



**2013 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**PLANNING COMMISSION’S FINDINGS AND RECOMMENDATIONS
MAY 1, 2013**

A. SUBJECT:

Proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for 2013 (the “2013 Annual Amendment”).

B. SUMMARY OF PROPOSED AMENDMENTS:

The 2013 Annual Amendment Package includes the following nine applications:

Application *	Description
1. Drive-Through Regulations (Application #2013-01)	Creating additional development standards for drive-throughs in the city, with a particular focus on Downtown and Mixed-Use Centers (A private application by Jori Adkins, Dome District Development Group).
2. Countywide Planning Policies (Application #2013-02)	Review of the 2012 Updates to the Pierce County Countywide Planning Policies (CPPs) and the City's Comprehensive Plan to ensure the Comprehensive Plan continues to be consistent with the CPPs.
3. Transportation Element (Application #2013-04)	Updating and reprioritizing unfunded projects and incorporating “Environmental Justice” into relevant policies (per VISION 2040).
4. Shoreline Related Elements (Application #2013-05)	Rescinding the Thea Foss Waterway Design and Development Plan, the Ruston Way Plan, and the Shoreline Trails Plan, but carrying forward the vision and implementation strategies within the proposed Tacoma Waterfront Design Guidelines and an update of the Public Access Alternatives Plan.
5. Land Use Designations (Application #2013-06)	Revising the Comprehensive Plan’s land use designation approach from the current Land Use Intensities to a more simplified and easily understood classification system.
6. Adoption and Amendment Procedures (Application #2013-07)	Amending TMC 13.02 to streamline the Planning Commission’s processes for Comprehensive Plan amendments, area-wide rezones, moratoria, and interim zoning.
7. Platting and Subdivision Regulations (Application #2013-08)	Amending TMC 13.04 to increase the maximum short plat size from four to nine lots (per RCW) and address associated regulatory requirements.
8. Sign Regulations (Application #2013-09)	Amending the Sign Code to address on-site digital signage and various sign related issues (per request of the Planning Commission).
9. Regulatory Code Cleanup (Application #2013-12)	Amending various sections of the Land Use Regulatory Code to correct minor errors, provide additional clarity, and improve administrative efficiency.

* There are three applications that have been removed from the package and are being conducted according to their own respective schedules; they are #2013-03 Container Port Element, #2013-10 Affordable Housing, and #2013-11 Trail-Oriented Design Standards.

C. FINDINGS OF FACT:

1. Comprehensive Plan and Development Regulations – The Comprehensive Plan, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma’s comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City’s official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma’s residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

- 2. Planning Mandates and Guidelines** – GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act, and that all proposed amendments, with certain limited exceptions, shall be considered concurrently so that the cumulative effect of the various changes can be ascertained. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:
- The State Growth Management Act (GMA);
 - The State Environment Policy Act (SEPA);
 - VISION 2040, the Growth Management, Environmental, Economic, and Transportation Strategy for the Central Puget Sound Region (adopted on April 24, 2008 and amended on May 28, 2009);
 - Transportation 2040, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
 - The Countywide Planning Policies for Pierce County;
 - The City Council’s guiding principles for planning the future growth: (1) to protect neighborhoods, (2) to protect critical areas, (3) to protect port, industrial and manufacturing uses, and (4) to increase densities in the downtown and neighborhood business districts (Resolution No. 37070, December 19, 2006); and
 - TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations and for area-wide zoning reclassifications.
- 3. Receipt and Review of Applications** – Twelve applications were submitted to the Planning Commission by the deadline of June 29, 2012. The Commission conducted an assessment of the applications in July 2012 and approved the Assessment Report on August 1, 2012. As noted above (in the section of Summary of Proposed Amendments), three applications were subsequently removed in December 2012 from the annual amendment package. The Commission reviewed technical analyses of the remaining nine applications at its meetings on September 19, October 3, November 7, December 5, and December 19 of 2012, and January 16, February 6, and February 20 of 2013. A staff analysis report was prepared for each application, documenting how the respective proposed amendment was analyzed against the ten criteria as set forth in TMC 13.02.045. An economic impact assessment of each amendment was also provided. On February 20, 2013, the Commission authorized the distribution of the 2013 Annual Amendment Package for public review and set March 20, 2013 as the date for a public hearing.
- 4. Public Outreach** – Staff has conducted extensive outreach efforts to ensure early and continuous public participation in the amendment process. The outreach efforts ranged from providing overviews of the proposed amendments and the process and timeline to the Neighborhood Councils and interested entities, to meeting with stakeholders and applicants to address particular issues and suggestions. The entities that staff has approached and worked with include, but are not limited to: Dome District Development Group, Port of Tacoma, Blue Ribbon Panel, MetroParks Tacoma, Chamber of Commerce, Sustainable Tacoma Commission, Foss Waterway Development Authority, Bicycle and Pedestrian Action Committee, Neighborhood Business District Associations, Master Builders Associations of Pierce County, Neighborhood Councils and Community Council, as well as the City’s Public Works, Police, Legal departments and Tacoma Public Utilities.
- 5. Public Notification:**
- (a) The public hearing was set on March 20, 2013, and the record was kept open through March 29, 2013 to receive written comments. Staff also scheduled an Informational Session on March 13, 2013 for citizens to learn more about the proposed amendments and ask questions.
 - (b) The notice of the Public Hearing and the Informational Session was disseminated widely as described below:

- **Public Hearing Notice** – A notice announcing the public hearing and the informational session was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, and other known stakeholders and interested entities. The distribution reached over 200 individuals via US mail and over 350 individuals via e-mail.
 - **Special Notice** – The 2013 Annual Amendment includes proposed changes in the Comprehensive Plan land use designations for all Mixed-Use Centers and Shoreline Districts (i.e., Application #2013-06). TMC 13.02.057 requires that, for such changes, a special notice of public hearing should be mailed to all property taxpayers within, and within 400 feet of, the subject areas. A special notice postcard was mailed to nearly 14,000 property taxpayers identified from the records of the Pierce County Assessor-Treasurer. The special notice was also sent to the above-mentioned e-mail recipients for their information.
 - **Public Information Signs** – Also pursuant to TMC 13.02.057, public information signs were installed in the Mixed-Use Centers and Shoreline Districts, one in each center and four in the shoreline areas, with a total of 21 signs.
 - **Library** – The public hearing notice and the summary of the 2013 Annual Amendment were also made available for patrons' review at all eight branches of the Tacoma Public Library.
 - **News Media** – An advertisement was placed in The News Tribune on March 8, 2013; a legal notice regarding the environmental determination was placed in the Tacoma Dailey Index on March 6, 2013; and an e-mail news release, "Tacoma News", was issued through the City's Media and Communications Office on March 6, 2013.
 - **60-Day Notices** – A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was sent to the State Department of Commerce on March 5, 2013 (per RCW 36.70A.106), to the Puget Sound Regional Council on March 11, 2013 (per the Plan Review Requirements and Process in VISION 2040), and to the Joint Base Lewis-McChord on March 5, 2013 (per RCW 36.70A.530(4)). A similar notice was also sent to the City of Tacoma Attorney's Office on March 11, 2013, requesting legal review to ensure that none of the proposed amendments would result in an unconstitutional taking of private property (per RCW 36.70A.370).
 - **Website** – The public hearing notice and all information associated with the 2013 Annual Amendment are posted on the Planning Services Division's website at www.cityoftacoma.org/planning (under the link to "2013 Annual Amendment").
- (c) Environmental Review – Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) was issued on February 22, 2013 (SEPA File Number SEP2013-40000195799), based upon a review of an environmental checklist. The DNS and the environmental checklist were provided or made available to appropriate entities that had received the public hearing notice. No comments were received during the comment period that ended on March 29, 2013, and the DNS became final on April 5, 2013.
- (d) Public Review Document – The complete text of the proposed amendments, the associated staff analyses, the DNS and the environmental checklist, and relevant background information were compiled into a Public Review Document. The document was made available for public review at the office of the Planning and Development Services Department. Its availability was also announced to appropriate entities that had received the public hearing notice.

6. Public Hearing Comments and Responses:

- (a) In response to the request for review of the proposed amendments for potential takings, the City's Attorney's Office indicated that the proposed amendments should not cause a substantial concern over potential takings.

- (b) As of the day of this report, no comment has been received from the State, PSRC, or JBLM.
- (c) The Informational Session on March 13, 2013 was attended by 10 citizens.
- (d) At the public hearing on March 20, 2013, 7 people testified. By the close of the comment period on March 29, 2013, 20 letters and e-mails were received. The public comments were concerning the following issues: Drive-Through Regulations (Application #2013-01), Shoreline Related Elements (#2013-05), Land Use Designations (#2013-06), Platting and Subdivision Regulations (#2013-08), and Sign Regulations (#2013-09). In addition, some modifications were initiated by staff concerning the Adoption and Amendment Procedures (#2013-07). An overview of the key issues reflected in public comments was provided to the Planning Commission on April 3, 2013.
- (e) Staff prepared a Public Comments and Staff Responses and Suggestions Report, which summarized public comments and staff's responses, and where appropriate, staff's suggested revisions to the 2013 Annual Amendment Package. The Commission reviewed the report on April 17, 2013, concurred with most of staff's suggested revisions, and provided additional modifications. In summary, the Commission determined that additional modifications be made to the 2013 Annual Amendment Package, as described below:
 - Amend TMC 13.06.510 and 13.06A, concerning drive-through standards, to clarify and reorganize proposed code language as well as incorporate illustrations into the draft code.
 - Amend TMC 13.06.510 and 10.14, concerning drive-throughs and driveways, to remove redundancies within each code section.
 - Amend the Tacoma Waterfront Design Guidelines to improve consistency with the intent for the adopted S-6/7 Schuster Parkway Transition Shoreline District as described in the Shoreline Master Program, and to address public safety and security along public trails and paths.
 - Amend the Public Access Alternatives Plan to improve consistency with the intent for the adopted S-6/7 Schuster Parkway Transition Shoreline District as described in the Shoreline Master Program.
 - Amend TMC 13.06.521 to increase the transition time between messages on digital changing message center signs and make refinements to the sign variance section.
 - Amend TMC 13.02.045, concerning the deadline for submitting annual amendment applications, to replace the fixed deadline with a flexible one to be established prior to the end of May 31 for any given year when the annual amendment process is in effect.
 - Amend TMC 13.02.057, concerning the public information signs for proposed amendments to land use designations or area-wide rezones, to require such signs only for those proposed amendments that are within focused geographic areas.

D. CONCLUSIONS:

1. Concerning Application #2013-01 Drive-through Regulations, the Planning Commission concludes that the proposed amendments to TMC 13.06.510, 13.06A, 13.06.510 and 10.14 to update drive-through and driveway standards will significantly strengthen the code restrictions on drive-through facilities in order to prevent or reduce their potential impacts; will provide better consistency with the City's vision for pedestrian-friendly, walkable communities; and will allow predictability and flexibility in the development process for such uses. The Commission also believes the proposed amendments have adequately addressed the concerns of the applicant.
2. Concerning Application #2013-02 Countywide Planning Policies (CPPs), the Planning Commission concludes that the Comprehensive Plan is consistent with the CPPs; that there are opportunities to strengthen the Comprehensive Plan's language pertaining to such policy issues as affordable

housing, urban design, health, and sustainability; and that these issues should be incorporated in the scope of work for the “2015 Comprehensive Plan Update”.

3. Concerning Application #2013-04 Transportation Element, the Planning Commission concludes that the proposed update of the unfunded project lists and the incorporation of “environmental justice” in the policy provisions have properly reflected the community’s desire, will position the City well for potential funding opportunities, and are aligned with the regional vision as set forth in VISION 2040.
4. Concerning Application #2013-05 Shoreline Related Elements, the Planning Commission concludes that the proposal to rescind three outdated shoreline related elements of the Comprehensive Plan and adopt the Tacoma Waterfront Design Guidelines (TWDG) and the Public Access Alternatives Plan (PAAL) as implementing strategies for the Shoreline Master Program (SMP) will improve the attractiveness, use and overall quality of development within the shoreline, and result in an enhanced, interconnected public access system that provides an attractive amenity for the recruitment of business and residents to the City of Tacoma. The Commission acknowledges that TWDG and PAAL should be adopted concurrently with the adoption of the SMP, which is pending the conclusion of review and decision from the Department of Ecology.
5. Concerning Application #2013-06 Land Use Designations, the Planning Commission concludes that the proposed removal of the “intensity” designation from all Mixed-Use Centers and Shoreline Districts and the proposed new framework of land use designations will better align the land use designations for Mixed-Use Centers, Shorelines and other uses of land with their corresponding zoning classifications and will achieve a more simplified and easily understood land use designation and classification system.
6. Concerning Application #2013-07 Adoption and Amendment Procedures, the Planning Commission concludes that the proposed amendments to TMC 13.02 will enhance the working relationship between the City Council and the Planning Commission and streamline the adoption and amendment processes for the Comprehensive Plan, area-wide rezones, moratoria, and interim zoning. The Commission also acknowledges that its duties and responsibilities as set forth in TMC 13.02.040 are under the purview of the City Council, therefore the review of those provisions has been conducted strictly within the context of streamlining the process and the proposed amendments thereto are not intended to effectuate any change in substance.
7. Concerning Application #2013-08 Platting and Subdivision Regulations, the Planning Commission concludes that the proposed amendments to TMC 13.04 and 13.05 to increase the maximum short subdivision size from four to nine lots and address associated regulatory requirements will increase development opportunities, improve predictability by requiring infrastructure investments up-front, and facilitate an expedited permitting process and potentially lower development costs.
8. Concerning Application #2013-09 Sign Regulations, the Planning Commission concludes that the proposed amendments to the sign regulations (TMC 13.06.521) will better define digital signs (electronic changing message center) and adequately address associated standards, including those pertaining to hours of operation, height, size limitation, and brightness.
9. Concerning Application #2013-12 Regulatory Code Cleanup, the Planning Commission concludes that the proposed clarifications and refinements to the Land Use Regulatory Code will adequately address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Code, are found to be unclear or not fully meeting their intent.
10. The Planning Commission further concludes that the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code, as described above, are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City’s public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2013 ("2013 Annual Amendment"), as described above and as set forth in the following nine sets of documents:

1. Application #2013-01 Drive-through Regulations:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Tacoma Municipal Code Chapters 13.06 and 13.06A
 - Exhibit B – Proposed Amendments to the Tacoma Municipal Code Chapter 10.14
2. Application #2013-02 Countywide Planning Policies (CPPs):
 - Planning Commission Recommendation Summary
 - Exhibit A – Review of the Countywide Planning Policies for Pierce County
3. Application #2013-04 Transportation Element:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Transportation Element of the Comprehensive Plan
4. Application #2013-05 Shoreline Related Elements:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Open Space Habitat and Recreation Element of the Comprehensive Plan
 - Exhibit B – Public Access Alternatives Plan
 - Exhibit C – Tacoma Waterfront Design Guidelines
5. Application #2013-06 Land Use Designations:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Growth Strategy and Development Concept Element of the Comprehensive Plan
 - Exhibit B – Proposed Land Use Designation Framework
6. Application #2013-07 Adoption and Amendment Procedures:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Tacoma Municipal Code Chapter 13.02
7. Application #2013-08 Platting and Subdivision Regulations:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Tacoma Municipal Code Chapters 13.04 and 13.05
8. Application #2013-09 Sign Regulations:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Tacoma Municipal Code Chapter 13.06 Zoning
9. Application #2013-12 Regulatory Code Cleanup:
 - Planning Commission Recommendation Summary
 - Exhibit A – Proposed Amendments to the Tacoma Municipal Code Chapters 1.37, 13.05, 13.06 and 13.06A