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**MINUTES** (Approved on 12-5-18)

**TIME:** Wednesday, October 17, 2018, 5:10 p.m.  
**PLACE:** Room 16, Tacoma Municipal Building North 733 Market Street, Tacoma, WA 98402  
**PRESENT:** Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Ryan Givens, David Horne, Jeff McInnis, Andrew Strobel, Doran Waller  
**ABSENT:** Carolyn Edmonds, Brett Santhuff

**A. CALL TO ORDER AND QUORUM CALL**

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

**B. APPROVAL OF AGENDA AND MINUTES**

The agenda was reviewed. Chair Wamback suggested adding a new discussion item D-4 to review the Planning Commission's calendar for the rest of 2018. Commissioner McInnis made a motion to that effect, which was seconded by Vice-Chair Peterson. The motion passed unanimously, and the agenda was approved as amended.

**C. PUBLIC COMMENTS**

No comment received.

**D. DISCUSSION ITEMS**

**1. Draft Accessory Dwelling Unit (ADU) Regulations**

Lauren Flemister, Planning Services Division, facilitated the Commission's review of (a) testimony received at the public hearing on October 3<sup>rd</sup> and written comments received through October 5<sup>th</sup>, (b) proposed changes to the draft ADU regulations in response to the public comments, and (c) the draft Letter of Recommendation and the draft Findings of Fact and Recommendations Report. Ms. Flemister focused on the following issues: Size, Building Location, Height, and Design Standards.

Regarding Size, Ms. Flemister reviewed the size of accessory structures, the size of ADUs, and the building and lot size relationship.

- Vice-Chair Petersen was concerned that the text of the code would be confusing to readers in the future and suggested that the text be polished to better reflect what Ms. Flemister were explaining. Ms. Flemister commented that a good opportunity to provide supplemental explanations and illustrations would be through the development of a handbook during the implementation stage.
- Commissioner McInnis suggested Ms. Flemister to make sure the text matches what she was presenting, and get the code out for implementation now.
- Chair Wamback noted that as much as he supported this, he can see on large properties how this can go overboard. On a really large parcel, instead of building a DADU, the property owner should be dividing the parcel. He also indicated that if the code needs to be further revised after implementation, the Planning Commission would be on board with that.

Regarding Accessory Building Location, Ms. Flemister clarified that there can be exceptions to the DADU being in the rear yard.

- Commissioner Givens commented that he doesn't think this is needed.

- Vice-Chair Petersen agreed that the code doesn't need to say that the DADU be in the rear yard, but it needs to be really clear on 13.06.100.F where it says "a locational variance".

Regarding Height, Ms. Flemister indicated that in response to a previous suggestion from Commissioner Santhuff, the proposal is for detached ADUs to provide on-site parking on the main level of a structure, and the height of the detached ADU may receive a 2-foot bonus, i.e., 20 feet is the maximum height.

- Commissioner Strobel indicated that he liked the option for allowing height to have a bonus, but he's not in favor of incentivizing parking as part of that bonus. He's interested in incentivizing more sustainable options; such as what Seattle provides – 2-foot bonus based on green building infrastructure technology.
- Commissioner Givens commented that he is in support of the 2-foot bonus option.

Regarding Design Standards, Ms. Flemister offered staff suggestions, including matching attached and detached ADU design standards, not allowing attached ADUs to increase nonconformity, and not allowing attached ADU entrance to face front.

- Vice-Chair Petersen had an issue with the requirement that the ADU entrance cannot face the front. Attached ADUs that have narrow walkways are not safe. In a case of an emergency, it would be difficult to leave the property and for first responders to get through the property. She believed it should be up to the professional where to have the door.
- Commissioner Strobel noted that Seattle addressed the emergency entrance concern by putting a 10-foot setback from the front face – that the façade had to be 10 feet away from the property line.
- Chair Wamback noted he agreed with the Vice-Chair, and didn't like the idea of only one entrance to be located at the front façade of the building. Ms. Flemister noted that she would change the language for attached and detached to match then.
- Chair Wamback offered some changes on the end of page 8, concerning "setbacks", by adding clarification that "Existing buildings being converted to detached ADUs which do not meet the required setbacks, do not have to comply with the setback requirement, but shall comply with other all applicable codes."

Upon conclusion of the discussion, Vice-Chair Petersen made a motion to approve the draft Letter of Recommendation and the draft Findings of Fact and Recommendations Report and forward to the City Council the proposed Accessory Dwelling Unit Regulations, with the modifications suggested by the Commission about building lot size, variances, height, bonus options, and design standards, and with the indication that the Commission is on board to make any further clarifications or revisions as appropriate. The motion was seconded by Commissioner Givens and passed unanimously.

## **2. Open Space Current Use Assessment (OSCUA) – 811 N. Karl Johan Ave.**

Larry Harala, Planning Services Division, provided an overview of the private application submitted by Karl and Christina Anderson for classifying 3.13 acres of their property as Open Space under the OSCUA program to reduce the assessed property tax. He reviewed the OSCUA program, including the legislative requirements, the program's goals and intents, review criteria, and the review process. He also reviewed the subject property – a heavily wooded steep slope site, with wetland present, and home to many species of birds and other wildlife. Mr. Harala indicated that the site has had a conservation easement and open space designation for many years, and that the site achieved 36 points (while 25 was needed) out of the Pierce County Public Benefit Rating System (PBRS). He concluded that staff is recommending approval of a 90% reduction in property tax market value, based on the PBRS score. Mr. Harala requested the Commission to release the application packet and staff analysis for public review and set December 5, 2018 as the date for a public hearing.

Commissioners provided the following questions and comments:

- Commissioner Waller asked if the actual home of the home owner is not included in the reduction. Mr. Harala answered correct, it has been excluded and will not benefit in any way.

- Commissioner Horne commented that on parcel A, there is a future house site they are excluding, but on the typography and aerial maps it showed roads leading to the residents, and both of those don't seem to be excluded. Mr. Harala answered that there is an access, and the owner of the property has called out regarding the conservation easement, and back in 1995 he asked to reserve a small potential home site for this parcel. At this time he wants to preserve it and has no intention to build there. The square footage for this will not be included in the conservation easement, and will be pulled out and the County will factor in that access.
- Commissioner Strobel wondered how long the OSCUA program has been in place. Mr. Harala answered since 1970. Commissioner Strobel wondered if there may be continuous opportunity to get a reassessment to get into another tier from the points. Mr. Harala mentioned he would look into that.

Vice-Chair Petersen made a motion to make the package available for public review and set the public hearing date for December 5, 2018; Commissioner Waller seconded; and the motion passed unanimously.

### **3. Tideflats Interim Regulations – 6 Month Extension**

Stephen Atkinson, Planning Services Division, provided an overview of the Tideflats Interim Regulations that were enacted by the City Council on November 21, 2017 and are being considered for a 6-month extension. The interim regulations consisted of the following elements:

- Expanded public notification of heavy industrial use permits;
- Temporary prohibition of new non-industrial uses in the Port of Tacoma Manufacturing/Industrial Center (M/IC);
- Temporary prohibition of new residential development along Marine View Drive and NE Tacoma slopes; and
- Temporary prohibition on certain types of new heavy industrial uses.

Mr. Atkinson noted that the interim regulations are not only applicable in the Tideflats M/IC, but also the South Tacoma Way Heavy Industrial Zoning District. He went on to review the permit activity that has occurred in the Tideflats and heavy industrial zoning districts over the last year and noted that many of the permits have been associated with projects that were basically vested before the interim regulations took effect.

Mr. Atkinson noted that the City Council will conduct a public hearing on the proposed extension of the interim regulations on October 23<sup>rd</sup>, conduct a study session on October 30<sup>th</sup> to review public testimony, conduct the first reading of an ordinance on October 30<sup>th</sup>, and consider the final reading of the ordinance on November 6<sup>th</sup>.

Commissioner Givens asked what the timeline was for the Tideflats Subarea Plan process, and how the provisions of the interim regulations would be kept current. Mr. Atkinson stated that the process would begin once the interlocal agreement among the City, the Port, the Puyallup Tribe and the County for the funding and coordination of the subarea plan is in place, and that the subarea plan is expected to include policy and regulatory changes.

### **4. Planning Commission's Calendar**

Lihuang Wung, Planning Services Division, reviewed the rest of the Commission's meetings for 2018:

- November 7<sup>th</sup> – The agenda would include Manitou Annexation and a public hearing on the JBLM Airport Compatibility Overlay District. The location would be changed to STAR Center, which would be appropriate for both items, geographically speaking.
- November 21<sup>st</sup> – This meeting would occur the day before Thanksgiving and is being considered for cancellation.
- December 5<sup>th</sup> – This meeting would include a public hearing on the Anderson's application for Open Space Current Use Assessment and would be held in the Council Chambers.

- December 19<sup>th</sup> – This meeting would be held in Room 16 and may include a Planning Commission Year-End Review.

Vice-Chair Petersen made a motion, seconded by Commission McInnis, to acknowledge the schedule as presented, including canceling the November 21<sup>st</sup> meeting. Chair Wambach suggested also canceling the meeting on January 2, 2019, which was accepted by Vice-Chair Petersen as a friendly amendment to the motion. The motion was approved unanimously.

#### **E. Communication Items**

Brian Boudet, Planning Manager, noted that the next meeting of the City Council on October 23, 2018 will be held at the Rialto Theatre, to accommodate the large crowd expected to attend the meeting and testify at the public hearing on the Potential 6-month Extension of the Tideflats Interim Regulations.

Mr. Wung noted that staff will conduct a community meeting on October 24, 2018 at the Star Center concerning the proposed JBLM Airport Compatibility Overlay District, i.e., the subject of the Planning Commission public hearing on November 7<sup>th</sup>.

#### **F. ADJOURNMENT**

The meeting adjourned at 7:08 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:*

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