

One Tacoma Comprehensive Plan

and Land Use Regulatory Code

Proposed Amendments for 2023

Planning Commission Recommendations Packet

May 17, 2023



City of Tacoma, Planning and Development Services Department
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City of Tacoma
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Anthony Steele
(District 4 - vacant)

May 17, 2023

The Honorable Mayor and City Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402

RE: 2023 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code

Honorable Mayor Woodards and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am forwarding our recommendations on the 2023 Annual Amendment to the *One Tacoma* Comprehensive Plan and the Land Use Regulatory Code ("2023 Amendment"), which includes the following six applications (or subjects):

1. Mor Furniture Land Use Designation Change
2. Electric Fences
3. Shipping Containers
4. Delivery-Only Retail Businesses
5. Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards
6. Minor Plan and Code Amendments

Enclosed please find the "*Planning Commission's Findings of Fact and Recommendations Report for the 2023 Amendment, May 17, 2023*" that summarizes the proposed amendments, the public review and community engagement process, and the Planning Commission's deliberations.

The amendment application process remains a critical path for community members, organizations, or other public agencies to propose a change to the City's policies and regulations, and to ensure fair consideration of diverse community interests. We are proud to report that we have successfully completed the review of one significant private application and five City-initiated applications. We want to share our thanks to the Tacoma residents and stakeholders who have been actively engaged in the review process and provided invaluable feedback and advice.

1. **Mor Furniture Land Use Designation Change**

The initial application was submitted to amend the Comprehensive Plan Future Land Use Map for the subject site from Low Scale Residential to General Commercial to facilitate a Mor Furniture store. However, while a specific use was proposed, the Commission considered the broad range of land uses and intensities that would be supported by the proposed General Commercial designation. During the process, the applicant communicated that the site was no longer likely to be developed as a Mor Furniture store, validating the Commission's broad review of the proposal.

In formulating our recommendation, the Commission recognized that the subject site, located between I-5 and Giaudrone Middle School, is problematic for both residential development and commercial uses. While the Commission recognizes that reasonable use must be accommodated, we are concerned that the site was previously transferred from public to private ownership, and in the process, that this community lost an opportunity to establish and maintain an appropriate buffer area between I-5 and the uses to the east, with particular concern for the health and safety of the students at Giaudrone Middle School.

In our review, we determined that this community is already overburdened, especially as it pertains to adverse air quality, particulate matter pollution, and higher incidents of disease commonly related to air pollution and that the area's proximity to Interstate 5 increases air pollution exposures. Based on the traffic study conducted for the site, the Commission finds that there is a wide range of potential land uses that could be developed at the subject site, with the possibility of a significant

increase in vehicular trips, especially of diesel trucks, and thereby contributing to the existing health disparities. The Planning Commission concludes that the potential trip generation at this specific site poses adverse health and safety risks, especially to students at Gaudrone Middle School, and that the proposed land use is incompatible with the adjacent neighborhoods and the City's goals for safe routes to school.

- Therefore, the Planning Commission is recommending that the City Council DENY the application as proposed in Exhibit 1.a. As a result of change of ownership of the subject site parcel from public to private, the Commission recommends City Council approve the removal of the "Schools" designation for the subject site parcel on the Parks and Recreation Facilities Map as proposed in Exhibit 1.b.
- Furthermore, the proposed land use highlights additional concerns and planning needs for this community that we hope can be advanced through the upcoming Comprehensive Plan update. These include consideration of land use compatibility along the I-5 Corridor so that our plans do not exacerbate existing health impacts and disproportionately impact already overburdened communities; identifying measures to reduce health disparities in South Tacoma, including consideration of cumulative impacts of past and current planning and development; and finally, to consider methods to better integrate air quality impacts into long range planning and land use decisions.

2. **Electric Fences**

The intent of this proposal was to explore code changes necessary to expand allowances of electric fences into more zoning districts, specifically around outdoor storage in C-1 and C-2 Commercial Districts; WR Warehouse Residential District; DMU Downtown Mixed-Use District; and CIX, CCX, and UCX Mixed-Use Districts. The Commission explored recent code changes at other cities, reviewed draft code prepared by staff, reviewed applicable City of Tacoma Comprehensive Plan Policies, explored options for safety measures, and received public comment on the proposal.

Despite considering multiple regulatory options, the Commission could not conclude that the proposal was in the public's interest. During the process, local businesses who could testify as to the need and effectiveness of electric fences were noticeably absent. Having no such testimony, it was difficult for the Commission to evaluate the inadequacies of currently allowed fencing and security measures versus the efficacy of electric fences and their stated public benefits. As such, the Commission concluded that public safety was of paramount importance and that the introduction of these fences into commercial and mixed-use residential areas was inconsistent with established policies in the One Tacoma Plan.

- Therefore, the Planning Commission is recommending that the City Council DENY the application as proposed in Exhibit 2.

3. **Shipping Containers**

The Planning Commission proposal will allow for increased use of shipping containers while minimizing the impact on the visual character of our neighborhoods and business districts. In doing so, the Planning Commission finds that it is necessary to include development standards, such as number, location, and screening, to limit the negative visual impact possible with shipping containers.

- The Planning Commission recommends that the City Council ADOPT the amendments as proposed.

4. **Delivery-Only Retail Businesses**

The amendment addresses circumstances and trends where retail uses are shifting to a delivery-only model with no in-person, in-store customer component, often contrary to policies supporting pedestrian generating uses in our Mixed-Use Centers. Second, delivery-only commercial kitchens are currently treated as unlisted uses, and therefore, lack predictable and consistent standards.

The Commission's proposal takes a light touch to the standards, to ensure that the siting of delivery only businesses is appropriate and supports the City's goals for pedestrian streets, while recognizing that delivery-only businesses, and specifically commissary kitchens, can be an important avenue for local entrepreneurialism and addressing access to food.

- The Planning Commission recommends that the City Council ADOPT the amendments as proposed.

5. **Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards**

The Planning Commission conducted this review in response to Ordinance 28798, pertaining to the MFTE program, requiring that an adequate and comprehensive review of the design standards in "neighborhood commercial nodes" be conducted prior to the MFTE taking effect in these areas. We believe the package of amendments that are proposed ensure a more consistent and equitable baseline for design standards and fulfill the Council's directive.

- The Planning Commission recommends that the City Council ADOPT the amendments as proposed.

6. **Minor Plan and Code Amendments**

This proposal compiles seven (7) minor and non-policy amendments to the One Tacoma Comprehensive Plan and the Land Use Regulatory Code, intended to keep information current, correct errors, address inconsistencies, improve clarity, and enhance applicability of the Plan and the Code.

- The Planning Commission recommends that the City Council ADOPT the amendments as proposed.

In conclusion, the proposed 2023 Amendment package is a carefully crafted and well-balanced product that reflects the community's desires and concerns garnered through an extensive and rigorous engagement process. The Planning Commission believes that the recommended 2023 Amendment package, along with the additional suggestions as mentioned above, will help achieve the City's strategic goals for a safe, clean and attractive city; a well maintained natural and built environment; a diverse, productive and sustainable economy; and an equitable and accessible community for all.

We respectfully request that the City Council accept our recommendations and adopt the 2023 Amendment package as presented.

Sincerely,



CHRISTOPHER KARNES, Chair
Tacoma Planning Commission

Enclosure



**TACOMA PLANNING COMMISSION
FINDINGS OF FACT AND RECOMMENDATIONS REPORT**

MAY 17, 2023

A. SUBJECT:

2023 Annual Amendment to the *One Tacoma* Comprehensive Plan and the Land Use Regulatory Code (“2023 Amendment”).

B. SUMMARY OF PROPOSED AMENDMENTS:

The 2023 Amendment consists of the following six applications:

APPLICATION	AMENDMENT TYPE	COMMISSION’S RECOMMENDATION
1. MOR FURNITURE LAND USE DESIGNATION CHANGE		
This proposal is to change the Land Use Designation for a 1.24-acre parcel located at 1824 S. 49th Street owned by Wesco Management, LLC from “Low Scale Residential” to “General Commercial.” This would allow the applicant to apply for a future site rezone to support a range of potential commercial or residential uses at the site. The applicant owns four Commercially zoned parcels bordering directly to the north of the subject site along S. 48th Street.	Plan	Exhibit 1.a Not Recommended for Adoption Exhibit 1.b Recommended for Adoption (Passed with a vote of 7 ayes, and 1 absence)
2. ELECTRIC FENCES		
Local businesses, particularly ones that store vehicles or other equipment outside, are seeking ways to reduce theft and have posed electric fences as a solution. This proposal would apply citywide in C-1 and C-2 Commercial Districts, CIX Industrial Mixed-Use District, CCX Commercial Mixed Use, DMU Downtown Mixed Use, and the WR Warehouse Residential District. The draft code would permit electric fences with standards focused on safety and maintaining a pleasant pedestrian experience.	Code	Not Recommended for Adoption (Passed with a vote of 7 ayes, and 1 absence)

3. SHIPPING CONTAINERS		
This proposal would allow shipping containers to be used as an accessory structure in C-1 and C-2 Commercial Districts and on residentially zoned properties that are operating with an approved Conditional Use Permit (such as parks, schools, and churches). The placement of shipping containers would be subject to certain development standards and, depending on size, may require a building permit. The proposal would also broaden the potential use of shipping containers as a temporary structure.	Code	Recommended for Adoption (Passed with a vote of 6 ayes, 1 nay, and 1 absence)
4. DELIVERY-ONLY RETAIL BUSINESSES		
This proposal would apply citywide in zoning districts allowing for retail commercial uses. Add commissary kitchens as a subset of “Retail” uses in the Tacoma Municipal Code land use tables so that commissary kitchens are no longer an unlisted use and would be required to meet “Retail” use and development standards (parking, loading, etc.). Additional regulations would add size limitations for commissary kitchens in mixed-use districts and a requirement for an in-person, direct-to-customer sale component for retail establishments located on a designated pedestrian street. These measures would add clarity around delivery-only retail use and standards in Tacoma Municipal Code.	Code	Recommended for Adoption (Passed with a vote of 6 ayes, 1 nay, and 1 absence)
5. COMMERCIAL ZONING UPDATE – PHASE 1		
The commercial zoning update is a City-wide update to the commercial zoning code (districts C-1, C-2, PDB, and T), to be conducted as two phases. Phase I, conducted as part of the 2023 annual amendment package, includes a comprehensive review of the design standards for projects which include residential development in “neighborhood commercial nodes.” This review and update is required prior to the expansion of the multi-family tax exemption (MFTE) program to neighborhood commercial nodes, as adopted in Ordinance 28798. The overall project aims to address inconsistencies between the Comprehensive Plan goals and policies with existing zoning standards, including the encouragement of pedestrian oriented building design, parking area design strategies to reduce the prominence of vehicular parking, transition areas, minimization of impacts of auto-oriented uses, and establishing site and building	Code	Recommended for Adoption (Passed with a vote of 7 ayes, and 1 absence)

design elements that promote pedestrian use and active street fronts.		
6. MINOR PLAN AND CODE AMENDMENTS		
Proposed by the Planning and Development Services Department, this application compiles 7 minor and non-policy amendments to the One Tacoma Comprehensive Plan and the Land Use Regulatory Code, intended to keep information current, correct errors, address inconsistencies, improve clarity, and enhance applicability of the Plan and the Code.	Plan & Code	Recommended for Adoption (Passed with a vote of 7 ayes, and 1 absence)

C. FINDINGS OF FACT: BACKGROUND AND PLANNING MANDATES

1. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, 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. Amendment Process

Pursuant to TMC 13.02.070 – Adoption and Amendment Procedures, applications are submitted to the Planning and Development Services Department, and subsequently forwarded to the Planning Commission for their assessment. The Planning Commission decides which applications should move forward as part of that Amendment package. Those applications then receive detailed review and analysis by staff and the Planning Commission and input is solicited from stakeholders and the community.

3. Planning Mandates

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);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2050* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*;
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County; and
- TMC 13.02.070 – Adoption and Amendment Procedures.

D. FINDINGS OF FACT: POLICY REVIEW

1. Mor Furniture Land Use Designation Change:

As documented in the Assessment Report reviewed by the Planning Commission on July 20, 2022, the Commission reviewed the application for consistency with goals and policies from the Urban Form and Economic Development Elements of the Comprehensive Plan, as well as policies from the Design and Development Element pertaining to off-site impacts of higher intensity uses on adjacent uses, and consideration of impacts of proposed development on environmental and community health and safety. Finally, the Commission considered consistency of the proposal with planned transit improvements in the Transportation Master Program. supported by several goal and policy elements in the Urban Form and Economic Development chapters of the *One Tacoma* Comprehensive Plan.

2. Electric Fences:

As documented in the Assessment Report reviewed by the Planning Commission on August 17, 2022, the Commission reviewed the application for consistency with goals and policies in the Urban Form and Design and Development, chapters of the *One Tacoma* Comprehensive Plan. Specific Policy topics included ensuring quality living environments for residents, promoting attractive and vibrant streetscapes and pedestrian environments, promotion of practices that contribute to sense of safety and crime reduction, as well as promotion of crime prevention through environmental design.

3. Shipping Containers:

As documented in the Assessment Report reviewed by the Planning Commission on August 17, 2022, the Commission reviewed the application for consistency with goal and policy elements in the Urban Form and Design and Development, chapters of the *One Tacoma* Comprehensive Plan. Specific policy topics include the promotion of excellence in architecture and site design and durability in building materials, enhancing the quality, character and function of residential neighborhoods, encouraging adaptive re-use of buildings and reducing waste, as well as consideration of the use of lower impact construction technologies, techniques and building materials.

4. Delivery-Only Retail Businesses

As documented in the Assessment Report reviewed by the Planning Commission on September 7, 2022, the Commission reviewed the application for consistency with several goal and policy elements in the Urban Form, Design and Development, and Economic Development chapters of the *One Tacoma* Comprehensive Plan. Specific policy topics include access to healthy foods, addressing off-site impacts of proposed development, parking management strategies, pedestrian oriented uses and design, as well as support for flexible workspaces and production of local goods and services.

5. Commercial Zoning Update Phase 1

As documented in the Assessment Report reviewed by the Planning Commission on September 7, 2022, the Commission reviewed the application for consistency with goal and policy elements in the Urban Form and Design and Development, chapters of the *One Tacoma* Comprehensive Plan. Specific policy topics included pedestrian-oriented building design, parking area design strategies to reduce the prominence of vehicular parking, transition areas, minimization of impacts of auto-oriented uses, and establishing site and building design elements that promote pedestrian use and active street fronts.

6. Minor Plan and Code Amendments:

All proposals compiled in the Minor Plan and Code Amendments are non-policy, technical amendments.

E. FINDINGS OF FACT: STAFF ANALYSIS

1. Mor Furniture Land Use Designation Change:

Staff conducted extensive analysis to better understand potential impacts of a land use

designation change at the subject site parcel. The Public Review Document contains the full record of analysis and was provided to the Commission on February 1, 2023. Key components of this staff analysis include:

- **Land Use Compatibility Analysis**

(Staff Analysis Report, Section 3a; Attachment A: Compatibility Analysis)

The compatibility analysis reviewed the built environment, infrastructure, and land uses in the area surrounding the subject site to assess compatibility of the proposed land use designation change with the existing land use character of the area. This included analysis of site access to the subject parcel and consideration of concerns about siting residential uses along Interstate 5.

- **Impacts Analysis**

(Staff Analysis Report, Section 3c; Attachment B: Impacts Analysis)

This analysis included review of baseline conditions under the current land use at the subject site, and provided analysis of applicable City code and standards and how they would apply to the subject site if the land use change were to be approved and commercial development pursued at the site. The criteria analyzed included Land Use and Housing; Parking; Air Quality; Earth and Water characteristics; Plants and Tree Canopy; Aesthetics, Light, and Glare (Buffers and Transitions); Critical Areas; Parks and Recreation; Historic and Cultural Preservation; Transportation; and Potential Economic Impact.

- **Trip Generation Analysis**

(Staff Analysis Report, Section 3c; Attachment C: Trip Generation Analysis)

The applicant contracted with Jake Traffic Engineering to complete a trip generation analysis that was reviewed by Public Works-Transportation and Planning staff. The trip generation study analyzed several General Commercial uses alongside single family detached and multifamily housing use scenarios that could be developed under existing Low Scale Residential land use designation.

Staff conducted supplemental analysis in response to Commission questions following the public hearing. The full record of the supplemental analysis was provided in the April 17, 2023 and May 3, 2023 Commission meeting packets. Key components of this staff analysis include:

- **Air Quality Considerations**

Staff consulted with the Washington State Department of Ecology and the Puget Sound Clean Air Agency to better understand air pollution sources, federal and regional standards, and monitoring in the area.

- **Buffers, Tree Canopy, and Land Conservation**

Staff consulted with Trust for Public Lands and Pierce County (Conservation Futures Fund) to learn more about land conservation programs. Staff also analyzed current baseline conditions for tree canopy (limited to none) and assessed City code and standards related to tree canopy, buffers, landscaping, and land use transitions that would apply to development under current and proposed land uses.

F. FINDINGS OF FACT: PLANNING COMMISSION REVIEW

The Planning Commission conducted reviews of the 2023 Amendment Package at the following meetings, listed in reverse chronological order, with key decision points and milestones boldfaced:

- **05/17/23 – Made recommendations to the City Council**
- 05/03/23 – Debriefing of Public Hearing
- 04/17//23 – Debriefing of Public Hearing
- 04/07/23 – Public Hearing Record closed; deadline for submittal of written comments

- **04/05/23 – Public Hearing on 2023 Amendment Package**
- 03/01/23 – Review status of “Delivery-Only Retail Businesses” and “Minor Plan and Code Amendments”, and release of 2023 Amendment Package for public review
- 02/15/23 – Review status of “Delivery-Only Retail Businesses”, “Commercial Zoning Update Phase I”, “Electric Fences”, and “Shipping Containers”
- 02/01/23 – Review status of “Mor Furniture”
- 01/04/23 – Review status of “Commercial Zoning Update Phase I”, “Minor Plan and Code Amendments”, and “Delivery-Only Retail Businesses”
- 11/16/22 – Review status of “Electric Fences” and “Shipping Containers”
- 11/02/22 – Review status of “Mor Furniture”
- **09/07/22 – Assessment and Determination of “Commercial Zoning Update Phase I” and “Delivery-Only Retail Businesses” (proceed with technical analysis)**
- **08/17/22 – Assessment and Determination of “Minor Plan and Code Amendments”, “Electric Fences”, and “Shipping Containers” (proceed with technical analysis)**
- **07/20/22 – Assessment and Determination of “Mor Furniture” (proceed with technical analysis)**
- 03/31/22 – Application period ended; six applications were received, identified as “Mor Furniture Land Use Designation Change”, “Electric Fences”, “Shipping Containers”, “Delivery-Only Retail Businesses”, Commercial Zoning Update Phase I”, and “Minor Plan and Code Amendments”
- 01/01/22 – Application period opened

G. FINDINGS OF FACT: ENVIRONMENTAL REVIEW

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) on the 2023 Amendment was issued on March 14, 2023 (SEPA File Number LU23-0040), based upon a review of an environmental checklist. The DNS and the environmental checklist were: (1) included in Section III of the Public Review Document, available for public review and comment during the Planning Commission's public hearing process; (2) distributed to agencies and individuals identified on the City's list of SEPA Review Stakeholders; (3) reviewed by the State Department of Ecology (SEPA Record #202301177) and published on March 15, 2023 for public review; and (4) referenced in a legal notice published on the Tacoma Daily Index on March 22, 2023. No comments were received by the deadline of April 7, 2023. The preliminary determination became final on April 14, 2023.

H. FINDINGS OF FACT: CONSULTATION WITH THE PUYALLUP TRIBE OF INDIANS

There are no known proposals included in the 2023 Amendment Package that would impact the Puyallup Land Claims Settlement of 1990. A letter of consultation was sent to Chairman Bill Sterud of the Puyallup Tribe of Indians, and directors of planning and natural resources, on March 21, 2023, seeking their feedback on the 2023 Amendment Package. No comments were received.

I. FINDINGS OF FACT: PUBLIC NOTIFICATION AND INVOLVEMENT

1. Planning Commission Public Hearing:

The Planning Commission conducted a public hearing on April 5, 2023 to receive oral testimony, and left the hearing record open through April 7, 2023 to accept additional written comments, concerning the 2023 Amendment Package.

The complete text of the proposed amendments and the associated staff analysis and environmental review were compiled in a Public Review Document, which also included the public hearing notice. The document was posted on the project's website at www.cityoftacoma.org/2023Amendment.

Notification for the public hearing was conducted to reach a broad-based audience, through the following efforts:

- (a) **Public Notices** – The notice for the public hearing was mailed during the week of March 13, 2023, to approximately 1932 individuals and entities within 2,500 feet of the site associated with the “Mor Furniture” application. Notice was also e-mailed to more than 880 individuals on the Planning Commission’s interested parties list that includes the City Council, Neighborhood Councils, area business district associations, the Puyallup Tribal Nation, adjacent jurisdictions, City and State departments, and others.
- (b) **News/Social Media** – The City of Tacoma issued a News Release on March 20, 2023. An online advertisement was placed in The News Tribune on March 23, 24, and 27, 2023. A legal notice concerning the DNS, the public hearing, and the informational meeting was placed in the Tacoma Daily Index on March 22, 2023. An event page for each of the public hearing and the informational meeting was posted on the City’s Facebook, starting the week of March 20.
- (c) **60-Day Notices** – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was filed with the State Department of Commerce (per RCW 36.70A.106) on March 16, 2023. A similar notice was sent to the Joint Base Lewis-McChord (per RCW 36.70A.530(4)) on March 17, 2023, asking for comments within 60 days of receipt of the notice.
- (d) **Tribal Consultation** – A letter was sent to the chairman of the Puyallup Tribe of Indians on March 21, 2023 to formally invite the Tribe’s consultation on the 2023 Amendment.

2. Other Community Engagement:

- 8/1/22-9/30/22 – Outreach meetings with Tacoma Public Schools/Giaudrone Middle School, South End Neighborhood Council, Safe Streets neighborhood groups, Tacoma Pierce County Health Department, Public Works, and Tacoma Public Libraries (Moore and South Tacoma branches) concerning the Mor Furniture Land Use Designation Change application
- 10/5/22-10/10/2022 – Meetings with Safe Streets (Jennie Reed and Birney Elementary Schools) concerning the Mor Furniture Land Use Designation Change application
- 10/20/22 – Community Informational Meeting to provide interested parties an opportunity to learn more about the Mor Furniture Land Use Designation Change application and 2023 Amendment
- 1/11/23 – Meeting with Tacoma Pierce County Health Department on the Delivery-Only Retail Businesses application
- 1/17/23 – Meeting with Tacoma Pierce County Health Department on the Mor Furniture Land Use Designation Change application
- 2/3/23 – Meeting with local commissary kitchen owner/operator on the Delivery-Only Retail Businesses application
- 3/29/23 – Community Informational Meeting to provide interested parties an opportunity to learn more about the proposals included in the 2023 Amendment Package and be better prepared for the Planning Commission’s Public Hearing on April 5, 2023.
- 4/18/23 – Meeting with Washington State Department of Ecology on the Mor Furniture Land Use Designation Change application
- 4/21/23 – Meeting with Puget Sound Clean Air Agency on the Mor Furniture Land Use Designation Change application

J. FINDINGS OF FACT: COMMENTS AND RESPONSES

Shown in the table below are the numbers of comments the Planning Commission received on various applications during the public hearing process:

Application	Comments Received	
	Oral	Written
Mor Furniture Land Use Designation Change	7	6
Electric Fence	4	3
Shipping Containers	1	-
Delivery Only Retail Businesses	-	-
Commercial Zoning Update – Phase 1	-	-
Minor Plan and Code Amendments	-	-
TOTAL	12	9

Provided below is a summary, for each application, of the themes of comments received and, where applicable, the Commission's responses and amendments. More detailed information is documented in the "Public Comments and Staff Responses and Suggestions" report reviewed by the Commission on April 17, 2023 and May 5, 2023.

2. Mor Furniture Land Use Designation Change:

- (a) **Theme of Comments:** Site would be better utilized as a buffer to mitigate air quality impacts from Interstate 5; city should purchase the land and make a buffer; look at conservation programs to support this.
- (b) **Theme of Comments:** Concerned about tree canopy as buffer to mitigate air quality and noise from Interstate 5; concerned proposal will result in removal of mature trees.
- (c) **Theme of Comments:** Subject site is not near transit; Commercial development of site may create more conflict with existing and planned transit.
- (d) **Theme of Comments:** Concerned about impacts on air quality in South Tacoma area that is already overburdened; Health Disparities Index shows area has highest rank for PM2.5 emissions and concentration.
- (e) **Theme of Comments:** Concerned about access points to subject site, impacts of increased truck and vehicle traffic in the area, and impacts on Safe Routes to School.
- (f) **Theme of Comments:** Concerned about critical areas impacts of environmentally sensitive areas.

3. Electric Fences

- (a) **Theme of Comments:** Safety and security concerns necessitate electric fences.
- (b) **Theme of Comments:** Requests modifications to the draft code, including objections to setback rule, suggests allowing in front of businesses, expand allowances to auto-related businesses not located in commercial zones, to allow chain link fence to be used as perimeter fence.
- (c) **Theme of Comments:** Suggests further defining what "around or adjacent to a critical area" means to prevent electric fences from being placed within critical areas or their associated buffer zones.

4. Shipping Containers

- (a) **Theme of Comments:** Don't allow to get out of hand, require screening to mitigate visual impacts.

5. Delivery-only Retail Businesses: No Comments Received

6. Commercial Zoning Update – Phase 1: No Comments Received

7. Minor Plan and Code Amendments: No Comments Received

K. CONCLUSIONS:

In drawing its conclusions on the 2023 Amendment Package, the Planning Commission considered the following criteria, the first two as set forth in TMC 13.02.070.H.1 and the third based on the Tacoma 2025 Strategic Plan:

- (a) Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare;
- (b) Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan; and
- (c) 2025 Strategic Priorities: Whether the proposal will reduce racial and other inequities, disparities, or discrimination to under-represented communities, or result in positive impacts on equity, equality, diversity or inclusion.

1. Mor Furniture Land Use Designation Change:

The Planning Commission, in reviewing the Tacoma Equity Index and Washington State Department of Health's Health Disparities Map, finds that the area is overburdened, especially as it pertains to adverse air quality, particulate matter pollution, and higher incidents of disease commonly related to air pollution, and that the area's proximity to Interstate 5 increases air pollution exposures. Based on the traffic study conducted for the site, the Commission finds that there is a wide range of potential land uses that could be developed at the subject site, with the possibility of a significant increase in vehicular trips, especially of diesel trucks, and thereby contributing to the existing health disparities.

Adding to these considerations, the company representing the applicant provided notice to the Commission in a letter dated May, 1, 2023 stating that the applicant no longer plans to develop a Mor Furniture store and outlet store at the subject parcel and the applicant's four commercial zoned parcels that border to the north (along S 48th Street), as initially indicated in their amendment application and associated preliminary site plans. This declaration creates less certainty for the Commission in considering the land use change proposal and the related community impacts. Based on the Commission's review, the General Commercial zoning districts would enable a broad range of land uses at this site, many of which could result in a significantly higher trip generation, exacerbating safety concerns at Giaudrone Middle School, or likewise, resulting in additional housing in an area that would be highly impacted by its proximity to I-5.

While the proposed land use designation for the subject site is compatible with the existing General Commercial land uses to the north, the adjacency of this site to Giaudrone Middle School and proximity to I-5 raise serious concerns about the compatibility of the site for future residential development as well as commercial activity. This is tied to broader land use considerations around air quality in the region, including the impacts of Interstate 5, but especially in consideration of South Tacoma and other neighborhoods that are disproportionately overburdened in experiencing greater pollution and health disparities. There is concern about commercial development crossing over Interstate 5 in this area, and the potential adverse effects on the neighborhood. The Planning Commission concludes that the potential trip generation at

this site poses adverse health and safety risks, especially, to students at Giaudrone Middle School.

The Commission is aware, and concerned, that the subject site was recently sold from public to private ownership. While private property rights must be protected, and reasonable use accommodated, any future land use at this location poses health and safety challenges. The Commission considered potential residential development under the existing zoning and finds that residential development at this location would be incompatible with the City's goals and policies to accommodate housing in a way that promotes health, safety, social inclusion, and walkability. However, the alternative, as proposed, would likely result in greater impacts to the existing school and communities.

Therefore, the Planning Commission concludes that, generally, the proposed land use designation change for the subject site owned by Wesco Management LLC (parent company of Mor Furniture) will not benefit the City as a whole and is inconsistent with the health, welfare, and safety of the students at Giaudrone Middle School and nearby neighborhoods and will likely result in adverse impacts to overburdened communities.

2. Electric Fences:

The Commission concludes that the proposed code changes related to electric fences should be denied. In doing so, the Planning Commission, finds that the code does not adequately address public safety and that a disproportionate number of fences would be located in already overburdened neighborhoods. Also, there has been no demonstration that the allowance of said fences would protect the businesses better than other less impactful measures. This makes approval of the electric fence code inconsistent with the applicable Comprehensive Plan Policies specific to supporting vitality of business districts, creating a safe and attractive pedestrian environment, and encouraging excellence in site design.

3. Shipping Containers:

The Commission concludes that, with the standards proposed, the proposal is consistent with the City's Comprehensive Plan, will not adversely impact public health, welfare, and safety, and will not result in disproportionate impacts to under-represented communities.

Provided the appropriate development standards are included, the proposal will allow for increased use of shipping containers while not impacting the visual character of the neighborhood. In doing so, the Planning Commission finds that it is necessary to include development standards, such as location and screening, to limit the negative visual impact possible with shipping containers. This is in the absence of design standards specific to accessory structures.

4. Delivery Only Retail Businesses:

The Planning Commission concludes that the proposed amendments to the Tacoma Municipal Code, Title 13, including definitions and development/performance standards, specific to delivery-only retail business uses is consistent with the City's Comprehensive Plan, will not adversely impact public health, welfare, and safety, and will not result in disproportionate impacts to under-represented communities.

Tacoma Pierce County Health Department communicated the importance of commissary kitchens, and delivery-only retail businesses that operate out of them, for advancing goals of food access, safety, and entrepreneurial opportunity. Making commissary kitchens a subset of "retail" uses in Tacoma Municipal Code, including in applying use and development standards, provides a pathway for greater support and clarity for these uses, as well as furthering the City's Pedestrian Street goals.

5. Commercial Zoning Update Phase 1:

The Planning Commission concludes that the proposed amendments to the Tacoma Municipal Code, Title 13, specific to the review and update of residential design standards in commercially zoned areas of the City is consistent with the City's Comprehensive Plan, will not adversely impact public health, welfare, and safety, and will not result in disproportionate impacts to under-represented communities.

These updates are consistent with Comprehensive Plan policies that encourage pedestrian oriented building design, parking area design strategies to reduce the prominence of vehicular parking, transition areas, minimization of impacts of auto-oriented uses, and establishing site and building design elements that promote pedestrian use and active street fronts. In doing so, the Planning Commission has consistently upheld that these changes will improve consistency with key Comprehensive Plan goals including (but not limited to) the encouragement of pedestrian oriented building design, parking area design strategies to reduce the prominence of vehicular parking, transition areas, minimization of impacts of auto-oriented uses, and establishing site and building design elements that promote pedestrian use and active street fronts.

6. Minor Plan and Code Amendments:

The Planning Commission concludes that the Minor Plan and Code Amendments application, with proposed non-policy amendments to various elements of the One Tacoma Comprehensive Plan and various sections of the Tacoma Municipal Code, fulfills the intent to keep information current, address inconsistencies, correct minor errors, clarify and improve provisions of the Plan and the Code and conform to applicable provisions of State statutes and case law.

L. RECOMMENDATIONS:

1. Mor Furniture Land Use Designation Change:

NOT Recommended for Adoption by the City Council as proposed in Exhibit 1.a Future Land Use Map Amendment.

Exhibit 1.b, an amendment to the Park and Recreation Facilities Map, is Recommended for Adoption by the City Council

The Commission further recommends:

- **South Tacoma Land Use and Health Impacts.** As part of the Comprehensive Plan update, the Commission recommends that the City consider the current health disparities experienced in South Tacoma and identify measures that can be taken to support improved health outcomes for South Tacomans.
- **Safe Routes to School.** As part of any future development permits along South 48th Street, adjacent to Giaudrone Middle School, and at the subject site, that City staff and the Hearing Examiner consider limitations on vehicular access on South 49th Street to ensure the safety of students and to ensure that future development is compatible with and promotes safe routes to school.
- **I-5 Land Use Compatibility.** The Commission recommends that the City Council consider a broader review of land use compatibilities along the Interstate 5 corridor to mitigate pollutant exposure to residents along that corridor.
- **Air Quality.** Although the city and region are currently meeting air quality standards, the Commission recommends that the City consider how to better integrate air quality impacts into long range planning and land use decisions, to ensure that the off-site impacts of new development activity are appropriately identified and mitigated. The Commission supports City efforts to incentivize and encourage the transition to electric

vehicles and non-carbon based fuels, as well as to support greater transit ridership, to mitigate these potential impacts and consider these efforts to be critical to mitigate the long-term air quality impacts of growth and economic activity within the City.

- **Acquisition and Buffer Enhancement.** The Commission recommends that the City, Tacoma Public Schools, and other partners, consider acquisition of the subject site to restore a forested buffer between I-5 and Gaudrone Middle School. Furthermore, the Commission recommends that the City and Tacoma Public Schools take further action to restore a forested buffer on the Tacoma School District parcels to the south of the subject site.

2. Electric Fences:

NOT Recommended for Adoption by the City Council as proposed in Exhibit 2.

3. Shipping Containers:

Recommended for Adoption as proposed in Exhibit 3.

The Planning Commission recommends approval of the request to allow shipping containers as an accessory use in C-1 and C-2 Commercial Districts; as well as supporting a Conditional Use and expansion of allowed temporary uses.

The Planning Commission further recommends that staff, in a future code update, explore design standards for all accessory buildings and that residential use be discussed in Home in Tacoma.

4. Delivery-Only Retail Businesses:

Recommended for Adoption by the City Council as proposed in Exhibit 4.

5. Commercial Zoning Update – Phase 1:

Recommended for Adoption by the City Council as proposed in Exhibit 5.

Furthermore, the Planning Commission finds that an adequate and comprehensive review of the design standards for projects which include residential development in “neighborhood commercial nodes” has been conducted and recommend that the expansion of the multi-family tax exemption (MFTE) program to neighborhood commercial nodes (as adopted in Ordinance 28798) take effect.

Lastly, the Commission recommends that the City conduct a comprehensive commercial zoning review as part of the Comprehensive Plan update to ensure that the City’s commercial zoning districts are consistent with and fully support the implementation of the goals and policies of the Comprehensive Plan. In addition, this review should explore options to simplify the City’s commercial zoning and building design standards for ease of administration and application, as well as to ensure that there is an appropriate and equitable baseline for future commercial activity in these areas.

6. Minor Plan and Code Amendments:

Recommended for Adoption by the City Council as proposed in Exhibit 6.

M. RECORD OF DECISIONS:

The voting records of the Planning Commission associated with the above-mentioned recommendations are displayed below:

Amendment Application	Commissioners								Vote Counts	Recommendation
	Morgan Domer	Christopher Kames	Robb Krehbiel	Brett Marlo	Matthew Martenson	Brett Santhuff	Anthony Steele	Andrew Strobel		
1. Mor Furniture	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	7-0	DENY Exhibit 1.a ADOPT Exhibit 1.b
2. Electric Fences	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	7-0	DENY
3. Shipping Containers	Yes	Yes	Yes	Yes	No	Absent	Yes	Yes	6-1	ADOPT
4. Delivery-Only Retail Businesses	Yes	Yes	Yes	Yes	Yes	Absent	No	Yes	6-1	ADOPT
5. Commercial Zoning Update - Phase 1	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	7-0	ADOPT
6. Minor Plan and Code	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	7-0	ADOPT
2023 Amendment Package as a Whole	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	7-0	ADOPT

N. EXHIBITS:

- Exhibit 1: Mor Furniture Land Use Designation Change
 - 1.a. Future Land Use Map Amendment
 - 1.b. Park + Recreation Facilities Map Amendment
- Exhibit 2: Electric Fences
- Exhibit 3: Shipping Containers
- Exhibit 4: Delivery-Only Retail Businesses
- Exhibit 5: Commercial Zoning Update Phase I
- Exhibit 6: Minor Plan and Code Amendments
 - 6.a. Issues and Proposed Amendments
 - 6.b. Overlay Zoning Maps
 - 6.c. Platting and Subdivision Vesting
 - 6.d. Land Use Tables Reorganization

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PLANNING COMMISSION RECOMMENDATION SUMMARY
May 17, 2023

Application:	Mor Furniture Land Use Designation Change
Applicants:	Wesco Management LLC (the parent company of Mor Furniture)
Summary of Proposal:	The proposal is to change the Land Use Designation for a 1.24-acre parcel located at 1824 South 49th Street owned by Wesco Management, LLC, from “Low-scale Residential” to “General Commercial.” This would allow Wesco Management LLC to request a future site rezone and apply for permits for commercial development at the site.
Location and Size of Area:	1824 S 49th St Tacoma, WA 98408 (APN 2110000331) Site is approximately 1.24 acres/53,878 SF
Current Land Use and Zoning:	Land Use Designation: Low-Scale Residential Zoning District: R-2 STGPD (Single-Family Dwelling District & South Tacoma Groundwater Protection District)
Neighborhood Council Area:	South End
Staff Contact:	Adam Nolan, Associate Planner, anolan@cityoftacoma.org

Planning Commission Recommendations:

The Planning Commission conducted a public hearing on April 5, 2023, concerning the 2023 Annual Amendment Package that includes this application and five others, and accepted written comments through April 7, 2023.

Approximately 13 public comments were received on this application, all in opposition to this proposal. Air quality concerns were a primary concern, especially since the South Tacoma area has been found to be overburdened regarding air pollution and the future development of the subject site could add to adverse air quality impacts already present from Interstate 5. Another subject of comment was possibilities for acquiring the subject site and utilizing it has a buffer to mitigate air quality and noise impacts from Interstate 5 on the adjacent Giaudrone Middle School. Increased traffic, safe routes to school, transit network impacts, and subject site accessibility were also significant concerns pertaining to safety of students and broader communities.

The Planning Commission concludes that, generally, the proposed land use designation change for the subject site owned by Wesco Management LLC (parent company of Mor Furniture) will not benefit the City as a whole and is inconsistent with the health, welfare, and safety of the students at Giaudrone Middle School and nearby neighborhoods and will likely result in adverse impacts to overburdened communities.

- **The Planning Commission recommends that the City Council DENY the proposed land use designation change to the subject site from “Low Scale Residential” to “General Commercial”, as set forth in Exhibit 1.a; and APPROVE an amendment to the Park and Recreation Facilities Map, as set forth in Exhibit 1.b.**

The Commission further recommends that the City consider South Tacoma land use and health disparities and impacts as part of the Comprehensive Plan update, including a broader review of land use compatibilities along the Interstate 5 corridor, consideration of cumulative impacts of past and current

planning and development, and considerations of how to better integrate air quality impacts into long range planning and land use decisions. The Commission recommends that the City, Tacoma Public Schools, and other partners, consider acquisition of the subject site to restore a forested buffer between I-5 and Gaudrone Middle School, and to restore a forested buffer on the Tacoma Public Schools parcels to the south of the subject site. The Planning Commission also recommends that, as part of any future development permits along South 48th Street, adjacent to Gaudrone Middle School, and at the subject site, that City staff and the Hearing Examiner consider limitations on vehicular access on South 49th Street to ensure student safety.

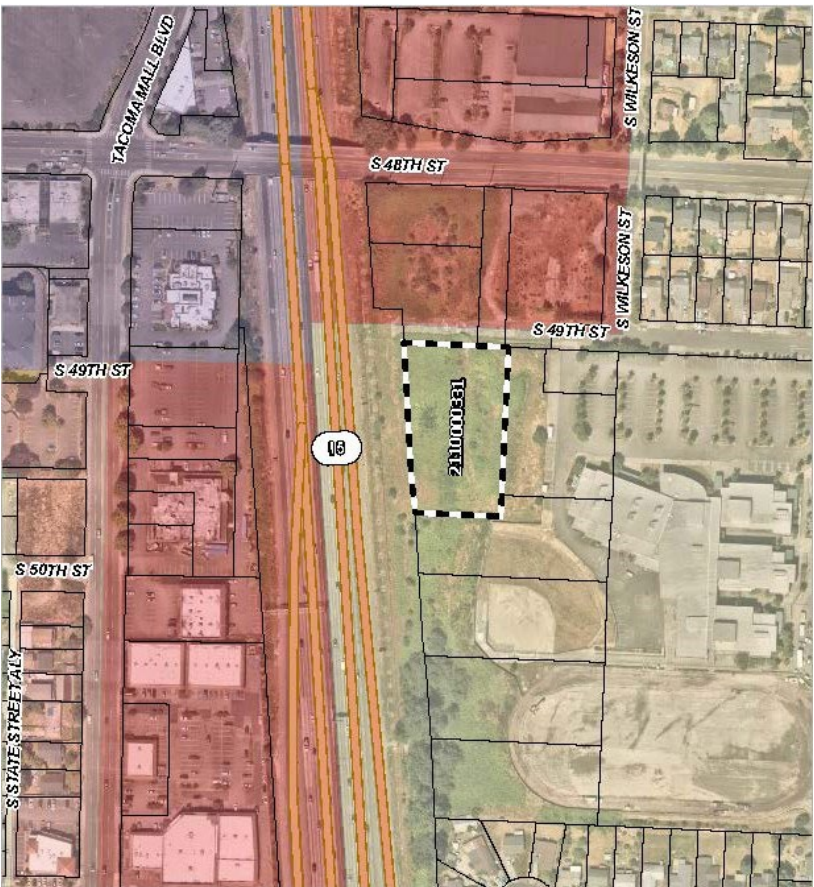
2023 Comprehensive Plan and Land Use Code Amendments

Future Land Use Implementation (FLUM)

EXHIBIT 1.a: Mor Furniture

Land Use Designation Change

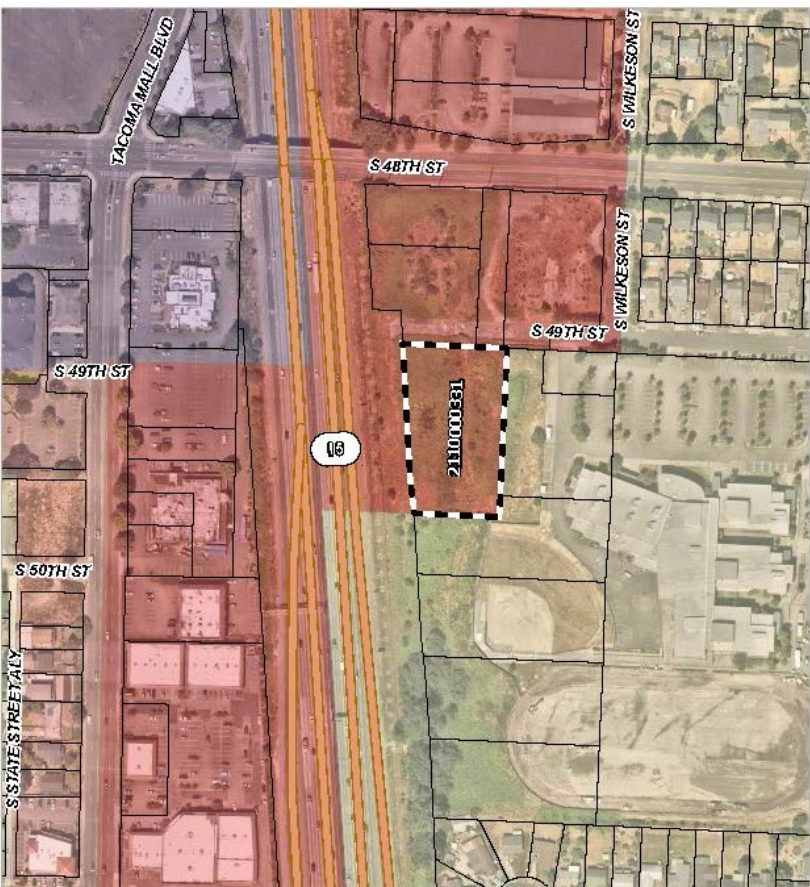
CURRENT LAND USE DESIGNATION: LOW SCALE RESIDENTIAL



Low-Scale Residential Designation Description:

Low-scale residential designations provide a range of housing choices built at the general scale and height of detached houses and up to three stories (above grade) in height... Low-scale residential designations are generally located in quieter settings of complete neighborhoods that are a short to moderate walking distance from parks, schools, shopping, transit and other neighborhood amenities... Qualities associated with low-scale residential areas include: Diverse housing types and prices, lower noise levels, limited vehicular traffic, moderate setbacks, private and shared open space and yards, street trees, green features, and complete streets with alleys.

PROPOSED LAND USE DESIGNATION: GENERAL COMMERCIAL



General Commercial Designation Description:

This designation encompasses areas for medium to high intensity commercial uses which serves a large community base with a broad range of larger scale uses. These areas also allow for a wide variety of residential development, community facilities, institutional uses, and some limited production and storage uses. These areas are generally located along major transportation corridors, often with reasonably direct access to a highway. This designation is characterized by larger-scale buildings, longer operating hours, and moderate to high traffic generation.

APPLICANT:

Wesco Management LLC. (parent company of Mor Furniture)

SITE LOCATION:

1824 South 49th Street, Tacoma WA

AMENDMENT TYPE:

Comprehensive Plan Future Land Use Map Amendment

WHY IS THIS CHANGE PROPOSED?

The applicant, Wesco Management LLC., submitted an amendment application seeking a land use designation change at the subject parcel located at 1824 South 49th Street. The 1.24-acre subject parcel currently has a Low-scale Residential land use designation. The applicant is requesting a land use designation change for the subject parcel to General Commercial.

If this amendment application is approved by the City Council, the subject parcel land use designation would be amended in the Comprehensive Plan Future Land Use Map (FLUM) from Low-scale Residential designation to a General Commercial designation. If granted, the land use designation change to General Commercial would enable the applicant to apply for a rezone to PDB Planned Development Business District or C-2 General Community Commercial District.

To learn more: visit www.cityoftacoma.org/2023amendment or email at planning@cityoftacoma.org.

2023 Comprehensive Plan and Land Use Code Amendments

Amendment to Parks + Recreation Facilities Map

CURRENT: "SCHOOL" DESIGNATION ON
PARKS + RECREATION FACILITIES MAP



PROPOSED: REMOVE "SCHOOL"
DESIGNATION ON PARKS + RECREATION
FACILITIES MAP



EXHIBIT 1.b: Mor Furniture

Land Use Designation Change

PROPOSED DESIGNATION CHANGE
ON PARKS + RECREATION FACILITIES
MAP

SUBJECT SITE: 1824 South 49th Street, Tacoma, WA

ACTION REQUESTED: Remove subject site from "Schools" designation on Parks + Recreation Facilities Map (Figure 36) in Element 8: Parks + Recreation of the *One Tacoma Comprehensive Plan*.

WHY IS THIS CHANGE PROPOSED?

The 1.24-acre subject parcel located at 1824 South 49th Street was formerly a surplus parcel owned by Tacoma Public Schools. Public schools within the City of Tacoma are designated as parks and recreation facilities in the Parks and Recreation Element of the *One Tacoma Comprehensive Plan*. The subject parcel assumed private ownership in 2018 when Tacoma Public Schools sold the parcel to Wesco Management LLC.

Due to the change from public to private ownership, and Wesco Management's amendment request to change the subject parcel's land use designation from Low-scale Residential to General Commercial, it is requested that the subject parcel be removed from the "School" facilities designation from the Parks + Recreation Facilities Map.

To learn more: visit www.cityoftacoma.org/2023amendment or email at planning@cityoftacoma.org.



PLANNING COMMISSION RECOMMENDATION SUMMARY
May 17, 2023

Application:	Electric Fences
Applicants:	City of Tacoma
Summary of Proposal:	Proposal is to expand the allowance of electric fences in districts other than Industrial Districts, subject to development standards. Proposal includes allowing electric fences specifically around outdoor storage in C-1 and C-2 Commercial Districts; WR Warehouse Residential District; DMU Downtown Mixed-Use District; and CIX, CCX, and UCX Mixed-Use Commercial Districts. Fences would only be allowed in association with outdoor storage activities.
Location and Size of Area:	Citywide; in Commercial, Commercial Industrial Mixed-Use, Urban Center Mixed-Use, Community Commercial Mixed-Use, Downtown Mixed-Use; and Warehouse Residential Districts
Current Land Use and Zoning:	C-1 and C-2 Commercial Districts; WR Warehouse Residential District; DMU Downtown Mixed-Use District; and CIX, CCX, and UCX Mixed-Use Commercial Districts
Neighborhood Council Area:	City Wide
Staff Contact:	Jana Magoon, Land Use Planning Manager, jmagoon@cityoftacoma.org

Planning Commission Recommendations:

The Planning Commission conducted a public hearing on April 5, 2023, concerning the 2023 Annual Amendment Package. Written comments were accepted through April 7, 2023.

The intent of this proposal was to explore code changes necessary to expand allowances of electric fences into more zoning districts, specifically around outdoor storage in C-1 and C-2 Commercial Districts; WR Warehouse Residential District; DMU Downtown Mixed-Use District; and CIX, CCX, and UCX Mixed-Use Districts. The Commission explored recent code changes at other cities, reviewed draft code prepared by staff, reviewed applicable City of Tacoma Comprehensive Plan Policies, explored options for safety measures, and received public comment on the proposal.

Despite considering multiple regulatory options, the Commission could not conclude that the proposal was in the public's interest. During the process, local businesses who could testify as to the need and effectiveness of electric fences were noticeably absent. Having no such testimony it was difficult for the Commission to evaluate the inadequacies of currently allowed fencing and security measures versus the efficacy of electric fences and their stated public benefits. As such, the Commission concluded that public safety was of paramount importance and that the introduction of these fences into commercial and mixed-use residential areas was inconsistent with established policies in the One Tacoma Comprehensive Plan.

- **Therefore, the Planning Commission is recommending that the City Council DENY the application as proposed in Exhibit 2.**



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

Exhibit 2
to Planning Commission Findings
and Recommendations

Electric Fences Code Amendments

May 17, 2023

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments.

New text is underlined and text that has been deleted is shown as ~~striketrough~~. Text that has been moved from one code section to another is indicated in double underline.

TACOMA MUNICIPAL CODE 13.06.090.K

K. Fences and Retaining Walls.

1. Applicability. These fence and retaining wall regulations apply to all zoning districts. Regulations within specific zones are set forth below.

2. Purpose. The purpose of fence and retaining wall regulations is to implement the Comprehensive Plan policies that seek to enhance the pedestrian experience while also reducing opportunity for crime.

3. The Director may attach any reasonable conditions found necessary to make proposed fencing or retaining walls compatible with its environment, to carry out the goals and policies of the City's Comprehensive Plan, and/or to provide compliance with other criteria or standards set forth in the City's Land Use Regulatory Codes.

4. Fencing.

a. Residential Districts

(1) Fencing Type Limitations

(a) Barbed or razor wire. The use of barbed or razor wire is prohibited.

(b) Electrified fences are prohibited

(c) Chain link. Chain link is permitted; ~~except~~

(i) In the case of a 4-plex, multi-family, or single-family attached (townhouse) development, chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses; and

(ii) chain link, with or without slats, is prohibited for required screening.

(2) Fence and Wall Height

(a) In the case of single-family attached (townhouse), the maximum height of free-standing walls,

fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

(b) See TMC 13.06.090.M for fence limitation specific to Building Transition. In the case of conflicts, the most restrictive section will apply.

b. Commercial Districts, MUCs, and Downtown

(1) Fencing Type Limitations.

(a) Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.

(b) Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.

(c) Electrified. Electric fences are allowed around outdoor storage areas, where permitted, in C-1 and C-2 Commercial Districts, CCX Community Commercial Mixed-Use District, UCX Urban Center Mixed-Use District, CIX Commercial industrial Mixed-Use District, DMC Downtown Mixed Use and WR Warehouse Residential District, subject to the following standards. Electric Fences are not subject to the height standards in subsection (2) below. These standards shall not apply to underground or invisible pet fences that are used to contain small domestic animals.

(i) Location

(a) Electric fences shall be prohibited between the front of a building and the adjacent public street, except as provided below:

- Outdoor storage located between the building and the front property line, which was in existence at the time of the passing of this Ordinance may be protected by an electric fence. In the case of a corner site, this applies to the side adjacent to right-of-way.
- Electric fences will not be permitted adjacent to designated Core Pedestrian Streets or designated Pedestrian Streets.
- See below for standards related to electric fence and perimeter fence when adjacent to right-of-way.

(b) Except for the South Tacoma Groundwater Protection District, electric fences shall not be closer than 15 feet to the buffer of any critical area as defined in TMC 13.01.110.C and the fence shall not surround said critical area.

(ii) Standards

(a) Electric fences shall be limited to a height of 10 feet.

(b) When adjacent to a dwelling or dwellings, a playground, a school, or a park, recreation, and open space, as defined in TMC 13.01, or adjacent to street right-of-way, the electric fences shall be setback a minimum of 5 feet from property line and no taller than 8 feet.

(c) An electric fence shall be surrounded by a decorative, non-electric, fence. This fence shall be no lower than 6 feet and no taller than 7 feet. This fence may be located on the property line.

(d) The required perimeter fence may be located within 1 foot of the electric fence.

(e) The perimeter fence located between the building and front property shall not be chain link and must meet subsection 2(b) below.

(iii) Electrification

(a) The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery may be charged by a solar panel. The solar panel may not be augmented by a trickle charger.

(b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard 60335-2-76.

(c) Fence system shall be tested and labeled to the Electrotechnical Commission IEC Standards 60335-2-76.

(iv) Warning Signs and Insurance

(a) Electric fences shall be clearly identified with warning signs that read "Warning - Electric Fence" at intervals of 50 feet or less. Signs shall also contain imagery or symbols of, or similar to, the International Organization for Standardization (ISO) warning symbol for electric hazard to alert individuals that the fence is electrically charged (e.g. lightning bolts).

(b) Warning signs shall be posted in English, Russian, Spanish, and Vietnamese

(v) Owner of the electric fence shall provide to the City a certificate of commercial general liability insurance covering third party liability risks in a minimum amount of \$1,000,000.00 combined single limit per occurrence for bodily injury and personal injury.

(2). Fencing and Wall Height Standards.

(a) Except as set forth in 4.b.1(c) above, the maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet.

(b) Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with landscaping pursuant to the requirements of TMC 13.05.502 to soften the view of the fence and contribute to the pedestrian environment.

(c) Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.

(d) Fences shall not exceed 5 feet in height in required Street Level Residential Transition Areas.

(e) Fences along alleys are allowed provided fences greater than 3 feet in height are at least 20% transparent between 3 and 7 feet above grade. If no transparency is provided, the maximum height of such fence shall be 3 feet.

(f) Exception. In Downtown Districts, fences greater than 3 feet in height are allowed if the portion of the fence between 3 and 7 feet above grade is at least 20 percent transparent.

c. Industrial Districts

(1) Barbed or razor wire. The use of barbed or razor wire is limited to those areas not adjacent residential use.

(2) Chain link. Chain link or similar wire fencing is permitted.

(3) Electrified. Electric fences are allowed in all Industrial Districts subject to the following standards. These standards shall not apply to underground or invisible pet fences that are used to contain small domestic animals.

(a) Location

(i) Electric fences shall be setback 5 feet to any dwelling or dwellings.

(ii) Electric fences shall not be around or adjacent to a critical area as defined in TMC 13.01.110.C.

(b) Standards

(i) Electric fences shall be limited to a height of 10 feet.

(ii) An electric fence shall be separated from property line by a non-electric fence a minimum of 6 feet tall.

(c) Electrification

(i) The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery may be charged by a solar panel. The solar panel may not be augmented by a trickle charger.

(ii) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in in the International Electrotechnical Commission (IEC) Standards 60335-2-76.

(iii) Fence system shall be tested and labeled to the Electrotechnical Commission IEC Standards 60335-2-76.

(d) Warning Signs and Insurance

(i) Electric fences shall be clearly identified with warning signs that read "Warning - Electric Fence" at intervals of 50 feet or less. Signs shall also contain imagery or symbols of, or similar to, the International Organization for Standardization (ISO) warning symbol for electric hazard to alert individuals that the fence is electrically charged (e.g. lightning bolts).

(ii) Warning signs shall be posted in English, Russian, Spanish, and Vietnamese

(iii) Owner of the electric fence shall provide to the City a certificate of commercial general liability insurance covering third party liability risks in a minimum amount of \$1,000,000.00 combined single limit per occurrence for bodily injury and personal injury.



PLANNING COMMISSION RECOMMENDATION SUMMARY
May 17, 2023

Application:	Shipping Containers
Applicants:	City of Tacoma
Summary of Proposal:	This proposal would allow shipping containers to be used as an accessory structure in C-1 and C-2 Commercial Districts and on residentially zoned properties that are operating with an approved Conditional Use Permit (such as parks, schools, and churches). The placement of shipping containers would be subject to certain development standards and, depending on size, may require a building permit. The proposal would also broaden the potential use of shipping containers as a temporary structure.
Location and Size of Area:	Citywide, in C-1 and C-2 Commercial Districts; Also uses operating with a Conditional Use Permit in Residential Districts or with a valid Temporary Use Permit (Already allowed in Industrial Districts)
Neighborhood Council Area:	Citywide
Staff Contact:	Jana Magoon, Land Use Planning Manager, jmagoon@cityoftacoma.org

Planning Commission Recommendations:

The Planning Commission conducted a public hearing on April 5, 2023, concerning the 2023 Annual Amendment Package that includes this application and five others, and accepted written comments through April 7, 2023.

The Commission concludes that the proposal is consistent with the City's Comprehensive Plan, will not adversely impact public health, welfare, and safety, and will not result in disproportionate impacts to under-represented communities. As written, the draft code will allow for increased use of shipping containers while not impacting the visual character of the neighborhood. This is due to the incorporation of development standards to specifically address off-site impacts and safety.

- **The Planning Commission recommends that the City Council ADOPT the amendments as proposed in Exhibit 3.**

The Planning Commission supports the review of residential use of shipping containers in the Home in Tacoma package and further recommends that staff, in a future code update, explore design standards for all accessory buildings.



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

Exhibit 3
to Planning Commission
Findings and Recommendations

Shipping Container Code Amendments

(Planning Commission Recommended, May 17, 2023)

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments.

New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

Tacoma Municipal Code (TMC) 13.06.020 Residential Districts.

A. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.020.

* * * * *

G. Accessory building standards.

* * * * *

9. Except as noted below, commercial shipping and/or storage containers shall not be a permitted type of accessory building in any residential zoning district.

a. ~~Such~~ Shipping and/or storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.

b. Shipping and/or storage containers may be allowed on a site with a valid Conditional Use Permit, subject to the following standards:

(1) On sites less than 5 acres, shipping container shall not be located between the building and street right-of-way. On corner lots, this applies to front and side.

(2) On sites less than 5 acres, on corner lots, shipping container shall be setback further than the side wall of the main building.

(3) Shipping containers shall be screened from any Residential District when adjacent to or across street and/or alley from the Residential District. The shipping container must be screened by a minimum 6-foot tall solid wood fence and/or landscaping.

(4) Shipping containers cannot be stacked

(5) Shipping containers must meet, at a minimum, the setbacks of the main building

(6) If any of these standards cannot be met, a shipping container may be located as a Temporary Use for a reduced time and subject to the standards for a Temporary Use. See TMC 13.06.080.P

* * * * *

TMC 13.06.030 Commercial Districts

A. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.030.

* * * * *

E. District use restrictions.

* * * * *

4. District use table.

* * * * *

Footnotes:

* * * * *

~~3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P~~

* * * * *

F. District Development Standards

* * * * *

3. Setbacks

a. Applicability. See TMC 13.100.A for setbacks applicable to shipping containers.

* * * * *

TMC 13.06.080.P Temporary Use

* * * * *

2. Purpose.

The Purpose of this section is to allow listed temporary uses which:

- a. Are not contrary to the various purposes of this chapter;
- b. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and

c. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

* * * * *

4. Temporary structure standards.

* * * * *

d. Temporary storage.

Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis.

Temporary storage can also include storage of food (including the growth of food items). Temporary storage units, where allowed, shall be subject to the following standards:

(1) Temporary storage units shall be allowed in the following instances:

(a) As part of an active construction project or active moving process; or

[\(b\) In conjunction with a Conditional Use, to support the Conditional Use; or](#)

[\(c\) To support an agricultural use, such as growing food. Food shall not be sold from the site.](#)

(2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.

(3) In commercial, mixed-use or industrial zoning districts, temporary storage units shall be:

(a) removed within 30 days after final inspection of the project; or

(b) [if being used in conjunction with a Conditional Use](#), a maximum of 180-days in a two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services

(4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.

(5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.090.100.

(7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

TMC 13.06.100.A Design Standards

1. General Applicability. The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

* * * * *

[j. Accessory Structure - Shipping containers are exempt from all sections except Subsection 9 below.](#)

2. Zoning District Applicability. The following requirements apply to C1, C2, T, and PDB zoning districts...

* * * * *

[9. Accessory Structure - Shipping Container](#)

[a. Shipping Containers are allowed as an accessory structure in all Commercial Districts subject to the standards set forth below:](#)

[\(1\) Shipping container shall not be located between the building and street right-of-way. On corner lots, this applies to front and side.](#)

[\(2\) Shipping container must be setback a minimum of 5 feet from all property lines; AND](#)

[\(3\) When the shipping container is not between the building and street right-of-way, it must be setback further from right-of-way than the wall of building and a minimum of 5 feet, whichever is greater. On corner lots, this applies to front and side.](#)

[\(3\) Shipping containers shall be screened from any Residential District when adjacent to or across an alley from the Residential District. In this case it must be screened by a minimum 6-foot tall solid wood fence and/or landscaping.](#)

[\(4\) Each site is limited to one shipping container.](#)

[\(5\) Shipping containers may not be placed within a shopping center as defined in TMC 13.01.060.S.](#)

[\(6\) See TMC 13.06.080.P for regulations specific to shipping containers as a temporary use.](#)



PLANNING COMMISSION RECOMMENDATION SUMMARY
May 17, 2023

Application:	Delivery-Only Retail Businesses
Applicants:	Planning and Development Services Department
Summary of Proposal:	This application, “Code Amendments Regulating Delivery-only Businesses of Food and Other Consumables” (Delivery-only businesses) is being considered as part of the 2023 Annual Amendment to the One Tacoma Comprehensive Plan and Land Use Regulatory Code (“2023 Amendment”). The intent of this application is to seek appropriate amendments to the Tacoma Municipal Code, Title 13 to include definitions and development/performance standards specific to delivery-only business uses.
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Adam Nolan, Associate Planner, anolan@cityoftacoma.org

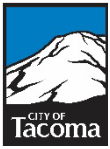
Planning Commission Recommendations:

The Planning Commission conducted a public hearing on April 5, 2023, concerning the 2023 Annual Amendment Package that includes this application and five others, and accepted written comments through April 7, 2023. No public comments were received on this application.

The Planning Commission concludes that the proposed amendments to the Tacoma Municipal Code, Title 13, including definitions and development/performance standards, specific to delivery-only retail businesses is consistent with the City’s Comprehensive Plan, will not adversely impact public health, welfare, and safety, and will not result in disproportionate impacts to under-represented communities.

Tacoma Pierce County Health Department communicated the importance of commissary kitchens, and delivery-only retail businesses that operate out of them, for advancing goals of food access, safety, and entrepreneurial opportunity. Making commissary kitchens a subset of “retail” uses in Tacoma Municipal Code, including in applying use and development standards, provides a pathway for greater support and clarity for these uses, as well as furthering the City’s Pedestrian Street goals.

- **The Planning Commission recommends that the City Council ADOPT the amendments as proposed in Exhibit 4 to address delivery-only retail business uses.**



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

Exhibit 4
to Planning Commission Findings
and Recommendations

“Delivery Only Retail Businesses” Code Amendments

(Planning Commission Recommended, May 17, 2023)

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments.

New text is underlined and text that has been deleted is shown as ~~struckthrough~~.

1. Amendment to Retail Definition in TMC 13.01.060.R:

“Retail.” Establishments engaged in retail sales of goods, including, but not limited to, the retail sale of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, department stores, clothing stores, bank branches, furniture stores, pawn shop, pharmacies, and businesses retailing the following goods as examples: toys, hobby materials, food and beverages sales (including catering and commissary kitchens), hand-crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, baseball cards, coins, comics, paint and wallpaper, carpeting and floor covering, medical supplies, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

2. Amendment to Retail Definition to establish size limitation for Commissary Kitchens in mixed-use centers.

Insert into “Additional Regulations” in Table 13.06.040 for retail uses within mixed-use districts:

*Commissary Kitchens are limited to 6,000 SF of net building area and exterior display or storage of equipment is prohibited.

3. Amendment to Retail Ground floor uses on Pedestrian Streets

Insert into “Additional Regulations” in Table 13.06.040 for retail uses within mixed-use districts:

* Retail uses are required to primarily conduct in-person, direct customer sales along the designated pedestrian street storefront.



PLANNING COMMISSION RECOMMENDATION SUMMARY
May 17, 2023

Application:	Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards
Applicants:	City of Tacoma
Summary of Proposal:	Staff proposes to update the City's code to provide better clarity as to the district, site development, and building design standards that would apply to projects seeking to utilize the multi-family tax exemption (MFTE) program in neighborhood commercial areas. Most updates are clarifications as to the applicability of existing standards.
Location and Size of Area:	Citywide, in commercial zones (C-1, C-2, T, and PDB)
Neighborhood Council Area:	Citywide
Staff Contact:	Wesley Rhodes, Senior Planner, wrhodes@cityoftacoma.org

Planning Commission Recommendations:

The Planning Commission conducted a public hearing on April 5, 2023, concerning the 2023 Annual Amendment Package that includes this application and five others, and accepted written comments through April 7, 2023. No public comments were received on this application.

The Planning Commission concludes that the proposed amendments to the Tacoma Municipal Code, Title 13, specific to the review and update of residential design standards in commercially zoned areas of the City is consistent with the City's Comprehensive Plan, will not adversely impact public health, welfare, and safety, and will not result in disproportionate impacts to under-represented communities. The Commission finds that these updates are consistent with Comprehensive Plan policies that encourage pedestrian oriented building design and active street frontages, transition areas for ground floor residential uses, and quality building design.

- **The Planning Commission recommends that the City Council ADOPT the code updates as proposed in Exhibit 5.**

Furthermore, the Planning Commission finds that an adequate and comprehensive review of the design standards for projects which include residential development in "neighborhood commercial nodes" has been conducted and recommend that the expansion of the multi-family tax exemption (MFTE) program to neighborhood commercial nodes (as adopted in Ordinance 28798) take effect.

Lastly, the Commission recommends that the City conduct a comprehensive commercial zoning review as part of the Comprehensive Plan update to ensure that the City's commercial zoning districts are consistent with and fully support the implementation of the goals and policies of the Comprehensive Plan. In addition, this review should explore options to simplify the City's commercial zoning and building design standards for ease of administration and application, as well as to ensure that there is an appropriate and equitable baseline for future commercial activity in these areas.



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

Exhibit 5
to Planning Commission
Findings and Recommendations

“Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards” Code Amendments

(Planning Commission Recommended, May 17, 2023)

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments.

New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

1. Code Section: 13.06.030.F.6

Minimum Usable Yard Space

Issue: Applicability is only to single use residential development.

Proposed Update: Staff proposes to extend applicability to include Multi-Family residential development that includes a commercial component.

6. Minimum usable yard space.	
a. Applicability.	Applies to single use residential development <u>and multi-family residential development with a commercial component</u> , only.
b. Purpose.	
c. Minimum Usable Yard Space	Minimum usable yard space shall be provided in accordance with the residential building type requirements in 13.06.020.F.7. Duplex/triplex dwellings shall provide usable yard space in accordance with the R-3, R-4-L, R-4 and R-5 Districts.

2. Code Section: 13.06.030.F.7

Tree Canopy Coverage

Issue: Applicability is only to single use residential development.
Proposed Update: Staff proposes to extend applicability to include Multi-Family residential development that includes a commercial component.

7. Tree Canopy Coverage				
a. Applicability.	Applies to single-use residential development <u>and multi-family residential development with a commercial component</u> , only.			
b. Purpose.				
c. District standard (percent of lot).	30	30	20	20
	Tree canopy shall be provided in accordance with the standards in 13.06.020.F.8.			

3. Code Section: 13.06.030.F.8

Maximum setback standards on designated streets

Issue: Applicability is only to single use residential on pedestrian streets.

Proposed Update: Staff proposes to clarify the code such that Multi-family development in commercially zoned districts along Pedestrian streets will apply the following setback standards. Buildings that are 100 percent residential or that have any portion of the ground floor as a residential use do not have a maximum setback and instead shall meet the Build-to Area standard in 13.06.020.F.6. For buildings with 100% commercial ground floor use, the set-back standards set forth in this code section will still apply

8. Maximum setback standards on designated streets.	
a. Applicability.	Pedestrian streets as defined in TMC 13.06.010.D.1.
b. Purpose.	To achieve a pedestrian supportive environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:
c. Maximum Setback Applied	<ul style="list-style-type: none">a. 10 feet maximum front and/or corner side setback from property lines at the public right-of-way shall be provided for at least 75 percent of building facing the designated street frontage.b. When the site is adjacent to a designated pedestrian street, that street frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the façade as indicated above.c. This requirement supersedes any stated minimum setback.d. Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard and to be free of motor vehicles at all times.
d. Exceptions	<ul style="list-style-type: none">a. Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided the addition does not increase the level of nonconformity as to maximum setback.b. Buildings that are 100 percent residential, <u>or that have any portion of the ground floor as a residential use</u>, do not have a maximum setback Residential development and instead shall meet the Build-to Area standard in 13.06.020.F.6.c. The primary building of a gas station, where gas stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail and intended for fuel payment only are exempt.d. Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.

4. Code Section: 13.06.090.C.7.c.(3)

Multi-Family Development Parking

Issue: Applicability is only to single use multi-family.

Proposed Update: Staff proposes to extend applicability to multi-family development that includes a commercial component.

(a) In multi-family residential developments with multiple buildings, off-street surface parking and circulation areas shall, to the extent practicable, be located on the sides and rear portions of the development site. In X-Districts, areas between buildings and along street frontages shall be used to fulfill yard space requirements.

(b) Non-X-Districts: In multi-family residential developments, [including multi-family residential development with a commercial component](#), all on-site parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed the following:

- Surface parking and access thereto shall not occupy more than 50% of the front yard and corner street side yard street frontages and more than 80 feet in continuous street level frontage.
- Surface parking located to the side of a structure meeting the maximum setback shall not exceed a maximum of 60 feet in width for paved vehicular area.
- Surface parking shall not be located between a structure meeting the “build-to area” maximum setbacks and the pedestrian street right-of-way.

5. Code Section: 13.06.090.M

Street Level Building Transitions

Issue: Staff has expanded the applicability of these street level transition standards to include any building that has any portion of the ground floor as a residential use in a commercially zoned district along a Pedestrian street.

Proposed Update: No actual code change is needed for this section. Staff is just noting that due to the code changes to section 13.06.030.F.8, these street level transition standards will now apply to any building that has any portion of the ground floor as a residential use in a commercially zoned district along a Pedestrian street.

3. Standards.

a. Residential buildings meeting the “build-to” requirements along designated pedestrian streets shall provide a transition area between the public right-of-way and the ground floor dwelling units.

- (1) Transitions can be accomplished through grade changes that elevate the ground floor units and main entry or through landscaping and other design elements, such as plazas, artwork, fountains, bioswales, or other amenities. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.^{192F}¹
- (2) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.
- (3) Fences over 3 feet in height must be transparent and cannot exceed 5 feet in height.
- (4) The transition area may be used to meet usable yard space requirements.
- (5) Parking may not be used as a feature of the transition area.
- (6) Examples.

¹ Code Reviser’s note: Effective January 1, 2021 per Ord. 28725, Ex. A.

6. Code Section: 13.06.100.A

Commercial District Minimum Design Standards

Issue: The Code applies clear design standards for developments within commercial zoning districts that are either single use multi-family or single use commercial. However, the code does not currently clearly articulate sufficient design standards for multi-family development with a commercial component within commercial zoning districts.

Proposed Update: Staff proposes to insert the following sentence into 13.06.100.A.1.e: “Multi-family residential development with a commercial component located within the C1, C2, T, and PDB zoning districts, and within the Neighborhood Commercial FLUM (as defined in Figure 2 of the Urban Form chapter of the Comprehensive Plan) are subject to the requirements in Section 13.06.100.B Mixed-Use District Minimum Design Standards.”

1. General applicability.

The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

a. Standards.

Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

b. Alterations.

(1) Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:

Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade’s siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.

Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.

(2) The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(3) No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

c. Super regional malls. Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.

d. Temporary. Temporary structures are exempt from the design standards of this section.

e. Residential and/or mixed-use.

(1) Single, two, and three-family dwellings are subject only to the design standards in Subsection E. Townhouses are subject only to the design standards in Subsection H. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.

(2) Multi-family residential development with a commercial component located within the C1, C2, T, and PDB zoning districts, and within the Neighborhood Commercial FLUM (as defined in Figure 2 of the Urban Form chapter of the Comprehensive Plan) are subject to the requirements in Section 13.06.100.B Mixed-Use District Minimum Design Standards.

~~(2)~~ (3) Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.

f. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

g. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

h. Floor area. For purposes of this section of the code (Section 13.06.100), “floor area” shall not include spaces below grade.

i. Parks, recreation and open space uses. Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

7. Code Section: 13.06.100.B.2

Zoning District Applicability

Issue: Proposed code updates change the zoning district applicability of code section 13.06.100.B

Proposed Update: Staff proposes to insert “and to multi-family residential development with a commercial component located within the C1, C2, T, and PDB zoning districts and within the Neighborhood Commercial FLUM (as defined in Figure 2 of the Urban Form chapter of the Comprehensive Plan),” to make clear that Mixed-Use Design Standards are not applicable to development outside of X-Districts that meet those conditions.

2. Zoning District Applicability.

The following requirements apply to all development located in any X-District [and to multi-family residential development with a commercial component located within the C1, C2, T, and PDB zoning districts and within the Neighborhood Commercial FLUM \(as defined in Figure 2 of the Urban Form chapter of the Comprehensive Plan\)](#), except where noted or unless specifically exempted.

8. Code Sections: 13.06.100.A.7, and 13.05.100.B.9

Issue: 13.06.100.A (Commercial District Minimum Design Standards) and 13.06.100.B (Mixed-Use District Minimum Design Standards) are missing requirements for residential entrances.

Proposed Update: Staff proposes to include the language on residential entrances from 13.06.100.C.3.a in 13.06.100.A.7 and 13.06.100.B.9 to ensure that those sections have standards for both customer and residential entrances. Staff proposes to add the residential entrance language from 13.06.100.C.3.a to 13.06.100.A (Commercial District Minimum Design Standards) and 13.06.100.B (Mixed-Use District Minimum Design Standards).

13.06.100.A.7

Commercial District Minimum Design Standards

Pedestrian Standards

7. Pedestrian Standards.

Purpose: The following standards are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.	
a. Customer entrances	<ol style="list-style-type: none"> (1) Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation. (2) Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.030 or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.
b. Residential Entrances	<ol style="list-style-type: none"> (1) <u>Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared main entrance to fulfill the requirements of this standard.</u> <ol style="list-style-type: none"> (a) <u>The shared main entrance must face the street or be at an angle of up to 45 degrees from the street.</u> (b) <u>The shared main entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</u> (2) <u>Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</u>
c. Street level weather protection	<ol style="list-style-type: none"> (1) Weather protection shall be provided above a minimum of 25 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage. (2) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping. (3) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar building accessories to not less than 3 feet in width.

13.06.100.B.9

Mixed-Use District Minimum Design Standards

Pedestrian Standards

9. Pedestrian Standards.

Purpose: The following standards are intended to enhance pedestrian mobility and safety by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.	
a. Customer entrances	<p>(1) Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p>(2) Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.030 or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</p>
b. Residential Entrances	<p>(1) <u>Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared main entrance to fulfill the requirements of this standard.</u></p> <p>(a) <u>The shared main entrance must face the street or be at an angle of up to 45 degrees from the street.</u></p> <p>(b) <u>The shared main entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</u></p> <p>(2) <u>Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</u></p>
b.c. Street level weather protection	<p>(1) Weather protection shall be provided above a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage. Façades or portions of façades where planting strips of more than 5 feet in width separate the walkway from the building wall are exempt from these standards.</p> <p>(2) Mixed-Use Center District designated pedestrian streets. Weather protection shall be provided above a minimum of 80 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</p> <p>(3) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p>(4) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.</p> <p>(5) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</p>

9. Code Section: 100.090.C.3.h

Off-street parking spaces – quantity

Issue: The Multi-Family dwelling section has different minimum off-site parking requirements depending upon the underlying zoning district. The Table erroneously omits PDB and includes HM.

Proposed Update: Staff proposes to remove “HM” from the chart, which is a zoning district that no longer exists, and replace it with “PDB,” which is erroneously missing from the chart.

<i>TABLE 1 – Required Off-Street Parking Spaces^{9, 14} (All footnotes are in Table 2, below.)</i>		
Use	Unit	Required parking spaces
		Min.
Residential		
Single-family detached dwelling, Adult family home, Staffed residential home ^{1, 2, 12}	Dwelling.	2.00
Two-family dwelling in all districts ^{1, 2, 12}	Dwelling.	2.00
Townhouse dwelling in all districts ^{1, 2, 12}	Dwelling.	1.00
Three-family dwelling in all districts ^{1, 2, 12}	Dwelling.	2.00
Two- or Three-family dwelling via Conditional Use Permit	Dwelling.	1.00
Group housing – up to 6 residents		2.00
Group housing – 7 or more residents ^{1, 16}	Room, suite or dwelling.	1.00
Small Lots, Cottage Housing and lots not conforming to area/width ³	Dwelling.	1.00
Mobile home park ^{1, 2, 12}		
Senior housing	Guest room, suite or dwelling unit.	0.75
Multiple-family dwelling ^{1, 2, 12, 16}		
Located in R-3, R-4-L, T, HMR-SRD, and PRD Districts ¹²	Dwelling.	1.50
Located in R-4, C-1, C-2, HM PDB, and M-1 Districts ¹²	Dwelling.	1.25



PLANNING COMMISSION RECOMMENDATION SUMMARY
May 17, 2023

Application:	Minor Plan and Code Amendments
Applicants:	Planning and Development Services Department
Summary of Proposal:	The application compiles 7 non-policy, technical proposed amendments to the <i>One Tacoma</i> Comprehensive Plan and the Tacoma Municipal Code that are intended to correct minor errors, address inconsistencies, keep information current, and clarify and improve provisions that, through implementation of the Plan and the Code, are found to be unclear or not fully meeting their intent.
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Adam Nolan, Associate Planner, anolan@cityoftacoma.org

Planning Commission Recommendations:

The Planning Commission conducted a public hearing on April 5, 2023, concerning the 2023 Annual Amendment Package that includes this application and five others, and accepted written comments through April 7, 2023. No public comments were received on this application.

The Minor Plan and Code Amendments included the following topics:

1. Ground Floor Utility Standards in Downtown	2. Landmarks Preservation Commission Membership
3. Critical Areas Preservation Ordinance code references	4. Home Address Signage Exemption
5. Overlay Zoning Maps	6. Platting and Subdivision Stormwater Vesting
7. Land Use Table Re-organization	

The Planning Commission determines that these 7 proposed amendments are consistent with the Comprehensive Plan, and fulfill the intent to keep information current, address inconsistencies, correct minor errors, and improve the clarify of the Comprehensive Plan and the Tacoma Municipal Code.

- **The Planning Commission recommends that the City Council ADOPT the proposed minor plan and code amendments set forth in Exhibits 6.a, 6.b, 6.c, and 6.d.**



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

Exhibit 6.a
to Planning Commission Findings
and Recommendations

Minor Plan and Code Amendments

(Planning Commission Recommended, May 17, 2023)

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments.

New text is underlined and text that has been deleted is shown as ~~striketrough~~.

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
1.	<u>Standards for Ground-level Utilities</u> <ul style="list-style-type: none"> TMC 13.06.100.D & E, and 13.06.090.L. 	<p>There are no standards for ground-level utilities (screening, location, etc.) for mixed-use developments and 4-plexes and above within the Downtown Districts. The only standards are for rooftop equipment.</p>	<p>TMC 13.06.090.L.4. Standards in Mixed-Use <u>and Downtown Districts</u>. TMC 13.06.090.L.6. Standards for Residential Buildings and Developments.</p> <ol style="list-style-type: none"> Standards for all single, two, and three-family, <u>and multi-family</u> dwellings in X-Districts, and to all two, and three-family, <u>and multi-family</u> dwellings in all districts.

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
2.	<u>Landmarks Preservation Commission Membership</u> • TMC 1.42	<p>The provisions for Landmarks Preservation Commission (LPC) membership in TMC 1.42 are inconsistent with the requirements of the Tacoma City Charter Section 3.13, adopted on November 4, 2014. Specifically, TMC 1.42 allows the City Council to waive the residency requirement for LPC in “Professional Positions” as defined by the ordinance. However, because the Charter Section 3.13 requires LPC members to be residents of the City of Tacoma and provides no exceptions, TMC 1.42 requires an amendment to conform to the City Charter. This inconsistency between the City Charter and TMC 1.42 has been addressed in the interim by Planning and Development Services Director’s Rule 03-2022.</p>	<p>1.42.040 Composition of the Landmarks Preservation Commission. All members of the Commission shall have a demonstrated interest and familiarity with basic historic preservation issues, either through professional practice or volunteer work, and shall be residents within the boundaries of the City, except as provided elsewhere in this chapter. The Landmarks Preservation Commission shall consist of 11 members as follows: A. Architect Positions: The Commission shall include a minimum of three members who are currently or have been in the past professionally certified architects. These positions shall be named Architect Positions 1 through 3. D. Temporary vacancies of one or all of the professional positions shall not render actions by the Commission invalid, unless the Commission action is related to meeting Certified Local Government (“CLG”) responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer on behalf of the state. E. Exception to the residency requirement may be granted by City Council in order to fill vacancies for professional positions. F<u>E</u>. The Appointments Committee may, at its discretion, solicit nominations from neighborhood community associations, business districts, and professional organizations to ensure geographic and professional diversity within the Commission. G<u>F</u>. The provisions of this chapter shall be enforced as vacancies occur following the adoption of this legislation.</p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
3.	<p><u>Critical Areas Preservation Ordinance Clarifications</u></p> <ul style="list-style-type: none"> • TMC 13.11 	<p>The Flood Hazard section (TMC 13.11.600) of the Critical Areas Preservation Ordinance references the Building Code, but the Building Code sections have changed. The current language of “all development proposals shall comply with Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas” should be modified as “all development proposals shall comply with Title 2 Building and Development Code regarding Flood Hazard and Coastal High Hazard Areas.” There may also be additional minor reference updates and wording clarification in TMC 13.11 that need to be addressed.</p> <p>The Fish and Wildlife Habitat Conservation Area (FWHCA) Modification section (TMC 13.11.550) indicates that “innovative mitigation” can be considered for impacts per the standards in 13.11.270.L. However, the innovative mitigation standards are actually in 13.11.270.M. This reference should be fixed.</p>	<p>13.11.620 Standards.</p> <p>All development proposals shall comply with Sections 2.12.040 through 2.12.050, Title 2 Building and Development Code regarding Flood Hazard and Coastal High Hazard Areas, and Chapter 12.08 Surface Water Management Manual of the TMC Title 12 for general and specific flood hazard protection.</p> <p>F. Innovative mitigation per TMC 13.11.270.LM.</p> <p>When the project cannot meet the minimum standards of this section or the project proponent can demonstrate that a different method will achieve equivalent or better protections for the critical area, it will be reviewed per the standards in 13.11.270.LM.</p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
4.	<u>Home Address Signage</u> <ul style="list-style-type: none"> • TMC 13.06.090.I.3.b 	Suggest necessary clarification on home address signage, with current ADU rules, Infill Pilot Program approvals, a minor adjustment to current code should be considered further clarifying residential address signage.	TMC 13.06.090.I.3 – Sign Standards – General Sign Regulations b. Exempt signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same. (1) Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy. (16) Temporary public event signs not exceeding 12 square feet, and temporary event banners, placed on publicly owned land or adjacent public right-of-way. Signs or banners shall be securely attached to the ground or a structure and must be removed after the event. <u>(17) Home address signage: one per street face, per unit, including ADUs, located entirely on private property.</u>
5.	<u>Overlay Zoning Maps</u>	Tacoma Municipal Code 13.06.070 establishes overlay zoning districts. These districts modify the uses and development standards of the base zoning for specific areas of the City. However, the current code does not consistently include a map of the geographic extent of the overlay districts. This amendment would simply incorporate a map into the code so there is a clearer connection between the standards and the area affected.	Adding overlay district maps to the following sections: 13.06.070 Overlay Districts B. South Tacoma Manufacturing/Industrial Center C. Planned Residential Development District D. South Tacoma Groundwater Protection District E. Historic Special Review Overlay District F. Joint Base Lewis McChord Airport Compatibility District See attached Exhibit 6.b for maps.

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
6.	<u>Platting and Subdivision Vesting</u>	To incorporate stormwater vesting language into the appropriate code sections. The vesting language would be consistent with the City of Tacoma National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit issued by the Washington State Department of Ecology, based on the City's NPDES Phase I Municipal Stormwater Permit that requires stormwater mitigation for projects be identified at the time of application for a subdivision, plat, short plat, building permit, or other construction permit.	See attached Exhibit 6.c for amendments.
7.	<u>Land Use Table Re-organization</u>	As part of the Tideflats Non-Interim Regulations, the district use table was updated to shift away from an alphabetical listing of uses to a grouping of uses by similar classification. The intent of this code update is to apply the same structure to the district uses tables for residential, commercial, and mixed use districts. These amendments will not be substantive, but rather organizational changes.	TMC 13.06.060 Industrial Districts, subsection E, provides an example of the updated table and the organizational structure that will be applied to the rest of the code for internal consistency. See attached Exhibit 6.d for comparison of existing and proposed use table organization.

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

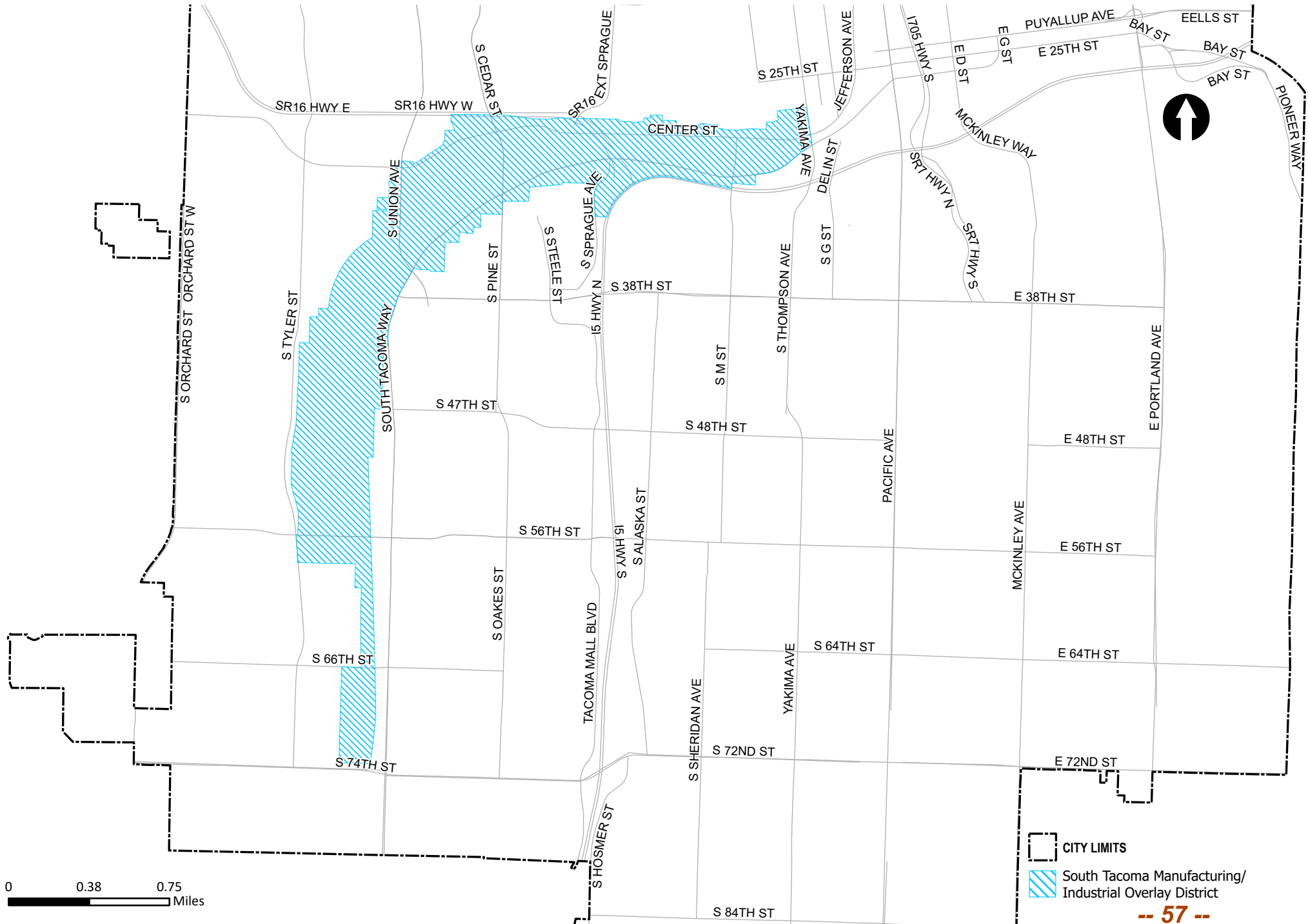
Minor Plan and Code Amendments – Overlay Zoning Maps

(Planning Commission Recommended, May 17, 2023)

Maps Included:

13.06.070 Overlay Districts


- B. South Tacoma Manufacturing/Industrial Overlay District
- C. PRD Planned Residential Development District
- D. South Tacoma Groundwater Protection District (STGPD)
- E. Historic Special Review Overlay District
- F. Joint Base Lewis McChord Airport Compatibility Overlay District (ACD)






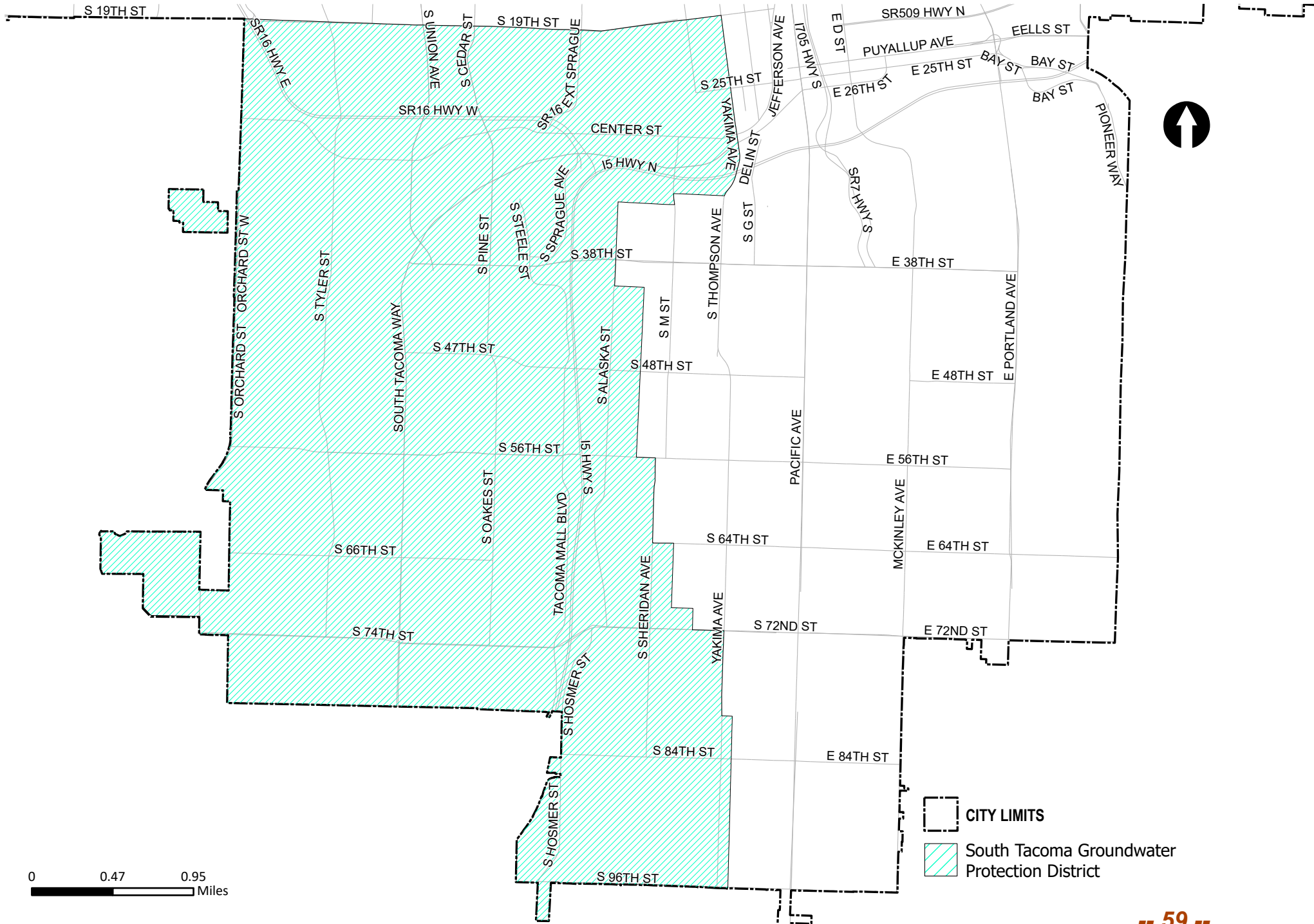
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 City LIMITS

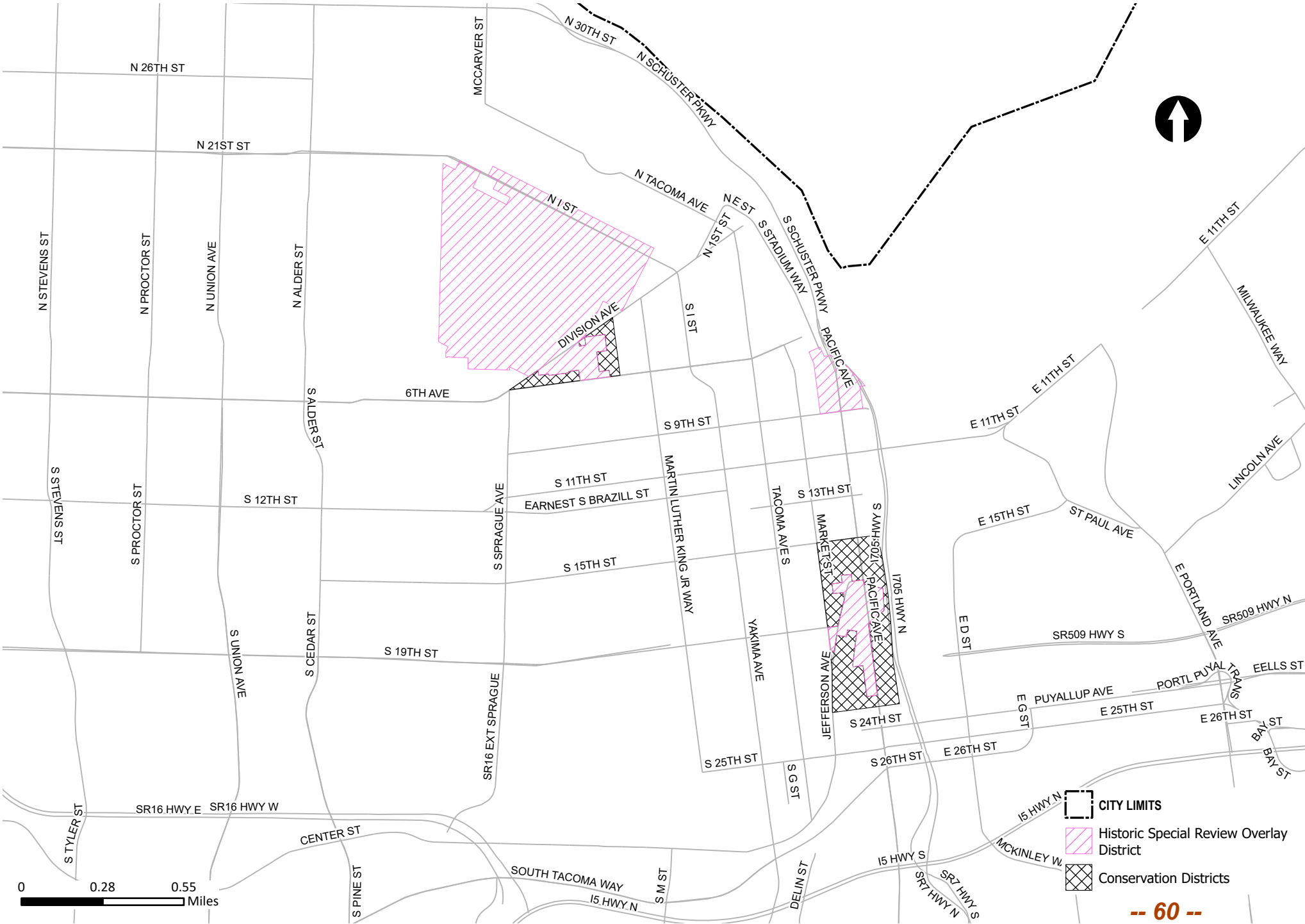
 Planned Residential Development District

City of Tacoma | Planning and Development Services
South Tacoma Groundwater Protection District (STGPD)



City of Tacoma | Planning and Development Services

Historic Special Review Overlay District







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

Exhibit 6.c
to Planning Commission
Findings and Recommendations

Minor Plan and Code Amendments - Platting and Subdivision Vesting

(Planning Commission Recommended, May 17, 2023)

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments.

New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

Amendments to TMC 13.04.090 and 13.04.100

13.04.090 Short plat/short subdivision procedures.

A. Administration.

The Director or designee is vested with the duty of administering the provisions of this section and with the authority to summarily approve or disapprove proposed preliminary and final short plats. The Director or designee may prepare and require the use of such forms and develop policies deemed essential to the effective administration of this code.

B. Application.

Applications for approval of preliminary short subdivisions shall be submitted to Planning and Development Services and shall be accompanied by a proposed short plat which includes pertinent survey data compiled as a result of a survey of the property made by or under the supervision of a Washington State Licensed Land Surveyor. In addition, an application will include a title report and free consent statement signed by all owners of land within the proposed short plat. All surveys shall be accomplished as required by the Survey Recording Act (RCW 58 and WAC 332), and shall be monumented in accordance with the Survey Recording Act and Public Works specifications. In addition to the survey data, the short plat application shall be considered complete when the following information is received by the Planning and Development Services Department:

1. A completed application form including the following information: name(s), mailing address(es), and phone number(s) of applicant(s) and property owner(s); legal description of property; County Assessor's parcel number; general location of property; current use of property; proposed improvements; signature of applicant(s); and date signed.
2. A free-consent statement signed by all owners of the property.
3. A current (within 90 days) title report or plat certificate.
4. A filing fee as set forth in Chapter 2.09 of the Tacoma Municipal Code.

5. A transit access checklist, including a table showing the location and walking distance in feet to the nearest bus stop(s), the routes served by that stop, and the potential transit patronage calculated according to a formula and generation rates shown on the checklist, as required by the appropriate transit authority.
6. A City-approved preliminary short plat layout drawing containing the following information:
- a. The name and address of the owner or owners of said tract;
 - b. The legal description of the existing lot, tract, or parcel;
 - c. The short plat shall show the bearings and distances on the exterior boundary with ties to at least two known monuments on the City of Tacoma horizontal grid system. The plan shall be to scale, have a north arrow, and display the date of preparation;
 - d. The short plat shall show existing and proposed contours at intervals of five feet or less, sufficient to show drainage patterns;
 - e. The names of all adjacent subdivisions and owners of adjoining parcels;
 - f. All zoning districts as set forth in the Tacoma zoning ordinances;
 - g. The boundary lines of the tract to be subdivided and their dimensions;
 - h. The layout, names, and width of proposed public or private streets, alleys and easements;
 - i. The location of all existing and platted streets, on-site private roadways, pedestrian ways, bike routes, rights-of-way, and section lines within and adjacent to the short subdivision. Show proposed pedestrian, bicycle, and vehicular connections within the short plat and connections to the existing routes outside of the proposed short subdivision;
 - j. All public and private open space to be preserved or created within the short subdivision;
 - k. Dedication of all streets, alleys, ways, and easements for public use;
 - l. The Locations of existing storm and sanitary sewer, water mains, electric conduits, or overhead power.
 - m. The preliminary locations of proposed ~~stormwater facilities and BMPs~~ private and municipal stormwater systems required to serve each lot as well as any shared private and municipal stormwater ~~BMPs~~ systems that shall serve the ~~development~~ short plat/short subdivision;
 - m.n. The accurate location, material and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department;
 - o. Certification by a registered land surveyor to the effect that the short plat is a true and correct representation of the lands actually surveyed and that all the monuments shown thereon actually exist, or that, in lieu of their placement, a bond has been provided in conformance with Section 13.04.100.H of this chapter, and that the location, size and material of the monuments are correctly shown.

7. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, transportation impact studies, and wastewater capacity analysis.

C. Stormwater Vesting

1. Projects are considered to be vested to the current Stormwater Management Manual when:

- a. All relevant plans, specifications, and supporting documents necessary to meet the design requirements of the SWMM for the proposed project have been received by the City for review.

This may include, but is not limited to, Civil Plans and Stormwater Site Plan including all necessary appendices.

b. The City of Tacoma has deemed the permit application complete.

2. Vesting for compliance with the Stormwater Management Manual is limited to timeframes specified in the most recent City of Tacoma Phase I Municipal Stormwater Permit.

C. Process.

Upon Submittal of a complete preliminary short [plat/short](#) subdivision application, at least one copy of the preliminary short plat shall be transmitted for review and comment to departments and agencies as determined by the Planning and Development Services Department. Short subdivision applications that are adjacent to a transit street or within 1,000 feet of a bus stop shall be forwarded to Pierce Transit for review and comment.

The Planning and Development Services Department shall assemble the agency comments and prepare a written preliminary report to the Director. The report shall contain an analysis of the applicable criteria for the approval of preliminary short subdivisions, public notice comments for five- to nine-lot short subdivisions, agency comments received, and requested conditions of approval.

At the time of submission of application for final [short](#) plat the applicant shall request creation of any required new address(es).

D. Notification.

Public notice required by this chapter shall be given in accordance with the provisions of Chapter 13.05 for five- to nine-lot short subdivisions. In the event that a proposed short subdivision within the City of Tacoma has a border coterminous with Tacoma's city limits, a notice of filing shall be given to the appropriate county or city officials and in the event that the short subdivision within the City of Tacoma is adjacent to the right-of-way of a state highway, a notice of filing shall be given to the Washington State Department of Transportation.

Mailed notices required by these regulations shall provide a legal description of the property to be subdivided and a location description in non-legal vernacular.

E. Approval.

The Director or designee shall review the proposed preliminary short subdivision application. The preliminary short plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare; and for open spaces; stormwater management, streets or roads; alleys; bike routes; other public ways; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting and dedication of such subdivision and dedication as set forth by the Comprehensive Plan and other adopted City ordinances, manuals, design specifications, plans, goals, policies, and guidelines.

Upon completion of the review, the Director shall consider the proposed short subdivision application and approve, disapprove, or return to the applicant for modification within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period. An appeal taken within 14 days of the Director's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code. If an environmental impact statement is required as provided in RCW 43.21C.030, the 30-day period shall not include the time during which the environmental impact statement was prepared and circulated.

F. After approval of a preliminary short plat application by the Director, the short plat shall be filed with the Pierce County Auditor, and only after such filing shall the short plat be deemed approved and accepted by the City of Tacoma. The approved short subdivision decision, however, shall be assurance to the subdivider that the short plat will be recorded, provided that:

1. The final short plat drawing submitted for recording substantially conforms to the approved preliminary short plat and the approved preliminary short subdivision decision and is submitted within the time limits set forth in Chapter 13.05 of the Tacoma Municipal Code.

2. All requirements specified in the preliminary short subdivision decision are fully complied with and all required public dedications and improvements, including, but not limited to, rights-of-way, easements, streets, alleys, pedestrian ways, bike routes, sidewalks, ~~storm-drainage~~ municipal and private stormwater systems, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of this chapter, and any other applicable codes and ordinances of the City of Tacoma.

G. Final Short Plat.

The final short plat shall be submitted to the Planning and Development Services Department and shall be an accurate short plat for official record, surveyed and prepared by, or under the supervision of, a Washington State Licensed registered ~~Land~~ Surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final short plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120. When the final short plat is submitted to the Planning and Development Services Department for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on the short plat, is in the name of the owner(s) signing the certificate of the short plat. The final short plat will be reviewed by the City Engineer and representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

H. Contents of Final Short Plat.

The final short plat shall be drawn to a scale of 100 feet or less, but, preferable, 100 feet to the inch, and shall show:

1. Name of short subdivision.
2. Name and address of the subdivider.
3. North point, scale bar, and date.
4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing and recorded streets and ways and intersecting the boundary of the tract.
5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the short plat; municipal, township, county, or sections lines accurately tied to the lines of the short subdivisions by distances and bearings.
6. Streets, alleys and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the short subdivision.
7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.
11. The accurate outline of all property which is offered for dedication for public uses with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the short subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions and their boundaries, as applicable.
14. Certification by a ~~registered~~ Washington State Licensed ~~l~~and ~~s~~Surveyor to the effect that the final short plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.090.I. of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the short plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the short plat and as required by the City of Tacoma.
17. All private easements (new or existing).
18. All critical areas requiring delineation in accordance with Chapter 13.11.
19. All building setback lines.

20. Common facilities and open spaces shall be located on separate, individual tracts, unless otherwise approved by the Director and shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the short subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.

21. Conditions of Approval

I. Monuments to be Placed Prior to Submission of Final Short Plat.

Prior to the time the final short plat is submitted to the Director, monuments shall be placed at angle points along the perimeter of the short subdivision at intervals designated by the City Engineer; and monuments shall also be placed at all intersections of centerlines of streets and at all locations where the centerlines of streets cross section lines or quarter section lines. Delayed monumentation of the interior of the short subdivision may be desirable pending completion of street and utility improvements. In that case, satisfactory completion of monumentation shall be secured in the form of a cash deposit or by inclusion in the performance bond. This provision shall not be construed to apply to boundary monumentation and survey.

J. All final short plats hereafter shall contain the following dedicatory language:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of owners), the owners of the land herein described, embraced in and covered by said short plat, do hereby donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over the private property abutting upon said streets, alleys, and public places to construct and maintain all slopes, cuts, and fill occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets, alleys, and public places. Said owners, for themselves and their respective successors and assigns, waive all claims for damages to the property included in this short plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma, and further certify and swear that said land is free from all taxes and assessments which have heretofore been levied and become chargeable against said property, and further certify and swear that there are no encumbrances existing upon any of the land upon which streets, alleys, and public places have been herein donated and dedicated to the public, except for the encumbrances that are the property of the following named person(s):

(Name of person(s))

If any of these persons named as having encumbrances are lienholders, then the dedication language must also include the following:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of lienholders), who have liens upon the land herein described, embraced in, and covered by said short plat, do hereby, as to any of said property hereafter acquired, donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over said private property abutting upon said streets, alleys, and public places, to construct and maintain all slopes, cuts, and fills occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets and alleys. Said lienholders, for themselves and their respective successors and assigns, as to any of the property hereafter acquired, waive all claims for damages to the said property included in this short plat

by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma.

K. Conditions of Approval of the Final Short Plat.

Before approval of the final short plat, the Director will require:

1. That all street grading and grading along street lines, including sidewalk areas and bus stop areas, be approved by the City Engineer to ensure proper transition from street grade to adjacent property.
2. Surfacing of all roadways, bike routes, and pedestrian ways with an all-weather surface approved by the City Engineer; this shall include the construction of curbs and gutters of Portland cement concrete or an equivalent as approved by the City Engineer in accordance with the specifications of the City of Tacoma.
3. Installation of necessary facilities for the proper handling of stormwater including identification and design of all ~~stormwater BMPs~~ private stormwater systems that are required for each individual lot as well as any shared ~~public municipal or private stormwater BMPs~~ systems that shall serve the platted development or ROW improvements related to the short plat, as approved by the City Engineer.
4. Installation of necessary facilities for the disposal of sanitary wastes as approved by the City Engineer.
5. Installation of necessary water supply systems, including fire hydrants, as approved by the Department of Public Utilities.
6. Installation of the necessary electrical power facilities as approved by the Department of Public Utilities.
 - a. As a condition of the final short plat, the Director shall require the petitioner or developer to install underground all public utility services such as electric, telephone, and CATV facilities, whether in streets, alleys, on public easements, or on private properties.
 - b. The Director may, however, if the facts and circumstances in respect to some particular development in a proposed short plat so warrant, authorize a waiver or modification from the general requirement hereinabove set forth, but, in such cases, shall give the reasons and conditions therefore.
7. The Director may also require the petitioner or developer, as a condition of approval of the final short subdivision, to install or construct certain improvements on existing rights-of-way abutting the short subdivision which are deemed necessary to control and expedite the movement of bicycles, automobiles, buses, and other vehicular and/or pedestrian traffic which would be generated by the development of the short subdivision.
8. In lieu of the construction of the required public and private improvements before approval of the final short plat by the Director, the property owner shall post a performance bond, or cash deposit in lieu thereof, with the Planning and Development Services Department in an amount not less than the City Engineer's estimate of the cost of the required improvements, and provide security satisfactory to the Planning and Development Services Department, guaranteeing that the required improvements shall be completed in accordance with the requirements of the City of Tacoma and within the specified period of time. The cash deposit, bond, or other security, as hereinabove required, may also secure the successful operation of required improvements for a two-year period after final approval.

All required improvements shall be completed by the property owner or his/her designee within one year from the date of the approval of the final short plat by the Director unless waived by the department, or departments, requiring such improvements. If said required improvements are not completed in the specified time, or the required improvements do not operate successfully for two years after completion, the City may use the applicable bonds or other security, or any portion thereof, to complete the same, correct any deficiencies in, or make any repairs to, constructed improvements which fail to successfully operate for two years after completion and final approval. After approval of the final short plat by the Director and recording by the County Auditor of Pierce County, the property owner may petition for, and have established by the City Council, a local improvement district in accordance with the state statutes and ordinances of the City of Tacoma to cover the cost of all required improvements not previously constructed. The Planning and Development Services Department and/or the Public Utilities Department may authorize cancellation of the previously posted performance bond or security, or a portion thereof, for installation of the required improvements after final establishment of a local improvement district by the City Council and the execution of a contract therefore.

9. A house numbering system.

10. Sidewalks shall be required along all lot frontages within a short subdivision as a condition of the building permit for the development of each lot within a short subdivision. The required sidewalk(s) along lot frontage(s) shall be constructed prior to the final inspection for any structure constructed upon such lot as provided for in Ordinance No. 19486 of the City of Tacoma or, in lieu of actual construction of required sidewalks, a performance bond or cash deposit shall be posted with the Planning and Development Services Department ensuring that sidewalks will be constructed within a period of one year.

If required as a condition of the preliminary short subdivision, sidewalks abutting private, common, or public open spaces within a short subdivision shall be constructed in conjunction with the construction of the streets within the subdivision and, in lieu of actual construction, surety guaranteeing their installation shall be provided in accordance with the provisions contained in paragraph 8 of this subsection.

L. Approval of Final Short Plat.

Approval of the short plat drawing shall be indicated by the signatures of the City Engineer and the Director of the Planning and Development Services Department on the original reproducible final short plat.

The approval of the final short plat by the Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such short plat has been recorded by the Pierce County Auditor.

Approval of the final short plat by the Director shall be null and void if the short plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the Director for an extension of time is made and granted.

M. Issuance of Building Permits.

The issuance of a building permit or other development permit for the development of a short subdivision may be delayed or issued contingent upon the subdivider's providing for adequate access, ~~storm drainage~~stormwater facilities systems, sewer systems and water supply systems, and electrical power supply systems. If required improvements are not properly installed prior to the issuance of a building permit or other development permit, surety may be required in accordance with Section 13.04.100.J.8 of this chapter.

N. The development of any improvements associated with a short plat will not be permitted until after a short subdivision approval decision is final, the applicant has submitted the final short plat and the necessary construction and site development documents in compliance with the short subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final short plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.

O. Resubdivision.

Land within a short subdivision shall not be further divided in any manner for a period of five years from the date of filing of the short plat of said short subdivision with the Pierce County Auditor without the approval of a preliminary and final plat, except that when the short plat contains fewer than four parcels, the owner who filed the short plat may submit a revision within the five-year period to create up to a total of four lots within the original short plat boundary.

13.04.100 Plat/subdivision procedures.

A. Application.

Applications for preliminary plat approval shall be submitted to Planning and Development Services on forms provided by the City. The application shall be considered complete when the following information is received by Planning and Development Services:

1. A completed application form including the following information: name(s), mailing address(es), and phone number(s) of applicant(s) and owner(s); legal description of property; assessor's parcel number; general location of property; current use of property; proposed improvement; signature of applicant(s); and date signed.
2. An environmental checklist or draft environmental impact statement.
3. A free-consent statement signed by all owners of the property.
4. A current (within 90 days) title report or plat certificate.
5. A filing fee as set forth in Chapter 2.09.
6. A City-approved plat layout drawing containing the following information:
 - a. The bearings and distances on the exterior boundary with ties to at least two known monuments on the City of Tacoma horizontal grid system. The plan shall be to scale, have a north arrow, and display the date of preparation.
 - b. The legal description of the existing lot, tract, or parcel and the legal description of all proposed lots, tracts or parcels.
 - c. The plat shall show existing and proposed contours at intervals of five feet or less, sufficient to show drainage patterns.
 - d. The names of all adjacent subdivisions and owners of adjoining parcels.
 - e. All the zoning districts as set forth in the Tacoma zoning ordinances.
 - f. The location of all existing and platted streets, pedestrian ways, bike routes, recorded easements, rights-of-way, and section lines within and adjacent to the subdivision.
 - g. All public and private open space to be preserved within the subdivision.
 - h. A table showing the plat area, number of lots and minimum and average lot size shall be shown. The lot layout, numbers and lot dimensions shall also be shown on the final layout drawing.
 - i. The layout, dimensions, and area of all existing and proposed parcels and tracts.
 - j. The lot layout, lot numbers, and lot dimensions, and average lot width.
 - k. The locations of existing stormwater systems and sanitary sewers, water mains and electric conduits or overhead power lines to be used to serve the property shall be shown at points of proposed connection.
 - l. The preliminary locations of proposed stormwater facilities and BMPs municipal and private stormwater systems required to serve each lot as well as any shared private stormwater BMPs systems that shall serve the development plat/subdivision;
 - m. All existing buildings and required setbacks for each lot shall be shown.
 - n. The mylar shall be stamped by a Professional Land Surveyor or Professional Civil Engineer licensed in the State of Washington.
7. A transit access checklist, including a table showing the location and walking distance in feet to the nearest bus stop(s), the routes served by that stop, and the potential transit patronage calculated

according to a formula and generation rates shown on the checklist, unless this information has already been provided in the checklist submitted pursuant to the State Environmental Policy Act (SEPA).

8. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, transportation impact studies, and wastewater capacity analysis.

B. Process.

Upon submittal of a complete preliminary plat application, Planning and Development Services shall transmit at least one copy of the plat for review and comment to departments and agencies as determined by Planning and Development Services.

Preliminary plat applications for plats that are adjacent to a transit street or within 1,000 feet of a bus stop shall be forwarded to Pierce Transit for review and comment.

Planning and Development Services shall assemble the agency comments and prepare a written preliminary report to the Hearing Examiner. The report shall be transmitted to the Examiner and applicants a minimum of seven days prior to the date of the public hearing on the application. The report shall contain an analysis of the applicable criteria for the approval of preliminary plats, agency comments, an environmental determination and requested conditions of approval.

At the time of submission of application for final plat the applicant shall request creation of any required new address(es).

C. Stormwater Vesting

1. Projects are considered to be vested to the current Stormwater Management Manual when:

- a. All relevant plans, specifications, and supporting documents necessary to meet the design requirements of the SWMM for the proposed project have been received by the City for review. This may include, but is not limited to, Civil Plans and Stormwater Site Plan including all necessary appendices.
- b. The City of Tacoma has deemed the permit application complete.

2. Vesting for compliance with the Stormwater Management Manual is limited to timeframes specified in the most recent City of Tacoma Phase I Municipal Stormwater Permit.

D. Notification.

Notices for any public hearing required by this chapter shall be given in accordance with provisions of Chapter 13.05. In the event that a preliminary plat of proposed subdivision with the City of Tacoma joins the municipal boundaries thereof, a notice of filing shall be given to the appropriate county or city officials and, in the event that a preliminary plat of a proposed subdivision within the City of Tacoma is adjacent to the right-of-way of a state highway, a notice of filing shall be given to the Washington State Department of Transportation.

Mailed notices required by these regulations shall give the time, date, and place of the hearing; a legal description of the property to be platted; and a location description in non-legal language.

D. Hearing Examiner or Director Review of Preliminary Plat.

The Hearing Examiner or Director shall review the proposed preliminary plat. The preliminary plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare, and for open spaces; stormwater management; streets or roads; alleys; other public ways; bicycle circulation; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features which assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting [and dedication](#) of such subdivision and dedication as set forth by the Comprehensive Plan and other Adopted City Ordinances, manuals, design specifications, plans, goals, policies, and guidelines.

The Hearing Examiner or Director shall consider the proposed preliminary plat and shall issue a decision. An appeal taken within 14 days of the Director's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code.

Approval of the preliminary plat is a tentative approval and does not constitute final acceptance of the plat. Approval of the preliminary plat, however, shall be assurance to the subdivider that the final plat will be approved; provided, that:

- a. The final plat substantially conforms to the approved preliminary plat.
- b. All requirements specified for the final plat are fully complied with.

A decision on the preliminary plat shall be made by the Hearing Examiner or Director within 90 days from the date of filing with the City Clerk, unless the applicant consents to the extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

A final plat meeting all requirements of this section shall be submitted to the Director within the following timelines: If the preliminary plat was approved on or before December 7, 2007, the final plat must be submitted within nine years of the preliminary plat approval. If the preliminary plat was approved after December 7, 2007 but on or before December 31, 2014, the final plat must be submitted within seven years of the preliminary plat approval. A preliminary plat approved after January 1, 2015 must be submitted for final plat within five years of the preliminary plat approval.

E. Final Plat Approval.

The final plat for the subdivision shall be submitted to Planning and Development Services and shall be an accurate plat for official record, surveyed and prepared by, or under the supervision of, a [registered Washington State Licensed Land and Surveyor](#) who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines, in section 13.04.120. When the final plat is submitted to Planning and Development Services for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on the plat, is in the name of the owner(s) signing the certificate of the plat. The final plat will be reviewed by the City Engineer and by representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

Planning and Development Services shall prepare a report summarizing the findings and recommendations of the reviewing departments and agencies and shall file said report and request with the Director. The Director or designee shall review the final plat. The Director's review shall be limited to ensuring that the final plat conforms to all requirements of this chapter and that all required improvements have been constructed or bonded. The Director shall issue a report approving or denying the final plat and shall transmit a copy of the report to the applicant and parties of record. The Director's

decision shall be forwarded, by resolution, to the City Council for approval, unless the decision is appealed to the Hearing Examiner within 14 days of the date of the Director's decision.

An applicant may develop a plat in two or more phases. If phasing is to be used in the development, it is recommended that an applicant identify the proposed phasing plan at the time of preliminary plat approval so that appropriate conditions for each phase can be developed. When an applicant requests final plat approval for a specific phase of a plat subsequent to approval of the preliminary plat, the Director shall determine, after consultations with affected departments and agencies, the conditions of approval necessary to support that phase of the development. Each phase of a plat must receive final plat approval within the time period identified in Section 13.04.100.E.

F. Contents of Final Plat.

The final plat shall be drawn to a scale of 100 feet or less, but, preferably, 100 feet to the inch, and shall show:

1. Name of subdivision.
2. Name and address of the subdivider.
3. North point, scale, and date.
4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets and ways intersecting the boundary of the tract.
5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
6. Streets, alleys, and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the subdivision.
7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.
11. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions and their boundaries, as applicable.
14. Certification by a ~~registered~~ Washington State Licensed Land Surveyor to the effect that the plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.100.G. of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the plat and as required by the City of Tacoma.
17. All private easements (new or existing).

18. All critical areas requiring delineation in accordance with Chapter 13.11.

19. All building setback lines.

20. Common facilities and open spaces shall be located in separate, individual tracts unless otherwise approved by the Hearing Examiner, and shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.

21. Conditions of Approval

G. Monuments to be Placed Prior to Submission of Final Plat.

Prior to the time the final plat shall be submitted to the Director, monuments shall be placed at angle points along the perimeter of the subdivision at intervals designated by the City Engineer; and monuments shall also be placed at all intersections of centerlines of streets and at all locations where the centerlines of streets cross section lines or quarter section lines. Delayed monumentation of the interior of the plat may be desirable pending completion of street and utility improvements. In that case, satisfactory completion of monumentation shall be secured in the form of a cash deposit or by inclusion in the performance bond. This provision shall not be construed to apply to boundary monumentation and survey.

H. All final plats hereafter shall contain the following dedicatory language:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of owners), the owners of the land herein described, embraced in and covered by said plat, do hereby donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over the private property abutting upon said streets, alleys, and public places to construct and maintain all slopes, cuts, and fill occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets, alleys, and public places. Said owners, for themselves and their respective successors and assigns, waive all claims for damages to the property included in this plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma, and further certify and swear that said land is free from all taxes and assessments which have heretofore been levied and become chargeable against said property, and further certify and swear that there are no encumbrances existing upon any of the land upon which streets, alleys, and public places have been herein donated and dedicated to the public, except for the encumbrances that are the property of the following named person(s):

(Name of person(s))

If any of these persons named as having encumbrances are lienholders, then the dedication language must also include the following:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of lienholders), who have liens upon the land herein described, embraced in, and covered by said plat, do hereby, as to any of said property hereafter acquired, donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over said private property abutting upon said streets, alleys, and public places, to construct and maintain all slopes, cuts, and fills occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets and alleys. Said lienholders, for themselves and their respective successors and assigns, as to any of the property hereafter acquired, waive all claims for damages to the said property included in this plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma.

I. Conditions of Approval of the Final Plat.

Before approval of the final plat of a subdivision, the Director will require:

1. That all street grading and grading along street lines, including sidewalk areas and bus stop areas, be approved by the City Engineer to ensure proper transition from street grade to adjacent property.
2. Surfacing of all roadways, bike routes, and pedestrian ways with an all-weather surface approved by the City Engineer; this shall include the construction of curbs and gutters of Portland cement concrete in accordance with the specifications of the City of Tacoma.
3. Installation of necessary facilities for the proper handling of ~~storm drainage~~ stormwater including identification and design of all private stormwater BMPs systems that are required for each individual lot as well as any shared public municipal or private stormwater BMPs systems that shall serve the platted development or ROW improvements related to the plat, as approved by the City Engineer.
4. Installation of necessary facilities for the disposal of sanitary wastes as approved by the City Engineer.
5. Installation of necessary water supply systems, including fire hydrants, as approved by the Department of Public Utilities.
6. Installation of the necessary electrical power facilities as approved by the Department of Public Utilities.
 - a. As a condition of the final plat, the Director shall require the petitioner or developer to install underground all public utility services such as electric, telephone, and CATV facilities, whether in streets, alleys, on public easements, or on private properties.
 - b. The Director may, however, if the facts and circumstances in respect to some particular development in a proposed plat so warrant, authorize a waiver or modification from the general requirement hereinabove set forth, but, in such cases, shall give the reasons and conditions therefore.
7. The Director may also require the petitioner or developer, as a condition of approval of the final plat, to install or construct certain improvements on existing rights-of-way abutting the plat which are deemed necessary to control and expedite the movement of bicycles, automobiles, buses, and other vehicular and/or pedestrian traffic which would be generated by the development of the subdivision.
8. In lieu of the construction of the required public and private improvements before approval of the final plat of a subdivision by the Director, the subdivider/property owner shall post a performance bond, or cash deposit in lieu thereof, with Planning and Development Services in an amount not less than the City Engineer's estimate of the cost of the required improvements, and provide security satisfactory to Planning and Development Services, guaranteeing that the required improvements shall be completed in accordance with the requirements of the City of Tacoma and within the specified period of time. The cash deposit, bond, or other security, as hereinabove required, may also secure the successful operation of required improvements for a two-year period after final approval.

All required improvements shall be completed by the subdivider/property owner or his/her designee within one year from the date of the approval of the final plat by the Director unless waived by the department, or departments, requiring such improvements. If said required improvements are not completed in the specified time, or the required improvements do not operate successfully for two years after completion, the City may use the applicable bonds or other security, or any portion thereof, to complete the same, correct any deficiencies in, or make any repairs to, constructed improvements which fail to successfully operate for two years after completion and final approval. After approval of the final plat by the Director and recording by the County Auditor of Pierce County, the subdivider may petition for, and have established by the City Council, a local improvement district in accordance with the state statutes and ordinances of the City of Tacoma to cover the cost of all required improvements not previously constructed. Planning and Development Services and/or the Public Utilities Department may authorize cancellation of the previously posted performance bond or security, or a portion thereof,

for installation of the required improvements after final establishment of a local improvement district by the City Council and the execution of a contract therefore.

9. A house numbering system.

10. Sidewalks shall be required along all lot frontages within a subdivision as a condition of the building permit for the development of each lot within a subdivision. The required sidewalk(s) along a lot frontage(s) shall be constructed prior to the final inspection for any structure constructed upon such lot as provided for in Ordinance No. 19486 of the City of Tacoma or, in lieu of actual construction of required sidewalks, a performance bond or cash deposit shall be posted with Planning and Development Services ensuring that said sidewalks shall be constructed within a period of one year.

If required as a condition of the preliminary plat, sidewalks abutting private, common, or public open spaces within a subdivision shall be constructed in conjunction with the construction of the streets within the subdivision and, in lieu of actual construction, surety guaranteeing their installation shall be provided in accordance with the provisions contained in paragraph 8 of this subsection.

J. Approval of Final Plat.

Approval of the final plat shall be indicated by the signatures of the City Engineer, the Director, the City Treasurer, the City Attorney, the Mayor, and the City Clerk on the original reproducible final plat.

The approval of the final plat by the Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such final plat has been recorded by the Pierce County Auditor.

Approval of the final plat by the Director shall be null and void if the plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the Director for an extension of time is made and granted.

K. The development of any improvements associated with a plat will not be permitted until after the approval of a subdivision decision is final, the applicant has submitted the final plat for recording and the necessary construction and site development documents in compliance with the subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.



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

Exhibit 6.d
to Planning Commission Findings
and Recommendations

Minor Plan and Code Amendments – Land Use Table Reorganization

(Planning Commission Recommended, May 17, 2023)

Current Land Use Table Organization (Alphabetical)

Uses
Adult family home
Adult retail and entertainment
Agricultural uses
Airport
Ambulance services
Animal sales and service
Assembly facility
Brewpub
Building materials and services
Business support services
Carnival
Cemetery/internment services
Chemical manufacturing, processing and wholesale distribution
Cleaner Fuel Infrastructure
Coal facilities
Commercial parking facility
Commercial recreation and entertainment
Communication facility
Confidential shelter
Continuing care retirement community
Correctional facility
Craft Production
Cultural institution
Day care, family
Day care center
Detention facility
Detoxification center
Drive-through with any use
Dwelling, single-family detached
Dwelling, two-family
Dwelling, three-family
Dwelling, multiple-family
Dwelling, townhouse

Uses
Dwelling, accessory (ADU)
Eating and drinking
Emergency and transitional housing
Extended care facility
Foster home
Fueling station
Funeral home
Golf course
Group housing
Heliport
Home occupation
Hospital
Hotel/motel
Industry, heavy
Industry, light
Intermediate care facility
Juvenile community facility
Live/Work
Marijuana processor, producer, and researcher
Marijuana retailer
Microbrewery/winery
Mining and quarrying
Mobile home/trailer court
Nursery
Office
Parks, recreation and open space
Passenger terminal
Personal services
Petroleum Fuel Facility
Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19)
Public service facilities
Religious assembly



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TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit 6.d
to Planning Commission Findings
and Recommendations

Uses
Repair services
Research and development industry
Residential care facility for youth
Residential chemical dependency treatment facility
Retail
Retirement home
School, public or private
Seasonal sales
Self-storage
Short-term rental (1-2 guest rooms)
Short-term rental (3-9 guest rooms)
Short-term rental (entire dwelling)
Smelting
Staffed residential home
Student housing
Temporary uses
Theater
Transportation/freight terminal
Urban Horticulture
Utilities
Vehicle rental and sales
Vehicle service and repair
Vehicle service and repair, industrial
Vehicle storage
Warehouse, storage
Wholesale or distribution
Wireless communication facility
Work/Live
Work release center
Uses not prohibited by City Charter and not prohibited herein



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

Proposed Land Use Table Organization
(Organized by Use Categories)

Uses	
Agriculture and Natural Resources	
	Agricultural uses
	Mining and quarrying
	Urban horticulture
Residential Uses	
Dwelling Types	
	Dwelling, accessory (ADU)
	Dwelling, single-family detached
	Dwelling, two-family
	Dwelling, three-family
	Dwelling, multiple-family
	Dwelling, townhouse
Other Residential	
	Adult family home
	Day care, family
	Foster home
	Group housing
	Home occupation
	Live/Work



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	Mobile home/trailer court
	Short-term rental

	Staffed residential home
	Student housing
	Retirement home
Medical and Health Services	
	Continuing care retirement community
	Detoxification center
	Hospital
	Intermediate care facility
	Residential care facility for youth
	Residential chemical dependency treatment facility
Community and Civic Facilities	
	Assembly facility



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TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit 6.d
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Cemetery/ Internment services	
Confidential shelter	
Correctional facility	
Cultural institution	
Detention facility*	
Juvenile community facility	
Parks, recreation and open space	
Public service facilities	
Religious assembly	
School, public or private	
Work release center	
Commercial Uses	
Craft Production	
Hotel/Motel	
Office ¹	
Work/Live	
Eating and Drinking Establishments	
	Brewpub
	Eating and drinking
	Microbrewery/ winery



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TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit 6.d
to Planning Commission Findings
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Entertainment and Recreation	
	Adult retail and entertainment
	Carnival
	Commercial recreation and entertainment
	Golf Courses
	Theater
Retail	
	Marijuana retailer
	Nursery
Services	
	Ambulance services
	Animal sales and service
	Building material and services
	Business support services
	Day care center
	Funeral home
	Personal services
	Repair services
Storage Uses	
	Warehouse/ storage
	Wholesale or distribution
	Self-storage



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TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit 6.d
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Vehicle Related Uses	
	Drivethrough with any permitted use
	Vehicle rental and sales
	Vehicle service and repair
	Vehicle storage
Industrial	
Industry, heavy	
	Coal facility
	Chemical manufacturing, processing and wholesale distribution
	Cleaner Fuel Infrastructure
	Petroleum Fuel Facility
	Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19)
	Smelting
Industry, light	
	Vehicle service and repair, industrial
	Research and development industry
	Marijuana processor, producer, and researcher
Utilities, Transportation and Communication Facilities	
Airport	
Communication facility	
Heliport	



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TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit 6.d
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and Recommendations

Passenger terminal
Transportation/ freight terminal
Utilities
Wireless communication facility
Accessory and Temporary Uses
Seasonal sales
Temporary uses
Unlisted Uses
Uses not prohibited by City Charter and not prohibited herein