

From: [Neil](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: WSA Comments on Conditional Use Permits
Date: Wednesday, July 21, 2021 3:22:40 PM
Attachments: [Tacoma IPS UA Hartman 7-21-21.pdf](#)
Importance: High

RE: July 21st meeting on Conditional Use Permits vs. Standard Permitting

Dear Chair McCarthy & IPS Committee members:

I am the Governmental Affairs Director at the Washington State Association of Plumbers and Pipefitters representing approximately 9,000 skilled tradeswomen and men. Thank you for considering my comments (also attached) regarding issues related to the Tacoma Tideflats regulations. As you know, the businesses of the Port of Tacoma and the Tideflats are the economic foundation of Tacoma and the South Sound. Consequently, we need to be very judicious on how we regulate our employers. We must be certain that those regulation are clearly written providing transparency so that those who apply for permits have a clear understanding of the process. Without this you create regulatory uncertainty that will needlessly cost living wage jobs.

Therefore, I want to express my concerns regarding the City of Tacoma's consideration of the increased use of Conditional Use Permits in Tacoma.

The utilization of Conditional Use Permits – also known as CUPs – is a risky process that will inject a lot of uncertainty into the business community here and could impact those looking to invest in this area in the future. That is because CUPs are highly subjective and discretionary permits, that could subject important regional projects and facility upgrades to the political whims of elected officials. In this flexible decision-making system, regulators can condition or even deny a valid application based on vague criteria that does not have to be uniformly applied to every project.

It is a risky scenario for businesses looking to make big capital investments. For example, because of this new permitting process companies already operating here could be reluctant to continue to make the investments in their facilities that promote safety and efficiency.

During this time of uncertainty, and as our economy regains its footing, now is not the time to be adding additional regulatory burdens. The use of CUPs for Tacoma businesses is not the right path forward.

Again, thank you for your consideration of this important matter.

Sincerely,

Neil Hartman, Government Affairs Director
Washington State Association of the
United Association of the Plumbing and Pipefitting
Industry of the United States and Canada
7030 Tacoma Mall Blvd, Suite 300

Tacoma, WA 98409
(253) 474-7462 Office
(360) 480-9591 Cell

From: [Matthew Hepner](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: IBEW conditional use permits
Date: Wednesday, July 28, 2021 2:55:25 PM
Attachments: [Hepner IPS 7-28-21.docx](#)

Thank you for your consideration

In solidarity

Matthew A. Hepner
Executive Director
Certified Electrical Workers of Washington
253-243-5408

MATTHEW HEPNER
Executive Director
Phone: (253) 243-5408
matthew@cew-wa.com



**CERTIFIED ELECTRICAL
WORKERS OF WASHINGTON**
REPRESENTING ELECTRICAL WORKERS STATEWIDE

July 28, 2021

Tacoma City Council
Infrastructure, Planning and Sustainability Committee
733 Market St
Tacoma, WA 98402

Dear Chair McCarthy & Fellow Members of the IPS Committee:

As Executive Director of the Certified Electrical Workers of Washington I represent 11,000 men and women many of whom work in Tacoma. Please consider my comments during your discussion around plans to increasing the use of "Conditional Use Permits" (CUPs) in Tacoma during your July 28th Committee meeting. Last week's IPS Committee discussion on CUPs was encouraging, and I want to thank the Committee for all your efforts.

I know the issue will continue to be discussed and I want to stress that CUPs would generate tremendous business uncertainty and ultimately drive away living wage Tacoma jobs.

The use of CUPs gives great power to the officials who make the decisions to grant or deny a permit. CUPs are highly subjective and discretionary and can deny any use with little justification. This type of discretionary permit review permits should be avoided to ensure essential business permits do not fall victim to political ideologies.

Because of this overly subjective process, regulators will create too much uncertainty for businesses who are looking to not only grow their operations in Tacoma but also send the wrong message to companies looking to invest in Tacoma in the future.

As a result of lost investment by current and future businesses in Tacoma, job opportunities for the skilled labor workforce and indirect businesses in the area that are supported by these types of industrial investments will undoubtedly be impacted.

I hope this Committee will be able to recognize the potential consequences of this permitting structure. Thank you for your thoughtful attention on this important topic.

Sincerely,

Matthew Hepner
Executive Director
Certified Electrical Workers of Washington

From: [Todd Taylor](#)
To: [Beale, Chris](#); [Hunter, Lillian](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Ushka, Catherine](#)
Cc: [IPSTideflats](#); [Woodards, Victoria](#)
Subject: Conditional Use Permits
Date: Wednesday, July 28, 2021 12:07:44 PM

Tacoma City Council
Infrastructure, Planning and Sustainability Committee
Tacoma Municipal Building
733 Market St.
Tacoma, WA 98402

RE: July, 28 IPS Committee meeting on Conditional Use Permits

Chair McCarthy and IPS Committee members:

My name is Todd F. Taylor and I am the Business Manager/Financial Secretary for Plumbers & Steamfitters Local 26 of Western Washington representing 2,200 in the Pipe Trades, many of whom work in Tacoma and South Puget Sound.

I have been following the Infrastructure, Planning and Sustainability Committee discussions and I was encouraged by last week's discussion on Conditional Use Permits.

This is a critically important issue for my members because the increased use of Conditional Use Permits in Tacoma would drive away living wage jobs in Tacoma and the entire region.

Conditional Use Permits (CUPs) are highly subjective and subject to the ideological predilections of officials involved and can lead to the denial of any proposed permit application with little supporting reasoning.

CUPs would also damage Tacoma businesses by creating regulatory uncertainty that will hinder future investment by current and future employers. The mere presence of CUPs in Tacoma's regulatory scheme would create a hostile business environment that could drive away future employers like we saw with the Green Apple renewable diesel project in Whatcom County.

CUPs would negatively impact businesses that employ my members. I urge you not to recommend the increased use of CUPs in Tacoma to the full City Council. Doing so will drive away the living wage jobs my members depend on. I thank the Committee for their attention to this important topic.

Sincerely,

Todd F. Taylor

Business Manager
Plumbers & Steamfitters Local 26
Of Western Washington

P 360-486-9343 C 360-507-4268
F 360-486-9347 email todd@ua26.org

From: [Carol Kindt](#)
To: [IPSTideflats](#)
Subject: Non-interim regulations
Date: Tuesday, July 27, 2021 9:43:23 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

I was quite disappointed when the City Council failed to adopt the non-interim regulations as proposed by the City Planning Department. These would have included a ban on fossil fuel expansion. Just as in their first recommendation four years ago.

I also understand that some council members were poised to amend the non-interim regulations to death, and that is why the Mayor put it to a vote to send it to your committee. From my point of view, this is just further wheel spinning and delay to let industry do as it pleases. We don't need more studies or review - we know exactly what we need to do. So let's do it.

I hope you will prove me wrong by maintaining the ban on fossil fuel expansion as you do your own take on the non-interim regulations. Ideally, I'd ask that you include a ban on the establishment of any new fossil fuel industry, no matter the size (as I understand it anything under a million gallons is allowed).

Undoubtedly industry will turn to talk of biofuels to try and seek expansion of their facilities. It would be good for you to know that two refineries built for biofuels in the PNW ended up just processing fossil fuels in the end. If the fossil fuel companies are so keen to do biofuels, which are of questionable sustainability and scalability to my knowledge, then let them use whatever storage tanks they currently have. We don't want to be home to another refinery spewing toxins into our air, biofuel or not.

We need to start transitioning Tacoma away from fossil fuels or we'll be left behind and dealing with a toxic legacy when the rest of the country converts to green, renewable energy and industry. Why can't we attract a turbine manufacturer here? With the port and rail access it would be perfect for distribution.

Please remember that the City passed a climate emergency resolution. Banning fossil fuels is the next logical step. Then we need to start weaning off them, and rapidly. I noticed that the climate education promised in the Climate Emergency Resolution oddly didn't include Council Members - would be great to see you all insist on having that education for yourselves as well.

I hope you will deliver to us the fossil fuel regulations we need. What more does this city council and city manager need to convince them that continuing to allow fossil fuels industries

to continue to expand is hammering the coffin closed on a dying planet. The lies and untruths, most recently that JBLM needs those fuels in case of a nuclear attack, that has been perpetrated on the community is disingenuous at best. In the almost five years that people have become aware of the climate crisis now occurring; this city has posed for photos and given lip service to it while continuing to not only deny it but contribute to it by their actions.

In one last vain attempt, I am begging this committee to have the courage to change the status quo. Nothing else worked.

Carol Kindt
carolkindt@msn.com
5939 North 26th Street
Tacoma, Washington 98407

From: [Goodwin, Claire](#)
To: seagan@portoftacoma.com
Cc: [McCarthy, Conor](#); [Walker, Kristina](#); [Beale, Chris](#); [Hunter, Lillian](#); [Huffman, Peter](#); [Victor, Steve\(Legal\)](#); [Foster, Katie](#); [IPSTideflats](#)
Subject: FW: Chemical Manufacturing and non-interim industrial land-use code
Date: Monday, July 26, 2021 8:51:57 AM
Attachments: [POT comment letter to IPS RE Chemical.pdf](#)

Sean,

Thank you for the letter regarding chemical manufacturing. I have cc-ed the email address the Clerk's Office has set up specifically to document the public comments regarding the Tideflats review at the IPS Committee. Should it be useful to you in the future, the email is IPSTideflats@cityoftacoma.org.

Thank you,

Claire

Claire V. Goodwin
City Council Assistant
City of Tacoma | City Manager's Office
O: (253) 591-5164 C: (253) 219-0679

From: Eagan, Sean <seagan@portoftacoma.com>
Sent: Friday, July 23, 2021 4:11 PM
To: McCarthy, Conor <Conor.McCarthy@cityoftacoma.org>; Hunter, Lillian <lillian.hunter@cityoftacoma.org>; Beale, Chris <chris.beale@cityoftacoma.org>; Walker, Kristina <Kristina.Walker@cityoftacoma.org>
Cc: Huffman, Peter <PHUFFMAN@cityoftacoma.org>; Goodwin, Claire <claire.goodwin@cityoftacoma.org>; steve.victor@cityoftacoma.org
Subject: Chemical Manufacturing and non-interim industrial land-use code

Please see the attached comment letter from the Port of Tacoma regarding chemical manufacturing and the City's proposed "non-interim" industrial land use code.

Please feel free to call me if you have any questions.

Sean Eagan
Government Affairs Director
PORT OF TACOMA
C: 253.223.5117
www.portoftacoma.com



All e-mail communications with the Port of Tacoma are subject to disclosure under the Public Records Act and should be presumed to be public.

July 23, 2021

Tacoma City Council
Infrastructure, Planning and Sustainability (IPS) Committee
747 Market Street
Tacoma, WA 98402

RE: Non-Interim Tideflats and Industrial Land Use Regulations—chemical manufacturing

Dear Chair McCarthy and IPS Committee Members:

Thank you for this opportunity to provide comment on these important regulatory changes the City is contemplating. We understand the Committee is undertaking this code review and amendment process on a compressed timeline separate from the Tideflats Subarea Plan process. While the Port of Tacoma has concerns and perspectives about the myriad of issues contained in the proposed recommendation that emerged from the Planning Commission, we would like to focus, at this time, specifically on the question of chemical manufacturing contained in TMC 13.01 and the corresponding provisions.

The planning commission recommendation adds a conditional use permit (CUP) as a requirement for many uses, including all chemical manufacturing, and, in some instances adds new review criteria – in addition to existing conditional use permit review criteria. *New* Section 13.05.010.A.23 imposes specific CUP standards for “Chemical Manufacturing, Processing, and Wholesale Distribution.” The additional permit review time and uncertainty of the CUP process and associated conditions will result in businesses choosing to look elsewhere to site industrial uses. This result would be inconsistent with both Port and City economic development goals.

As a general matter, the Port does not support imposing a CUP requirement for these uses (please see our July 12 comment letter regarding conditional use permits). However, if the City chooses to adopt this new requirement, the Port proposes the following revisions to this section (NOTE: these are consistent with comments submitted in March to the Planning Commission):

- Section A.23.1 should be deleted as the Hearing Examiner is charged with reviewing the CUP and adjudicating SEPA appeals in a quasi-judicial capacity; the Hearing Examiner does not, and indeed legally cannot, compile information related to applications on behalf of the City or the Applicant when acting in that capacity. If the City requires specific information regarding a proposal to review potential impacts, then it should list the elements and criteria specifically so that the Applicant can provide them, or otherwise require additional information during SEPA review. With respect to notice, any consultation with the Puyallup Tribe should be consistent with the Land Claims Settlement as noted in previous comments. The Port notes that it appears that the Tribe will receive notice of a CUP for such facilities under prior amendments to the Land Claims Settlement with or without the addition of this code section.

- Section A.23.2 should be revised to read as follows:
 2. The Applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
- Section A.23.3 should be revised to read as follows:
 3. The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.
- Section A.23.4 should be deleted in its entirety, as it appears to require prospective cleanup bonding for post-use remediation; it is difficult to see how a bond could be obtained for a use of unknown duration, and the provision assumes or presumes abandonment and/or reclamation of the site which is not required.
- Section A.23.5 should be revised to read as follows:
 5. The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts.
- Section A.23.6 should be revised to read as follows:
 6. The property on which the proposed facility is to be located, and the use can be appropriately mitigated, to avoid any adverse impacts on receipt of federal funding for affordable housing and community development in adjacent residential and mixed-use areas located within City limits. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- Section A.23.7 should be deleted in its entirety, as duplicate provisions of adopted critical area codes, shoreline management act, shoreline master program, and various federal law.
- Section A.23.8 should be revised to remove impacts specifically addressed via SEPA review. In addition, the Port notes that the City is not charged with and indeed lacks jurisdiction to enforce tribal fishing rights under applicable treaties; that provision should be deleted.

Amended Section TMC 13.06.060. This section is listed under Chemical Manufacturing, Processing, and Wholesale Distribution (which has its own definition in the preceding new sections), but then includes a different definition for the use within the PMI District. It is unclear to the Port why a different definition is being applied for the PMI, and to be accessible to the user, the City's land use code definitions should not incorporate or rely upon the City's Fire Code licensure for hazardous materials without further citation or reference.

"High Impact"/"High Risk" Use Regulations Amended Section TMC 13.05.010 (and corresponding SMP provisions). This section adds a new land use category called "high impact use," creates an entirely new definition for that use, and then sets out amendments authorizing "high impact use" with a CUP required in some districts and allowed outright in others, including (it appears) the PMI (see proposed amendment to TMC 13.06.060.E. As a threshold matter, the new definition of "high impact use" is not only novel as a land use regulatory matter, but also practically unworkable, as it incorporates definitions taken from the international UN Hazard Classification System. The staff report offers no explanation as to why this frame of reference was selected as opposed to other standards, measures, or definitions.

The section also proposes new and additional standards for the newly defined "High Impact Uses" in addition to the City's CUP criteria where a CUP is required. These standards duplicate several of those found in *New* Section 13.05.010.A.23 for Chemical Manufacturing discussed above, and so the same proposed revisions should be made as proposed above, for the same reasons.

As a practical matter, it is unclear from the public review draft of the proposed amendments where the new "High Impact Uses" are permitted outright or with a CUP. The narrative section should incorporate updates to the corresponding uses in the City's zoning code and SUP to make it clear for the user.

Finally, the proposed draft identifies yet another novel land classification, "High Risk Uses," which are conditional uses in the previously listed zoning districts. While this may align with the terminology previously used in the interim regulations, we find no definition of "High Risk Uses" in the review draft, and so it is unclear if a "High Risk Use" is now a "High Impact Use" or a separate category and where the same would be permitted.

We hope this information is helpful in your considerations. If you have questions about the Port of Tacoma's perspectives on conditional use permits or other aspects of the proposed non-interim regulations, please do not hesitate to call me or Deirdre Wilson, the Port's Senior Planning Manager.

Sincerely,



Sean Eagan
Government Affairs Director

Cc: Claire Goodwin
Steve Victor
Peter Huffman

From: [Melissa Knott](#)
To: [IPSTideflats](#)
Subject: No Fossil Fuel Expansion
Date: Sunday, July 25, 2021 10:46:22 AM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

I was quite disappointed when the City Council failed to adopt the non-interim regulations as proposed by the City Planning Department. These would have included a ban on fossil fuel expansion. Just as in their first recommendation four years ago.

I also understand that some council members were poised to amend the non-interim regulations to death, and that is why the Mayor put it to a vote to send it to your committee. From my point of view, this is just further wheel spinning and delay to let industry do as it pleases. We don't need more studies or review - we know exactly what we need to do. So let's do it.

I hope you will prove me wrong by maintaining the ban on fossil fuel expansion as you do your own take on the non-interim regulations. Ideally, I'd ask that you include a ban on the establishment of any new fossil fuel industry, no matter the size (as I understand it anything under a million gallons is allowed).

Undoubtedly industry will turn to talk of biofuels to try and seek expansion of their facilities. It would be good for you to know that two refineries built for biofuels in the PNW ended up just processing fossil fuels in the end. If the fossil fuel companies are so keen to do biofuels, which are of questionable sustainability and scalability to my knowledge, then let them use whatever storage tanks they currently have. We don't want to be home to another refinery spewing toxins into our air, biofuel or not.

We need to start transitioning Tacoma away from fossil fuels or we'll be left behind and dealing with a toxic legacy when the rest of the country converts to green, renewable energy and industry. Why can't we attract a turbine manufacturer here? With the port and rail access it would be perfect for distribution.

Please remember that the City passed a climate emergency resolution. Banning fossil fuels is the next logical step. Then we need to start weaning off them, and rapidly. I noticed that the climate education promised in the Climate Emergency Resolution oddly didn't include Council Members - would be great to see you all insist on having that education for yourselves as well.

I hope you will deliver to us the fossil fuel regulations we need.

Melissa Knott
martialyss@gmail.com
8213 S Sheridan Ave
Tacoma, Washington 98408

From: [Carol Stevens](#)
To: [IPSTideflats](#)
Subject: stop fossil fuel expansion, PLEASE
Date: Saturday, July 24, 2021 5:50:23 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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I hope you will deliver to us the fossil fuel regulations we need.

Carol Stevens
animalfreak98037@yahoo.com
18701 Old Camp Lane Southeast
Yelm, Washington 98597

From: [Alexa Fay](#)
To: [IPSTideflats](#)
Subject: No Fossil Fuel Expansion
Date: Saturday, July 24, 2021 4:45:51 PM

IPS Committee ,

Dear IPS Committee,

Our community has been asking the City to stop fossil fuel expansion for the past four years. We are asking yet again.

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Alexa Fay
alexafpfay@gmail.com
1507 N 39th St
Seattle, Washington 98103

From: [Alexa Fay](#)
To: [IPSTideflats](#)
Subject: No Fossil Fuel Expansion
Date: Wednesday, July 21, 2021 6:52:51 PM

IPS Committee ,

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Alexa Fay
alexafpfay@gmail.com
1507 N 39th St
Seattle, Washington 98103