and inventory.

Our inventory is consigned by the public and government agencies. We didn't have a fence when he started leasing there in 2008, not even a cyclone, and we hardly had any issues. However, since the city's lack of focus on tackling property theft, we have no choice but to request the use of commercially available electric fences. While electric fence services is not cheap, it offers a safe, reliable, and cost effective solution for protecting business and keeping intruders out. In summary, we urge the city to allow businesses to use electric fence services, and so that each of us don't have to go through a variant process. It just needs to be done. Also, I have an objection to the rule that they want to make a setback for the fence; however, my building sits 100 feet from the road, I paid for commercial property and commercial taxes, and we would like to have a fence put inside, closer to the road.

11. **Charlie Brown** – I'm here today on behalf of AMAROK as well. We appreciate the proposed amendment and the willingness of your staff and you all to work with us to put this amendment into place. We do request the modification of view as you've heard of the five-foot setback issue. The fence actually sits about eight to 18 inches behind a perimeter fence, and that's what provides really the safety as you heard from some other speakers. People will simply cut through the chain link fence if that's what they have, and just go and steal stuff. So, this just sits right behind it, and provides that kind of security protection. When somebody tries to break into the property and the electric fence has cut, then an alarm is triggered, the property owner is notified, we will know exactly when that's happening, and we can try and get that change. So, we would request that five-foot setback to be eliminated. We'd also request that the allowance for fencing in front of our business be modified. As you heard just previously with Mr. Ehli, there are businesses where the building itself sits back from the front and you want to protect the perimeter, that's what the fence does. It simply protects the perimeter of the property from people breaking into people's properties. We would request a modification, which would be similar to what was adopted in Olympia, where you may have some auto dealerships that don't sit in exactly the kind of commercial zones that are stated in this draft, but we do allow in Olympia - at least they just adopted codes - that allow for vehicle dealerships to have these fences, for rental businesses to have these fences, and your auto body and other places that might not be exactly in these areas. I would submit to you that the Titus-Will facility, which is very interested in this, sits in just that kind of a conundrum where it's not exactly in that commercial zone. So, to that degree, I'd ask you to look at the Olympia language and consider that in your draft that you might move forward to the City Council.

Application: Shipping Containers

12. **Esther Day** – I watched your presentation regarding the shipping containers. My only request is that we make sure that we do not allow this to get out of hand, and we make sure that somehow those containers are behind some sort of protection so that they're not an eyesore and don't become a storage center in our communities in our neighborhoods.

--- (Public Hearing closed at 6:25 p.m.) ---



**Written Comments
(Submitted through April 7, 2023)**

This compilation includes nine e-mails/letters:

Subject Commented	Number of Emails/Letters
Application: Mor Furniture Land Use Designation Change	6
Application: Electric Fences	3

From: [Dale Bickenbach](#)
To: [Planning](#)
Cc: [Nolan, Adam](#); [Ushka, Catherine](#)
Subject: 2023 Annual Amendment to the One Tacoma Comprehensive Plan and Land Use Regulatory Code ; Mor Furniture
Date: Friday, March 24, 2023 6:13:34 PM

Mr. Nolan, your providing the subject was most appreciated.

To the planning commission I hope to summarize my concerns with this project of Wesco, a San Diego corporation, I believe. This project located just across Interstate 5 and the Tacoma Mall openly demonstrates the low level of concerns for people and high concern for immediate high monetary potential gains continually demonstrated in North America resulting is what is called Urban Sprawl.

The current zoning could be left over from the days prior to a multilane, always busy, Interstate highway as living next to one with abundant open spaces is only a desperate last resort. Rather than designate the land as a buffer to accommodate and protect the residents in the local vicinity the development is a land grab to avoid potential higher costs to the developer and company on the abundant vacant areas of the nearby Tacoma Mall.

Unlike the current lone retailer across South 48th Street to the north this vacant area is located adjacent to a school where we have foot traffic of young people. The store across South 48th is also a furniture store. Perhaps furniture stores do well being located close together as some store types do?

However, the stupidity of the past does not need to justify the same in the present. Also, with a growing population and evaluated snow pack levels greater concern is being shown and warranted for the alternate source of the absolutely vital to life drinking water sources. The below is from the Amendment under consideration:

"critical area (aquifer recharge area, South Tacoma Groundwater Protection District)."

Doing an Environmental Impact Assessment, now, and energy assessment I would be concerned with the school; however, I am a couple decades away from that part of my life. However, during that career I did learn what other countries with more limited land space and denser living spaces did to protect their citizens. My recommendation would be a substantial buffer south of South 48th Street to mediate noise, air pollution, and protection of the aquifer. Concentrate the stores for the convenience of people, foot traffic, and reduced single occupancy vehicles even if, like mine, electric.

Thanks.

dnb

Dale N Bickenbach
5232 South Mason Avenue
Tacoma, Washington
98409-1817
+ 1 253 475 5242 (Please e-mail, first)

From: [Kirk Kirkland](#)
To: [Planning](#); [Eric Seibel](#); [Nolan, Adam](#); [Sean Arent](#); [Ashley Mocerro Powell](#)
Subject: comments on Item G (1) Mor Furniture proposal April 5 Planning Comm
Date: Tuesday, April 4, 2023 2:04:06 PM
Attachments: [letter trees & environmental justice cntrl tacoma v2.doc](#)

Hello Adam Nolan and Planning Commission members.

Please find letter for April 5 planning commission. We would like to comment on Item G (1) Mor Furniture proposal,

Thank you,

Kirk Kirkland

Tahoma Audubon Society
253 761 1693 | kirkkirkland9@gmail.com





2917 Morrison Road, W. University Place Wa. 98466 (253) 565 9278

April 3, 2023

Tacoma Planning Commission

planning@cityoftacoma.org

Adam Nolan" <anolan@cityoftacoma.org>

Tacoma, Washington 98401

Re: Mor Furniture Land use designation change and rezone.

Thank you for the opportunity to comment on the rezone for Mor Furniture which would place a commercial retail business in a residential neighborhood. This rezone is incompatible with Tacoma's Growth Management Plan and policies. The staff report does not evaluate how this proposal is an enhancement of the quality of the affected residential neighborhood and does not evaluate the impacts of increasing transportation on a dead end street that is used primarily by Giaudrone Middle School and adjacent residents.

While City Comprehensive goals and policies support enhanced economic activity and employment growth, the development of this site would be an environmental injustice to the people in this zip code who have a higher levels of unemployment and have lower income than most other neighborhoods in Tacoma.

Planning rules and evaluation:

City of Tacoma's Policy UF-1.4 pertains to directing the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the general scale and characteristics of Tacoma's residential areas.

The Staff Report cautions that the proposed project "may or may not be totally applicable especially in terms of the characteristics of the residential area and public school located adjacent to the subject parcel." In addition "the subject site is not located in a designated center or transit station area, and while located in proximity to Interstate 5 and S 48 th street corridor overpass, the Furniture store it is not directly accessible off of a designated corridor or a major arterial.

Placing Mor Furniture in an isolated area of this residential zone, is not providing reasonable access to other arterials. There is no public transit for employees of shoppers. This will increase traffic on this dead end street for employees and new customers when at several times of the day the street is crowded with school children.

Policy DD-11.4, Policy DD-12.1, Policy DD-12.2, and Policy DD-12.3 pertains to encouraging development, infrastructure, and building design that reduces negative impacts on environmental health, ecosystems, and sensitive areas, and on community health and safety.

The proposed project will disproportionately impact this Environmental Injustice Community, as this I-5 corridor that runs throughout Washington, port cities, including Everett, Seattle, Kent, and Tacoma, experiences the worst diesel particulate matter (“PM”) pollution in the state.

Please see the Washington Environmental Health Disparities Map, which uses GIS to overlay population data with environmental pollution indicators. It shows that, diesel emissions are concentrated in communities with a higher percentage of low income people and people of color.

Does this project enhance overall quality of the neighborhood in this zip code?

In the staff report for this project, it concludes that there is not enough information at this time to adequately comment on how this proposal may or may not be an enhancement of the quality of the affected neighborhood and its impact on the adjacent residential neighborhood and Gaudron Middle School.

In addition the previous rezoning of this neighborhood with the Home in Tacoma Phase 1 changes completed in 2021, that process did not consider a commercial land use designation for this site or include a site specific review of this property nor did it provide public transportation usually required for an employer for commercial retail building of this size.

City Policy UF-1.11 pertains to evaluating the impacts of land use decisions and development on the physical characteristics of neighborhoods and current residents, particularly underserved and under-represented communities

Washington Environmental Justice Task Force developed a definition of environmental justice for government agencies in Washington in the fall of 2020. . Three key environmental justice principles articulated by the Task Force are that government actions and decisions should be transparent, and should achieve the highest attainable environmental quality and health outcomes for all people.

Unfortunately environmental injustice is rampant in Tacoma and throughout Washington State. The newly passed HEAL Act acknowledges that in Washington, “people of color and low-income people continue to be disproportionately exposed to environmental harms in their communities.” RCW 70A.02.005(2).

Mapping provided by EPA Environmental Justice tool shows that residents in this zip code are: people of color (55%) low income people (81%) and people over 64 years old (20% and people with a higher unemployment rate (21%).

Environmental Injustice Report

"Decisions by land use agencies have been a major contributor to this inequality. A central theme identified in community conversations about environmental justice in Washington is that unjust land use policies have caused communities with people of color who live in close proximity to pollution creates health disparities" according to the Front and Centered Coalition, Community Report on Environmental Justice in 2021.

- "Decisions by land use agencies have been a major contributor to this inequality. A central theme identified in community conversations about environmental justice in Washington is that unjust land use policies have caused people in disadvantaged communities to live in close proximity to pollution," according to the Coalition's 2021 Report.
- In this Tacoma neighborhood where rezone for the Mor Furniture store will be located next to Interstate 5 is comprised largely of low-income families that is disproportionately exposed to environmental harms and health disparities according to the Tacoma Health Department. And the census block group containing the project site has more low income people than 60- 80% of the rest of the people in Washington State.
- These neighbors living near the proposed site already have a greater risk of cancer due to exposure to air toxics than 90-95% of people in Washington State.

Tahoma Audubon Society recommends that Mor Furniture Land Use Designation change be denied.

- It is incompatible with the current residential land use,
- It is not located in a commercial zone with supporting transportation infrastructure,
- it will disproportionably effect low income people and people of color, and;
- the planning staff admitted that they "do not have enough information at this time to adequately comment on how this proposal may or may be an enhancement the quality of life in the affected neighborhood."
- To rezone this site would be an environmental injustice to the people in this zip code.

This green space between the freeway and the school & the residential homes, needs to have more trees in their open space buffer zone along the freeway. It does not need another furniture store.

Thank you for your consideration.

Kirk Kirkland

Eric Seibel

From: [Michelle Mood](#)
To: [Planning](#)
Cc: [City Clerk's Office](#)
Subject: Comment on April 5 meeting: Save the Children from "Mor" Traffic
Date: Monday, April 3, 2023 2:24:06 PM

Good afternoon,

I'm writing this comment for your April 5th meeting, one item of which concern's Mor Furniture's request for a zoning change so that they may build a large warehouse, parking lots and a store right next to Giraudrone Middle School. I echo the input from TPCHD and the state, which you seem to be disregarding despite their expertise. TPCHD says: *"Concerns we have about what a change in land use designation would mean to the short and long-term health of those closest to that parcel – the students at Giraudrone Middle School."* The state mentions: *The air quality at the subject site is a problem and of concern for the area. The subject site borders Interstate 5 and automobile traffic from the freeway is a primary driver of adverse air quality. According to the Washington State Dept. Of Health Environmental Health Disparities Map shown below, the subject site lies within an area that is in the highest rank (10) for "Diesel Exhaust PM2.5 Emissions" and "PM2.5 Concentration."*

This school is alongside I-5 and already gets noise and air pollution devastating to resident and student health. The Mor Furniture complex will be built between the school and I-5, just adding to the noise and pollution! In the materials posted, the planner did acknowledge that the truck and other warehouse/building project traffic would likely rely on **use of the side street(South 49th Street)next to the school.** Allegedly, with the slope of this building site, this side street (South 49th Street) would end up being the best travel route for trucks/vehicles vs use of a separate driveway/road addition accessing South 48th Street." So, there would be significant concerns for an increase in air pollutants from additional truck and vehicle traffic as well as the safety concerns with trucks interacting with school age children too in that area. In addition, what street/travel routes would be used by Mor Furniture(or any warehouse type business) for the truck traffic associated with this site (S 48th Street west to Tacoma Mall Blvd..to South 38th Street...?) to access I- 5? access onto I-5 via South 56th Street?). Seems like we're adding on more impacts (environmental and health) to this already overburdened South Tacoma neighborhoods that are already dealing with horrifically short life spans, high rates of cardiovascular disease and death, and low birthweight babies -- all exacerbated by diesel emissions. For shame!

Reject this Mor Furniture request and deny the zoning change!

Dr. Michelle S. Mood (she, her, hers)
(c) 740-233-6333
3719 South Gunnison St
Tacoma, WA 98409

A boomer, not a zoomer.

From: [Janeen Provazek](#)
To: [Planning](#)
Subject: Comments re Mor Furniture land Use Designation Change
Date: Monday, April 3, 2023 9:52:21 AM

Dear City Planners,

This letter is my public comment about the above proposed land use change. Mor Furniture's stated goal of obtaining a zoning change in order to build a large warehouse, parking lots and new store in this area between Giraudrone Middle School and I-5, is not in the best interest of our community, particularly not for the community and school in this East Tacoma area. Like the proposed Mega Warehouse in S Tacoma, this project would result in more air and noise pollution and would cover an aquifer discharge area with an impervious surface.

The children who attend Giraudrone Middle school, and the residents living in the neighborhoods nearby, are already subjected to air and noise pollution from the constant traffic on I-5. Again, this is an area of ethnic diversity and lower income residents. So, we are going to continue to sacrifice them by allowing large, polluting complexes to be built right by them? I spent a number of hours door knocking in this area to learn what the residents felt about this. They were all adamantly opposed and expressed considerable anger and discouragement. How many city officials from our City Council and Planning Department have gone door to door to talk to the residents being impacted by this proposed project?

Giraudrone Middle School badly needs a buffer zone along the area in question: Trees, a park, walking and biking trails. Anything but an environmentally polluting project. I understand the city is trying to keep businesses here for our economic stability. This particular proposed project is not the answer! The city has publicly stated that this area of East Tacoma needs more trees and greenery. Do not lose sight of that truth...

To try and have environmental sustainability and social justice for our community, we have to turn to new ideas that reduce pollution, not increase it. The city would never support allowing Mor Furniture to build a complex in University Place or the North End, because we have always protected our white residents first and foremost. Please do not forget that the areas being subjected to polluting projects are the ones "red lined" in our past. We owe more to these neighborhoods than continued decisions that increase their pollution.

I urge you to keep the current zoning for this area and create an environmental buffer zone that protects the children and families who live there and go to school there.

Respectfully submitted,
Janeen Provazek
1117 N 7 St
Tacoma, WA 98403

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From: [Heidi S.](#)
To: [Planning](#)
Subject: Public Comments for April 5th Planning Commission
Date: Tuesday, April 4, 2023 6:57:32 PM

Public Comments for April 5, 2023 Planning Commission:

The Mor Furniture and the Pacific Avenue Plans are flawed in that both will be removing vital mature trees, desperately needed in those areas of this city.

Regarding Mor Furniture, I echo the comments from the Tacoma Pierce County Health Department and WA State from the February 1st agenda packet:

TPCHD:

We appreciate the opportunity to raise the concerns we have about what a change in land use designation would mean to the short and long-term health of those closest to that parcel – the students at Giaudrone Middle School.

... and from the state:

The air quality at the subject site is a problem and of concern for the area. The subject site borders Interstate 5 and automobile traffic from the freeway is a primary driver of adverse air quality. According to the Washington State Dept. Of Health Environmental Health Disparities Map shown below, the subject site lies within an area that is in the highest rank (10) for "Diesel Exhaust PM2.5 Emissions" and "PM2.5 Concentration."

... however the "staff analysis" then just seems to skip over all the relevance of that information and now, in this week's packet, none of that information has been included.

Regarding the Pacific Avenue plan, please require that any transit expansion must preserve the (over 200) mature trees they are currently planning to remove. The less this Commission protects urban trees, the less livable this city becomes.

Diesel exhaust (from delivery trucks and transit buses) is a serious matter, significantly impacting developing lungs and leaving life-long detrimental effects. This is, once again, an example of environmental injustice, as such plans would never be considered within the more privileged areas of this city.

Reject the Mor Furniture rezoning, and stop rewarding poor land purchase choices with the expectation of bullying the city in bad planning at the expense of public health.

Heidi Stephens

From: [Cathie Raine](#)
To: [Planning](#)
Subject: 4/5/2023 Tacoma Planning Commission...Mor Furniture Requested changes with land use from Residential to General Commercial
Date: Wednesday, April 5, 2023 11:59:28 AM

Dear Members of the Planning Commission:

This land area use change from 'Residential' to 'General Commercial' would adversely affect the health of the area residents and the children (and staff) that attend the adjacent Giaudrone Middle School. The residents of this neighborhood already are exposed to high levels of diesel exhaust from I-5.

Adding vehicle exhaust to this neighborhood would be unfair to the children living in, attending school and also the children of the nearby 'Child Care Center' (located at the corner of South 48th Street and South Alaska Streets). This exhaust would have both short- and long-term effects on the health of the children and on the families living in this neighborhood.

With all of the Planners'/City Officials' talk on improving (building up) neighborhood communities in Tacoma, this proposed land use change is NOT a change this neighborhood wants for their families.

This proposed land use change is being promoted by business interests and would not provide any benefit to this residential community. The Planners need to prioritize the health and safety of the residents over the financial needs of a business!

With review of the Traffic Impact Analysis study completed by JTE Engineering Inc (submitted on 12/22/2022), I noted that Table 1 (site traffic generation) calculations did not include the ITE Handbook code for 'warehouse'. Above that Table 1, the consultant states that the "proposed use of this property is warehouse with light retail". Why wasn't there a vehicle/truck calculation included for a 'warehouse' situation? In addition, this TIA seems to be incomplete as no proposed routes are disclosed and discussed with this proposed land use change.

Please do not agree to a land use change to General Commercial. The people of Tacoma do not deserve the loss of their neighborhoods.

Cathie J Urwin

From: jody@tituswill.com
To: [Planning](#)
Cc: [Jody Fetters](#)
Subject: ELECTRIC FENCING DISCUSSION - PUBLIC HEARING 4/5/23
Date: Monday, April 3, 2023 3:51:16 PM

I handle the security for the Titus-Will Auto Group. We have dealerships in Tacoma, Lakewood, Parkland, Lacey and Olympia. Currently, we have electric fencing at our Parkland site, Olympia site, and are in the process of adding it to our Lakewood Ford site. Our stores have been the subject of vandalism and theft too many times to count in the past couple years. From vehicles being stolen, to catalytic converter theft, bumper theft, gas theft, to customer's vehicles being ransacked right on our back lot or inside the technician's bays. It is very hard to explain to a customer that left their vehicle with you in good faith, that it has been stolen or parts stolen off of it.

How has the high level of crime at our stores affected us? Our employees feel unsafe after one of these break-ins, our security costs have sky-rocketed to \$750k in 2022, building damage costs are crippling and our insurance rates are soaring! Alarms and cameras are great, but the police can only handle so many calls per night, the thieves know they can (and have) drive away in one of our vehicles (or worse – in a customer's vehicle) right in front of a patrol car and not worry about being stopped.

All of our sites that have electric fencing are completely secure. Not a single time has someone gotten in past the electric fencing. So far, the sight of the fence and the signage warning them of the electric fencing has been enough to stop them from even trying.

We want to protect the back of our Ford and Toyota buildings and our Collision Center that back up to Oregon Avenue. Electric fencing inside of our slatted chain link fence would do that. We recently paid the City of Tacoma a bundle of money to vacate the end of Oregon Avenue because of the number of folks trying to camp on the land and steal from our store. That helped.....somewhat. The very few neighbors that we have along the dead end road (Oregon Avenue) would appreciate it if our property didn't lure in would-be thieves, since it is then less of a chance for them to get hit as well.

We ask for you to consider a variance for Titus-Will Ford/Toyota to add an electric fence behind our slatted chain link fence for the good of our stores and our community.

Jody Fetters

Executive Administrator
Titus-Will Auto Group
253-620-8943 Direct line

From: [Donald McLellan](#)
To: [Planning; Nolan, Adam](#)
Cc: [Michael Pate](#)
Subject: Tacoma City Planning Commission Letter
Date: Friday, April 7, 2023 8:35:27 AM

Chairman Karnes and members of the City of Tacoma Planning Commission:

Thank you for bringing forward the proposed electric fences amendments to the planning code. As we have conveyed to you and to members of the City Council, we believe allowing electric fences in commercial and other select areas of the city will provide a greater degree of property protection to businesses throughout the City of Tacoma. We testified to several modifications to the draft code that we believe would make the electric fences provide the highest level of security and business-owner utility.

The requests are as follows:

1. Please eliminate the draft language in TMC 13.06.090.K 4 b. (c)(ii)(b), the Standards section that requires a 5-foot setback from all property lines.
 - As we testified, the electric security alarm fence system that is commonly used throughout the state sits 4-8 inches behind a non-electrified perimeter fence. The perimeter fence provides adequate separation for persons who are not attempting to break-in to the property, while still providing the highest degree of property security protection for the business owner.
2. Please eliminate the draft language in TMC 13.06.090.K 4 b.(c)(i)(a), the Location section that prohibits the installation of the electric fence between the front of a building and the adjacent public street.
 - As we, and others, testified, it is important to provide property protection around the perimeter of the property where items are being stored. In many cases, the office building for commercial owner may be set in the middle of the property and items such as cars, machinery, or even auction items are stored adjacent to the public street. Elimination of this section will provide the highest level of protection and utility of this ordinance for business owners who choose to utilize an electric fence security alarm system.
-
3. Please amend the draft language in TMC 13.060.090 K 4 b.(c)(ii)(c) to specifically allow for a chain link fence to be used as a perimeter fence.
 - We noted that chain link fences are prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. However, in order to protect persons from accidentally coming into contact with an electric fence that is used as an electric security alarm system, a chain link fence is a very common and protective separator. As noted above, many commercial businesses have buildings in the center of the property and a full-

perimeter electric security alarm system is the best protection against break-ins.

-

4. Please amend the draft language to include additional commercial businesses to be authorized to use electric fences even though they are outside the specifically identified commercial zones in the draft code.

- As we noted in our testimony, we request that additional specified commercial properties be authorized to use the electric fences to protect their property. These businesses include auto dealerships, auto rental companies, machinery and equipment dealerships, machinery and equipment rental companies, and other such businesses that store valuable items on properties outside their buildings. The City of Olympia has adopted electric fence code language that addresses these types of businesses which we recommend to you.

-

Again, thank you for putting the electric fence code changes forward. We respectfully request the modifications to the proposal as outlined above. Please let me know if you have any questions.

Michael Pate/Donald McLellan
AMAROK

From: [DFW R6SSplanning](#)
To: [Planning](#); [Magoon, Jana](#)
Cc: [Lentes, Gwendolen A \(DFW\)](#); [Penk, Miles A \(DFW\)](#); [Bryant, Jessica \(DFW\)](#); [Eberly, Jennifer C \(DFW\)](#)
Subject: WDFW comments for Tacoma DNS 2023 Amendment - LU23-0040
Date: Friday, April 7, 2023 4:32:52 PM
Attachments: [WDFW Comments Tacoma DNS 2023 Amendments.pdf](#)

Dear Ms. Magoon,

Please find the Washington Department of Fish and Wildlife's comments for the Proposed 2023 Annual Amendment to the One Tacoma Comprehensive Plan and Land Use Regulatory, Application 2.

Thank you,

Jessica Bryant

HPA Unit Supervisor | ES4 Habitat - Protection Division
Washington Department of Fish and Wildlife
PO Box 43234, Olympia, WA 98504-3234
APPS Helpline: (360) 902-2422
Pronouns: She/Her



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Coastal Region • Region 6 • 48 Devonshire Road, Montesano, WA 98563-9618
Telephone: (360) 249-4628 • Fax: (360) 249-1229

April 7, 2023

City of Tacoma
ATTN: Jana Magoon, Land Use Division Manager
747 Market Street, Room 345
Tacoma, WA 98402

Dear Jana Magoon:

Thank you for the opportunity to comment on the determination of non-significance for the Proposed 2023 Annual Amendment to the One Tacoma Comprehensive Plan and Land Use Regulatory, Application 2, electric fences located citywide as proposed by the City of Tacoma. The Washington Department of Fish and Wildlife (WDFW) is dedicated to preserving, protecting, and perpetuating the state's fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. In recognition of our responsibilities, we submit the following comments on the scope of environmental review for the electric fence development standard amendments proposed citywide (in select commercial and industrial use districts) by the City of Tacoma.

Project Area of Potential Effect:

The electric fence development standard amendment would increase the types of allowable locations where electrical fences can be installed, and some of those proposed locations appear to overlap or be adjacent to critical areas recognized by WDFW and the City of Tacoma.

Fish and Wildlife Resources and Recommendations:

WDFW recommends adding defining language to 4 (b)(1)(c)(i)(c) and 4 (c)(1)(c)(i)(b) as the current proposal is ambiguous. We ask that the City of Tacoma define what "around or adjacent to a critical area" means to prevent electric fences from being placed within critical areas or their associated buffer zones.

WDFW recommends adding similar language to that referenced below, to better define when a fence may be placed and what the buffer should be. Below are two code language examples that WDFW suggests utilizing to better define the proposed 2023 amendment.

"The installation of [low impact] fencing within critical area buffers [is allowed], provided the location does not result in restricting wildlife movement, the location and installation is the least impactful to the critical area and buffer as possible, and there is no alternative to fencing to

achieve the purpose of the fence.” (Adapted from Bainbridge Island Municipal Code 16.12.030.B.5.f.i.(E))

“An electrical fence must have a setback line of 15 feet from the edge of any [wetland] buffer, if the department determined upon review of an analysis of buffer functions submitted by the applicant, that construction and/or maintenance of such fence will not encroach into the [wetland] buffer or adversely impact the [wetland]. The functional analysis shall include a functional methodology supported by best available science.” (Adapted from Bainbridge Island Municipal Code 16.12.030.B.5.j.iii.(G))

If you have any questions or concerns, please feel free to contact (360) 480-2908 or Miles.Penk@dfw.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Miles Penk". The signature is stylized with a large, looped "M" and a cursive "Penk".

Miles Penk
WDFW Area Habitat Biologist
1111 Washington St SE,
Olympic, WA 98504

Cc: Gwen Lentes, Regional Habitat Program Manager (Gwendolen.Lentes@dfw.wa.gov)

Jessica Bryant, Regional Land Use Planner, (Jessica.Bryant@dfw.wa.gov)

Jennifer Eberly, Habitat Biologist, (Jennifer.Eberly@dfw.wa.gov)