



MINUTES (Approved on 8-2-2017)

TIME: Wednesday, July 19, 2017, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Stephen Wamback (Vice-Chair), Jeff McInnis, Brett Santhuff, Jeremy Woolley,
Andrew Strobel, Carolyn Edmonds
ABSENT: Chris Beale (Chair), Anna Petersen, Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Vice Chair Wamback called the meeting to order at 4:02 p.m. A quorum was declared. Doris Sorum, City Clerk, swore in Commissioners Carolyn Edmonds, Andrew Strobel, and Jeff McInnis. Commissioner Edmonds and Commissioner Strobel introduced themselves to the Planning Commission.

B. APPROVAL OF AGENDA AND MINUTES OF JUNE 21, 2017

The agenda was approved. The minutes of the regular meeting on June 21, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Vice-Chair Wamback invited citizens to provide comments on items related to the agenda. The following citizens provided comments:

- 1) Tim Gosselin:
Mr. Gosselin commented that the proposed Marijuana Use Buffer Codes Amendment would take away the ability to make site specific decisions and reduce the properties available for marijuana production. He reported that the proposal was a reaction to a variance he had requested in 2016 for a building he owned in the Nalley Valley. He reviewed that he had noted a discrepancy in State Law as to whether playgrounds operated by Metro Parks fell within the state definition of playground. He commented that when the variance was granted the Director of Planning and Development Services had recognized that there would be no detrimental effect from the use being within 1000 feet of what was claimed to be a playground.

D. DISCUSSION ITEMS

1. Emergency Temporary Shelters Interim Regulations

Lauren Flemister, Planning Services Division, facilitated a discussion to develop findings of fact and recommendations for the City Council's consideration at its public hearing on July 25, 2017. Ms. Flemister reviewed that Ordinance No. 28432 had enacted interim zoning and land use controls for emergency temporary shelters in response to health and public safety concerns related to unregulated encampments. The ordinance was part of a larger planning strategy undertaken by the City with three phases. The first phase, mitigating conditions of existing encampments, had recently been completed. Phase two, which had been recently begun, was focused on emergency sheltering and transition services. Phase three would focus on providing long-term housing options. She noted that the ordinance had been preceded by Resolution No. 39716, Ordinance No. 28430, and Ordinance No. 28216.

The Findings of Fact included that the Commission concurred with the City Council's findings; that unregulated homeless encampments often have negative health outcomes; that the needed time to create

permanent regulations was not in line with a crisis response; and that Ordinance No. 28216 dealt specifically with religious institutions and did not address the emergency crisis situation. The conclusions were that there was just cause for the interim regulations; that permanent regulations were needed; and that the regulations were consistent with the vision of the Comprehensive Plan, Strategic Plan, and Growth Management Act. The recommendation was to move forward with the interim regulations as written.

The proposed scope of work was discussed. Ms. Flemister reported that they would need to provide the City with the ability and authority to respond to an emergency. They would need to address regulations passed in accordance with Ordinance No. 28216. They would also need to create regulations to address additional issues related to serving homeless individuals and families.

Commissioners provided the following questions and comments:

- Commissioner Edmonds asked if the proposal would have something more permanent than tent cities. Ms. Flemister responded that Phase Three might, but the details had not been worked out.
- Commissioner Edmonds asked why the emergency had been declared. Ms. Flemister responded that the interim regulations had been enacted to mitigate issues at existing sites and move people to encampments run by the City with services on site.
- Commissioner McInnis asked how things had been going with the new encampment, noting that he had heard that it was at capacity already. Ms. Flemister responded that things had been going well, but it was at capacity and around 40 people had been turned away.
- Commissioner McInnis asked if they had an estimate of the current homeless population and the growth rate of homelessness in Tacoma. Ms. Flemister responded that Phase Three would look at the entire homeless population and people at risk for becoming homeless.
- Commissioner Edmonds asked if there would be coordination with other jurisdictions so that people were not moving between jurisdictions for better services. Ms. Flemister responded that there was an ongoing effort to create a broader task force and look at what resources could be shared.
- Vice-Chair Wambach suggested changing the wording in Recommendation 3 to “create or modify” as there might be things in code that could be tweaked. He recommended listing key items referenced in the Findings of fact section for clarity.

Commissioner McInnis motioned to approve the draft report with the two clarifications made by Vice-Chair Wambach and forward it to the City Council for consideration. Commissioner Woolley seconded. The motion was approved unanimously.

2. Marijuana Use Buffers Code Amendment

Lihuang Wung, Planning Services Division, facilitated a discussion to develop the proposed code amendment, release it for public review, and set a public hearing date. Mr. Wung reviewed that in the current code for marijuana uses there was a requirement for a minimum buffer of 1000 feet from parks, recreation centers, and playgrounds. The definition in state law allowed for an interpretation that Metro Parks Tacoma owned facilities were not buffered uses. He discussed a variance application for a marijuana processing facility within 1000 feet of a City owned park that had been initially denied, later approved on appeal, and finally denied by the Washington State Liquor and Cannabis Board (LCB). City legal counsel in conversation with the LCB determined that a code amendment was necessary. The State had also discussed changing their code, but it was uncertain when or if the State would do so. The City Council had recommended interim regulations until the State fixed their definition. Mr. Wung reported that the proposed amendment was to add the line “or Metro Parks owned” in the section concerning what qualified as a playground or park for buffering. He noted that when marijuana regulations were mapped Metro Parks owned facilities were already part of the buffered uses so the impact of the amendment would be minimal.

Commissioners provided the following questions and comments:

- Commissioner Strobel asked if the definition of Federal Facilities included Tribal facilities such as parks or playgrounds. He asked if they would revisit the issue based on the State passing an omnibus bill that included requiring consent from the Tribe on any facilities located within reservation boundaries. Mr. Wung responded that coordination with the Tribe would hopefully be addressed as part of the State’s licensing process, in the same way that the State coordinates with the City.

- Commissioner Strobel asked if there would be any clarification of the definition of arcade, as many jurisdictions were dealing with arcades that were being created by existing marijuana businesses to prevent other marijuana businesses from locating nearby. Brian Boudet, Planning Services Division Manager, responded that the City is aware of this issue but there was only so much the City could do and the clarification would really need to happen at the state level.
- Vice-Chair Wambach reviewed that the Planning Commission had previously expressed that they wanted all parks and park facilities included in the buffered uses and thus the amendment was not changing the prior intent of the Planning Commission.

Commissioner McInnis motioned to authorize the distribution of the report for public review and set September 6, 2017 as the date for the public hearing. Commission Strobel seconded. The motion was approved unanimously.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Boudet noted that the September 6, 2017 public hearing was also the tentative date for the public hearing for the Tacoma Mall Subarea Plan and they were considering moving the location of the hearing to the Tacoma Mall area.

Mr. Boudet reviewed a presentation concerning Tideflats Interim Regulations that had been presented at the July 18 City Council Study Session. He noted that they had discussed initial concepts for staff recommendations, which would be presented in more detail at the Commission's next meeting.

F. ADJOURNMENT

At 5:06 p.m., the meeting of the Planning Commission was concluded.