



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, December 6, 2017, 4:00 p.m.

LOCATION: Room 16, Tacoma Municipal Building North, 1st Floor
733 Market Street, Tacoma, WA 98402

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes of November 1, 2017

C. Public Comments

(Comments on discussion items may be accepted, and the time for each speaker fixed accordingly, at the discretion of the Chair.)

D. Discussion Items

1. Correctional Facilities Interim/Permanent Regulations

Continue to review the draft permanent regulations and consider releasing the proposal for public review and setting a public hearing date.

(See "Agenda Item D-1"; Ian Munce, 253-573-2478, imunce@cityoftacoma.org)

2. Emergency Temporary Shelters Interim/Permanent Regulations

Begin the process to develop draft permanent regulations.

(See "Agenda Item D-2"; Lauren Flemister, 253-591-5660, lflemister@cityoftacoma.org)

3. 2018 Amendment Application #2018-01: Car Wash Rezone

Review the revised scope of work for the private application that seeks to rezone the properties near 6th Avenue and S. Howard Street from NCX to UCX to allow for car washing facilities.

(See "Agenda Item D-3"; Lihuang Wung, 253-591-5682, lwung@cityoftacoma.org)

4. 2018 Amendment Application #2018-03: S. 80th Street Rezone (PDB)

Review staff analysis on the private application that seeks rezone and land use designation changes for the property near S. 80th and Pine streets.

(See "Agenda Item D-4"; Lauren Flemister, 253-905-4146, lflemister@cityoftacoma.org)

5. 2018 Amendment Application #2018-10: Open Space Corridors

Review staff analysis on the public application that seeks to protect the important functions of the City's open space corridors while continuing to accommodate reasonable use of private property.

(See "Agenda Item D-5"; Elliott Barnett, 253-591-5389, elliott.barnett@cityoftacoma.org)

6. Planning Commission Year-End Retreat

Review the status of the 2017-2018 Planning Work Program; consider amendments to the Commission's By-laws; and discuss issues of interest concerning the Commission's operations.

(See "Agenda Item D-6"; Lihuang Wung, 253-591-5682, lwung@cityoftacoma.org)

(Continued on the back)



E. Communication Items & Other Business

- (1) The Planning Commission's meeting on December 20, 2017 may be canceled, subject to approval.
- (2) The next Planning Commission meeting is scheduled for Wednesday, January 3, 2018, at 4:00 p.m. (starting time subject to change), in Room 16; tentative agenda (subject to change) includes: 2018 Amendment Applications; Emergency Temporary Shelters Interim/Permanent Regulations; and Public Hearing on Proposed Correctional Facilities Permanent Regulations.
- (3) The next Infrastructure, Planning and Sustainability Committee meeting is scheduled for Wednesday, December 13, 2017, at 4:30 p.m., in Room 16; tentative agenda (subject to change) includes: Landmarks Preservation Commission Interviews; and Revolving Loan for Historic Buildings Pilot Program.

F. Adjournment



MINUTES (Draft)

TIME: Wednesday, November 1, 2017, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Brett Santhuff, Jeremy Woolley,
Andrew Strobel, Carolyn Edmonds
ABSENT: Jeff McInnis, Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 4:08 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF OCTOBER 18, 2017

The agenda was approved. The minutes of the regular meeting on October 18, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

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

- 1) Joan Mell:
Ms. Mell reported that GEO Group respectfully opposed adoption of permanent regulations associated with Ordinance No. 28429 pertaining to correctional facilities. She commented that the emphasis on capping the facility based on the number of individuals detained there directly involved federal immigration policy and was not something that a local jurisdiction could engage in. She commented that concepts like undue burden on the community might not be appropriate when dealing with a regionally sited facility. She commented that GEO Group was responsive to the interests of advocates and wanted to add services and availability to better meet the needs of those detained there.

D. DISCUSSION ITEMS

1. Correctional Facilities Interim/Permanent Regulations

Ian Munce, Planning Services Division, facilitated the Planning Commission's discussion on proposed permanent regulations associated with the correctional facilities interim regulations as enacted by the City Council on March 7, 2017, per Ordinance No. 28417 and subsequently retained and modified on May 9, 2017, per Ordinance No. 28429. He reviewed that the correctional facility on the Tideflats was currently a permitted use and that the proposal was to make the facility a conditional use, which would provide an opportunity for public comments, for the City to conduct detailed review, and for conditions to be added. He noted that essential public facilities could be conditioned uses. Mr. Munce reported that was allowed as part of the interim Tideflats regulations was not part of this discussion and would be handled separately.

Commissioners provided the following questions and comments:

- Chair Wamback asked that as they go forward, staff do what they can to help prevent the situation in April when the Commission was unable to reach a consensus in making a recommendation to the Council concerning Ordinance No. 28417.

- Commissioner Edmonds asked what kind of response they had received regarding the interim regulations since they had been in place. Mr. Munce responded that the comments provided in the meeting packet were all that he had seen.
- Commissioner Edmonds asked how similar jurisdictions had handled the issue. Mr. Munce responded that other cities routinely made complex uses a conditional use, so it was consistent with the general approach of other jurisdictions in Washington State.
- Commissioner Santhuff asked for the background on public notice distance and conditional use criteria concepts. Mr. Munce reviewed that the City had started doing notifications from the boundary of the Port Maritime/Industrial Center and that if they went down the conditional use path they could add specific criteria.
- Vice- Chair Petersen asked if the concept of the community being unduly burdened would include the need for a disaster response plan. Mr. Munce responded that they could have criteria for the conditional use permit (CUP) that addressed the issue.
- Commissioner Strobel asked why public and private zonings were being treated differently in the use table. Chair Wamback noted that the distinction had gone away as the City Council had ultimately chosen not to go with a bifurcated approach.
- Chair Wamback requested that staff create a chart to review how the ordinance had evolved.

2. Transportation Master Plan Proposed Amendments

Jennifer Kammerzell, Public Works, provided a presentation on the proposed amendments to the Transportation Element of the One Tacoma Comprehensive Plan for consideration during the 2017-2018 Amendment cycle. She reviewed that the Transportation Master Plan (TMP) addressed transportation systems, how well they are functioning, and what needs would be necessary over the next 25 years. Ms. Kammerzell reported that multiple plans and efforts had been undertaken that could complement the adopted plan including the Environmental Action Plan, Safe Routes to Schools Implementation Plan, and Pedestrian Safety Project.

Ms. Kammerzell reported that the TMP included performance measures for multiple topical areas and that the Infrastructure, Planning, and Sustainability Committee had asked staff to provide performance goals for each. For the multimodal system topic, staff had proposed to make mode split a target consistent with regional goals and long range plans; to increase commute trip reduction employer participation; to keep the bike friendly status goal; and to attain the Walk Friendly Communities status. For Equity, the targets included completing TMP projects in areas with greater minority presence and greater poverty and completing TMP projects in Tier 1. For the Safety topic, targets focused on reduction of crashes. For Physical Activity and Air Quality, targets included increasing miles of bicycle infrastructure, increasing miles of missing link sidewalks, and decreasing fossil fuel consumption. For System Preservation, targets were to increase the overall pavement condition index and increase the number of replaced and maintained streetlights. For Financial Stewardship, the target was to improve how well they were leveraging City funds against grant dollars, private partnerships, and utility partnerships. For Congestion, the target was to get the most out of their network of signals by increasing signal timing performance.

Proposed amendments for Modal Priority Networks were discussed. Ms. Kammerzell reviewed that Modal Priority Networks were the maps that outline bike, transit, freight, auto, and pedestrian priority. She reported that they had 12 proposed projects which were generated as result of complaints, concerns, or trends. A map showing the locations of the projects was reviewed. Ms. Kammerzell discussed two example projects from the proposed list.

Chair Wamback recessed the meeting at 4:58 p.m. The meeting resumed at 5:03 p.m. for the Capital Facilities Program public hearing. Following the public hearing, the discussion of the Transportation Master Plan proposed amendments resumed at 5:08 p.m.

Proposed Amendments for TMP Appendices were discussed. For Appendix C, Mobility Master Plan Updates, amendments included changing the title of the appendix to “Bicycle Implementation Strategies”, strengthening the definition of Bicycle Boulevards, and maintaining existing bicycle content. For Appendix D, amendments included changing the title of the appendix to “Pedestrian Implementation Strategy”,

maintaining existing pedestrian content, and moving the Pedestrian Implementation Strategies from Appendix C. The goals and policies would remain unchanged.

Commissioners provided the following questions and comments:

- Commissioner Strobel asked if the 12 listed Modal Priority Network projects would go through the categorization criteria to be ranked. Ms. Kammerzell confirmed that they would.
- Commissioner Strobel asked if the safety elements would be retained within the pedestrian projects or if there would be a separate appendix in the future. Ms. Kammerzell responded that safety would play a large role in the pedestrian component and might have its own appendices eventually.
- Commissioner Edmonds asked if review dates for the goals were built into the plan. Ms. Kammerzell responded that they were not, though they reviewed the goals every two years.
- Commissioner Edmonds, noting the target to decrease use of fossil fuels, asked if there had been any discussion of incentives to encourage people to buy fuel efficient vehicles. Ms. Kammerzell responded that they hadn't discussed incentives for the types of vehicles purchased but had discussed targets for City fleet vehicles and providing a network with alternatives to driving a car.
- Chair Wamback commented that for the target to increase the number of employers participating in the Commute Trip Reduction program, it would be useful to have a measure of the total number of employers that could potentially participate.
- Chair Wamback commented that he was disappointed that their goal to increase the pavement condition from marginal to good would take 23 years, suggesting that he would like a more aggressive timeline and a goal better than good for the condition. He suggested that he would be interested in a measure that prioritizes getting a higher level of pavement condition on streets that have a high level of bicycle traffic.

Concerning the next steps, Lihuang Wung, Planning Services Division, suggested that staff would revise the proposed TMP Amendment packet, incorporating the Commission's comments, and bring it back in February 2018 along with other applications of the 2017-2018 Amendment Package, and the Commission would review the Package and consider releasing it for public review in preparation for the public hearing tentatively scheduled for March 2018. The Commission concurred.

3. Public Hearing – Capital Facilities Program (CFP) Amendment

At 5:03 p.m., Chair Wamback called the public hearing to order and reviewed the procedures, noting that the comment period for written comments had already closed.

Christina Curran, Office of Management and Budget, reviewed that the purpose of the proposed amendment was to update the 2017-2022 Capital Facilities Program to add a new project, the Neighborhood and Community Services Readiness Site, to the program's Community Development section. The project would develop short term transitional housing options and support phase 3 of the City's Emergency Aid and Shelter Plan addressing the state of public health emergency regarding homelessness declared by the City Council on May 9, 2017, per Ordinance No. 28430.

Chair Wamback called for testimony. No citizens came forward to testify and the public testimony portion of the hearing was closed.

Recognizing the urgent need for the City Council to adopt the proposed amendment to the 2017-2022 Capital Facilities Program, the Commission proceeded to consider making a recommendation to the City Council. Vice-Chair Petersen motioned to forward the amendment to the City Council. Commissioner Woolley seconded. The motion was approved unanimously.

Following the public hearing, the meeting returned to discussion of the Transportation Master Plan proposed amendments.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Brian Boudet, Planning Services Division Manager, provided the following updates:

- At the City Council public hearing for the marijuana use buffer code amendment there had been three comments supporting the amendment.
- Tideflats Interim Regulations would be discussed at the Council study session on November 7.
- The City Council public hearing on Billboards would be held on November 14.
- The City Council public hearing and Study Session for the Tacoma Mall Neighborhood Subarea Plan would be on November 21.
- The Infrastructure, Planning, and Sustainability Committee would be conducting interviews with applicants for the vacant Planning Commission's District 5 position on November 8.
- The December 20 meeting of Planning Commission was proposed for cancellation, with the retreat suggested for December 6th instead.

Mr. Wung provided the following updates:

- At the November 15 Planning Commission meeting there would be students from the University of Washington recording video of meeting for livable city year project.

F. ADJOURNMENT

At 5:39 p.m., the meeting of the Planning Commission was concluded.



To: Planning Commission
From: Ian Munce, Special Assistant to the Director
Subject: **Correctional Facilities Interim/Permanent Regulations**
Meeting Date: December 6, 2017
Memo Date: November 28, 2017

At the next meeting on December 6, 2017, the Planning Commission will continue its discussion on the Correctional Facilities Interim Regulations. The Commission will consider releasing a proposed version of permanent regulations for public review and setting a public hearing on, tentatively, January 3, 2018. The development regulation timeline to date is summarized below:

March 7, 2017	City Council enacted interim regulations, effective for 6 months (expiring on September 6, 2017) (Ordinance No. 28417)
April 21, 2017	Planning Commission forwarded a report without a recommendation to the City Council (Attachment "A")
April 25, 2017	City Council conducted a public hearing
May 9, 2017	City Council modified interim regulations and extended the duration to 12 months (expiring on March 6, 2018) (Ordinance No. 28429)

In response to the Commission's request made at the last meeting on November 1, 2017, staff has compiled a summary (as attached) of the key actions taken by the City Council in their emergency interim regulations (Ordinance No. 28417) and the revisions made by City Council in their interim regulations (Ordinance No. 28429). In addition, the draft permanent code amendments, which reflect the modifications made in the two adopted interim ordinances, are also attached.

If you have any questions, please contact me at (253) 573-2478 or imunce@cityoftacoma.org.

Attachments

1. Summary of Previous Council Actions
2. Draft Permanent Code Amendments

c. Peter Huffman, Director

**A Summary of the Key Actions taken by the City Council
in the Initial Interim Regulations (Ordinance No. 28417) and
in the Retained and Modified Interim Regulations (Ordinance No. 28429)**
(For Planning Commission's Review, December 6, 2017)

Pre-Interim Regulations

The "existing" conditions prior to the initial imposition of the interim regulations on March 7, 2017 are as follows:

- The use definition of "correctional facility" does not differentiate between public and private facilities
- Correctional facilities are permitted in industrial zoning districts, i.e., M-1, M-2 and PMI.
- Correctional facilities are permitted in R-4-L, R-4 and R-5 with a Conditional Use Permit.
- Correctional facilities are prohibited in all other residential zoning districts, in all mixed-use districts, as well as in T, C-1, C-2 and PDB districts.

Ordinance No. 28417

By adopting Ordinance No. 28417 on March 7, 2017, the City Council enacted emergency interim zoning regulations amending the [Tacoma Municipal Code](#), Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, as follows:

- Modify the use definition of "correctional facility" to clearly differentiate between public and private correctional facilities
- Prohibit the siting of private correctional facilities in all zoning districts
- Remove public correctional facilities as a permitted use in multi-family and light-industrial zoning districts (i.e. R-4L, R-4, R-5, and M-1)
- Modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (currently, M-2 Heavy Industrial and PMI Port Maritime & Industrial)

Ordinance No. 28429

By adopting Ordinance No. 28429 on May 9, 2017, the City Council retained and modified the interim zoning regulations, amending the [Tacoma Municipal Code](#), as follows:

- No longer differentiating between public and private correctional facilities
- No longer prohibiting the siting of private correctional facilities in all zoning districts,
- Continuing to remove public correctional facilities as a permitted use in multi-family and light-industrial zoning districts (i.e. R-4L, R-4, R-5, and M-1)
- Continuing to modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (M-2 Heavy Industrial and PMI Port Maritime & Industrial)
- Adding a 1000 foot public notice distance
- Adding a requirement for a pre-application community meeting
- Revising the definition of correctional facility



Correctional Facilities Permanent Regulations

DRAFT CODE AMENDMENTS

For Planning Commission's Review, December 6, 2017

Note: These amendments show all of the proposed changes to pre-existing Land Use regulations (as they existed prior to the interim 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~~.

These draft code amendments include modifications to the following sections of TMC Title 13 – Land Use Regulatory Code:

Chapter 13.05 – Land Use Procedures

13.05.020 – Notice Process

Chapter 13.06 – Zoning

13.06.100 – Residential Districts

13.06.400 – Industrial Districts

13.06.640 – Conditional Use Permit

13.06.700 – Definitions and Illustrations

Chapter 13.05 – LAND USE PERMIT PROCEDURES

13.05.020 Notice process.

* * *

H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Pre-application Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
* * *									
Conditional use	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
<u>Conditional use, correctional facility (new or major modification)</u>	<u>Required</u>	<u>1,000 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>30 days²</u>	<u>Hearing Examiner</u>	<u>Yes</u>	<u>No</u>	<u>5 years</u>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years
* * *									

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- ¹ Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director’s decision and are not eligible for a one-year extension.
- ² Comment on land use permit proposal allowed from date of notice to hearing.
- ³ Must be recorded with the Pierce County Auditor within five years.
- ⁴ Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director’s decision.
- ⁵ If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- ⁶ Refer to Section 13.05.070 for preliminary plat expiration dates.
- ⁷ Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

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Chapter 13.06 – ZONING

13.06.100 Residential Districts.

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5. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.545.
Confidential Shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Correctional facility	N	N	N	N	N	CUN	CUN	CUN	Side yards shall be provided as specified in Section 13.06.602.
* * *									

13.06.200 Commercial Districts.

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5. District use table.

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
* * *						
Communication facility	N	N	P	N	P	
Confidential shelter	P	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	P	See Section 13.06.535.
Correctional facility	N	N	N	N	N	
* * *						

13.06.300 Mixed-Use Center Districts.

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)

Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. ²
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. ² Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. ²
Correctional facility	N	N	N	N	N	N	N	N	

13.06.400 Industrial Districts.

* * *

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
* * *				
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility	P N	P CU	P CU	<u>Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.080).</u> <u>A pre-application community meeting is also required (see Section 13.06.640.Q).</u>
* * *				

13.06.640 Conditional use permit.

A. Purpose. In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below.

* * *

D. Criteria. A conditional use permit shall be subject to the following criteria:

1. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.
2. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plan, and applicable ordinances of the City of Tacoma.
3. For proposals that affect properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the use shall be compatible and consistent with applicable historic preservation standards, and goals, objectives and guidelines of the historic or conservation districts. Proposed actions or alterations inconsistent with historic standards or guidelines as determined by the Landmarks Commission are a basis for denial.
4. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional property use:
 - a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.
 - b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
 - c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.
5. An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

* * *

Q. An application for a conditional use permit for correctional facilities shall be processed in accordance with the provisions of Chapter 13.05, except with the following additional requirement:

Pre-application community meeting. Prior to submitting an application to the City for a conditional use permit for a correctional facility, it is required that the applicant hold a public informational meeting with community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed development. The meeting should acquaint the neighbors of the proposed development with the applicant and/or developers and provide for an exchange of information about the proposal and the community, including the characteristics of the proposed development and of the surrounding area and any particular issues or concerns of which the applicant should be made aware. The applicant shall provide written notification of the meeting, at least 30 calendar days prior to the meeting date, to the appropriate neighborhood council pursuant to TMC 1.45 and neighborhood business district pursuant to TMC 1.47, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site.

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13.06.700 Definitions and illustrations.

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

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13.06.700.C

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Container, shipping/storage. A large, prefabricated box or container made of metal, wood, or similar material utilized for the shipping/storage and distribution of various products or commodities.

Continuing care retirement community. An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care. Due to the wide range of services provided, such facilities generally operate under multiple state-licensing programs.

Convalescent home. See “extended care facility.”

Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet.

Correctional facility. A publicly owned and operated facility or a privately owned facility operated under contract with a government agency for the incarceration or detention of persons under federal, state or local warrant, awaiting trial on federal, state or local felony or misdemeanor charges, convicted of federal, state or local charges, but not yet sentenced, or serving a federal, state or local sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities.

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City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Lauren Flemister, Senior Planner
Subject: **Temporary Shelters Permanent Regulations**
Meeting Date: December 6, 2017
Memo Date: November 28, 2017

At the next meeting on December 6, 2017, the Planning Commission will be briefed on the modified Temporary Shelters Interim Regulations adopted by the City Council on October 17th and begin discussion on the permanent regulations to be enacted prior to the interim regulations' expiration on April 18, 2018. A timeline outlining some of the history of this project and the process to date is below:

May 9	Homelessness State of Emergency declared (<i>Ordinance No. 28430</i>)
June 6	Emergency Temporary Shelters Interim Regulations enacted (<i>Ordinance No. 28432</i>)
June 21	Planning Commission reviewed the interim regulations and proposed schedule
July 19	Planning Commission approved its Findings of Fact and Recommendations Report
July 25	City Council Public Hearing
August 16	Planning Commission reviewed the scope of work, schedule, and public outreach strategy for the proposed permanent regulations.
October 10	City Council Public Hearing on modified Interim Regulations
October 17	Modified Temporary Shelter Interim Regulations enacted (<i>Ordinance No. 28460</i>)

The Commission will review changes to the initial interim regulations that were incorporated by the Council in the modified interim regulations, as well as new issue areas brought up by potential providers, concerned citizens, and elected officials. Staff will also discuss the schedule and outreach strategy as we move forward with consideration of the permanent regulations.

If you have any questions, please contact me at (253) 905-4146 or lflemister@cityoftacoma.org.

Attachments:

1. Discussion Outline
2. Ordinance No. 28460 – Modified Emergency Temporary Shelters Interim Regulations
3. Planning Commission's previous Findings and Recommendations Package (from July 19th), which includes the two earlier ordinances and the original work plan/schedule

c. Peter Huffman, Director

Temporary Shelters Permanent Regulations

Discussion Outline

December 6, 2017

Objectives

- Create temporary shelter permanent regulations prior to the expiration of interim regulations on April 16, 2018.
- Create permanent regulations for temporary shelters that are responsive to the needs of various homeless populations and concerns faith-based and non-profit providers resulting in enhanced safe, healthy shelter space.

Summary

While all provisions of the ordinance will be reviewed, staff recommends retaining many of the interim regulation changes. Additional areas of study that will impact the scope of review are based on information from faith-based organizations, concerned citizens, and councilmembers, and are outlined below:

- Potentially allowing temporary shelters that are compliant, successful, and integrated into community to continue beyond the timelines currently outlined in the municipal code
- Potentially creating a provision to allow for safe parking, which would allow for individuals and families to sleep in a secured parking area overnight
- Potentially reviewing facility and service provision to reduce barriers and clarify level of provision based on sheltering scheme
- Potentially expanding the notification radius
- Potentially creating and standardizing definitions throughout code (including temporary shelters, police sectors, safe parking, etc.)

Area of Applicability

City-wide. Up to six shelters may be located throughout the city. The first four must be distributed in one of each of the four police sector areas; an additional two are eligible to be placed, in different sectors, once four have been placed (one in each sector).

Background

On May 2, 2017, the City Council adopted Resolution No. 39716, directing the City Manager to prepare an Emergency Temporary Aid and Shelter Program and an ordinance declaring a state of emergency, in response to the current homelessness crisis.

On May 9, 2017, the City Council adopted Ordinance No. 28430, declaring a State of Public Health Emergency, effective through October 9, 2017. On that same date, the City Manager developed the 3-phase Emergency Aid and Sheltering Program and immediately began the implementation of the program.

On June 6, 2017, the City Council adopted Ordinance No. 28432, enacting interim zoning and land use controls as an emergency measure, effective through November 14, 2017, to permit the City to site temporary emergency shelters in response to the declared public emergency. The modified regulations, adopted by Council on October 17, 2017, enable the continued operation of the current stability site, as well as to allow faith-based organizations and non-profits to host temporary homeless camps, as substantially outlined in the Tacoma Municipal Code, Section 13.06.635.B.4. The interim regulations are effective through April 16, 2018.

The primary modifications to the temporary shelters regulations are summarized below:

A. Number of Residents

Proposed Modifications: Number of residents per camp shall be dictated by organization running the camp and population being served. Maintaining the number of residents per camp at the 100 person limit during the period of the interim regulations. Planning and Development Services staff should work under the guidance of Neighborhood and Community Services staff to develop appropriate numeric thresholds for camps based on targeted population, capacity of provider, site conditions, and access to facilities and services.

B. Indoor Sheltering

Proposed Modifications: In response to the desire for maximum flexibility in how individuals are sheltered as expressed by Neighborhood and Community Services staff and faith-based organizations, allow indoor sheltering at the request of an applicant and ensure that the building are sprinklered and meet all other required life safety regulations.

C. Site Area and Number of People per Area

Proposed Modifications: During the period of the interim regulations, review site requirements to ensure total site area and number of people per defined square footage matches the site provision of various entities interested and capable of hosting a camp, and consider appropriate changes during the development of the permanent regulations.

D. Maximum Duration of Camp

Proposed Modifications: Current regulations allow for 93 consecutive days with a 40 day extension. Based on best practices and needs of potential providers, extend the duration to 185 consecutive days with an inclement weather season provision to allow camp extensions during harsh winter weather.

E. Recurrence of Camp at a Specific Site

Proposed Modifications: Current regulations prevent a provider from hosting a camp within two (2) years of the start date of the previous camp hosted on the same site. This recurrence period should be shortened to six (6) months between end and start date of a camp hosting period.

F. Number of Camps Allowed in the City of Tacoma

Proposed Modifications: Current regulations allow only two (2) camps to be concurrently hosted within the City. Additionally, a maximum of two (2) camps should be allowed in any single Police Sector at any given time and a minimum of one-mile must separate each temporary shelter site. Prior to approving a request for a second temporary shelter location within a sector, all other sectors should have a temporary shelter location. As part of process for approving a second location within a sector, the City shall determine whether there are adequate City services to support the second location in a sector.

G. Site Requirements

Proposed Modifications: During the period of the interim regulations, the site requirements should be reviewed and appropriate measures should be established during the development of the permanent regulations with the intent to remove unnecessary barriers for potential providers.

H. Age of Camp Inhabitants

Proposed Modifications: In order to properly consider the needs of families in need of assistance, the minimum age requirement, which is currently set at 18 years of age, should be reviewed and appropriate adjustments made. During the period of interim regulations, unaccompanied minors will not be accepted, but those aged under 18 accompanied by a guardian will be allowed access to faith-based organization and non-profit run temporary homeless camps.

I. Facility and Service Provision

Proposed Modifications: While the number of hygiene and sanitation facilities provided may change in permanent regulations, it shall remain the same during the period of the interim regulations, with the exception of allowing indoor facilities to be used. Indoor facility numbers will be in keeping with fixture counts compliant with building regulations. Staff shall review facility and service provision provided on site, and the review should include: number of washing stations and possibility of facility in lieu, number of portable toilets and possibility of facility in lieu, number of showering facilities and possibility of facility in lieu, number of food preparation area/tent and possibility of facility in lieu, and type of sleeping shelter.

Options Analysis

The Planning Commission could choose to create permanent regulations that strongly conform to the interim regulations. However, not responding to the concerns of aforementioned parties does not encourage community actors to participate in solutions. Careful review of the existing interim

regulations and additional areas added to the scope will allow Planning Commission to select provisions as deemed appropriate to improve temporary shelter regulations.

Outreach Summary

June 15 - Presented at the Associated Ministries quarterly meeting to provide updates on the state of emergency and facilitate a focus group with FBOs receive feedback and provide support on how they can engage with supporting individuals and families experiences homelessness. A summary and follow-up was provided the following day (NCS: Tiegan Bradbury)

August 10 - Met with Associated Ministries to discuss the survey created for FBO leaders to received feedback on the Temporary Shelter ordinance modifications. Incorporated Associated Ministries feedback into surgery. Asked to use the City's standing time during the quarterly meeting to facilitate a focus group on ordinance changes (NCS: Tiegan Bradbury)

August 21 - Began RFP design for the Temporary Overflow Family Shelter (TOFS) at Bethlehem Baptist (NCS: Tiegan Bradbury)

August 31 - Met with Associated Ministries to finalize the survey, the agenda for the quarterly meeting, and the "Call to Action" designed with MCO (NCS: Tiegan Bradbury)

Sept. 21st – Associated Ministries Meeting – presentation and focus group (NCS: Kristin Ely, Erica Azcueta, PDS: Lauren Flemister)

October 26th – Presentation and Q&A at Community Council (PDS: Lauren Flemister)

October 27th – Presentation and Q&A at Phase 2 Meeting at Salvation Army Citadel (NCS: Erica Azcueta, Colin DeForrest, PDS: Lauren Flemister), *staffed weekly* by NCS

November 6, NCS (Tiegan) submitted the permit request for Bethlehem Baptist Church's TOFS program.

December 5th – Associated Ministries Quarterly Meeting – will be staffed by PDS and NCS

Additional Outreach being scheduled

Supplemental Information

- Ordinance No. 28460, adopted October 17, 2017 (the current Interim Regulations)
- Planning Commission's previous Findings and Recommendations Package, approved on July 19, 2017 (which includes the two earlier ordinances and the original work plan/schedule)



ORDINANCE NO. 28460

1 AN ORDINANCE relating to zoning and land use controls; retaining and modifying
2 the Emergency Temporary Shelters Interim Regulations, as enacted
3 pursuant to Ordinance No. 28432, passed on June 6, 2017; modifying the
4 interim regulations by including temporary amendments to Tacoma Municipal
5 Code 13.06.635.B.4, to provide more flexibility for religious and non-profit
6 organizations to host temporary shelters; and extending the duration of the
7 interim regulations for six months, effective through April 16, 2018.

8 WHEREAS, on May 2, 2017, the City Council adopted Resolution
9 No. 39716, directing the City Manager to prepare an Emergency Temporary Aid
10 and Shelter Program in response to the current homelessness crisis, and
11

12 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
13 declaring a State of Public Health Emergency, effective through October 9, 2017,
14 and
15

16 WHEREAS, also on May 9, 2017, the City Manager developed the three-
17 phase Emergency Aid and Sheltering Program ("Program") and immediately began
18 implementation of the Program, and
19

20 WHEREAS, on June 6, 2017, the City Council passed Ordinance
21 No. 28432, enacting interim zoning and land use controls as an emergency
22 measure, effective through November 14, 2017, to permit the City to site temporary
23 emergency shelters in response to the declared public emergency, and
24

25 WHEREAS, while the three-phase Program has been effective, the
26 homelessness crisis continues to exist, and in response, the City Council has
determined that the State of Public Health Emergency shall be sustained, and



1 WHEREAS the City Council recognizes the need to modify and renew the
2 Interim Regulations prior to their expiration on November 14, 2017, to enable the
3 continued operation of the current stability site, and

4 WHEREAS. The City Council further acknowledges the need to include
5 temporary amendments to Tacoma Municipal Code 13.06.635.B.4, to provide more
6 flexibility for religious and non-profit organizations to host temporary shelters as set
7 forth in the attached Exhibit "A," and

8 WHEREAS the City Council is scheduled to conduct a public hearing on the
9 proposal on October 10, 2017, pursuant to TMC 13 .02, and

10 WHEREAS the Interim Regulations, as modified, are an important element
11 of the Program to address homelessness, and, with the inclusion of additional
12 opportunities for faith-based organizations and non-profits, members of the
13 community will be able to support additional people as means and methods to
14 combat this epidemic are developed; Now, Therefore,

15
16
17 BE IT ORDAINED BY THE CITY OF TACOMA:

18 Section 1. That the Emergency Temporary Shelters Interim
19 Regulations, as enacted pursuant to Ordinance No. 28432, passed on June 6,
20 2017, and now including temporary amendments to Tacoma Municipal Code
21 13.06.635.B.4, to provide more flexibility for religious and non-profit
22 organizations to host temporary shelters are hereby retained and modified as
23 set forth in the attached Exhibit "A."
24
25
26



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Section 2. That the duration of the Interim Regulations is hereby extended for a period of six months, through April 16, 2018.

Passed OCT 17 2017



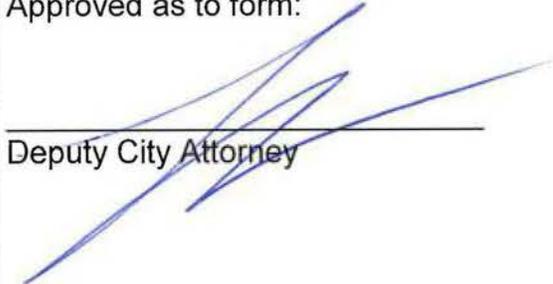
Mayor

Attest:



City Clerk

Approved as to form:



Deputy City Attorney



Temporary Shelters Interim Regulations

PROPOSED LAND USE REGULATORY CODE CHANGES

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~~.

Chapter 13.06 – Zoning

13.06.635 Temporary use.

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

1. Are not contrary to the various purposes of this chapter;
2. 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
3. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

B. Temporary uses.

1. General. A temporary use shall be subject to the standards of development specified in this section.
2. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1, and subject to Section 13.06.635.B.

Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED	
Temporary Use Type	Days Allowed Per Year
Seasonal sales	45
Carnival	14
Temporary housing	See Section 13.06.635.B.3.a
Temporary office space	See Section 13.06.635.B.3.b
Temporary storage	See Section 13.06.635.B.3.d
Temporary shelters <u>homeless camps</u>	See Section 13.06.635.B.4

a. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

b. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

3. Temporary structure standards.

a. Temporary housing.

(1) Such use shall be placed on a lot, tract, or parcel of land upon which a main building is being in fact constructed. The applicant shall have a valid building permit approved by Planning and Development Services;

(2) Such uses are of a temporary nature not involving permanent installations, including structures and utilities;

(3) That such a house trailer or mobile home shall be located at least 25 feet away from any existing residences;

(4) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said house trailer or mobile home shall be observed.

(5) The temporary housing shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

b. Temporary office space.

- (1) Such use shall be in accordance with the use regulations of the zoning district within which the temporary office is located.
- (2) Such use is appropriate due to the construction or reconstruction of a main building or the temporary nature of the use.
- (3) 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.
- (4) Such a temporary building shall be located at least 25 feet away from any existing structure or structures under construction unless it can be demonstrated that a lesser distance will be adequate to safeguard adjacent properties and provide a safe distance from any construction occurring on the site.
- (5) Such temporary building shall not be required to comply with the design standards found in Section 13.06.501.
- (6) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said temporary building shall be observed.
- (7) The temporary office shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

c. Carnival.

- (1) Such uses are of a temporary nature not involving permanent installations, including both structures and utility services, except those already existing on the premises.
- (2) Proper regard shall be given to the controlling of traffic generated by the use with respect to ingress and egress to the given site and the off-street parking of automobiles attracted by the use.
- (3) That any structures, buildings, tents, or incidental equipment shall be located at least 200 feet from existing residences;
- (4) That off-street parking for the primary use on the site shall not be reduced below the required parking for that use.

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 units, where allowed, shall be subject to the following standards:

- (1) Temporary storage units shall be allowed as part of an active construction project or active moving process.
- (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 removed within 30 days after final inspection of the project.
- (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 13.06.500-.522.

(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.

4. Temporary ~~Shelters~~~~Homeless Camps~~.

a. Purpose. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious and non-profit organizations to use property owned or controlled by them for temporary homeless ~~shelter~~~~seamps~~, while preventing harmful effects associated with such uses, including the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

b. Application. In order to allow sponsoring religious and non-profit organizations to establish a temporary ~~shelter~~~~homeless camp~~ on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05, Land Use Permit Procedures, and the following:

(1) The Director of Planning and Development Services is authorized to issue permits for temporary ~~homeless camps~~~~shelters~~ only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements. A permit allowing a temporary shelter site may be terminated if the City determines the site is unfit for human habitation based on sanitary conditions or health related concerns.

(2) An application for a temporary ~~homeless camp~~~~shelter~~ shall include the following:

(a) The dates of the start and termination of the temporary ~~homeless camp~~~~shelter~~;

(b) The maximum number of residents proposed;

(c) The location, including parcel number(s) and address(es);

(d) The names of the managing agency or manager and sponsor;

(e) A site plan showing the following shall be prepared and reviewed by staff, which will make recommendations for best practices, including Crime Prevention through Environmental Design (“CPTED”) principles:

(i) Property lines;

(ii) Property dimensions;

(iii) Location and type of fencing/screening (must be a minimum of ten feet from property lines);

(iv) Location of all support tents/structures (administrative, security, kitchen, and dining areas) or planned space to be used inside an on-site structure;

(v) Method of providing and location of potable water;

(vi) Method of providing and location of waste receptacles;

(vii) Location of required sanitary stations (latrines, showers, hygiene, hand washing stations);

(viii) Location of vehicular access and parking;

(ix) Location of tents and or dwellings for each person (must meet Tacoma-Pierce County Health Department requirements);

(x) Entry/exit control points;

(xi) Internal pathways, and access routes for emergency services.

(f) A statement from the sponsoring religious or non-profit organization regarding its commitment to maintain liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity during the existence of any sponsored temporary ~~homeless camp~~~~shelter~~;

c. Safety and health requirements. A temporary ~~homeless camp~~shelter shall be established in accordance with the following standards:

(1) No more than 100 residents shall be allowed per ~~camp~~shelter location. The City may further limit the number of residents as site conditions dictate.

(2) A minimum of 7,500 square feet of site area shall be required for ~~camps~~shelters servingof up to 50 people. The minimum site area may be proportionally reduced if adjacent existing buildings are used for ~~sleeping or~~ support facilities such as kitchen, dining hall, showers, and latrines.

(3) For a ~~camp~~shelter servingof more than 50 residents, the minimum 7,500 square-foot ~~camp~~site area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.

(4) The maximum duration of a ~~homeless camp~~temporary shelter shall be ~~93~~ 185 consecutive days. ~~Gravel or paved camp sites and sites not zoned for residential use may extend the maximum duration of the camp to 123 consecutive days.~~

(a) A one-time extension of up to 40 days, ~~or longer in the case of inclement weather,~~ may be granted by the Director if unforeseen problems arise regarding ~~camp~~shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the ~~camp~~temporary shelter permit has occurred.

(5) A ~~camp~~temporary shelter may only return to the same ~~church owned~~site after ~~two years six months~~ has lapsed since the ~~start-end~~ date of the previous ~~camp~~temporary shelter. ~~Gravel or paved camp sites and sites not zoned for residential use may decrease the relocation time to 18 months from the start date of the previous camp.~~

(6) In no event shall more than ~~two six~~ ~~homeless camp~~temporary shelter sites be permitted within the City at any given time. ~~Additionally, a maximum of two (2) camps should be allowed in any single Police Sector at any given time and a minimum of one-mile must separate each temporary shelter site. Prior to approving a request for a second temporary shelter location within a sector, all other sectors should have a temporary shelter location. As part of process for approving a second location within a sector, the City shall determine whether there are adequate City services to support the second location in a sector.~~

(7) ~~Outdoor shelters~~The ~~encampment~~ shall be enclosed on all sides with a minimum six-foot tall, ~~sight~~te-obscurating fence.

(8) Permanent structures are prohibited from being constructed within the ~~camp~~temporary shelter site. ~~Existing permanent structures may be used for sheltering.~~

(9) Temporary ~~homeless camp~~shelters are prohibited in Shoreline Districts, critical areas, and their buffers.

(10) The sponsoring religious ~~or non-profit~~ organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the ~~camp~~shelter during its operation.

(11) One security/office/operations tent or structure shall be provided for the ~~camp~~site manager. The manager must be on site at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the ~~camp~~shelter and be ready and able to alert police and/or other emergency responders if the need arises.

(12) The minimum age for ~~unaccompanied camp shelter residents inhabitants~~ is 18 years of age. ~~Individuals under the age of 18 will only be allowed if accompanied by a guardian.~~

(13) Each resident shall be pre-screened for warrants and a background check shall be completed by the sponsor religious ~~or non-profit~~ organization. No sex offenders will be permitted as ~~camp~~shelter residents.

(14) The temporary ~~homeless camp~~shelter must be located within one-~~quarter~~ half mile of a bus route that is in service seven days per week.

(15) The following facilities and provisions must be made available on-site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five gallons per day, per resident.

(b) Provide sanitary ~~portable~~ toilets as provided in the following table:

Number of camp residents	1-20	21-40	41-60	61-80	81-100
Number of toilets required	1	2	3	4	5

(c) Provide hand washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:

(i) Hand washing stations next to ~~portable~~ toilets provided in the following manner:

Number of camp residents	1-15	16-30	31-45	46-60	61-75	76-90	91-100
Number of stations required	1	2	3	4	5	6	7

(ii) One at the entrance to the dining area; and

(iii) One at the food preparation area.

(d) Showering facilities are required as provided in the following table:

Number of camp residents	1-33	34-66	67-100
Number of showers required	1	2	3

(e) At least one food preparation area/tent with refrigeration, sinks, and cooking equipment. If food is prepared on-site, adequate dishwashing facilities must be available.

(f) Food preparation, storage, and serving. No children under the age of ten shall be allowed in food preparation or storage areas.

(g) An adequate water source must be made available to the ~~campsite~~.

(h) ~~Indoor sleeping shelters-facilities~~ must meet the following standards:

~~(i) Must comply with all life safety and building code requirements.~~

~~(i) Outdoor sleeping facilities must meet the following standards:~~

~~(i) Minimum two-foot separation is required on sides and rear of tents from other tents, and a clear area of four feet is required at the entrance to all tents. All tents will be flame retardant.~~

~~(ii) Minimum of 30 square-feet per resident in group tents.~~

~~(iii) Minimum 40-50 cubic feet of air space per resident in group tents.~~

~~(iv) Beds arranged at least three feet apart in group tents.~~

~~(j) Waste water disposal, including mop sink, which drains to sanitary sewer.~~

~~(k) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. Estimate 30-gallon capacity per 10 residents. Infectious waste/sharps disposal shall be made available.~~

~~(l) Premises must be maintained to control insects, rodents, and other pests.~~

(16) Premises must be maintained as approved by the Tacoma Fire Department (“TFD”), including:

(a) Approval letter from the TFD, should the ~~camp-shelter site~~ contain structures in excess of 200 square feet or canopies in excess of 400 square feet.

~~(b) Provide fire extinguishers in quantity and locations as specified by TFD. at least one fire extinguisher, as specified by TFD, within 75 feet from every tent, and at least one fire extinguisher in the kitchen facility and security office/tent.~~

(c) Adequate access for fire and emergency services, with a minimum of two access points, shall be maintained.

(d) No smoking or open flames shall be allowed in tents. Smoking within the ~~camp-shelter site~~ will be within designated smoking areas only.

(e) Electrical inspections, in coordination with a Planning and Development Services electrical inspector, shall occur to ensure safe installation of power, if provided, including to support tents and facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and any individual living tents.

(f) Security Plan. The security plan shall:

(i) List the contact name and phone number of the on-site manager;

(ii) Contain an evacuation plan for the ~~camp~~temporary shelter;

(iii) Contain a controlled access plan for residents; and

(iv) Contain a fire suppression and emergency access plan.

(17) Parking standards.

(a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.510.

(b) A minimum of two off-street parking spaces per 25 residents are required for all temporary ~~homeless camp~~shelters.

(c) Any required parking for the principal/existing use on-site shall not be displaced as a result of the temporary ~~homeless camp~~shelter.

(18) Refuse and recycling containers shall be provided on-site, with service provided by Solid Waste Management and paid for by the applicant.

Chapter 13.05 – LAND USE PERMIT PROCEDURES

13.05.020 Notice process.

* * *

H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years ³
Binding site plan	Required	No	No	No	No	Director	No	No	5 years ³
Environmental SEPA DNS	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS)	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years
Open space classification	Required	400 feet	No	Yes	2	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	1000 feet	Yes	Yes	21 days SEPA ²	Hearing Examiner	Yes	Final Plat	5 years ⁶
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA ²	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days ⁵	Director	No ¹	No	2 years/ maximum ⁶
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years ³
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Optional	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
Conditional use, correctional facility (new or major modification)	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years
Temporary Homeless Camp Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet ⁷	No	No	14 days	Director	No ¹	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No ¹	No	5 years
Wetland/Stream/FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years*
Wetland/Stream/FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years*
Wetland/Stream/FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- 1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.
- 2 Comment on land use permit proposal allowed from date of notice to hearing.
- 3 Must be recorded with the Pierce County Auditor within five years.
- 4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- 5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- 6 Refer to Section 13.05.070 for preliminary plat expiration dates.
- 7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.



Interim Regulations – Emergency Temporary Shelters

Amendment to the Tacoma Municipal Code

Planning Commission Findings of Fact and Recommendations Report July 19, 2017 Draft

A. Subject

The emergency interim zoning regulations pertaining to emergency temporary shelters, as enacted by the City Council on June 6, 2017, per Ordinance No. 28432.

B. Summary of Interim Regulations

The adoption of emergency Ordinance No. 28432 is intended to limit the ongoing suffering of individuals, families, and youth occupying homeless encampments by allowing provision of emergency temporary shelters. This is part of a three-phase plan that consists of mitigation of the conditions in homeless encampments in the first phase, providing emergency sheltering and transition services in the second phase, and providing long-term housing in the third phase. Ordinance No. 28432 addresses the types of services/sheltering included in the second phase.

As adopted, the interim regulations are effective through November 14, 2017 or until the City's zoning regulations for emergency temporary aid and shelter are permanently updated. The interim regulations contain the following key provisions:

- Allowing the Director of Emergency Management to approve the nature, form, scope, design, and location, and provide oversight over, the erection, installation, implementation, management, and operation of emergency temporary shelters, when and where practicable;
- Exempting shelters from land use regulations and standards, except to the extent that federal or state law mandates compliance with a particular land use regulation or standard and compliance has not been excepted pursuant to operation of state or federal law or a declaration of emergency by the Governor or federal official or agency vested with authority to declare a public emergency; and
- Requiring the management of shelters to take into account: (a) access to basic health, support, and transportation services; (b) minimizing impacts on neighborhoods or environmentally sensitive areas; (c) ensuring safety and security of the occupants; (d) accommodation for those with access and functional needs; and (e) public outreach and engagement.

C. Background

The Puget Sound region is experiencing extremely high numbers of homeless. In the South Sound and Pierce County, Tacoma, as the largest city, has been experiencing increasing numbers of homeless individuals and homeless encampments. In April 2014, the City passed Ordinance No. 28216, which adopted regulations to create a defined permitting process for temporary homeless

camps operated and supported by religious institutions. The code associated with this Ordinance is codified in *TMC* Section 13.05.020.

In April of 2017, complaints arose regarding homeless activity in the downtown area and the growth of encampments, including locations under the 15th Street Bridge and the A Street pedestrian underpass. Concurrently, the Neighborhood and Community Services Department led a cleanup of the area known as “The Jungle”, which was located at the East 26th Street Bridge and under the I-705 overpass. This cleanup included connecting encampment occupants with services and site reclamation. In response to these growing encampment issues and clean-up efforts, the City Council and City staff began to reassess and explore alternatives to the City’s approach to homelessness and encampments.

On May 2, 2017, Councilmember Keith Blocker put forward a Council Consideration Request (CCR) to reexamine current land use regulations for Temporary Homeless Camps (*TMC* 13.05.020). The request asked that a review consider increased flexibility for religious organizations and allowance on other private or public sites. Additionally, a decision was made by Mayor Strickland, in concert with City Council and at the time, the Interim City Manager, to develop an emergency temporary aid and shelter program in response to the homelessness crisis; this policy directive led to Resolution No. 39716. Resolution No. 39716 responded to the homelessness crisis by directing the Interim City Manager to promptly prepare and present to the City Council an Emergency Temporary Aid and Shelter Program to respond to the homelessness crisis, and to prepare and present an ordinance declaring a state of emergency relating to the current homeless crisis, authorizing the suspension of certain regulations to facilitate the Emergency Temporary Aid and Shelter Program, and providing for approval of such emergency services contracts as are necessary to support this program.

On May 9, 2017, Ordinance No. 28430 was passed and declared a state of public health emergency relating to the conditions of homeless encampments. In response to this state of emergency, Ordinance No. 28432 was passed.

D. Findings of Fact

1. The Planning Commission finds that:
 - a) Temporary emergency shelter sites provide needed community services in response to the declared public health emergency
 - b) The provisioning of basic emergency shelter, temporary transitional shelters, and related supportive services for persons experiencing homeless is consistent with numerous policies of the *One Tacoma* Comprehensive Plan and the community priorities identified in Tacoma 2025, to increase housing security so that everyone has shelter
 - c) The current zoning and land use controls governing emergency housing do not address the need for establishment and operation of temporary emergency shelters by the City under the circumstances of a public emergency, and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency, and

- d) It is in the best interest of the public health, safety, and welfare to adopt the interim zoning and land use controls
2. Homeless encampments often occur without appropriate sanitation facilities or proper trash receptacles and often become contaminated with garbage, human wastes, used needles and dirty dressings resulting in occupants facing serious health and sanitation issues.
3. Conditions in homeless encampments are personally stressful and expose occupants to communicable diseases like tuberculosis and respiratory illnesses, violence, malnutrition and harmful weather exposures and exasperate common conditions such as high blood pressure , diabetes, and asthma because there is no safe place to store medications or syringes properly.
4. Behavioral health issues such as depression or alcoholism often develop or are made worse for people living in homeless encampments, and these conditions frequently co-occur with a complex mix of severe physical, psychiatric, substance use, and social problems.
5. The housing and homelessness crisis presents an existing and on-going threat of significant harm to human health and life requiring immediate action.
6. The time it will take to create permanent regulations that address the immediate need is not in line with a crisis response.
7. The current regulations lay out directives for religious institutions in non-emergency conditions; the interim regulations provide the City with broad authority to address the homelessness crisis

E. Conclusions

The Planning Commission concludes that:

1. Given the public health and welfare concerns associated with the homelessness crisis, there is just cause for the interim regulations and a need to adopt permanent regulations to address ways to mitigate the issue of homelessness.
2. The enacted interim regulations and need for permanent regulations support the City's strategic goals for a safe, clean, attractive, and sustainable city; and
3. These regulations consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

F. Recommendations

Move forward with interim regulations as currently written. The proposed scope for the permanent regulations should include consideration of the following issues:

1. Create or modify regulations for general emergency authority and response
2. Modify regulations passed in accordance with Ordinance No. 28216 (*TMC Section 13.05.020*)
3. Create or modify regulations to address ongoing and additional issues surrounding serving and housing homeless individuals and families

G. Exhibits

1. Ordinance No. 28432
2. Ordinance No. 28430
3. Work Plan/Schedule



ORDINANCE NO. 28432

1 AN ORDINANCE relating to zoning and land use controls; adopting interim zoning
2 and land use controls as an emergency measure to permit the City to site
3 temporary emergency shelters in response to a declared public
4 emergency; to be effective for a period of six months; setting a public
5 hearing date for July 25, 2017; referring the interim regulations to the
6 Planning Commission for review and recommendation; and establishing an
7 effective date

8 WHEREAS, on May 2, 2017, the City Council adopted Resolution
9 No. 39716, directing the City Manager to promptly prepare and present to the City
10 Council an Emergency Temporary Aid and Shelter Program to respond to the
11 homelessness crisis and to prepare and present an ordinance declaring a state of
12 emergency, and

13 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
14 declaring a state of public health emergency relating to the conditions of homeless
15 encampments located in the City, and

16 WHEREAS the City Council concluded therein, inter alia, that the ongoing
17 suffering of individuals, families, and unaccompanied youth occupying homeless
18 encampments, and the threat to the public health and safety, will continue in the
19 absence of the immediate implementation of interim measures designed to meet
20 the survival and safety needs of those persons, such as the provision of hygiene
21 facilities; trash collection; sanitary facilities; temporary shelters; outreach and
22 gateway services; safe and stable shelter; linkage to tailored services to meet each
23 individual's unique needs; a connection to housing, social, public and mental
24 health services; storage of property and safety; potable drinking water; solid waste
25 disposal; and human waste disposal, and
26



1 WHEREAS the City Manager has proposed and presented to the Mayor and
2 City Council a three-phase Emergency Temporary Aid and Shelter Program to
3 respond to the homeless crisis and the emergent conditions endangering the
4 public health, safety, and welfare, and

5 WHEREAS the three-phase plan consists of mitigation of the conditions in
6 homeless encampments in the first phase, providing emergency sheltering and
7 transition services in the second phase, and providing long-term housing in the
8 third phase, and

9 WHEREAS the second phase will include the City's establishment of
10 temporary emergency shelter sites on public property, or private property made
11 available by the owners to the City, to be managed and operated by the City, and
12

13 WHEREAS such temporary emergency shelter sites provide needed
14 community services in response to the declared public health emergency, and
15

16 WHEREAS the provisioning of basic emergency shelter, temporary
17 transitional shelters, and related supportive services for persons experiencing
18 homeless is consistent with Policies H-4.7 and H-4.8 of Goal H-4 of the Housing
19 Element of the City's Comprehensive Plan, Policy PFS-6.9 of Goal PFS-6 of the
20 Public Facilities and Services element of the Comprehensive Plan, and is
21 consistent with the human and social needs community priorities identified in
22 Tacoma 2025, to increase housing security so that everyone has shelter, and
23

24 WHEREAS the current zoning and land use controls governing emergency
25 housing do not address the need for establishment and operation of temporary
26 emergency shelters by the City under the circumstances of a public emergency,



and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency, and

1
2 WHEREAS while such amendments to the land use code are under
3 consideration, and in response to the current state of emergency as declared by
4 the City Council pursuant to Ordinance No. 28430, it is necessary to establish
5 interim land use controls for a six month period to permit the establishment and
6 operation of temporary emergency shelter sites, and

7
8 WHEREAS RCW 36.70A.390 and TMC 13.02.055 authorize the
9 establishment of interim zoning controls when an emergency exists; provided that,
10 a public hearing must be held within 60 days of passage of an ordinance adopting
11 interim zoning controls, and

12
13 WHEREAS based upon the foregoing and the findings, conclusions and
14 declaration of a public health emergency pursuant to Ordinance No. 28430, the
15 City Council finds that it is in the best interest of the public health, safety, and
16 welfare to adopt the interim zoning and land use controls as set forth in Exhibit "A,"
17 attached hereto, and

18
19 WHEREAS the City Council further desires to fix a time and date for public
20 hearing for the purpose of considering the proposed interim zoning and land use
21 controls; Now, Therefore,

22
23 BE IT ORDAINED BY THE CITY OF TACOMA:

24 Section 1. That the interim zoning and land use controls as set forth in
25 Exhibit "A," attached hereto and incorporated by this reference as though fully
26 set forth herein, are hereby adopted.



1 Section 2. That the interim zoning and land use controls adopted hereby
2 shall be in force and effect from the time of passage until 11:59 p.m. on
3 November 14, 2017, unless sooner terminated or extended as provided by law.

4 Section 3. That Tuesday, July 25, at approximately 5:15 p.m., is hereby
5 fixed as the time, and the City Council Chambers on the First Floor of the
6 Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the
7 place when and where a public hearing shall be held on the interim zoning and
8 land use controls adopted pursuant to this ordinance.

9 Section 4. That the City Clerk shall give proper notice of the time and place
10 of said hearing.
11

12 Section 5. That, pursuant to Section 13.02.055 of the Tacoma Municipal
13 Code, the City Council hereby refers these interim regulations to the Planning
14 Commission for its review and to develop findings and a recommendation
15 regarding the interim regulations prior to the City's Council's hearing on July 25,
16 2017.
17

18 Section 6. That, based upon the declaration of a public health emergency
19 set forth at Ordinance No. 28430 and the findings of the City Council herein, a
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1 public emergency exists, making this ordinance effective upon passage by an
2 affirmative vote of a least six members of the City Council.

3
4 Passed JUN 06 2017

5 
6 _____
Mayor

7 Attest:

8 
9 _____
City Clerk

10
11 Approved as to form:

12 
13 _____
Chief Deputy City Attorney

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EXHIBIT "A"

INTERIM LAND USE PROVISIONS EMERGENCY TEMPORARY SHELTERS

SECTION 1 – Purpose and Intent

The purpose of this ordinance is to provide regulatory guidance regarding the provision of emergency temporary shelters and associated support services to distressed persons requiring basic assistance after an emergency has been declared. This ordinance establishes an expedited process for approval of the nature, scope, form, design, and location of emergency temporary shelters established by the City in response to a declared public emergency.

SECTION 2 – Authority and Specific Responsibilities

The roles and responsibilities of key elected and appointed officials in times of emergency are set forth in the City Charter, the Tacoma Municipal Code ("TMC"), the City's Comprehensive Emergency Management Plan, and state law. The Director shall be vested with authority to give approvals, to make orders and rules, and to make or issue notices, licenses, permits, certificates, or other documents for the purposes set forth herein.

In carrying out the responsibilities of this ordinance, the Director shall coordinate with and may delegate, as appropriate, to the Administrator of Emergency Management (see TMC 1.10.040), the City's Emergency Management Team, individual City Departments, and/or outside agencies and humanitarian aid organizations. For example, per the City's Emergency Management Plan, the Neighborhood and Community Services Department is generally the lead implementing agency for temporary sheltering programs, with support from other departments and agencies, such as Tacoma Public Utilities, Environmental Services, Public Works, Police, Fire, Health, and Planning and Development Services.

SECTION 3 – Definitions

Declared Public Emergency. For purposes of this ordinance, a declared public emergency shall mean an emergency that has been declared or proclaimed to exist within the corporate limits of the City, by a governmental official, governing body or governmental agency vested with authority to declare or proclaim a public emergency within the corporate limits of the City.

Director. For purposes of this ordinance, director shall mean and refer to the Director of Emergency Management for the City of Tacoma, the director's successors and designees, and the administrator of Emergency Management



when acting on behalf of the director when the director is unable to carry out the director's duties.

Emergency. For purposes of this ordinance, emergency shall mean an event or set of circumstances: (a) which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) which reaches such a dimension or degree of destructiveness as to warrant the City Council proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local and state statute, or (c) in which human health or safety is jeopardized and/or public or private property is imminently endangered, or (d) which has been declared an emergency by the Governor pursuant to Chapter 43.06 RCW

Emergency Temporary Shelter. For purposes of this ordinance, Emergency Temporary Shelter is defined as temporary living quarters and sites, along with related temporary support services, equipment, and facilities, provided by, or on behalf of, the City or other governmental entity in response to a declared public emergency. The emergency temporary shelter may include, but is not limited to, facilities such as tents, temporary structures, mobile structures, recreational vehicles, use of existing structures, etc.

SECTION 4 – Approval of Emergency Temporary Shelters; Permitted Use

In the event of a declared public emergency and when the Director has determined that there is a need for emergency temporary shelter, the Director shall have the authority, upon consultation with the appropriate public officials when and where practicable, to approve the nature, form, scope, design, and location, and provide oversight over, the erection, installation, implementation, management, and operation of emergency temporary shelters. Such approval and oversight shall be based upon the circumstances attendant to the declared public emergency and the need to protect public health, safety, or welfare through the provisioning and operation of emergency temporary shelter.

Notwithstanding any provision to the contrary in the City's land use codes or regulations, such emergency temporary shelters shall be a permitted use in any zone in the City and shall be exempt from land use regulations and standards, except to the extent that federal or state law mandates compliance with a particular land use regulation or standard and compliance has not been excepted pursuant to operation of state or federal law or a declaration of emergency by the Governor or federal official or agency vested with authority to declare a public emergency. The Director when exercising the authority set forth in this ordinance, and to the extent practicable given the limitations associated with the circumstances of the declared emergency, shall take into consideration the general intent and purpose of the City's land use and other regulations and the factors set forth below.



1 The implementation and management of emergency temporary shelters shall be
2 consistent with the City's Comprehensive Emergency Management Plan, and
3 shall, when and where practicable, given the limitations associated with the
4 circumstances of the declared emergency, include consideration of factors such
5 as:

- 6 • Access to basic health and sanitation services, such as food, solid and sanitary
7 waste collection, and temporary water, power and other utility services;
 - 8 • Access to support services, such as healthcare, social services, counseling,
9 legal services, and skill training;
 - 10 • Access to arterials, public transit, and other transportation services and
11 facilities;
 - 12 • Minimizing impacts on businesses and residential neighborhoods;
 - 13 • Minimizing impacts on environmentally sensitive areas and features;
 - 14 • Site and facility designs and operations that ensure safety and security of the
15 occupants and the surrounding community;
 - 16 • Reasonable accommodation for those with access and functional needs; and
 - 17 • Where feasible and appropriate, public outreach and engagement to gain the
18 community's assistance in this effort.
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ORDINANCE NO. 28430

1 AN ORDINANCE relating to public health and safety; declaring a state of public
2 health emergency relating to the conditions of homeless encampments;
3 authorizing such actions as are reasonable and necessary in light of such
4 emergency to mitigate the conditions giving rise to such public health
5 emergency; authorizing the Mayor to terminate the state of the public health
6 emergency; establishing an effective date; and providing for sunset of the
7 force and effect of this ordinance.

8 WHEREAS, in Tacoma and Pierce County and in communities throughout
9 the nation, large numbers of individuals, families, and unaccompanied youth are
10 experiencing homelessness due to such factors as job loss, stagnant and declining
11 wages, family crisis, trauma, substance abuse, economic reasons, mental health
12 issues, and loss of housing, and

13 WHEREAS communities like Seattle, Washington; Portland, Oregon; and
14 Los Angeles, California, have declared states of emergency in order to provide
15 emergency services and shelters for unsheltered individuals, families and
16 unaccompanied youth, and

17 WHEREAS point in time counts conducted in the greater Tacoma and
18 Pierce County area have identified 1,997 homeless persons in year 2012; 1,303 in
19 year 2013; 1,474 in year 2014; 1,283 in year 2015; 1,762 in year 2016; and
20 1,321 in year 2017, and

21 WHEREAS, despite the improving economy, on any given night in Tacoma
22 approximately 500 people, including families and unaccompanied youth, can be
23 found sleeping in parks, cars, and abandoned buildings, on streets and wooded
24 areas, under highway overpasses, and in other places not meant for human
25 habitation, and
26



1 WHEREAS, of the 1,321 homeless persons counted in the point in time
2 count for 2017, 21 percent were identified as chronically homeless, 14 percent
3 were households with children, 39 percent were female, 14 percent were victims of
4 domestic violence, 6 percent were unaccompanied youth and young adults,
5 10 percent were veterans, and 41 percent were people of color, and

6 WHEREAS, in years 2015-2016, the unsheltered population in the greater
7 Tacoma area increased by 46 percent and since 2010, the unsheltered homeless
8 population had increased by 192 percent, with more individuals, families and
9 unaccompanied youth living in places not fit for human habitation, and
10

11 WHEREAS the supply of available temporary and permanent support
12 housing for unsheltered persons residing in Tacoma is inadequate to meet
13 demand, resulting in long lines for emergency shelters (the wait list for some
14 shelters is as high as 100 people per night), a lack of other housing interventions,
15 and long waits for temporary, permanent or supportive housing, leading to an
16 increased number of unsheltered households, and
17

18 WHEREAS, on any given night, over 50 homeless encampments can be
19 found in Tacoma, some of which may be occupied by 100 or more persons, and
20

21 WHEREAS conditions in homeless encampments endanger public health,
22 are traumatic and expose occupants to communicable diseases like tuberculosis
23 and respiratory illnesses, violence, malnutrition, and harmful weather exposures
24 and exacerbate common conditions such as high blood pressure, diabetes, and
25 asthma because there is no safe place to properly store medications or syringes,
26 and



1 WHEREAS behavioral health issues such as depression or alcoholism often
2 develop or are made worse for people living in homeless encampments, and these
3 conditions frequently co-occur with a complex mix of severe physical, psychiatric,
4 substance use, and social problems, and

5 WHEREAS, according to the National Health Care for the Homeless
6 Council, persons “. . . experiencing homelessness are three to four times more
7 likely to die prematurely than their housed counterparts, and experience an
8 average life expectancy as low as 41 years . . . ,” and

9 WHEREAS health care services are not effective when a patient’s health is
10 continually compromised by street and shelter conditions, and inpatient
11 hospitalization or residential drug treatment and mental health care do not have
12 lasting impacts when the patient is returned to a homeless environment, and

13 WHEREAS conditions in homeless encampments that result in occupants
14 facing serious health and sanitation issues and which are dangerous to human
15 health include: accumulation of uncontained garbage that becomes a food source
16 for vermin, vectors (organisms that transmit diseases or parasites), and related
17 pathogens; lack of proper food storage and clean dishes that can facilitate the
18 spread of food-borne disease; lack of sanitary facilities to dispose of human and
19 animal fecal waste; improper disposal of discarded medical and sharps waste;
20 accumulation of combustible materials that can ignite; lack of access to
21 handwashing and personal hygiene; lack of clean water; lack of access to healthy
22 food (resulting in homeless individuals digging in garbage for food, increasing
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health risks); and the victimization of homeless persons by both sheltered and
1 non-sheltered persons, and

2 WHEREAS the potential for disease transmission within and external to a
3 homeless encampment increases with the increasing number of homeless
4 encampments and higher concentration of occupants, and

5 WHEREAS the increases in homeless encampments and higher
6 concentrations of occupants, together with the lack of available services or facilities
7 nearby, have a significant role in the scope and severity of public health issues and
8 the urgency to take action to mitigate the conditions giving rise to this threat to
9 public health and safety, and
10

11 WHEREAS the homeless encampments in the Tacoma area do not have
12 on-site facilities for proper disposal of human waste, resulting in such waste being
13 disposed of through use of makeshift latrines, buckets, or direct urination or
14 defecation on the ground, and
15

16 WHEREAS improper disposal of sewage generated within homeless
17 encampments, especially when there are high concentrations of occupants, has a
18 high potential for community health impacts and significantly increases the
19 exposure to pathogens, endangering the public health of the occupants and the
20 surrounding community, and
21

22 WHEREAS handwashing is minimal and piles of solid waste often contain
23 significant amounts of uncovered containers with human waste exposed to the
24 environment, and
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1 WHEREAS, in addition to the potential for an epidemic with diseases like
2 Cholera, a much more pervasive threat to the public health is increased exposure
3 to endemic illness that are already present in the community, including illness such
4 as Hepatitis A, Rotaviruses, and a host of other parasitic, bacterial and viral
5 pathogens, and

6 WHEREAS, based on the documented poor health conditions of individuals
7 experiencing homeless and the sheer numbers of occupants of homeless
8 encampments, it is very likely that the endemic illness is present in the
9 encampment populations at this time and that such persons are suffering from
10 such illnesses and will continue to suffer in the absence of action to mitigate the
11 impacts to public health, and

13 WHEREAS poor handwashing, poor food handling, and the lack of proper
14 food storage exacerbate public health impacts and increase the risk of foodborne
15 illness, many forms of which are easily transmitted through sewage, and

17 WHEREAS homeless encampments observed in the City do not have
18 on-site systems for proper collection, storage, or disposal of solid waste, resulting
19 in significant piles of solid waste found at the homeless encampments, and

20 WHEREAS solid waste that is not properly stored and disposed of is a
21 serious health hazard, leading to the spread of infectious diseases by, among
22 other things, attracting vectors such as flies, rats, and other creatures that in turn
23 spread disease, and
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1 WHEREAS solid waste found in homeless encampments can pose a higher
2 health risk because of the presence of semi-contained human waste that can be
3 found in higher quantities than in residential solid waste, and

4 WHEREAS, for some homeless encampments, the Solid Waste Division of
5 the Environmental Services Department (the "Solid Waste Utility") has provided
6 large containers on the border of homeless encampments for occupants to place
7 solid waste, and

8 WHEREAS, despite the fact that these solid waste containers are heavily
9 used, a large percentage of solid waste remains at most of the larger homeless
10 encampment sites, exemplifying the need to provide additional services to mitigate
11 the risk to public health presented by homeless encampments, and

12 WHEREAS other environmental degradation can occur, such as surface
13 water contamination due to runoff from garbage that can find its way into
14 groundwater, rivers, and other waterbodies causing harm to people, fish, and
15 wildlife, and litter blown away from homeless encampments that can lead to
16 secondary issues such as blocking storm drains or harming wildlife, and

17 WHEREAS, the number and size of the homeless encampments found in
18 the City of Tacoma have grown significantly over the last two years, and

19 WHEREAS the multiple encampments that the City is experiencing,
20 together with the higher concentrations of occupants, is causing harm to the
21 occupants and has a significant potential to affect public health in the community,
22 and
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1 WHEREAS, when an encampment is removed by the City or private parties,
2 the occupants will generally move to or create another uncontrolled homeless
3 encampment which spreads to a wider area the potential for community exposure
4 to the negative health impacts associated with homeless encampments, and

5 WHEREAS the necessity for Solid Waste Utility services, including the
6 collection and removal of solid and other waste (cleanups), being provided at
7 homeless encampments in the City has been increasing because of the increase in
8 the number of homeless encampment sites and the higher concentrations of
9 occupants, and

10 WHEREAS, in 2016, the Solid Waste Utility's cleanup contractor cleaned up
11 homeless encampments 40 times and so far in 2017, the pace for cleanups has
12 been nearly 50 percent higher, based on the first four months of the year, which
13 could result in double the number of cleanups performed in 2016, and

14 WHEREAS the conditions found in homeless encampments in City create
15 significant health hazards related to sewage and solid waste associated with the
16 larger encampments and the risk to both the inhabitants and the community is
17 growing as more and larger homeless encampments are created and spread
18 across the City, and

19 WHEREAS the foregoing conditions, including the continuing and increasing
20 presence of homeless encampments in the City of Tacoma together with the large
21 concentrations of occupants in some of those homeless encampments, the lack of
22 adequate and proper on-site health and sanitation services and practices that will
23 prevent the spread of disease and the contamination of the environment, and the
24
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26



1 lack of available services to address the public health and safety needs of the
2 occupants, pose a significant, direct and immediate threat to the health of the
3 inhabitants and a real and emergent threat to the health of the surrounding
4 community, and warrant a dramatically larger, extraordinary and urgent effort to
5 provide services as described below that will reduce the number of homeless
6 encampments, the high concentration of occupants, and mitigate the conditions of
7 the homeless encampments that harm public health and safety, and

8 WHEREAS many of these conditions can be mitigated through interim
9 measures designed to meet the immediate survival and safety needs of those
10 persons occupying homeless encampments, such as the provision of hygiene
11 facilities, trash collection, sanitary facilities, potable drinking water, temporary
12 shelters, and outreach and gateway services within the encampments; providing a
13 safe and stable place to live; linkage to tailored services to meet each individuals
14 unique needs; a connection to housing, social, public and mental health services;
15 storage of personal belongings and safety; solid waste disposal; and human waste
16 disposal, and
17
18

19 WHEREAS these conditions arise from human-made events and present an
20 existing and ongoing threat of significant harm to human health and life, requiring
21 that the City take immediate action, and
22

23 WHEREAS the existing scope, intensity, and impact of the conditions of
24 homeless encampments upon the public health, safety and welfare and the
25 essential governments functions related to sanitation, could not reasonably have
26 been foreseen, and



1 WHEREAS, the City Council, having considered the records on file with the
2 City Clerk, including the declaration of the Environmental Services Solid Waste
3 Division Manager, and other publicly available information regarding homelessness
4 in general and in the region, and having been in all matters fully advised, finds that
5 it is in the best interest of the public health, safety, and welfare for the City Council
6 to declare a state of public health emergency and authorize such actions as are
7 reasonable and necessary to mitigate the conditions giving rise to such
8 emergency; Now, Therefore,

9 BE IT ORDAINED BY THE CITY OF TACOMA:

10 Section 1. That the above-stated recitals are adopted as findings of the City
11 Council and are incorporated by this reference as though fully set forth herein.

12 Section 2. That the City Council hereby makes the following conclusions:

13 A. The risk to the health and safety of the occupants of homeless
14 encampments located in Tacoma, including families and unaccompanied youth,
15 and to the community at large is growing as more homeless encampments are
16 created in the City and as concentrations of occupants within individual homeless
17 encampments increase.

18 B. The lack of adequate and proper on-site health and sanitation
19 services and practices found in homeless encampments in the City creates an
20 intolerable and imminent risk of the spread of disease and contamination of the
21 environment and compounds the human suffering of those persons occupying
22 homeless encampments.

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1 C. The ongoing suffering of individuals, families, and
2 unaccompanied youth occupying homeless encampments, and the threat to the
3 public health and safety, will continue in the absence of the immediate
4 implementation of interim measures designed to meet the immediate survival and
5 safety needs of those persons, such as the provision of hygiene facilities, trash
6 collection, sanitary facilities, temporary shelters, outreach and gateway services,
7 safe and stable shelter, linkage to tailored services to meet each individual's
8 unique needs, a connection to housing, social, public and mental health services,
9 storage of property and safety, potable drinking water, solid waste disposal, and
10 human waste disposal.
11

12 D. The humane-made conditions in homeless encampments are
13 ongoing and have resulted in injury to persons, destruction of property,
14 environmental degradation, and threat to the health and safety of the inhabitants
15 and the public in general of such a degree and proportion that, in the absence of
16 taking extraordinary measures to protect the public health, safety and welfare,
17 such injuries, human suffering, environmental degradation, public harm and threat
18 to the public health will continue and will intensify.
19

20 E. These conditions create an unforeseen imminent, genuine, and
21 substantial threat to the public health, welfare, and safety and constitute a public
22 health emergency, warranting the need for urgent action to preserve public health,
23 protect life, and protect public property, and
24

25 F. Such conditions warrant the exercise of the City's power to
26 declare a public health emergency under authority of Article XI, Section 11, of the



1 State Constitution, Chapter 38.52 RCW, Chapter 39.04 RCW, RCW 35.33.081,
2 WAC 197-11-880 and other applicable laws and regulations, and pursuant to
3 Section 2.4 of the Tacoma City Charter, Chapters 1.06, 1.10, and 8.96 of the
4 Tacoma Municipal Code, and pursuant thereto, and the authorization of such
5 extraordinary measures as are reasonable and necessary in light of such public
6 health emergency to mitigate the conditions giving rise the public emergency.

7 Section 3. That, based upon the foregoing findings and conclusions, the
8 City Council does hereby proclaim and declare a state of public health emergency
9 in the City of Tacoma; Therefore,
10

11 A. The City Manager, as Director of Emergency Management for the
12 City of Tacoma (the "Emergency Management Director"), is authorized and
13 empowered to carry out those powers and duties given to the Emergency
14 Management Director pursuant to Chapter 1.10 TMC as are reasonably necessary
15 in light of the public health emergency as declared herein.
16

17 B. The Mayor is authorized and empowered to carry out those
18 powers and duties given to the Mayor pursuant to Chapters 1.10 and 8.96 TMC as
19 are reasonably necessary in light of the public health emergency as declared
20 herein.

21 C. The Chief of the Tacoma Fire Department, as Administrator of
22 Emergency Management of the City of Tacoma (the "Administrator"), is authorized
23 and empowered to carry out those powers and duties given to the Administrator
24 pursuant to Chapter 1.10 TMC as are reasonably necessary in light of the public
25 health emergency as declared herein.
26



1 D. Those departments, officers, and employees of the City
2 designated under the City's Emergency Management Plan are authorized and
3 empowered to carry out those powers and duties given to such departments,
4 officers, and employees as are reasonably necessary in light of the public health
5 emergency as declared herein.

6 E. In carrying out the powers and duties as described above, the
7 Emergency Management Director, the Administrator, and departments, officers,
8 and employees of the City designated under the City's Emergency Management
9 Plan, are authorized, among other things, to do the following:

10 (1) enter into contracts and incur obligations necessary to combat
11 such emergency situations to protect the health and safety of persons and
12 property;

13 (2) provide appropriate emergency assistance to those persons
14 occupying homeless encampments; and

15 (3) take other actions, as appropriate, in response to such
16 emergency.

17 The powers and authority vested under this declaration and
18 proclamation shall be exercised in the light of the exigencies of such emergency
19 situation without regard to time consuming procedures and formalities prescribed
20 by law (excepting mandatory constitutional requirements and such other
21 requirements of law that are not superseded under authority of this emergency
22 declaration).

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1 Section 4. That the City Council shall, no later than 120 days after the
2 effective date of this ordinance, review the conditions that have given rise to this
3 public health emergency to determine if such conditions warrant keeping in place
4 the extraordinary measures authorized herein to response to this public health
5 emergency.

6 Section 5. That Mayor shall have authority to terminate the state of the
7 public health emergency declared and proclaimed pursuant to this ordinance.

8 Section 6. That this ordinance shall sunset and no longer be in force or
9 effect at 11:59 p.m. on October 9, 2017.

10 Section 7. That, based upon the facts and conclusions as specified herein,
11 a public emergency exists, making this ordinance effective upon passage by an
12 affirmative vote of a least six members of the City Council.
13

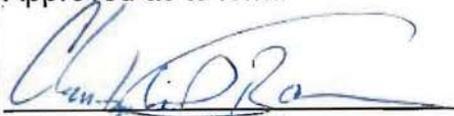
14
15 Passed MAY 09 2017

16
17 
18 _____
19 Mayor

18 Attest:

19
20 
21 _____
22 City Clerk

23 Approved as to form:

24 
25 _____
26 Chief Deputy City Attorney



Emergency Temporary Shelters Interim Regulations (Proposed Revisions to the Land Use Regulatory Code)

Schedule (as of June 6, 2017)

Color Keys:

City Council
Planning Commission

Date	Event
June 6, 2017	City Council – Enact emergency interim regulations concerning emergency temporary shelters, effective for 6 months; set July 25 for a public hearing; request the Planning Commission to formulate findings of fact and recommendation to justify the adoption of the interim regulations. (Ordinance No. 28432)
June 21	Planning Commission – Review Council’s request.
July 19	Planning Commission – Develop and forward to the Council the findings of fact and recommendation justifying the need for the interim regulations, along with the work plan for permanent regulations.
July 25	City Council – Public Hearing on the draft interim regulations and the findings of fact and recommendation on the need for the measure.
August 2	Planning Commission – Review comments received at Council’s hearing and begin developing draft permanent regulations.
August 16	Planning Commission – Develop draft permanent regulations.
September 20	Planning Commission – Release draft permanent regulations for public review and set October 18 for a public hearing.
October 18	Planning Commission – Public Hearing on the draft permanent regulations, leaving hearing record open through October 25.
November 1	Planning Commission – Review public hearing comments, modify the draft permanent regulations accordingly, and forward the recommended permanent regulations to the Council.
November 7	City Council – Resolution to set public hearing date for November 21.
November 21	City Council – Study Session to review the recommended permanent regulations.
November 21	City Council – Public Hearing on the recommended permanent regulations.
November 28	City Council – First reading of ordinance adopting permanent regulations.
December 5	City Council – Final reading of ordinance adopting permanent regulations, effective immediately.



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **2018 Amendment Application #2018-01: Car Wash Rezone**
Meeting Date: December 6, 2017
Memo Date: November 28, 2017

At the next meeting on December 6, 2017, the Planning Commission will review the scope of work concerning 2018 Amendment Application #2018-01: Car Wash Rezone, and provide suggestions and direction for staff to proceed with technical analysis on the subject.

The application, submitted by Brown Bear Car Wash, seeks to rezone three parcels located on 6th Avenue between S. Howard and S. Rochester streets in the Narrows Neighborhood Center from Neighborhood Commercial Mixed-use (NCX) to Urban Center Mixed-use (UCX). The purpose of the rezone request is to allow for the potential development of the properties into a car washing facility. By zoning code definitions, car washing is a use in the category of “vehicle service and repair”, which is prohibited in the NCX and permitted in the UCX.

The application was submitted in January 2017 for consideration as part of the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2017-2018 (also referred to as “2017-2018 Amendment” or “2018 Amendment”). An assessment of the application was conducted pursuant to TMC 13.02.045 (Adoption and Amendment Procedures) and reviewed and approved by the Commission on April 19, 2017, whereby the Commission accepted the application for the purpose of conducting technical analysis and modified the scope of work to address applicant’s underlying concerns through an alternative approach to the area-wide rezone.

At the meeting on December 6th, staff will facilitate the Commission’s review of the modified scope of work and some of the alternative approaches contained therein. Attached is a preliminary draft Staff Analysis Report that serves as a discussion outline.

To review the Car Wash Rezone application or information about the 2017-2018 Amendment in general, please visit www.cityoftacoma.org/Planning and click on “2017-2018 Amendment.”

If you have any questions, please contact me at (253) 591-5682 or lwung@cityoftacoma.org.

Attachment

c. Peter Huffman, Director

Project: “Car Wash Rezone”

Staff Analysis Report

(Planning Commission Review Draft, December 6, 2017)

Introduction

The “Car Wash Rezone” application, submitted by Brown Bear Car Wash, seeks to rezone three parcels located on 6th Avenue between S. Howard and S. Rochester streets in the Narrows Neighborhood Center from Neighborhood Commercial Mixed-use (NCX) to Urban Center Mixed-use (UCX).

The purpose of the rezone request is to allow for the potential development of the subject site into a car washing facility. By zoning code definitions, car washing is a use in the category of “vehicle service and repair”, which is prohibited in the NCX and permitted in the UCX.

The application was submitted in January 2017 for consideration as part of the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2017-2018 (also referred to as “2017-2018 Amendment” or “2018 Amendment”). An assessment of the application was conducted pursuant to TMC 13.02.045 (Adoption and Amendment Procedures) and reviewed and approved by the Commission on April 19, 2017, whereby the Commission accepted the application for the purpose of conducting technical analysis and modified the scope of work to address applicant’s underlying concerns through an alternative approach to the area-wide rezone.

Definition of “vehicle service and repair”:

“Repair and/or service of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes car washing facilities, auto repair shops, electric vehicle rapid charging and/or battery swap-out facilities, body and fender shops, car painting, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.”

– Tacoma Municipal Code, Section 13.06.700.V

Project Process and Timeline (a succinct scope)

1. Assessment <ul style="list-style-type: none">Approved by the Planning Commission on April 19, 2017	<ul style="list-style-type: none">The application is complete.The scope of work needs modifications.The technical analysis should be conducted during the 2017-2018 Amendment timeline.
2. Options Analysis <ul style="list-style-type: none">December 2017 – February 2018	<ul style="list-style-type: none">Public OutreachConcepts and Alternatives AnalysisImpacts AssessmentSupplemental Information
3. Draft Amendments <ul style="list-style-type: none">January-February 2018	<ul style="list-style-type: none">Proposed amendment to the <i>One Tacoma</i> Comprehensive Plan and/or the Land Use Regulatory Code
4. Public Hearings/Adoption <ul style="list-style-type: none">Commission Hearing – March 2018Council Hearing – May 2018Council adoption – June 2018	<ul style="list-style-type: none">Receive testimonyFinalize proposed amendmentsAdopt proposed amendments

Planning and Development Services

City of Tacoma, Washington
Peter Huffman, Director

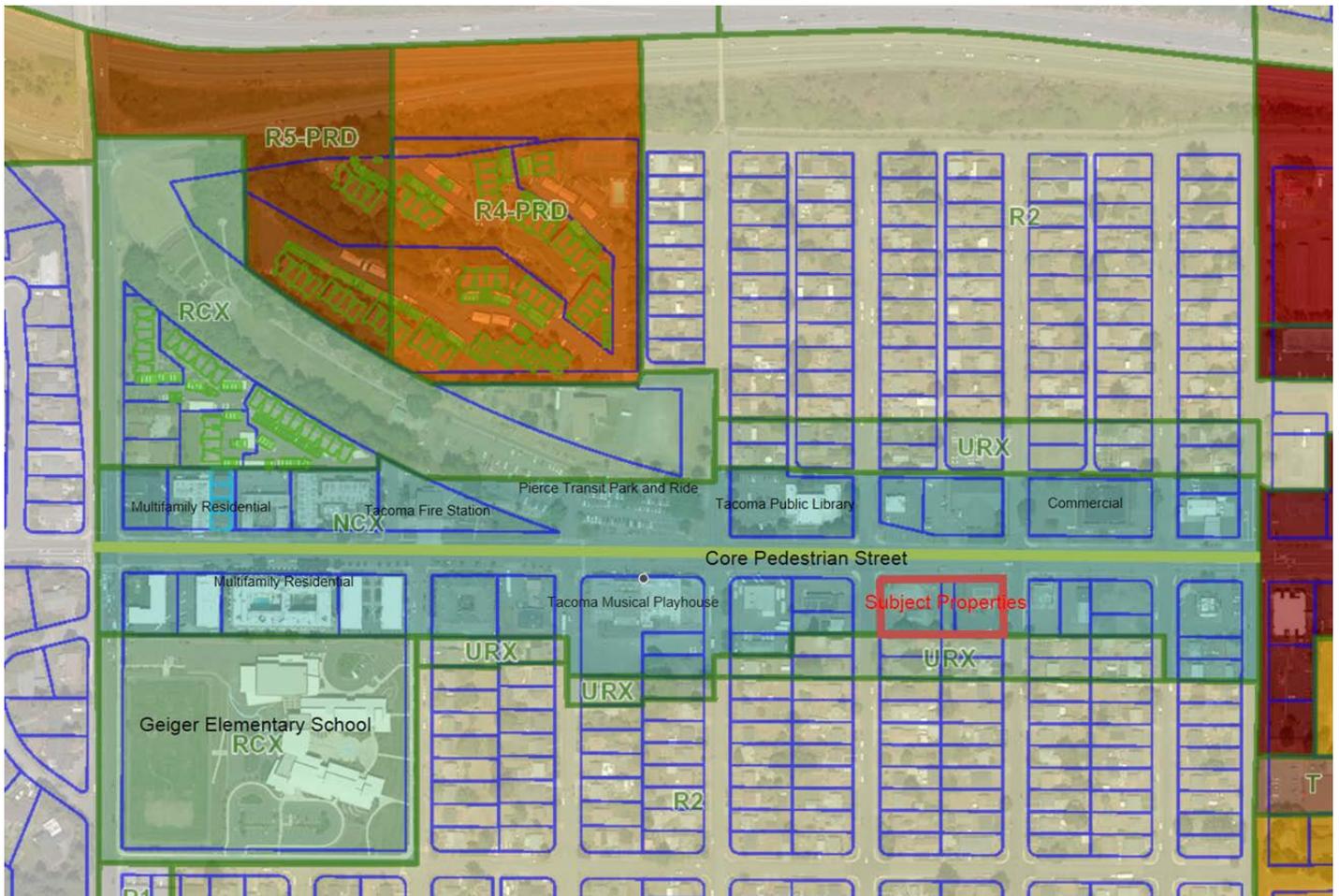


Lihuang Wung

lwung@cityoftacoma.org

<http://www.cityoftacoma.org/planning>

Area of Applicability



As depicted in the map above, the subject site (including three tax parcels, with two addresses) is situated in the Narrows Neighborhood Center, within the zoning district of Neighborhood Commercial Mixed-use (NCX) and fronting a designated Core Pedestrian Street (i.e., 6th Avenue). The site abuts the zoning district of Urban Residential Mixed-Use (URX), which transitions into the R-2 Single-Family zoning.

Background

The subject site contains a long-abandoned gas station in dilapidated condition and a dated and soon to be vacated one-story building. There has been little economic activity at the site. The applicant states that construction of a car washing facility would not represent a departure from the previously allowed automotive uses at the site, but would provide immediate and sustained economic benefit to the City in the form of increased tax revenue and employment opportunities for the surrounding community.

The applicant maintains that the proposed project would provide an eco-friendly alternative (to residential car washing) for washing their vehicles where wastewater is captured, treated, and safely discharged to treatment facilities, thus providing a direct environmental benefit to the surrounding watersheds and ecosystems.

The applicant also indicates that they currently own and operate a car wash facility approximately a half mile to the east (near 6th Ave. and Pearl St.), which is becoming increasingly obsolete due to its limited building size and is unable to accommodate customer demand. Given the size limitations and age of the building, renovation is not feasible. The applicant’s plan would therefore be to close that facility upon opening of the proposed new facility.

Policy Framework

(See the text box on the side bar – Additional information and analysis will be provided later to address the question as laid out in the text box.)

Objectives

(See the text box on the side bar – Additional information and analysis will be provided later to address the question as laid out in the text box.)

Options Analysis

Listed below are a few options that may be considered in response to the proposed rezone. These options are at the conceptual level and the associated staff analysis and comments are preliminary.

1. Allow in the Narrows Neighborhood Center:

This would add a note to the use table specifically allowing this use within the Narrows Neighborhood Center.

Precedent: Currently, vehicle service and repair is prohibited in NCX but allowed specifically within the South Tacoma Neighborhood Center as a note in the use table.

Staff is concerned that this approach starts to be a spot zone rather than an area-wide discussion of the appropriateness of specific uses within these districts and consistency of the zoning with established policies. South Tacoma is treated differently due to the existing conditions in that district – the district includes a concentration of vehicle service and repair uses.

2. Allow in NCX with a conditional use:

This would change the use from not allowed to conditional in the NCX zones. This would apply city-wide to all Neighborhood Centers. The use would remain prohibited in NRX, URX and RCX Neighborhood Center zoning districts.

Policy Framework

How does the proposed amendment seek to implement applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and/or development regulations?

Objectives

Would the proposed amendment achieve any of the following objectives?

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or
- Enhance the quality of the neighborhood.

Precedent: Currently, the use is allowed outright in CCX, UCX, and CIX zoning districts.

Concerns with this approach are that it would allow the use on designated core pedestrian streets. This would mark a significant shift in current policy and design standards for core pedestrian streets.

3. Allow in NCX, but prohibit along the frontage of the designated pedestrian street:

This approach would limit the overall potential impact of the change on all NCX districts and require a more significant public process for permitting. This represents the most functional option yet also the most limited in scope to address this issue.

Precedent: Many uses are currently allowed in NCX but prohibited along the pedestrian street frontage, including vehicle service and repair in the CCX district. This would allow Brown Bear Car Wash to move forward with a project, but would require them to incorporate other uses along 6th Avenue in Tacoma Narrows.

4. Status Quo:

This approach would not proceed with the requested rezone from NCX to UCX and would retain the current status of vehicle service and repair as a prohibited use in the NCX district.

5. De-designate the Narrows Mixed-use Center:

This approach would de-designate the Narrows Mixed-use Center and likely shift to a combination of commercial and multifamily land use designations. This would reduce the overall design quality of new development while allowing greater use flexibility. This approach would also remove the Multi-family Tax Credit as an incentive for new multifamily development in this area.

6. Review of definition:

This approach would create a new use category for car washing facilities, separated from the existing “vehicle service and repair.” This would broaden the review to include all zoning districts City-wide.

7. Review of Core Pedestrian Street:

Currently the full length of 6th Avenue is designated a core pedestrian street, which imposes use and design standards along the street frontage. One concern is that these areas have been too broadly defined. Consideration could be given to revising the core pedestrian street applicability in the Narrows Neighborhood Center. A reconsideration of these designations, including an assessment of both use and design requirements, appears to have merits but should be conducted city-wide and not driven by an individual project.

The purpose of the NCX District is:

To provide areas primarily for immediate day-to-day convenience shopping and services at a scale that is compatible and in scale with the surrounding neighborhood, including local retail businesses, professional and business offices, and service establishments. This district is intended to enhance, stabilize, and preserve the unique character and scale of neighborhood centers and require, where appropriate, continuous retail frontages largely uninterrupted by driveways and parking facilities with street amenities and direct pedestrian access to the sidewalk and street. Residential uses are encouraged as integrated components in all development.

The purpose of the UCX District is:

To provide for dense concentration of residential, commercial, and institutional development, including regional shopping centers, supporting business and service uses, and other regional attractions. These centers are to hold the highest densities outside the Central Business District. An urban center is a focus for both regional and local transit systems. Walking and transit use is facilitated through designs which decrease walking distances and increase pedestrian safety. Residential uses are encouraged in UCX Districts as integrated development components.

8. Review of Permit Process:

In most cases, where “Vehicle Service and Repair” is currently permitted, it is permitted outright but subject to use and design standards along the core pedestrian street. However, these zoning districts are typically designed for larger scale commercial uses, within the designated Crossroads Centers, not the Neighborhood Centers. The other permitting option is to allow the use subject to a conditional use permit which would grant the City more discretion to consider the siting context and to appropriately condition the design.

Impacts Assessment

(Information and analysis will be provided later.)

Outreach Summary

Staff provided an overview of the application and potential options to the West End Neighborhood Council at their meeting on November 15, 2017. Attendees of the meeting expressed great concerns about having a car washing facility in the neighborhood of the Tacoma Narrows, about the potential impacts in noise, traffic, aesthetic, etc., and about whether such development represents the best use of the vacant lot in a mixed-use center. There were also individuals who indicated that the application has merits and deserves further analysis.

Supplemental Information

(Additional information may be added later.)



City of Tacoma
Planning and Development Services

**Agenda Item
D-4**

To: Planning Commission
From: Lauren Flemister, Planning Services Division
Subject: **South 80th Street PDB Rezone**
Meeting Date: December 6, 2017
Memo Date: November 28, 2017

At the December 6th meeting of Planning Commission, staff will review the request for a rezone of a parcel at subject address 2615 S 80th Street. This application is part of the Comprehensive Plan 2017-2018 Amendment cycle. The applicant is requesting a rezone from the Planned Business Development (PDB) zoning designation to the Light Industrial (M-1) zoning designation, as well as comprehensive plan amendment from the General Commercial land use designation to the Light Industrial land use designation.

This overview will include a review of:

- The proposal, as proposed and as amended
- Pertinent background information related to the project
- Policies that support the application
- Objectives of the rezone
- Options analysis summary; and
- Overall impacts to the project.

Staff will conclude with an outreach strategy that covers outreach to subject properties, as well as any necessary community engagement.

Attached to facilitate the Commission's review and discussion is a Staff Analysis Report. Also attached to provide appropriate context are the Draft Assessment Report that was presented to the Commission on April 19, 2017 and the original application that was received on March 28, 2017.

For more information about the 2017-2018 Amendment in general and this application in particular, please visit www.cityoftacoma.org/Planning and click on "2017-2018 Amendment." If you have any questions, please contact Lauren Flemister at (253) 905-4146, or email lflemister@cityoftacoma.org.

Attachments:

1. Staff Analysis Report
2. Draft Assessment Report
3. South 80th Street PDB Rezone Application

c. Peter Huffman, Director

South 80th Street PDB Rezone

Staff Analysis Report

PDB Planned Development Business District. This district is intended to provide limited areas for a mix of land uses that includes warehousing, distribution, light assembly, media, education, research, and limited commercial. The developments in this district are intended to have fewer off-site impacts than would be associated with industrial or community commercial areas. Retail uses are size limited and signage is reduced. These areas should be designed for improved residential compatibility on boundaries by landscaping and other design elements. Sites should have reasonably direct access to a highway or major arterial. This district is not appropriate inside Comprehensive Plan designated mixed-use centers or low intensity areas.

The project as submitted is for a rezone of the property at the address 2615 S 80th Street from the existing Planned Development Business (PDB) District to Light Industrial District (M-1). In addition, the land use would change from General Commercial to Light Industrial by Comprehensive Plan amendment. Staff proposes amending the application to include rezoning all three properties in the 2600 block of S 80th Street and the 2500 block of S 78th Street.

Primary Areas of Analysis

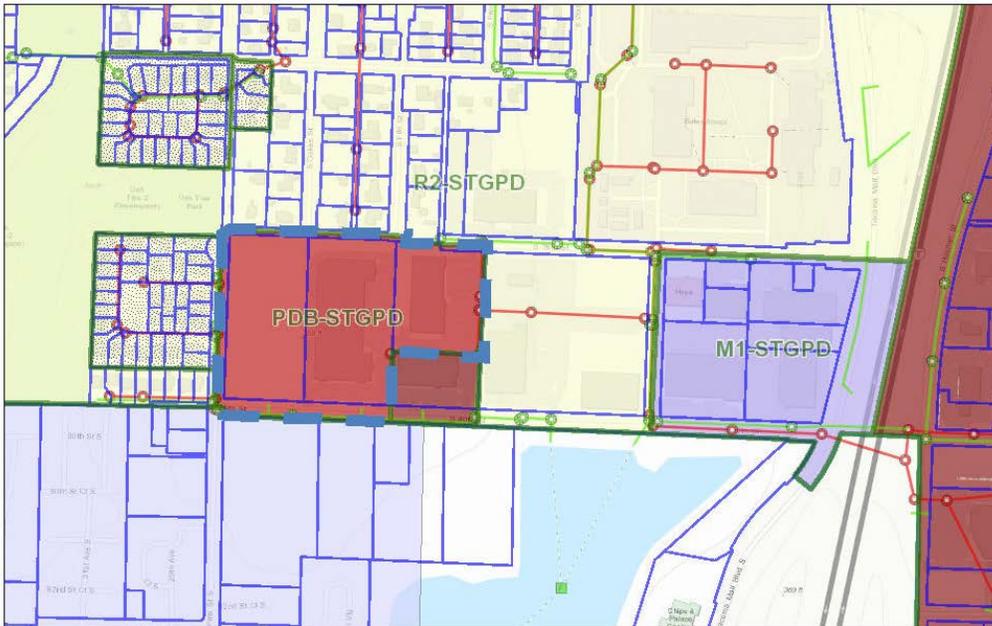
- City has found the PDB Planned Development Business to be underutilized (three locations in the City and less than 10 businesses), ineffective, and concerning to businesses and property owners
- Majority of area of applicability falls within Accident Potential Zone (APZ) II
- Change from PDB to M1 Zoning designation significantly changes available uses
- Change from PDB to M1 Zoning designation creates a lower standard for landscaping standards
- An APZ II Overlay will be created in a future amendment cycle that can mitigate additional uses, in order to ensure public safety

Project Process and Timeline (a succinct scope)

1. Assessment and Analysis (date to conduct work and complete)	<ul style="list-style-type: none"> • Area of Applicability • Background • Policy Framework • Objectives
2. Options Analysis	<ul style="list-style-type: none"> • Public Outreach • Develop alternatives • Recommendation • Impacts Assessment • Supplemental Information
3. Draft Amendments September to December 2017 <ul style="list-style-type: none"> • Discussion Draft, January 2018 	<ul style="list-style-type: none"> • Revise Tacoma Municipal Code consistent with the proposed amendment concept.
4. Public Hearings/Adoption <ul style="list-style-type: none"> • PC Hearing, March 2018 • Council Hearing, June 2018 	<ul style="list-style-type: none"> • The public may testify in person on the proposed amendments.



Area of Applicability



Background

Utilization and Modification of the Planned Development Business District

At the October 5, 2016 Planning Commission meeting, staff presented an assessment of the City's Planned Development Business Districts for inclusion in the 2018 amendment cycle as part of the overall Commercial Zoning Update.

The Commercial Zoning Update seeks to better align the City's T, C-1, C-2, and PDB districts with both the existing and planned use and development patterns within the City's commercial districts. The zoning update will not include areas zoned as part of designated center.

Within this scope of work, the staff recommendation is to review the Planned Development Business Districts as a distinct sub-element. The staff presentation will introduce these areas and some of the particular use and development issues that need to be resolved through the process. The ultimate outcomes of this review will also be dependent on the ultimate recommendations for the C-2 districts.

Staff analysis showed that there are only three locations within the City zoned as PDB and only seven distinct businesses. Based on the scant use of the zoning district, the relative ineffectiveness of the district in meeting the intent, as well as feedback and concern from existing businesses and property owners, staff recommends including these areas as a subset of the overall commercial zoning update.

Based on development patterns, as well as existing uses and conditions in the PDB Districts, the M-1 Light Industrial could be a viable option for a rezone.

Implications of Zoning Designation Change from PDB to M-1

Changing from PDB to M-1 creates much more permissive conditions in regards to land use. Uses such as adult retail and entertainment, brewpub, building materials and services, cultural institution, drive-thru, emergency and transitional housing, passenger terminal, short-term rental, several vehicle-related uses, among many others would be allowed when moving to M-1 Light Industrial.

In addition to the use implications, landscaping standards are more relaxed in the M-1 Light Industrial designation than in the PDB designation. Overall site landscaping would be less in the M-1 by half and there are no site perimeter landscaping requirements in any industrial districts.

APZ II Overlay

Based on the recommendations out of the Joint Base Lewis McChord Joint Land Use Study (JBLM JLUS), areas that fall within any Accidental Potential Zones must make land use changes that address life safety concerns and are compatible with the airport and APZ. A majority of the area of applicability falls within the APZ II. This means that the City will pursue an overlay that will maintain existing land use patterns while seeking to limit growth intensity and also limit land uses where many people congregate, where vulnerable populations reside or congregate, where hazardous materials are utilized or stored, that include nonessential functions, etc. The overlay will allow for many of the additional uses permitted in the M-1 to not be allowed in the APZ II to protect the safety of employees and patrons of businesses in the M-1.

Policy Framework

One Tacoma Comprehensive Plan – Urban Form Chapter: Future Land Use Designations
One Tacoma Comprehensive Plan – Future Land Use Map
One Tacoma Comprehensive Plan – Goals EC-6, EC-6.19, EC-6.20, EC-6.22, PFS-3.8 (addresses recommendations from JBLM JLUS)
Joint Base Lewis McChord Joint Land Use Study

Objectives

- Address undesired application of Development Business District
- Address zoning and land use implications of Accident Potential Zone (APZ) II
- Increase safety of employees and patrons of businesses within Accident Potential Zone (APZ) II
- Increase compatibility with existing land use and development patterns in the area in compliance with the Comprehensive Plan

Options Analysis

1. Change existing Planned Development Business (PDB) District to Light Industrial District (M-1)
2. Change land use from General Commercial to Light Industrial
3. Apply a commercial designation instead of an industrial designation

JBLM Joint Land Use

Study. This project will evaluate the findings and recommendations of the Joint Land Use Study (JLUS) for Joint Base Lewis-McChord (JBLM) and evaluate strategies for addressing compatibility with the airport and the Accident Potential Zone.

What is An Accident Potential Zone?

Clear Zones and Accident Potential Zones (APZ) represent the most likely impact areas if an aircraft accident occurs. APZ are based on Department of Defense historical data on where accidents have previously occurred.

4. Leave commercial land use
5. Consider uses and other land use requirements in APZ II Overlay that may also mitigate high intensity or unnecessary uses, as well as significant congregation of people.

Impacts Assessment

Since current use and conditions project to remain the same, there is very little impact. Changes to standards and uses can be addressed with impending APZ II Overlay.

Outreach Summary

Week of November 13th – Reach out to affected business owners
Prior to February of 2018 – Meet with Neighborhood Council and any business associations or districts

Supplemental Information

Please refer to the Application to Amend the Comprehensive Plan Application requesting a rezone of the property on S. 80th.



2018 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

DRAFT ASSESSMENT REPORT SOUTH 80TH STREET REZONE (PDB)

Applications for the 2018 Amendment were accepted through March 31, 2017. Upon determination of a complete application, the next step is for the Planning Commission to review and approve of the Assessment Report, pursuant to Tacoma Municipal Code (TMC), Section 13.02.045 Adoption and Amendment Procedures. This Assessment Report, prepared for the Commission's consideration on January 6, 2016, includes three parts:

- A. Summary of Applications
- B. Assessment
- C. Recommendation

A. Summary of Application

Proposal is for a rezone of property located at 2615 S 80th Street in the City of Tacoma from the Planned Development Business (PDB) District to the M-1 Light Industrial District, and a Comprehensive Plan amendment from the General Commercial land use designation to the Light Industrial land use designation.

B. Assessment

The application was reviewed against the following assessment criteria pursuant to TMC 13.02.045, and the review is summarized as follows:

1. If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;

Staff Assessment: The amendment request is legislative and properly subject to Planning Commission review.

2. If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into;

Staff Assessment: The area has not been subject to a recent study, however, staff has proposed a broader commercial zoning review, which would include an assessment of the PDB district. This review could result in area-wide rezones or amendments to the use and development standards associated with the PDB. The study has been proposed as part of the 2018 Amendment, but is contingent on finalization of the work program. The City-initiated study of the PDB zone may be delayed until 2019.

3. If the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

Staff Assessment: Staff has already begun analysis of this site as a result of two other work program items. First, staff has conducted an initial inventory of uses within the PDB zone and conformity with current zoning. Second, the site proposed in the application is within the Accident Potential Zone. The Commission has received a background presentation on the APZ and implementation of the APZ policies and findings of the Joint Land Use Study have been proposed as part of the 2018 Amendment. The amount of study for this site will include some additional work to the existing work program items, but is reasonable and manageable. The evaluation of the proposed rezone will require close coordination with the APZ implementation and the commercial zoning review.

C. Recommendation

According to TMC 13.02.045, the Planning Commission will review this assessment and make its decision within 120 days of receiving the applications, as to:

- (a) Whether or not the application is complete, and if not, what information is needed to make it complete;

Staff Recommendation: The application is determined to be complete.

- (b) Whether or not the scope of the application should be modified, and if so, what alternatives should be considered;

Staff Recommendation: Staff recommends expanding the area of review to include the adjacent properties zoned PDB within the areawide analysis.

- (c) Whether or not the application will be considered, and if so, in which amendment cycle. The Planning Commission shall make determinations concerning proposed amendments.

Staff Recommendation: Based on the review of the proposal against the assessment criteria, staff concludes that it is ready for technical analysis. Staff recommends that the Planning Commission accept the application, as modified to include the adjacent properties, for consideration during the 2018 Annual Amendment cycle.



Application

To Amend

The Comprehensive Plan or Land Use Regulatory Code

Application No.:

#2017-18 -

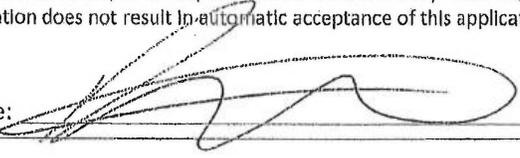
Date Received:

3/28/17

Year of Amendment	2017-2018	
Application Deadline	Friday, March 31, 2017, 5:00 p.m.	
Application Fee	\$1,400	
Type of Amendment (Check all that apply)	<input checked="" type="checkbox"/> Comprehensive Plan Text Change <input type="checkbox"/> Regulatory Code Text Change <input checked="" type="checkbox"/> Land Use Designation Change <input checked="" type="checkbox"/> Area-wide Rezone <input type="checkbox"/> Interim Zoning or Moratorium	
Summary of Proposed Amendment (Limit to 100 words)	<p>Proposal is for a rezone of property located at 2615 S 80th Street in the City of Tacoma from the Planned Development Business (PDB) District to the M-1 Light Industrial District, and a Comprehensive Plan amendment from the General Commercial land use designation to the Light Industrial land use designation.</p>	
Applicant	Name	Cabot Properties, Inc., Attn. Robert Gray
	Affiliation / Title	Property Owner / Asset Management
	Address City, State & Zip Code	One Beacon Street, Suite 1700 Boston, MA 02108
	E-mail	rgray@cabotprop.com
	Phone / Fax	Phone (617) 305-6137 Fax
Contact (if not Applicant)	Name	VanNess Feldman LLP, Attn: Brent R. Carson
	Affiliation / Title	Land Use Attorney / Partner
	Address City, State & Zip Code	719 Second Avenue Suite 1150, Seattle, WA 98104
	E-mail	BRC@VNF.com
	Phone / Fax	Phone (206) 623-9372 Fax
	Relationship to Applicant	Attorney for Owner

I hereby state that I am the applicant listed above and the foregoing statements and answers made, and all the information and evidence submitted are, in all respects and to the best of my knowledge and belief, true and complete. I understand that submitting this application does not result in automatic acceptance of this application or guarantee its final approval.

Signature: _____

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a horizontal line.

Date: _____

3/24/17

REQUIRED QUESTIONNAIRE

1. **Describe the proposed amendment. If submitting text changes to the *One Tacoma Comprehensive Plan or Regulatory Code*, provide the existing and the proposed language. If submitting changes to the *Comprehensive Plan land use designation(s)* or the *zoning classification(s)*, provide the current and the proposed land use designations and/or zoning classifications for the affected/proposed area.**

Current Zoning Classification / Comprehensive Plan Land Use Designation: PDB / General Commercial

Proposed Zoning Classification / Comprehensive Plan Land Use Designation: M-1 / Light Industrial

The subject property is located at 2615 South 80th Street in the City of Tacoma, and lies within a Planned Development Business (PDB) zoning district. The Comprehensive Plan Future Land Use Designation for the PDB District is General Commercial. (Ref. Appendix B) The subject property is one of three parcels within this isolated PDB-zoned district.

This request is to amend the Comprehensive Plan Land Use Designation of the subject property to Light Industrial with corresponding zoning to M-1 Light Industrial.

Adjacent Properties / Uses:

North: R-2 Single Family Dwelling District across South 78th Street

West: PDB-zoned parcel (Pacific Sport Center) then R-2 Single Family Dwelling District across Pine Street

East: PDB-zoned parcel (Dental Supply), then R-2 Single Family (Qwest / CenturyLink)

Southeast: C-2 General Community Commercial District (Veterinarian Clinic)

South: City of Lakewood – Airport Corridor 2 (Mini-Storage and Church) across South 80th Street

2. **Why is the amendment needed and being proposed?**

Approval of the proposed amendment and concurrent rezone request will accomplish several objectives, including correcting the inappropriateness of the City's Planned Development Business (PDB) District on the site. (Ref. Appendix C, City of Tacoma Memo dated September 28, 2016 – Commercial Zoning Update – PDB Zoning Districts) City staff supports rezoning of properties located within the PDB zone and states "Based on the scant use of the zoning district, the relative ineffectiveness of the district in meeting the intent, as well as feedback and concern from existing businesses and property owners, staff recommends including these areas as a subset of the overall commercial zoning update".

Currently, the City of Tacoma has only three PDB Districts, which are occupied by seven distinct businesses. The subject property lies within one of these isolated PDB-zoned districts. The other PDB-zoned districts lie a fair distance from the subject property. The historic and current uses at this site are better aligned with uses permitted within the M-1 Light Industrial zone (warehouse, storage, and furniture manufacturing).

The current land use designation of the subject property is General Commercial, which is described in *One Tacoma: Urban Form* as:

"This designation encompasses areas for medium to high intensity commercial uses

which serves a larger 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.”

The Light Industrial land use designation is described as:

“This designation allows for a variety of industrial uses that are moderate in scale and impact, with lower noise, odors, and traffic generation than heavy industrial uses. This designation may include various types of light manufacturing and warehousing and newer, clean and high-tech industries, along with commercial and some limited residential uses. These areas are often utilized as a buffer or transition between heavy industrial areas and less intensive commercial and/or residential areas.”

As demonstrated throughout this questionnaire, the subject property, which contains a warehouse distribution use, is better suited for the Light Industrial land use classification and M-1 zoning classification.

While the City may be contemplating an amendment and/or rezone for the PDB-zoned districts to other zoning districts within the General Commercial land use designation, this application is submitted to respectfully request that the City consider a Comprehensive Plan Amendment and concurrent Rezone of the subject property to the Light Industrial land use designation and corresponding M-1 Light Industrial zoning district. This would better align with existing uses on the site and provide continuity of the light industrial district with parcels to the east of the site that are currently zoned M-1.

3. Please demonstrate how the proposal is consistent with the applicable policies of the *One Tacoma: Comprehensive Plan*, and consistent with the criteria for amending the Comprehensive Plan or development regulations.

This proposed Comprehensive Plan Amendment and concurrent Rezone is consistent with the following goals, policies, and maps of the City’s *One Tacoma: Comprehensive Plan*.

Economic Development Goal EC-6 - Create robust, thriving employment centers and strengthen and protect Tacoma’s role as a regional center for industry and commerce.

Policy EC-6.19: Provide industrial land and encourage investment in necessary services that support industrial business retention, growth and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing and a widely accessible base of living wage jobs, particularly for the underserved and underrepresented people.

Policy EC-6.20: Strictly limit Comprehensive Plan Map amendments that convert industrial land and consider the potential for amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

Policy EC-6.22: Maintain properties currently developed with industrial users and strive to offset the reduction of development capacity with the addition of prime industrial capacity that includes consideration of comparable site characteristics.

Public Facilities & Services Goal PSF-3 – Collaborate with regional partners to site essential public facilities in an equitable and practical manner.

Policy PFS-3.8: Protect the viability of existing airports as essential public facilities by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. Evaluate and implement appropriate policy and code amendments recommended by the Joint Base Lewis-McChord Joint Land Use Study (JLUS).

The attached exhibits and maps from the One Tacoma: Comprehensive Plan depict the subject property's location relative to current and future City infrastructure improvements, as well as designated land uses. Justification for the proposed amendment and concurrent rezone request is provided below:

A-1 City of Tacoma Vicinity Map

The vicinity map shows the subject property's location between South 78th Street and South 80th Street and west of Pine Street.

A-2 Aerial Map

The aerial map shows existing commercial and light industrial uses to the east and northeast of the subject property and its proximity to Interstate 5. Some of these parcels are zoned residential, but have been constructed with non-residential uses. A Comprehensive Plan Amendment to rezone these parcels south of South 78th Street to I-5 to be consistent with existing uses would be justified.

A-3 Planned Employment Areas Map

This map demonstrates that the City recognizes the area surrounding and including the subject property to I-5 will continue to provide employment opportunities vital to the City of Tacoma. This area is envisioned as a Planned Employment Area with Major Institutional Campus (Bates Technical College), Manufacturing, and Industrial uses.

Because the City recognizes that the PDB zone is problematic (Ref. Appendix C as addressed above) amending the land use designation for the parcels south of South 78th Street to Light Industrial would achieve a City goal of supplying adequate land to meet the City's employment needs.

Manufacturing / industrial centers are employment concentrations of local and/or regional importance which are well served by major transportation facilities and are priority locations for future growth and infrastructure investment. The City has designated this area adjacent to the I-5 corridor as an employment hub consistent with existing uses.

The Applicant proposes rezoning the subject property to the M-1 Light Industrial zoning district. Amending the land use designations of parcels within this area to Light Industrial would be consistent with existing uses and fulfill the City's vision for a Planned Employment Area.

A-4 Transportation Network Map

This map shows the City's existing and proposed transit routes, light rail and Sounder rail systems. The nearest proposed transit station/bus stop is more than a mile away (northwest) from the subject property.

The General Commercial designation provides for high intensity uses offering goods and services easily accessible to the general public. Public transit service, however, does not currently serve the site, nor is

it planned in the Comprehensive Plan. In fact, the nearest existing/planned bus stop is more than a mile away (northwest), at an intersection where future high capacity transit is proposed to terminate. The City's Vision 2040 does not plan to extend transit to serve the site.

Because the site does not meet the locational criteria for General Commercial, the Applicant proposes amending the subject property's land use designation from General Commercial to Light Industrial.

A-5 Future Land Use Map

This map shows the City's future land use designations. The subject property and the parcels adjacent to the east are shown as lying within the General Commercial land use designation, though some currently lie within the Single-Family land use designation. This map demonstrates that the City recognizes the need to amend the Comprehensive Plan designations for the parcels south of South 78th Street.

The City's Future Land Use Map indicates that the PDB zoning district would extend east to abut the light industrial zone, which is adjacent to a Major Institutional Campus (Bates Technical College). Reclassification of these properties to Light Industrial, however, would provide for continuity of Light Industrial uses in proximity to the I-5 corridor.

The Applicant requests a Comprehensive Plan Amendment for the subject property from General Commercial to Light Industrial because it is more consistent with existing uses (warehouse/storage and furniture manufacturing). Because the City recognizes that the PDB zone is problematic (Ref. Appendix C as addressed above) amending the land use designations for the adjacent parcels to the M-1 Light Industrial zoning district would further the City's goal of creating and maintaining an employment hub at this location.

A-6 and A-7 Potential Rezones Map

This map shows the City's intent to rezone the parcels that lie between the subject property (existing PDB district) and the Light Industrial zone to the east by extending the PDB zone over parcels that currently lie within the Residential land use designation. Because the City recognizes that the PDB district is problematic (Ref. Appendix C as addressed above), the Applicant requests that the City consider amending the parcels south of South 78th Street to Light Industrial, rather than PDB, to be consistent with existing uses.

A-8 Centers of Local Importance Map

This map demonstrates that the subject site lies outside of the City's walksheds, and is not in close proximity to commercial centers. Therefore, the General Commercial land use designation is not supported in this location because it does not align with the existing uses and lack of public transit.

A-9 City of Lakewood Zoning Map

The City of Lakewood Zoning Map shows the properties lying adjacent to the south of the subject property are constrained with the Air Corridor 2 (AC2) overlay.

The subject property is located in an area identified in the Joint Base Lewis McChord study as lying within an "Accident Potential Zone" (APZ) for flyover risks associated with the base airport. Specifically, the site lies within the APZ II airport overlay, where the Air Force recommends limiting "the number of people exposed through selective land use planning". Approval of this request would limit density pursuant to the Light Industrial development standards. Whereas, the commercial zoning districts within the General Commercial land use designation encourage higher density and more intensive uses to serve the general public.

The properties to the south of the subject property lie within the City of Lakewood, and are zoned Airport Corridor 2 (AC2), which limits uses to those permitted in the City's Industrial 1 Zoning District. Permitted uses generally include the following: indoor manufacturing and assembly; maintenance and storage facilities; commercial office/warehouse; indoor production operations and associated warehousing; printing press operations; and research and development. Uses permitted within the City's OSR1 and OSR2 (Open Space/Recreation Zoning Districts) are also permitted within the AC2 zone, which generally include cemeteries, bodies of water, passive recreation, and natural open space. Code states that the proposed intensity of uses shall be determined by the City; whether it is compatible with the aircraft operations hazards. Generally, the uses permitted on the properties in the AC2 zone are limited to indoor manufacturing and preserved open space uses.

Because the subject property lies within the APZ II protective overlay zone, it is not suitable for high density and intensity General Commercial uses. Lower density uses associated with manufacturing and light industrial zoning districts would better align with the intent of the APZ II protective overlay.

A-10 Transportation Master Plan Map – Priority Networks (All Modes)

- A-11 Future Vision – Auto Priority Network Map
- A-12 Future Vision – Pedestrian Priority Network Map
- A-13 Future Vision – Bicycle Priority Network Map
- A-14 Future Vision – Transit Priority Network Map
- A-15 City of Tacoma Transportation Master Plan – Potential Streetcar Corridors Map
- A-16 Future Vision – Potential Sound Transit and Pierce Transit HCT Corridors
- A-17 City of Tacoma Transit Projects Map

These maps indicate that the City has no plans to extend transit, bike paths, pedestrian connectivity, street car service, etc. to serve the subject property or any property south of 56th Street approximately one mile north of the site. Therefore, this PDB District does not meet the locational criteria of General Commercial, which is intended to provide access to goods and services by the general public.

The subject property is located less than ½ mile east of Interstate 5 with easy access from Tacoma Mall Blvd and South 80th Street. Its proximity to planned light and heavy industrial uses and the Bates Technical College Campus near I-5 meets the City's locational criteria of an Employment Area.

Approval of the proposed Comprehensive Plan Amendment and Rezone:

- 1.) Will not adversely affect the City's public facilities or services, nor cause risk to the health, safety, and welfare of the public;
 - 2.) Will not negatively impact the City's capacity to provide adequate services (water, sewer, transportation, etc.); and
 - 3.) Will not require any studies because the Applicant does not propose redevelopment or changes in use in the short-term.
4. **If the proposed amendment is associated with a geographic area, please provide a more detailed description, along with maps, if applicable, of the affected area and the surrounding areas, showing all parcels (with parcel numbers), ownership of each parcel, current land uses, site characteristics, and natural features.**

The subject property is located along the south boundary of the city limits, adjacent to the City of Lakewood, and lies within the "Accident Potential Zone" (APZ) for flyover risks associated with the McChord AFB airport. The parcels adjacent to the south, in the City of Lakewood, also lie within the

airport protection overlay (AC2) and are developed with mini-storage and church uses. Maps depicting the land uses in the surrounding vicinity are provided.

Because of the safety hazard of the airport protective overlay, limited density associated with light industrial and manufacturing is a better fit for the subject property than high density uses generally associated with General Commercial.

- 5. If the proposed amendment is associated with a geographic area, please describe how it is compatible with the existing and planned land uses and development patterns of the adjacent neighborhood and explain how it may further enhance the adjacent neighborhood.**

As stated above, uses on the properties to the east of the subject property are better aligned with light industrial and/or manufacturing uses. Therefore, the City is planning to amend their land use designation from Residential to PDB. Because the City recognizes that the PDB District is problematic (Ref. Appendix C as addressed above), the Applicant suggests an amendment for these parcels south of South 78th Street and the subject property to Light Industrial rather than General Commercial to be consistent with the existing uses and the "Planned Employment Area".

- 6. If the proposed amendment is associated with a geographic area, please describe the applicant's interest in the affected property. Describe any plans for future activity related to or connected with this site. If you are not the owners, submit proof that the property owners have been notified and are aware of the application.**

The Applicant is interested in reclassification of the subject property from General Commercial to Light Industrial in order to bring existing uses on the site into compliance with the underlying zoning district.

- 7. Describe any community outreach you have conducted (i.e., when and how you contacted affected and abutting property owners and neighbors), and any community response received to the proposed amendment. Attach any letter(s) of support or written community response, if applicable.**

N/A

- 8. Please provide any supplemental information, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.**

N/A

Summary:

For the reasons outlined above, the Applicant requests a Comprehensive Plan Amendment for the subject property from the General Commercial land use designation to the Light Industrial land use designation and a concurrent rezone to the M-1 Light Industrial zoning district.

We look forward to working with staff through the City's Comprehensive Plan Amendment process. If you have any questions, please feel free to contact Brent Carson at (206) 802-3831 or BRC@VNF.com.

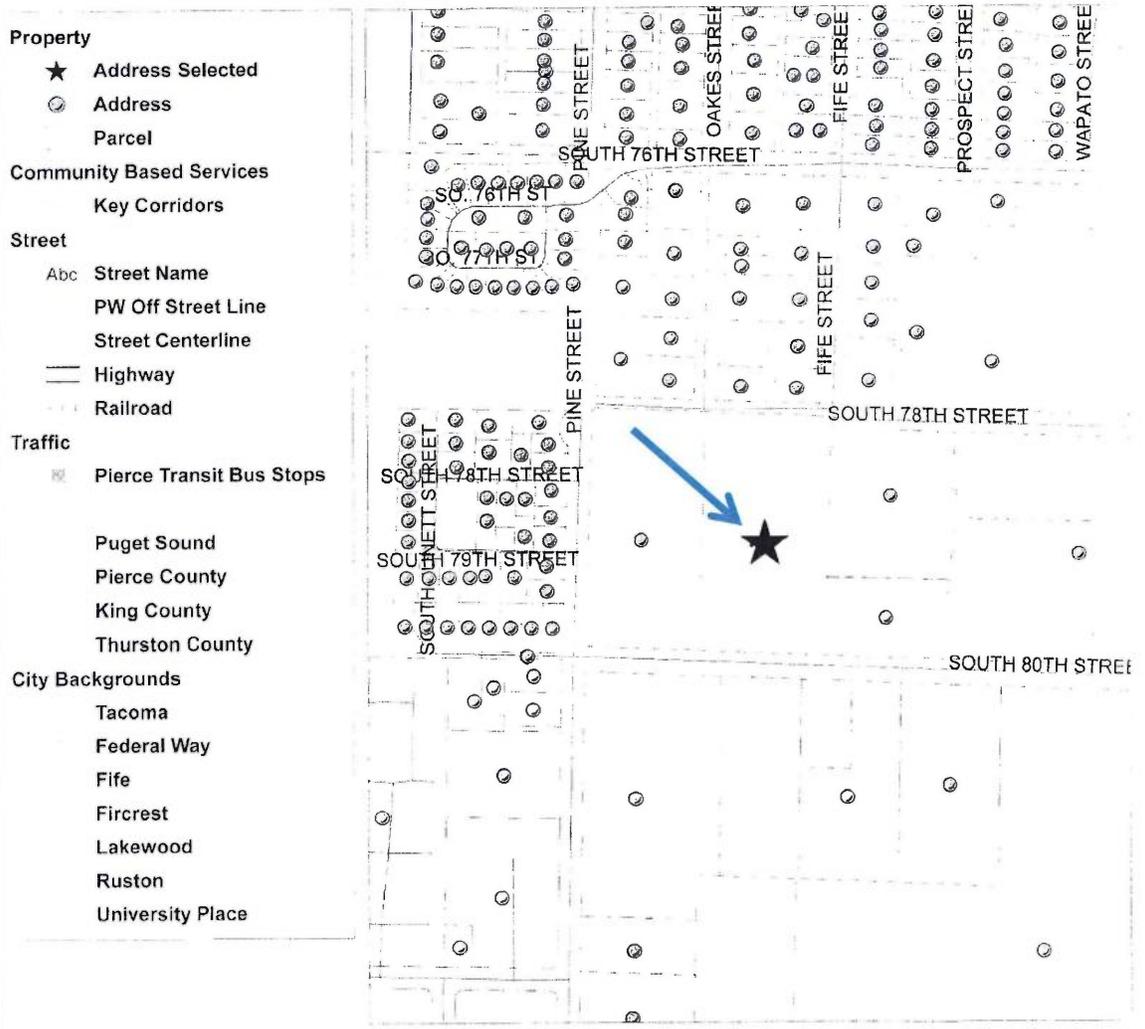
Comprehensive Plan & Land Use Regulatory Code Amendment

Cabot Properties, Inc.

APPENDICES INDEX

No.	Description
A-1	City of Tacoma Vicinity Map
A-2	Aerial Map (area around 2615 80 th St S., Tacoma, WA)
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A-4	Transportation Network Map
A-5	Future Land Use Map
A-6	Potential Rezones Map
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A-10	Transportation Master Plan Map – Priority Networks (All Modes)
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C	City of Tacoma Memo dated September 28, 2016 – Commercial Zoning Update – PDB Zoning Districts

City of Tacoma



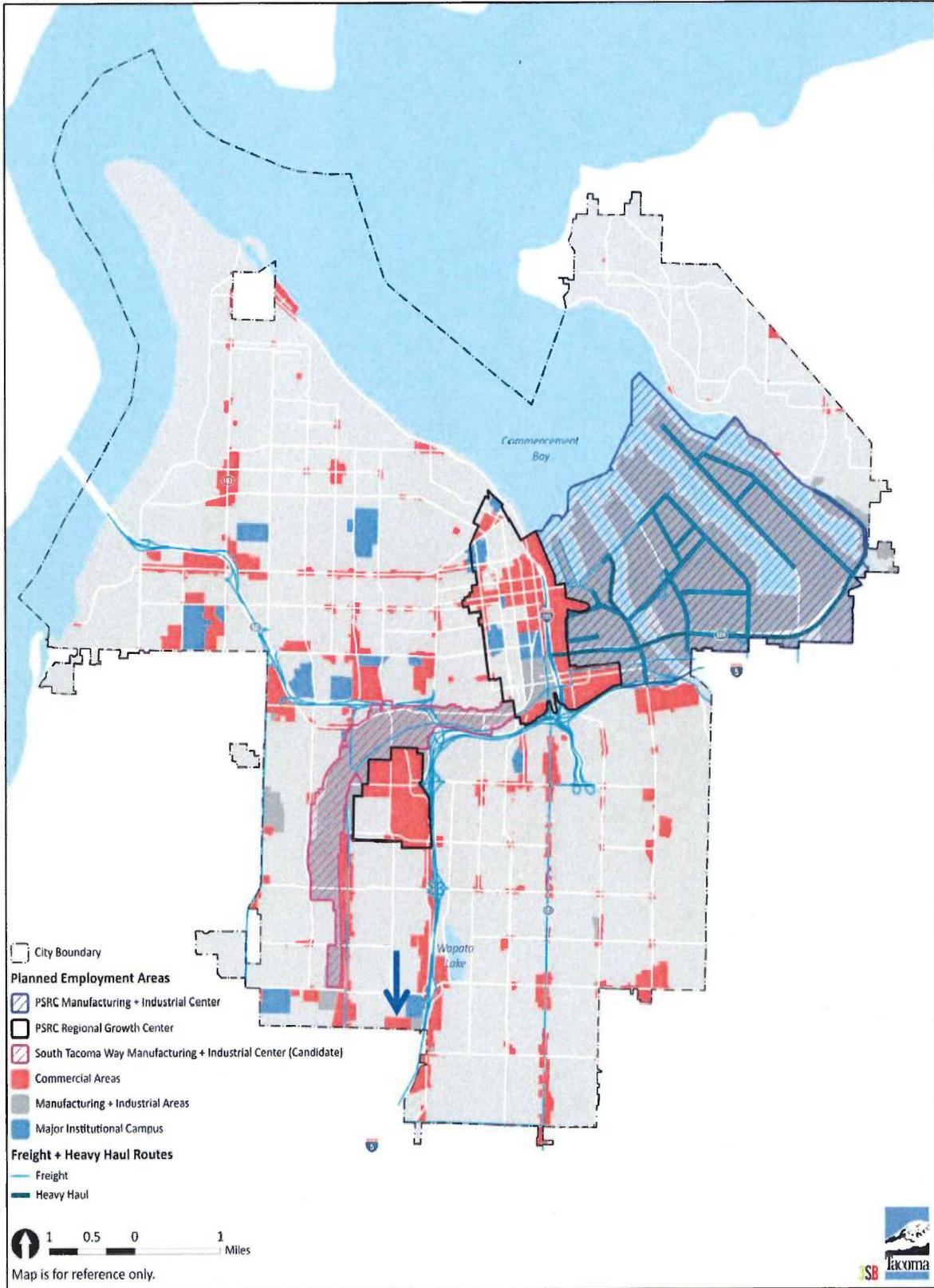
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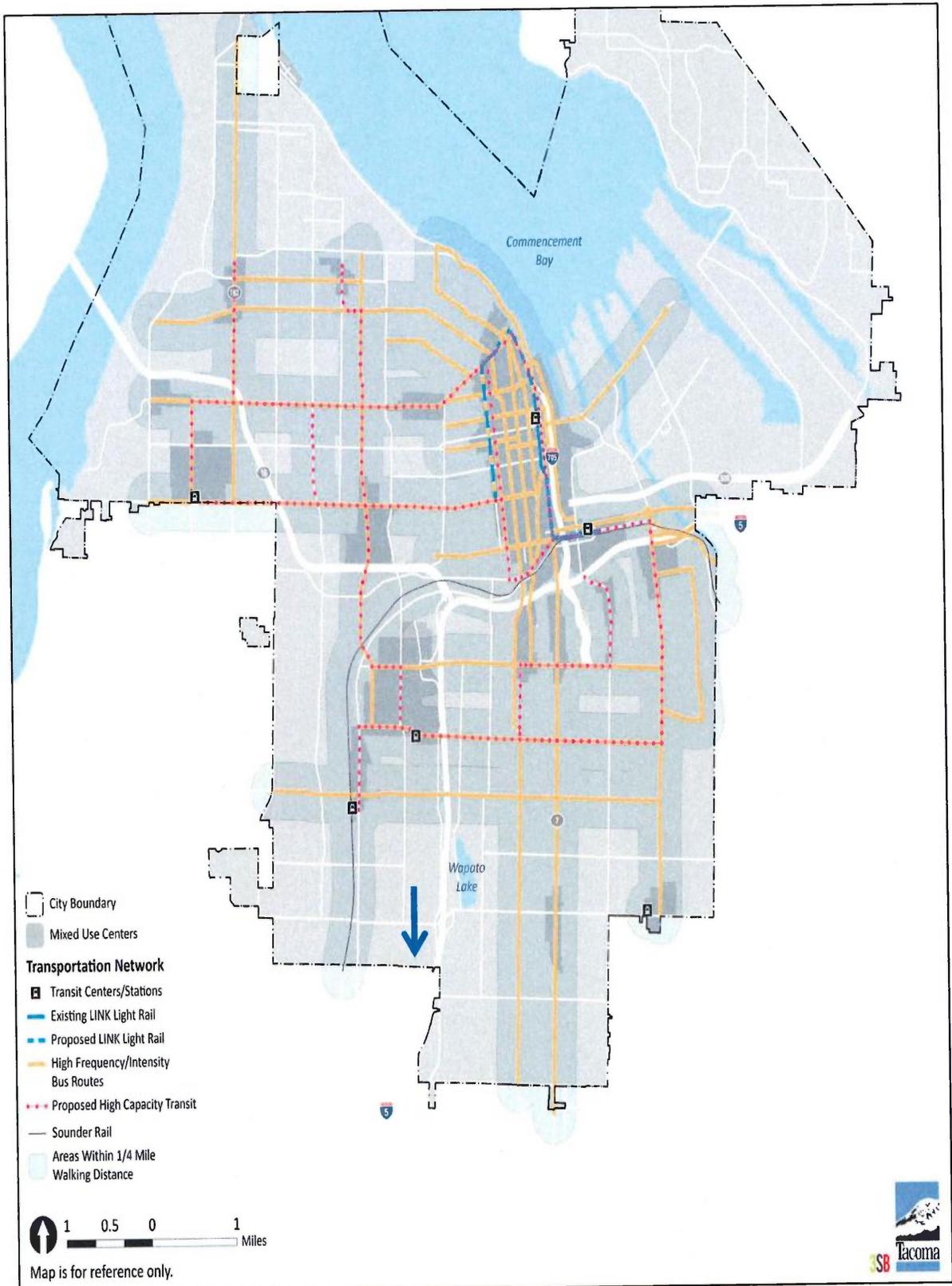
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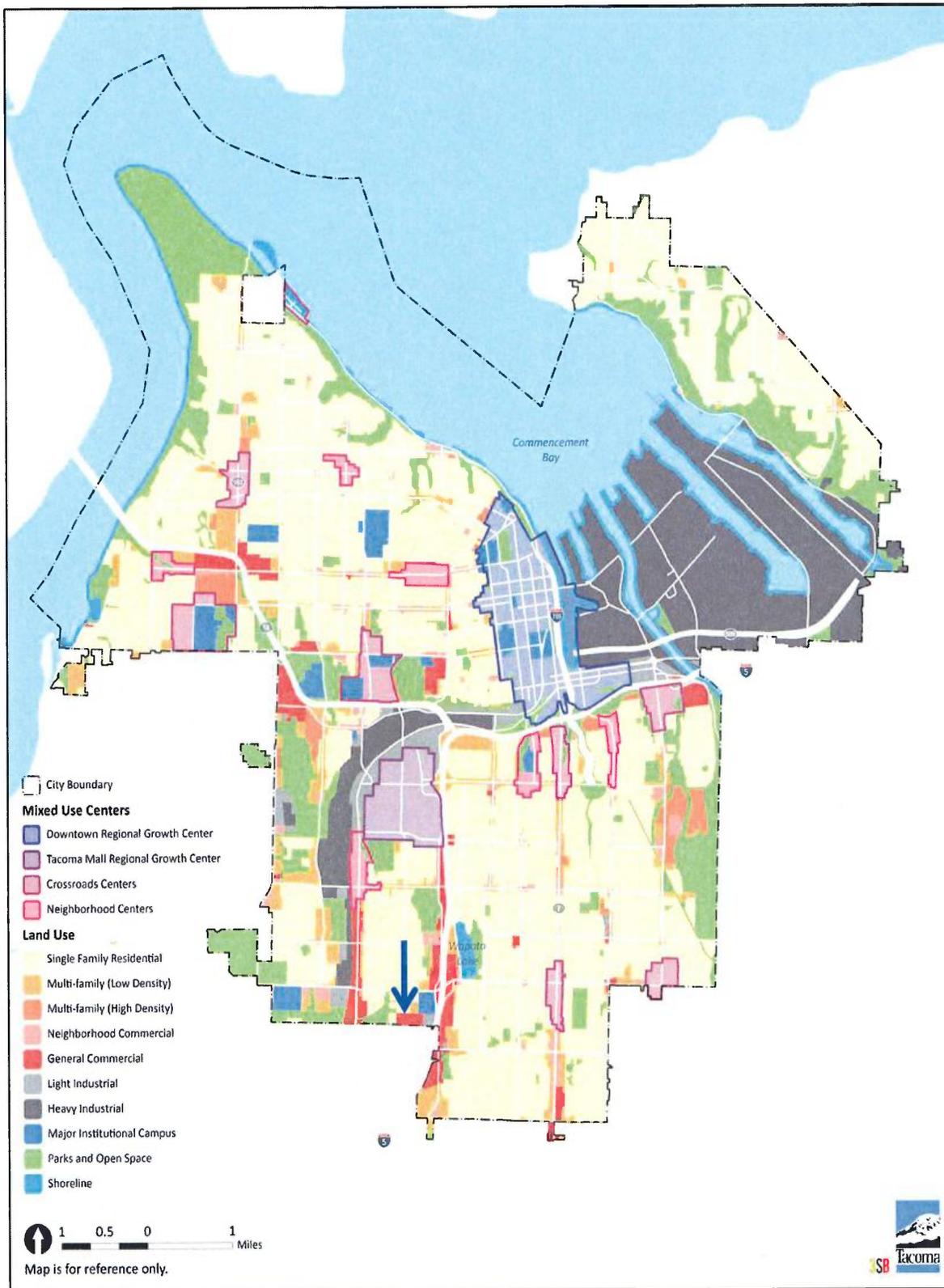
APPENDIX A-2



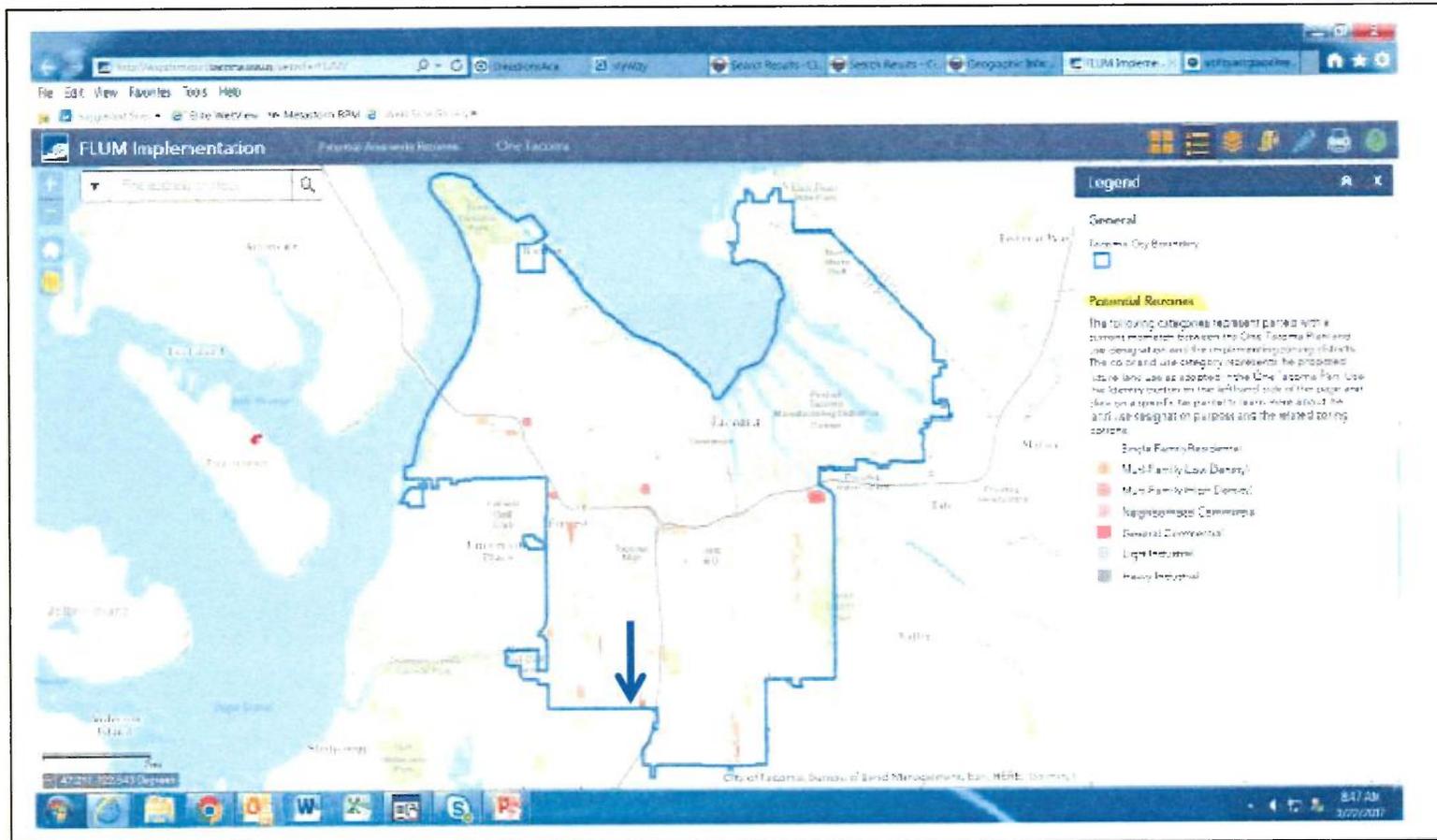
APPENDIX A-3



APPENDIX A-4

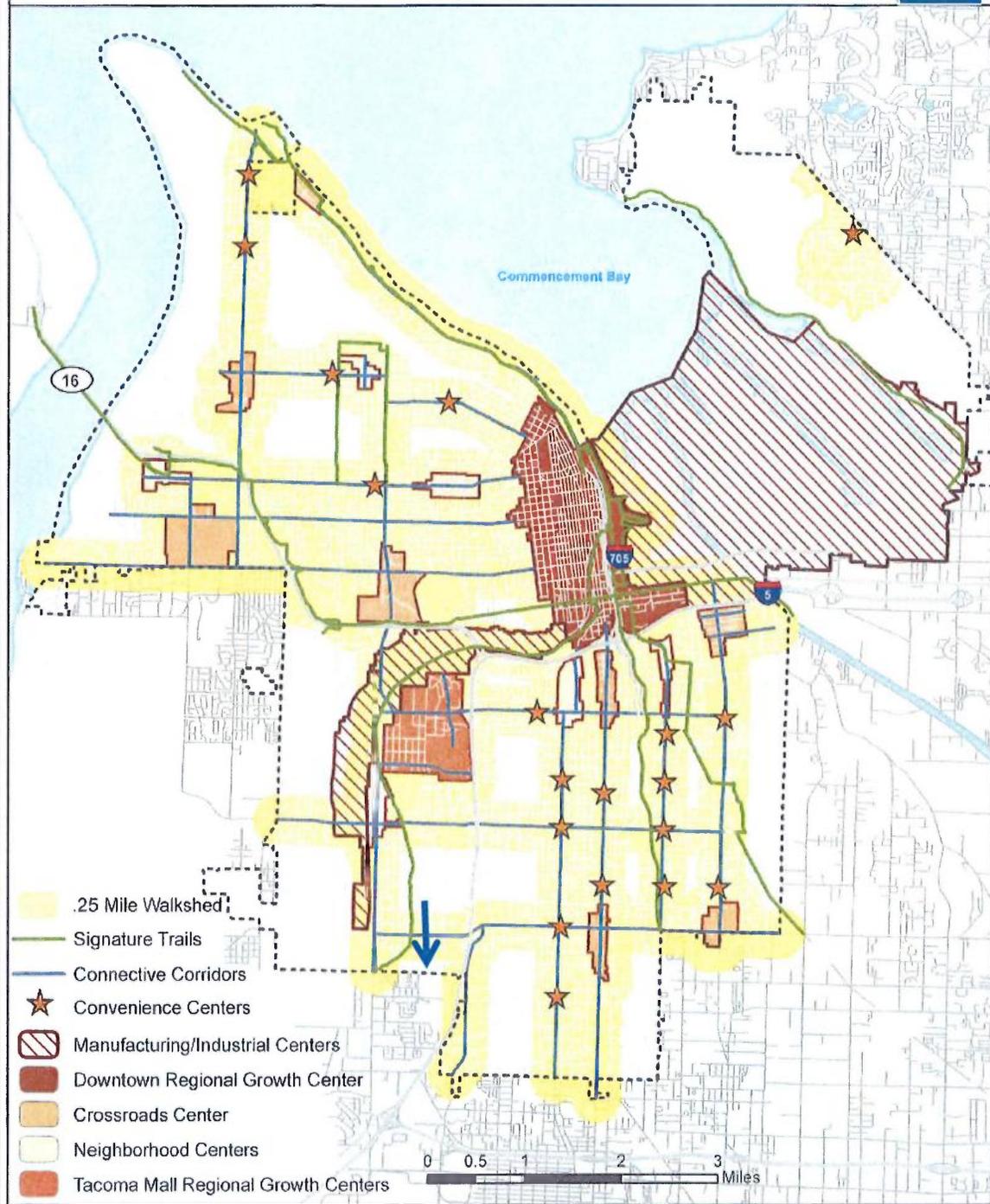


APPENDIX A-5

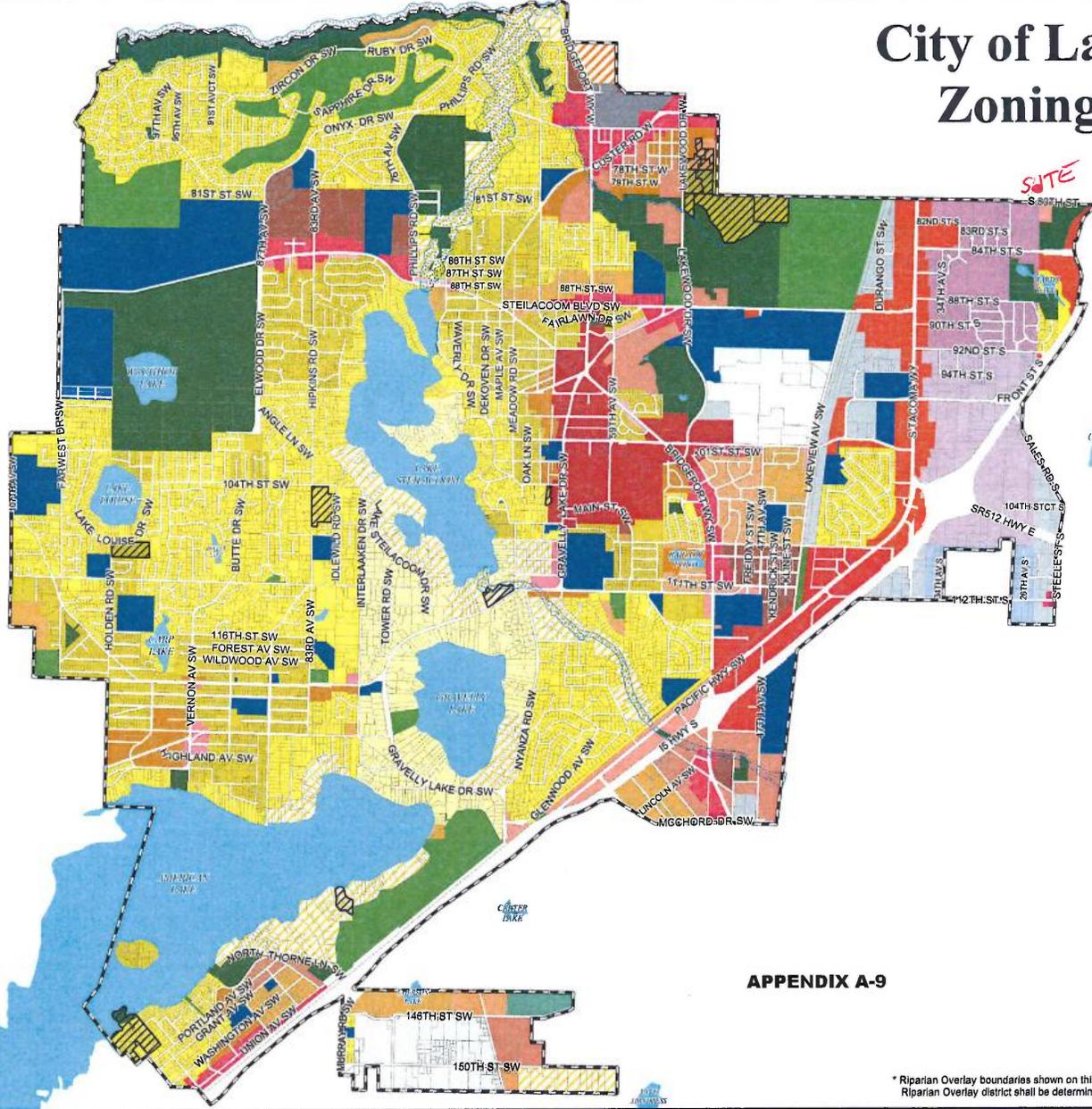


APPENDIX A-6

Centers Of Local Importance



City of Lakewood Zoning Map



- Air Corridor 1 (AC1)
- Air Corridor 2 (AC2)
- Arterial Residential/Commercial (ARC)
- Commercial One (C1)
- Commercial Two (C2)
- Commercial Three (C3)
- Central Business District (CBD)
- Clear Zone (CZ)
- Industrial One (I1)
- Industrial Two (I2)
- Industrial Business Park (IBP)
- Multi Family One (MF1)
- Multi Family Two (MF2)
- Multi Family Three (MF3)
- Military Lands (ML)
- Mixed Residential One (MR1)
- Mixed Residential Two (MR2)
- Neighborhood Commercial (NC1)
- Neighborhood Commercial (NC2)
- Open Space & Recreation One (OSR1)
- Open Space & Recreation Two (OSR2)
- Public / Institutional (PI)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Transit Oriented Commercial (TOC)
- Water/OSR1
- Lakewood City Limit
- Tax Parcel
- Riparian Buffer*
- Planned Development District

Map Date: January 07, 2016
 0 0.5 1 Mile

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-586-2469 for further information.

APPENDIX A-9

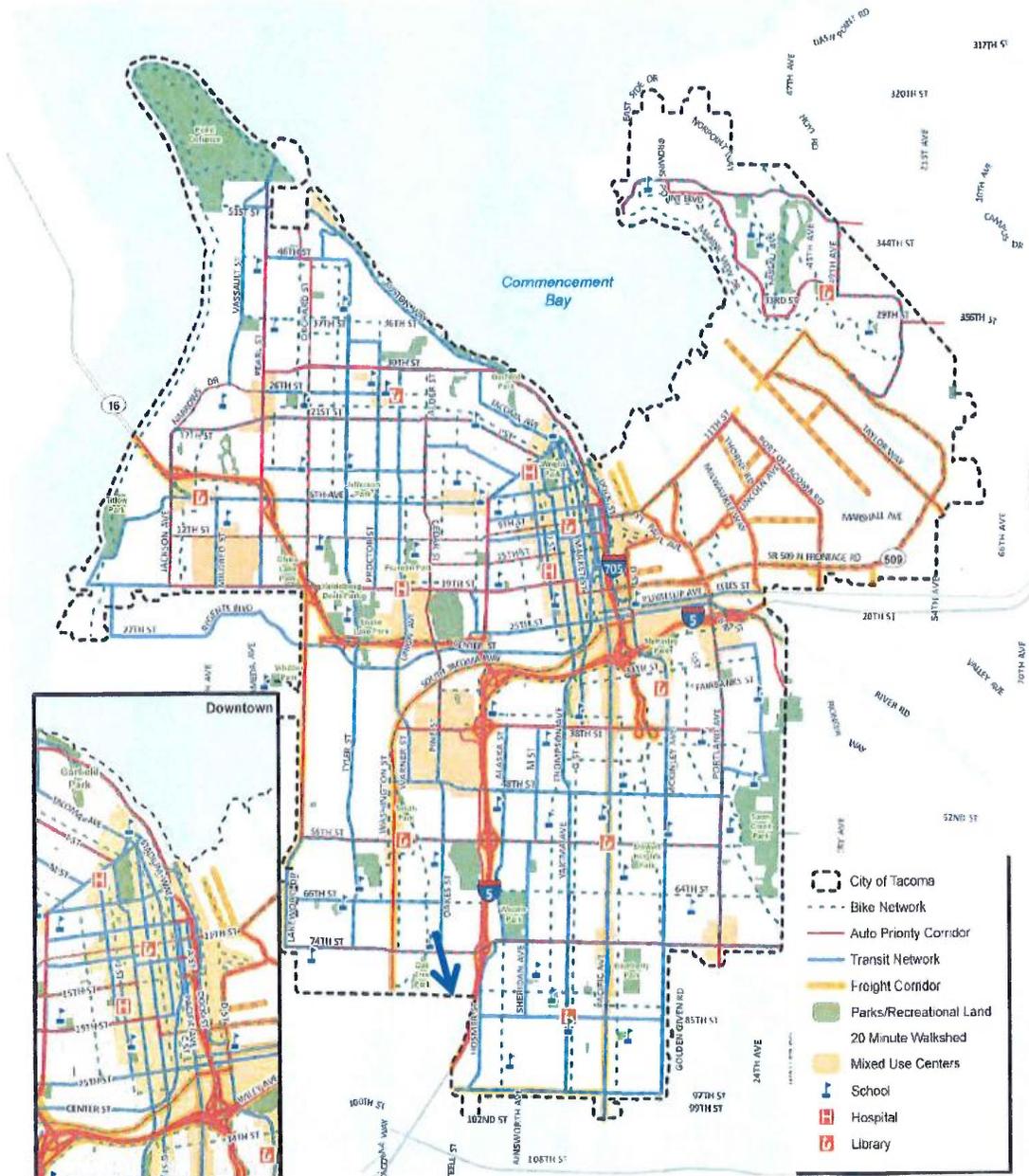
* Riparian Overlay boundaries shown on this map are for reference purposes only. The specific limits of the Riparian Overlay district shall be determined through site specific analysis of slope and environmental conditions.



City of Tacoma TRANSPORTATION MASTER PLAN



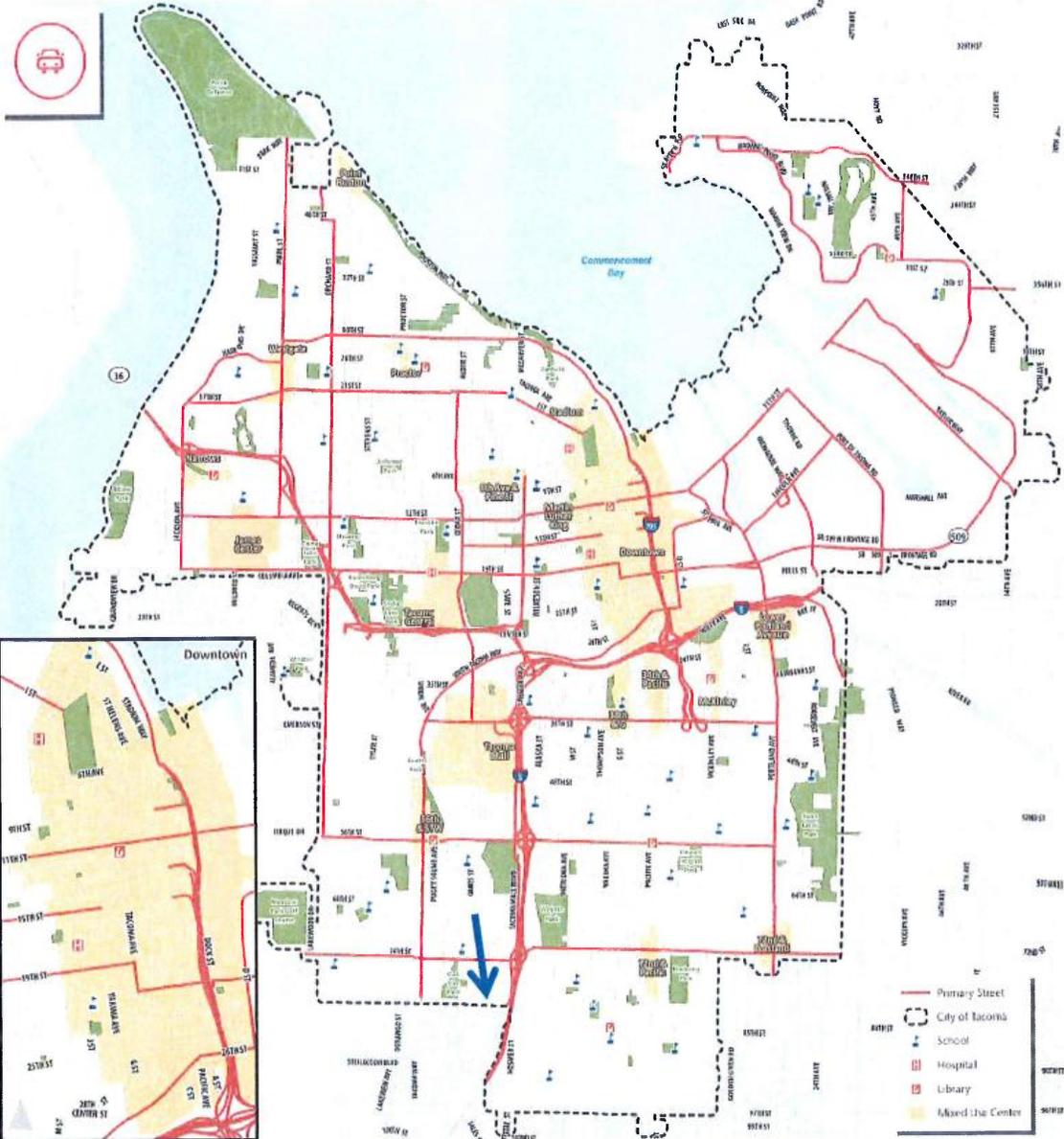
PRIORITY NETWORKS (ALL MODES)



FUTURE VISION



AUTO PRIORITY NETWORK

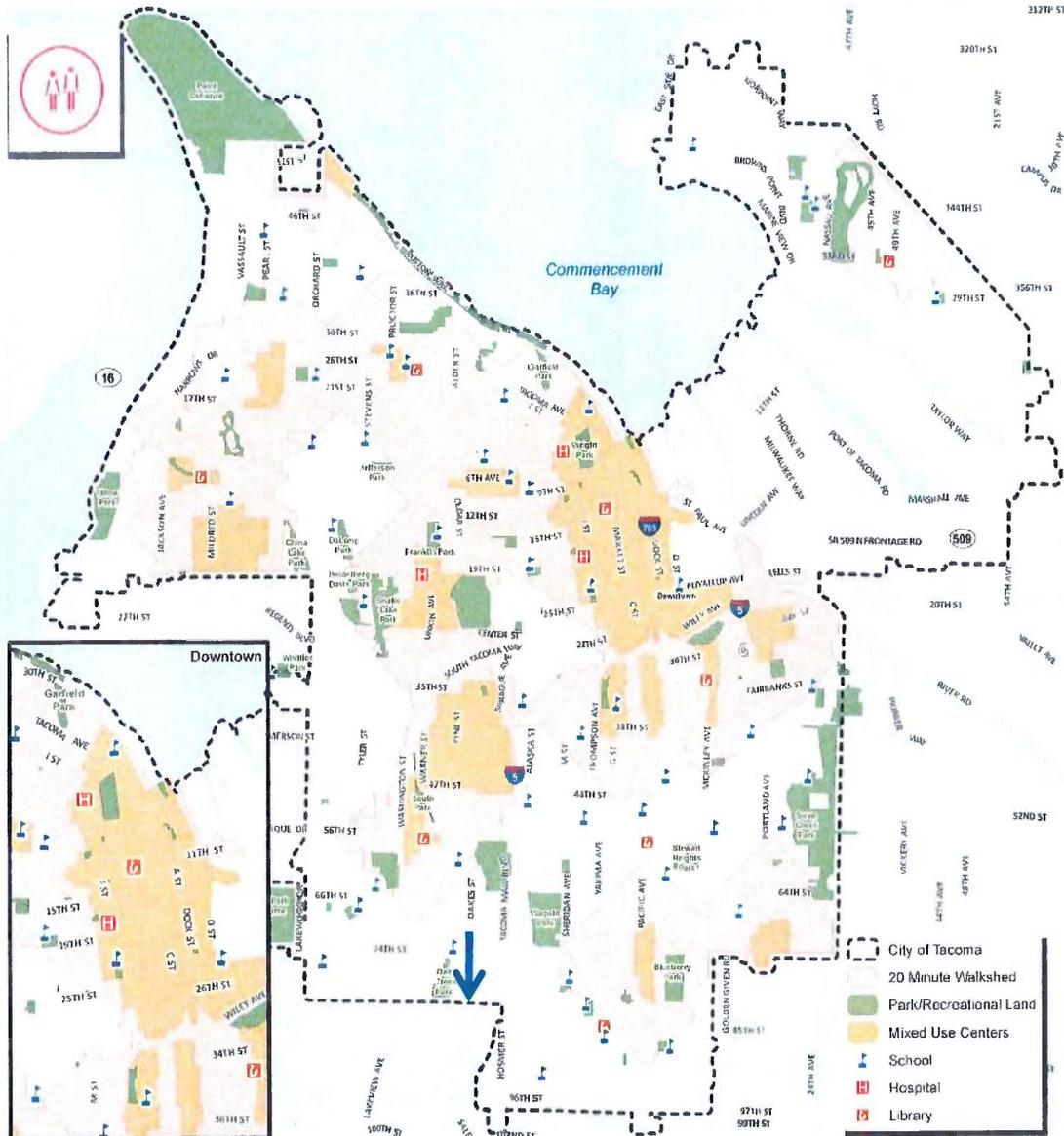


FUTURE VISION IMPLEMENTATION FUTURE CONDITIONS November 2015 | 93

FUTURE VISION



PEDESTRIAN PRIORITY NETWORK



FUTURE VISION

IMPLEMENTATION

FUTURE CONDITIONS

November 2015 | 71

FUTURE VISION



BICYCLE PRIORITY NETWORK



Note: The specific bicycle treatment to be provided on SR 509 has not yet been determined. This map identifies the desire to provide a dedicated non-motorized facility.



FUTURE VISION IMPLEMENTATION FUTURE CONDITIONS November 2015 | 77

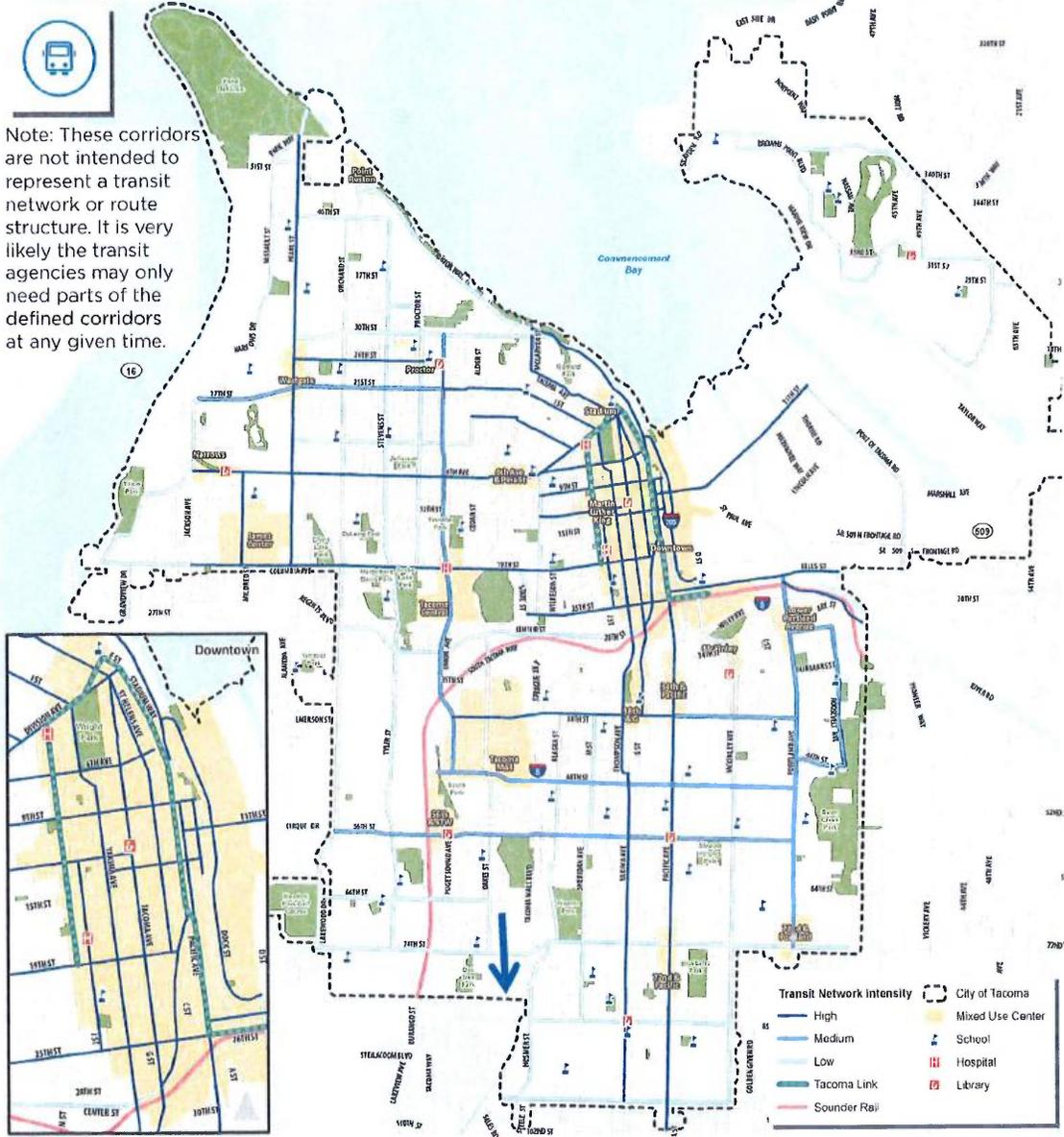
FUTURE VISION



TRANSIT PRIORITY NETWORK



Note: These corridors are not intended to represent a transit network or route structure. It is very likely the transit agencies may only need parts of the defined corridors at any given time.



Transit Network Intensity High Medium Low Tacoma Link Sounder Rail	City of Tacoma Mixed Use Center School Hospital Library
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FUTURE VISION

IMPLEMENTATION

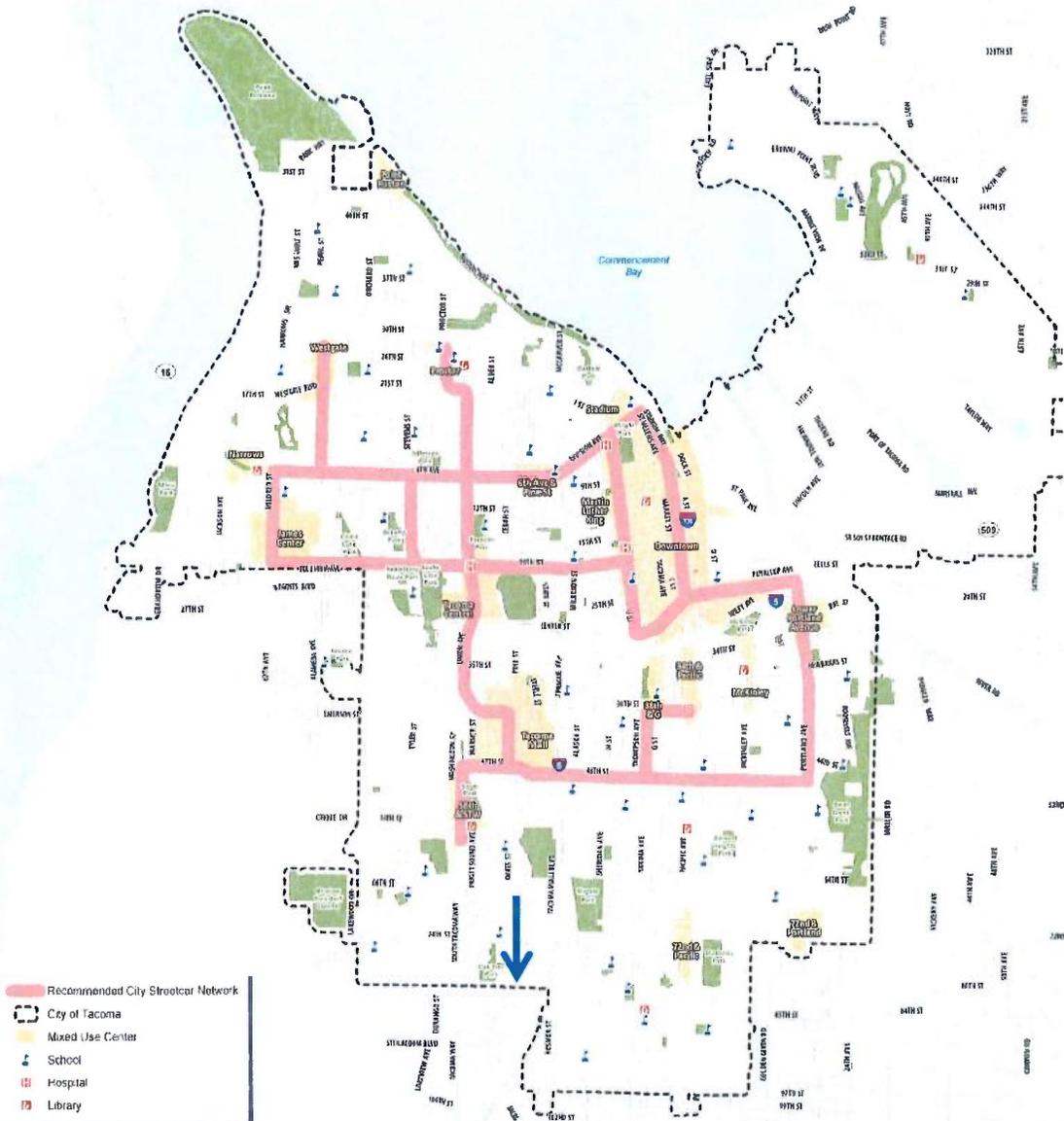
FUTURE CONDITIONS

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City of Tacoma TRANSPORTATION MASTER PLAN

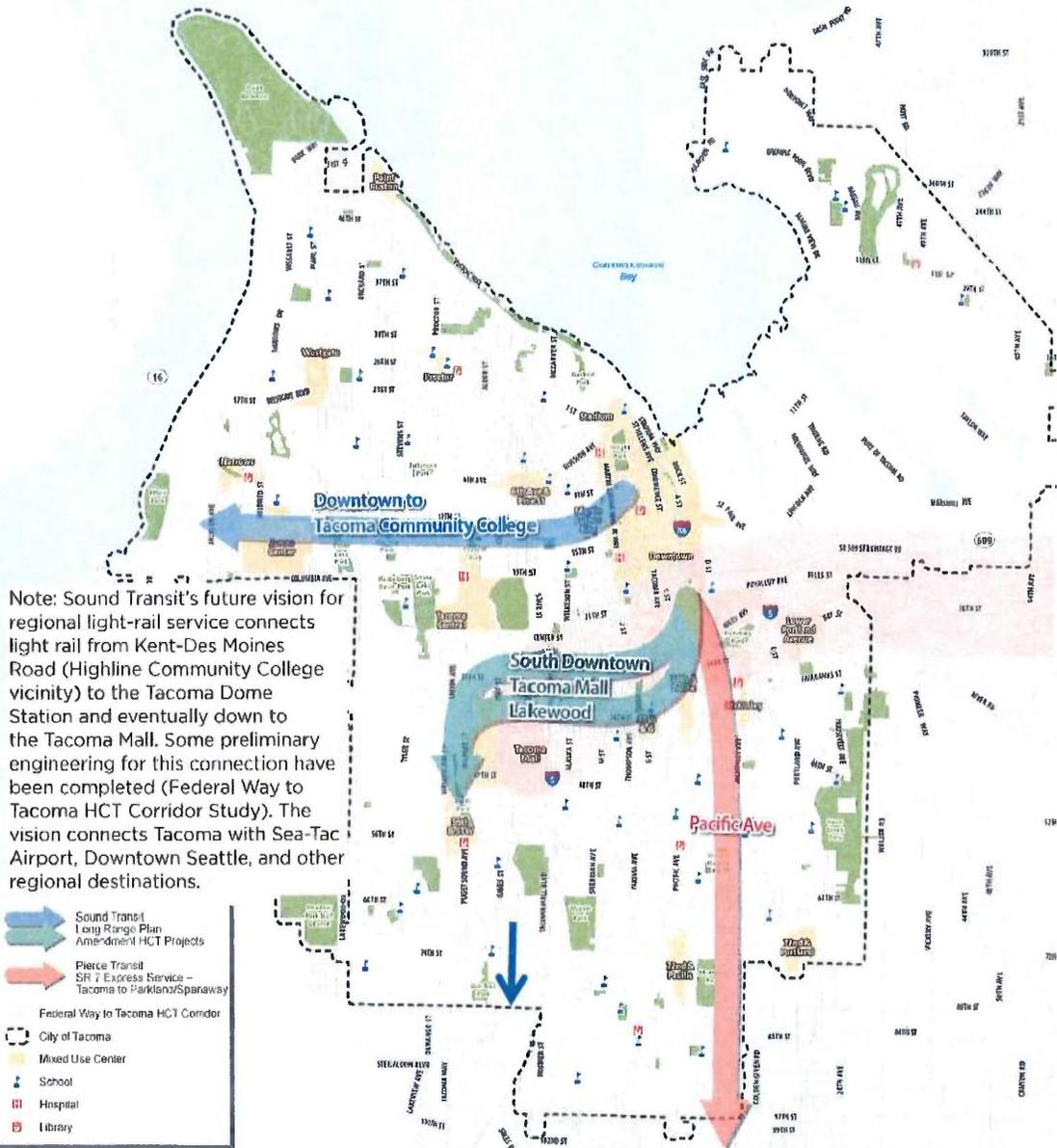
POTENTIAL CITY OF TACOMA STREETCAR CORRIDORS



FUTURE VISION



POTENTIAL SOUND TRANSIT AND PIERCE TRANSIT HCT CORRIDORS



FUTURE VISION

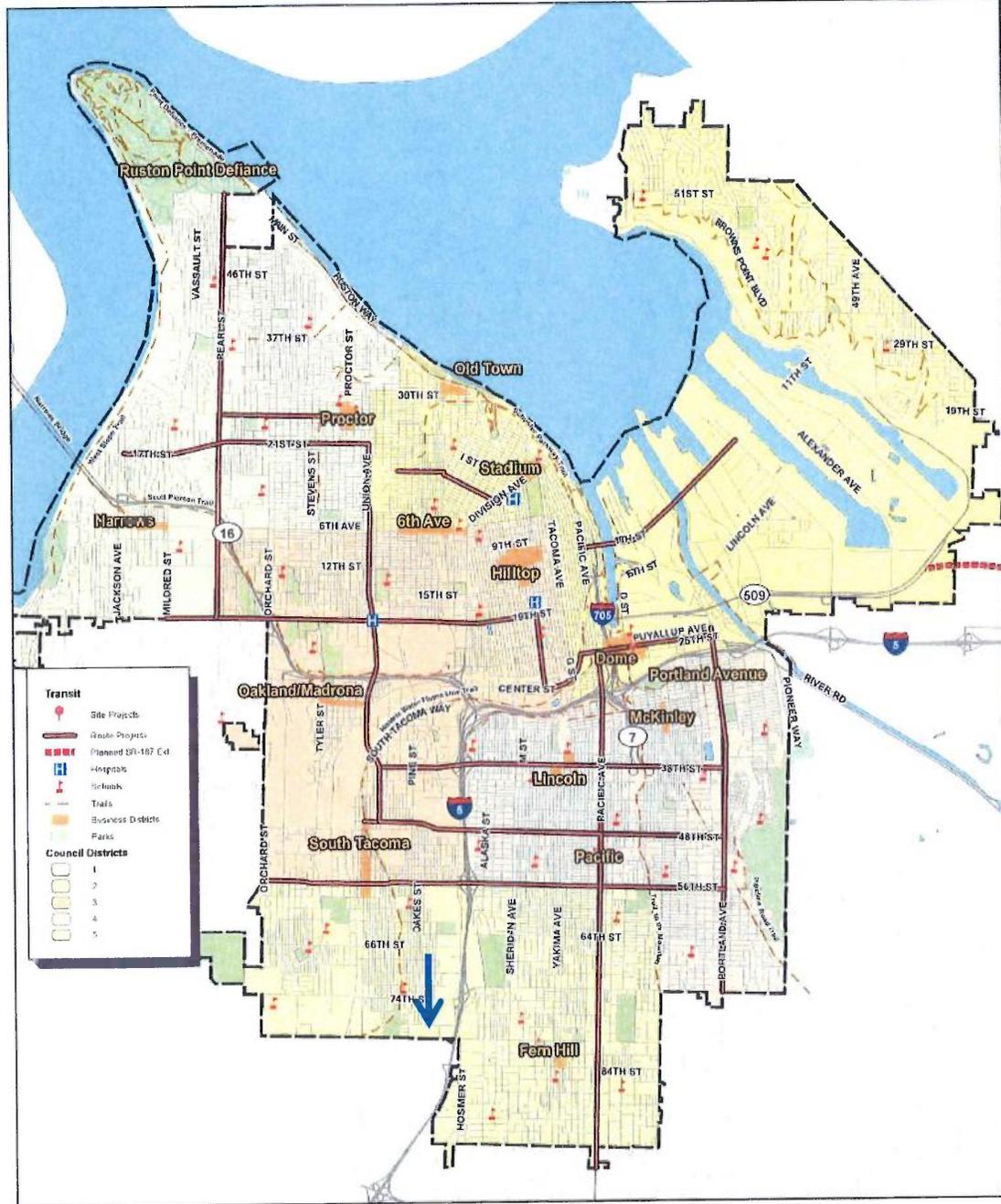
IMPLEMENTATION

FUTURE CONDITIONS

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City of Tacoma

Transit Projects



City of Tacoma

Transportation Master Plan

Author: City of Tacoma
Date: 10/2/2015



COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS

Neighborhood Commercial

This designation is characterized primarily by small-scale neighborhood businesses with some residential and institutional uses. Uses within these areas have low to moderate traffic generation, shorter operating hours, smaller buildings and sites, and less signage than general commercial or mixed-use areas. There is a greater emphasis on small businesses and development that is compatible with nearby, lower intensity residential areas.

Target Development Density: 14–36 dwelling units/net acre

General Commercial

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.

Target Development Density: 45–75 dwelling units/net acre

Downtown Regional Growth Center

The downtown center is the highest concentration of urban growth found anywhere in the city. It is the focal point for the city, the center of government, cultural, office, financial, transportation and other activities. This variety of day and night activities attracts visitors from throughout the city and region. The interstate freeway, major arterials, provides access and the center has both local and regional transit connections. Larger, often historic, buildings fronting on the sidewalk characterize the area. Pedestrian orientation is high. Parking is found along the street and within structures.

Tacoma Mall Regional Growth Center

The Tacoma Mall is a highly dense self-sufficient concentration of urban development. Buildings can range from one to twelve stories and activity is greater than in most areas of the city. It is an area of regional attraction and a focus for both the local and regional transit systems. Many major city arterials connect to the Tacoma Mall Regional Growth Center and nearby freeway access is present. Parking is provided both in surface lots and within structures. Internal streets and pathways provide connections among the developments within the center.

Minimum Allowable Site Density: 25 dwelling units/net acre

CORRESPONDING ZONING

C-1 General Neighborhood Commercial District
T Transitional District

PDB Planned Development Business District
HM Hospital Medical District
C-2 General Community Commercial District

DR Downtown Residential District
DMU Downtown Mixed-Use District
WR Warehouse/Residential District
DCC Downtown Commercial Core District
UCX-TD Downtown Mixed-Use District

UCX Urban Center Mixed-Use District
RCX Residential Commercial Mixed-Use District
URX Urban Residential Mixed-Use District

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS

CORRESPONDING ZONING

Crossroads Center

The crossroads center is a concentration of commercial and/or institutional development that serves many nearby neighborhoods and generally includes a unique attraction that draws people from throughout the city. Some residential development may already be present, and there is a goal to have more residential development. It is directly accessible by arterials and local transit. Pedestrian accessibility is important within the center, but because of its focus on larger scale commercial development, the crossroads center continues to provide for automobile parking, preferably within structures.

Minimum Allowable Development Density: 25 dwelling units/net acre

Neighborhood Center

The neighborhood center is a concentrated mix of small- to medium-scale development that serves the daily needs of center residents, the immediate neighborhood, and areas beyond. Development contains a mix of residential and commercial uses, and the majority of parking is provided within structures. Buildings are generally up to six stories along the commercial corridors, up to three stories at the periphery of the centers near single-family districts, and up to four stories in areas between the core and the periphery. They are designed with a compatible character to adjacent residential neighborhoods. The design of the neighborhood center encourages pedestrians and bicyclists and its location on a major arterial makes it a convenient and frequent stop for local transit. The regional transit network also may directly serve some neighborhood centers.

Minimum Allowable Development Density: 25 dwelling units/net acre

Light Industrial

This designation allows for a variety of industrial uses that are moderate in scale and impact, with lower noise, odors and traffic generation than heavy industrial uses.

This designation may include various types of light manufacturing and warehousing and newer, clean and high-tech industries, along with commercial and some limited residential uses. These areas are often utilized as a buffer or transition between heavy industrial areas and less intensive commercial and/or residential areas.

Heavy Industrial

This designation is characterized by higher levels of noise and odors, large-scale production, large buildings and sites, extended operating hours, and heavy truck traffic. This designation requires access to major transportation corridors, often including heavy-haul truck routes and rail facilities. Commercial and institutional uses are limited and residential uses are generally prohibited.

- CCX** Community Commercial Mixed-Use District
- RCX** Residential Commercial Mixed-Use District
- HMX** Hospital Medical Mixed-Use District
- URX** Urban Residential Mixed-Use District

- NCX** Neighborhood Commercial Mixed-Use District
- RCX** Residential Commercial Mixed-Use District
- CIX** Commercial Industrial Mixed-Use District
- HMX** Hospital Medical Mixed-Use District
- URX** Urban Residential Mixed-Use District
- NRX** Neighborhood Residential Mixed-Use District
- M-1** Light Industrial District

- M-2** Heavy Industrial District
- PMI** Port Maritime & Industrial District



City of Tacoma
Planning and Development Services

Agenda Item
D-3

To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **Commercial Zoning Update – PDB Zoning Districts**
Date of Meeting: October 5, 2016
Date of Memo: September 28, 2016

At the October 5, 2016 Planning Commission meeting staff will be presenting an assessment of the City's Planned Development Business Districts for inclusion in the 2018 amendment cycle as part of the overall Commercial Zoning Update.

The Commercial Zoning Update seeks to better align the City's T, C-1, C-2, and PDB districts with both the existing and planned use and development patterns within the City's commercial districts. The zoning update will not include areas zoned as part of designated center. The initial phase of the update will focus on analyzing the existing characteristics of the areas zoned for, or planned for, commercial uses. Likely characteristics to be evaluated include: Floor-area-ratio, building coverage, lot sizes, intersection density and block sizes, proximity to residential areas, and front setbacks.

Within this scope of work, the staff recommendation is to review the Planned Development Business Districts as a distinct sub-element. The staff presentation will introduce these areas and some of the particular use and development issues that need to be resolved through the process. The ultimate outcomes of this review will also be dependent on the ultimate recommendations for the C-2 districts.

The intent of the PDB district is as follows:

PDB Planned Development Business District. This district is intended to provide limited areas for a mix of land uses that includes warehousing, distribution, light assembly, media, education, research, and limited commercial. The developments in this district are intended to have fewer off-site impacts than would be associated with industrial or community commercial areas. Retail uses are size limited and signage is reduced. These areas should be designed for improved residential compatibility on boundaries by landscaping and other design elements. Sites should have reasonably direct access to a highway or major arterial. This district is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

Currently, there are only three locations within the City zoned as PDB and only seven distinct businesses. Based on the scant use of the zoning district, the relative ineffectiveness of the district in meeting the intent, as well as feedback and concern from existing businesses and property owners, staff recommends including these areas as a subset of the overall commercial zoning update. The map on the following page depicts the study areas.

If you have any questions, please contact me at 591-5531 or satkinson@cityoftacoma.org.

c: Peter Huffman, Director

City of Tacoma | Planning and Development Services

PDB Study Areas



↑ Map is for reference only.

0 3 6 12 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



Study Area 1: PDB Future Land Use



Map is for reference only.



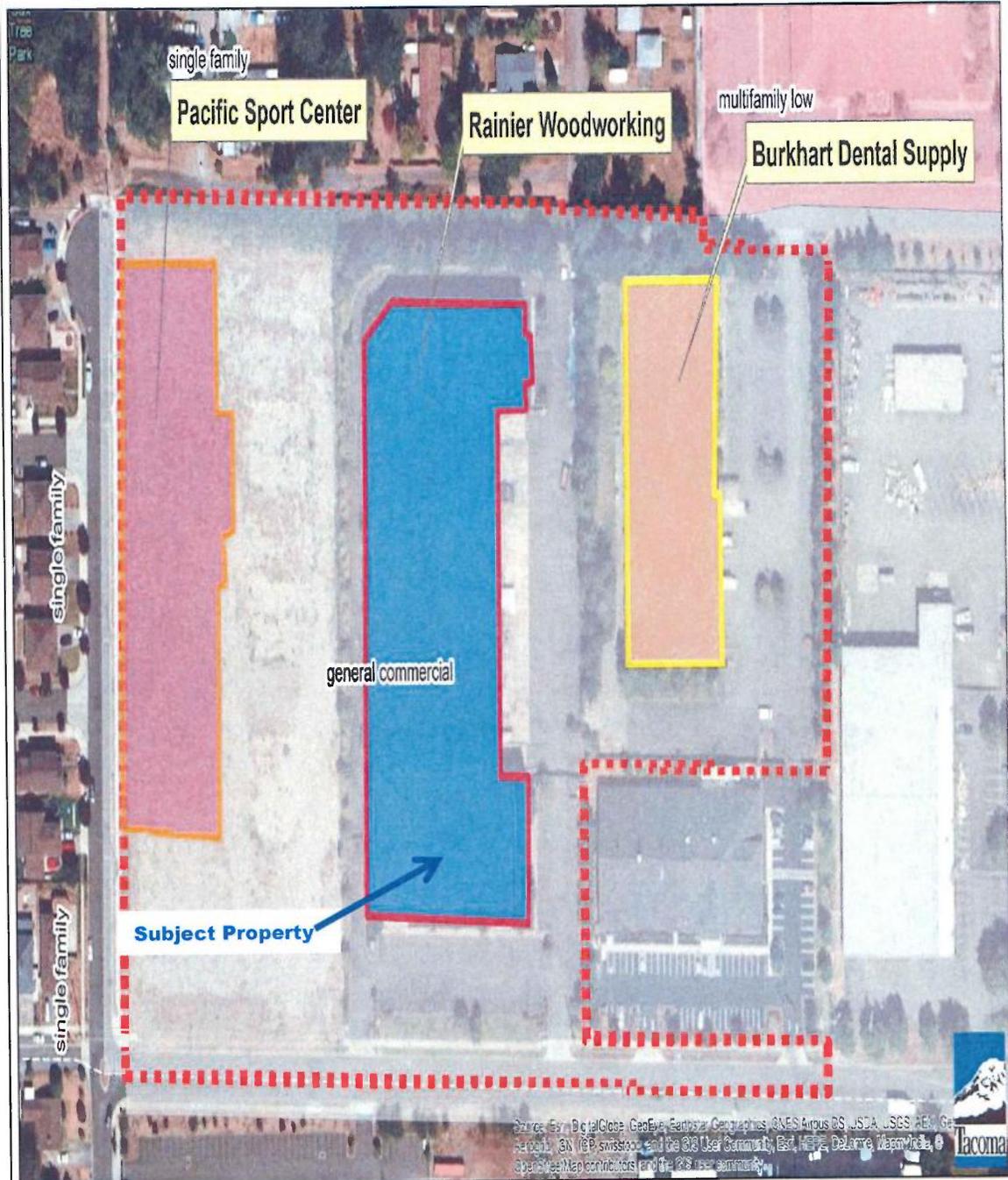
Study Area 2: PDB Future Land Use



↑ Map is for reference only.

0 175 350 700 Feet

Study Area 3: PDB Future Land Use



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, Mapbox, © OpenStreetMap contributors, and the GIS user community.

↑ Map is for reference only.





City of Tacoma
Planning and Development Services

**Agenda Item
D-5**

To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **Open Space Corridors Project**
Meeting Date: December 5, 2017
Memo Date: November 30, 2017

On December 6th the Commission will discuss actions to protect valuable natural assets within the City's designated Open Space Corridors. On March 7, 2017 the Commission provided initial input on the overall project need, purpose and intent. Staff will provide recommendations for a phased approach with a focus this year on protecting the most environmentally valuable open space lands through updates to the City's Critical Areas Preservation Ordinance (CAPO).

In 2009, the City designated Habitat Corridors throughout the City. These Corridors connect steep slopes, fish and wildlife habitat, wetlands and streams, as well as passive and active recreation areas. The Habitat Corridors became the basis for the Parks and Open Space designation in the Future Land Use Map of the *One Tacoma Plan*. As part of the 2015 Comprehensive Plan update, the Habitat Corridors were renamed Open Space Corridors and the policies reflected the multiple functions and services that these lands provide. However, despite longstanding policy support, implementation of regulatory protections has lagged.

The proposed code updates are intended to fill gaps in current standards to increase consistency with longstanding policy direction. Tacoma's critical areas standards apply when development activity is likely to occur within or have an impact on the function of a designated critical area (flood plains, geologic hazards, fish and wildlife habitat, wetlands, streams, aquifer recharge areas). However, while the CAPO includes clear standards for some types of critical areas, standards are inadequate for Biodiversity Corridors, a category of fish and wildlife habitat, as well as for geohazards. Biodiversity Corridors and steep slopes, a category of geohazards, comprise a large proportion of the designated Open Space Corridors. Updating these critical areas standards will be an effective method to limit the fragmentation of many of Tacoma's most valuable natural areas.

At this meeting, staff will seek concurrence on the project scope and approach. More information about the project is available at www.cityoftacoma.org. If you have any questions, please contact Elliott Barnett at (253) 591-5389, or email elliott.barnett@cityoftacoma.org.

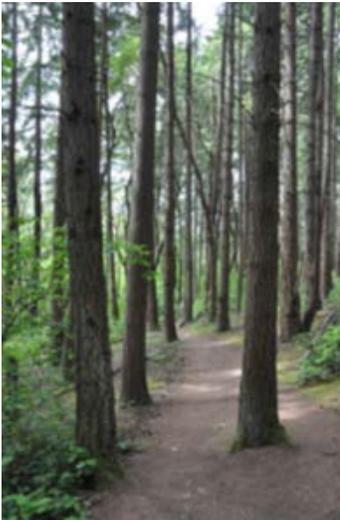
c. Peter Huffman, Director

Attachments:

- A. Staff Analysis Report
- B. Best Available Science Summary
- C. Open Space Assessment Report – March 2017 (included for reference)

Attachment A: Analysis Report

Open Space Corridors Project Staff Analysis Report – December 6, 2017



The Open Space Corridors (OSC) Project is one of the City’s initial steps to implement the Parks and Open Space designation of the new Comprehensive Plan, *One Tacoma*. The Parks and Open Space designation includes a variety of areas within the City, including active park and recreation areas, passive open spaces, critical areas, steep slopes, and other important habitat areas. Many of these lands remain privately owned and zoned to encourage development. While some sites are protected by critical area standards, others currently lack development standards that would adequately protect and retain the multiple important functions and values these lands provide.

Over the next 20 years, the number of people and jobs will grow significantly in Tacoma, increasing development pressure within sensitive and important open spaces within the City. In addition, climate change is likely to increase landslide and erosion risks, placing even greater importance on taking actions now to protect life and property. Where past policy approaches have typically relied on direct acquisition of properties to preserve functions, this project will evaluate other regulatory approaches.

Staff have developed a multi-phased project approach, with the current effort focusing on Critical Areas standards updates to better protect Biodiversity Corridors and Steep Slope areas. This approach would take a significant step toward preventing fragmentation of the most valuable natural areas within the Open Space Corridors, and set the stage for future implementation steps.

Project Process and Timeline

<p>1. Assessment and Analysis</p> <ul style="list-style-type: none"> • Assessment Report, March 1, 2017 	<ul style="list-style-type: none"> • Area of Applicability: Designated Open Space Corridors (citywide) • Objectives: Reduce fragmentation of Open Space Corridors resulting from development • Map existing conditions and development potential in Open Space Corridors.
<p>2. Options Analysis April to November 2017</p> <ul style="list-style-type: none"> • Analysis report <p>★ we are here</p>	<ul style="list-style-type: none"> • Develop a conceptual framework for regulating Open Space Corridors, focusing this year on Critical Areas code updates • Develop stakeholder engagement plan • Develop alternatives and assess impacts.
<p>3. Draft Amendments December to January 2018</p> <ul style="list-style-type: none"> • Discussion Draft, Jan. 2018 	<ul style="list-style-type: none"> • Integrate Commission direction into further refinements to the approach • Develop scenarios of likely affects • Finalize analysis and public review draft.
<p>4. Public Hearings/Adoption</p> <ul style="list-style-type: none"> • PC Hearing, March 2018 • Council Hearing, June 2018 	<ul style="list-style-type: none"> • Continue stakeholder engagement • Gather public input on the proposals • Planning Commission and Council action.

Planning and Development Services
City of Tacoma, Washington
Peter Huffman, Director



Project Manager
Elliott Barnett, Associate Planner
Elliott.barnett@cityoftacoma.org
(253) 591-5389
www.cityoftacoma.org/planning

Area of Applicability

The Open Space Corridors Project focuses on designated Open Space Corridors citywide (see Parks and Recreation Map). Open Space Corridors are distributed citywide and include the City's most important and valuable connected natural lands, as well as parks, recreational assets and other lands valuable as open space.

Staff are proposing a multi-phased approach to implementing Open Space Corridor goals. For this year, a package of Critical Areas Preservation Ordinance (CAPO) code updates would be applicable citywide, with the exception of Shoreline Districts which contain standalone critical areas standards. Since a large proportion of designated Open Space Corridors contain critical areas, enhancing critical areas standards is an effective method to protect the corridors.

The Environmental Assets and Environmental Hazards maps depict the portions of the Open Space Corridors which are known to contain critical areas.

Background

In 2009 the City designated the Habitat Corridors, renamed as Open Space Corridors in 2015, in recognition of the multiple functions and values they provide. Tacoma's designated Open Space Corridors contain the City's most valuable natural lands and features, along with other types of parks and open space assets.

City, regional and state policy guidance call for strengthening protections for urban open spaces and environmental assets, in balance with allowing for reasonable use of property as required by state law. The *One Tacoma Plan* contains strong policy direction to take a range of actions to protect them. The primary focus to date has been on voluntary conservation efforts as well as on acquisition and restoration efforts by the City and other public agencies. Yet development has continued to occur at a faster pace than conservation efforts. Today, a substantial amount of developable land within the corridors remains in private ownership.

The March 2017 *Assessment Report* contains a thorough policy summary, which is included as Attachment B.

Existing Conditions

Staff conducted a high level analysis of existing conditions within designated Open Space Corridors to support this effort. The majority of the Corridors are zoned residential, and current land uses are primarily residential as well. Land ownership patterns are dispersed and include public, private, tribal and right-of-way.

A substantial proportion of the Corridors are critical areas or buffers. In particular, nearly half (40%) of the Open Space Corridors are known Fish and Wildlife Habitat Conservation Areas (FWHCA's) regulated under Tacoma's critical areas standards. These areas are generally part of largely undeveloped, connected forested corridors. Steep slopes are also prevalent in the Open Space Corridors.



Tacoma's Open Space Corridors contain:

- About 5,350 acres total
- Ownership
 - 62% public
 - 23% private
 - 15% right-of-way
 - < 1% Tribal
- Zones
 - 74% single-family
 - 12% Multi-family
 - 6% Shoreline
 - 10% other zones

Open Space Corridors FWHCA's contain:

- About 2,100 acres total
- About 30% privately owned
- Rough estimate of private development capacity: 3,200 dwellings



Current regulations

Since state adoption of the Growth Management Act, Tacoma has adopted and continued to refine Critical Areas standards to protect designated categories of environmentally sensitive lands. However, the standards vary across critical areas categories. Wetlands and Streams generally have the most robust and clearly defined standards. In contrast, current protections are not robust for Biodiversity Corridors, a subcategory of Fish and Wildlife Habitat Conservation Areas. Furthermore, current standards for Geohazard areas are ambiguous in regards to whether the intent is to avoid or minimize development on slopes, or to simply require that the slopes be made stable through engineering approaches.

Fish and Wildlife Habitat Conservation Areas (FWHCA's) are an inclusive critical areas category which incorporates multiple other critical areas including wetlands, streams, riparian areas and priority habitat areas. Tacoma's current critical areas standards for FWHCA's rely extensively on Washington State Department of Fish and Wildlife (WDFW) guidance and management recommendations for different types of habitats and species. Generally, these standards are robust. However, WDFW does not provide clear standards for Biodiversity Corridors and instead calls for local jurisdictions to adopt standards such as vegetation retention and clustering to protect the corridors.

Geohazards are designated as critical areas primarily due to the potential hazard to life and property that could result if these areas are developed. Tacoma's current critical areas standards for geohazards are ambiguous in regards to whether "mitigation sequencing" applies, which would indicate that the development should avoid and minimize impacts to steep slopes when feasible. The result has been that development has been allowed on steep slope areas, resulting in largescale vegetation removal. In the case of steep slopes located within Open Space Corridors, this approach is not consistent with policy intent. Furthermore, the Best Available Science for steep slopes calls for avoidance and minimization of impacts as the most appropriate approach (see Attachment B).

Other codes and standards including landscaping, tree planting, maintenance and pruning on public lands and rights-of-way, and platting are also pertinent to the Open Space Corridors and should be reviewed in the future.

Objectives

The overall project objective is to implement the Parks and Open Space designation of the new Comprehensive Plan, *One Tacoma*. Staff are recommending a focus this year on critical areas standards updates to address the gaps and inconsistencies discussed above. These updates will be a significant step in preventing the fragmentation and deforestation of the Open Space Corridors which contain substantial areas of Biodiversity Corridors, and steep slopes.

The proposed amendment would:

- Implement *One Tacoma* land use vision and policies calling for conservation of Open Space Corridors and their many benefits
- Respond to increases in the pace of development and the pressure that will bring to develop open space areas

Critical Areas in Tacoma Include both environmental assets:

- marine habitats,
- freshwater rivers,
- streams and lakes,
- wetlands,
- aquifer recharge areas,
- fish and wildlife habitat areas.

and environmental hazards:

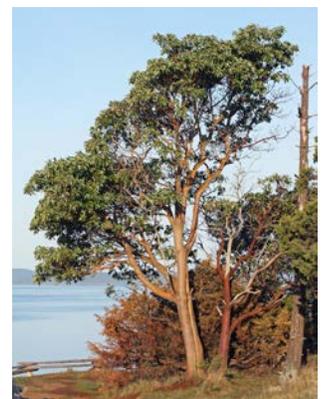
- frequently flooded areas,
- geologic hazardous areas

Fish and Wildlife Habitat Conservation Areas include:

- Other critical areas such as wetlands, streams and riparian corridors
- Priority plant and animal species
- Priority Habitats
- Biodiversity Corridors are one type of Priority Habitat for which state standards are limited.



Peregrine Falcon



Madrone tree

- Support the City’s ongoing Open Space Program efforts and complement existing code requirements and incentives
- Address inconsistencies and code gaps for different types of critical areas
- Clarify the process for reasonable development within Biodiversity Corridors and Geohazard areas
- Take significant steps toward establishing a landscape management level approach to Tacoma’s open space corridors.

Current Phase

- CAPO updates to strengthen protection for Biodiversity Corridors
- CAPO updates to clarify review within Geohazard areas

Future Phases and Related Policy Initiatives

The City has planned or will consider additional actions that will further expand protections for Open Space Corridors and provide for enhancements of their open space value, including the following:

- CAPO Steep Slopes Best Available Science review and updates
- Consideration of creating an Open Space Overlay Zoning District
- Standards for trails and active use open spaces
- Updates to standards for tree planting, maintenance and pruning on public land and rights-of-way
- Shoreline Master Program update and Port/Tideflats Subarea Plan
- Landscaping Code updates
- Open Space Program activities and management plans for specific areas

Options Analysis

The Best Available Science (BAS) demonstrates that maintaining connected vegetated corridors is critical to habitat health and supports avoidance of development as the best management approach in steep slope areas (see attached BAS Summary). Several jurisdictions within the region employ standards such as requiring development to be clustered, limiting overall vegetation removal, and protecting connected vegetated corridors to protect the functions and values of open space corridors. The common themes are avoidance, minimization and mitigation of vegetation removal and disturbance while allowing for reasonable use of property as required by state law.

The following actions are recommended as part of the current effort, and would support these objectives:

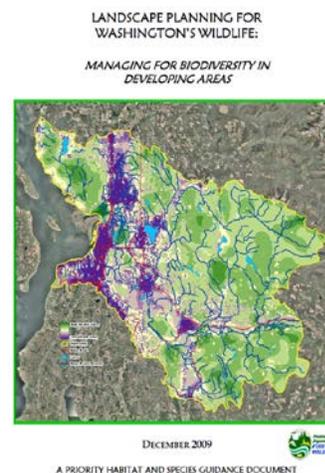
CAPO Biodiversity Corridor Updates

The CAPO includes standards for Fish and Wildlife Habitat Conservation Areas (FWHCA’s). FWHCA’s include several subcategories including wetlands, streams, riparian areas, and priority habitat areas. One subcategory of Priority Habitat Areas is Biodiversity Corridors.

For the most part, Tacoma’s critical areas standards currently reference Washington State Department of Fish and Wildlife (WDFW) recommendations for managing

Biodiversity Corridors

WDFW defines Biodiversity Areas as those areas within a city that contain habitat that is valuable to fish and wildlife. These areas are mostly comprised of native vegetation and relative to other areas vegetation is diverse with a mosaic of habitats. Corridors are defined as areas of relatively undisturbed land that is not fragmented and connects fish and wildlife habitat conservation areas, other priority habitat, or valuable habitats within a city.



WDFW provides a key source of best practices managing biodiversity corridors.

FWHCA's. While this is generally adequate, there is a gap in the case of Biodiversity Corridors. In that instance, WDFW recommends that local jurisdictions adopt appropriate standards for Biodiversity Corridors. Staff recommend adoption of standards to protect Biodiversity Corridors, as recommended by WDFW.

WDFW maps Biodiversity Corridors in the state. In Tacoma, WDFW's maps overlap substantially with the City's designated Open Space Corridors (see Environmental Assets map). Therefore, enhancing regulatory protections for these areas will be a significant step, consistent with the objectives of this project.

The updates would clarify that Biodiversity Corridors are regulated critical areas subject to City oversight. The principle of avoidance, minimization and mitigation sequencing applies to them as it does to other critical areas. In addition, the following topics would be addressed as part of adoption of Biodiversity Corridor regulatory updates:

1. Establish guidelines for reasonable use of property within Biodiversity Corridors, including standards such as:
 - Minimum connected corridors widths
 - Protection for significant trees
 - Maximum vegetation removal
 - Requiring development to be clustered
 - Updates to the existing CAPO density bonus option to offset reduced development capacity
2. Establish the review process for development proposed within Biodiversity Corridors, including the following considerations:
 - Process to designate and avoid impacts to Biodiversity Corridors and other critical areas
 - Potential regulatory exemptions for small scale vegetation removal, removal of invasive plants, landscaping maintenance or other minimally impactful activities

CAPO – Geohazards Updates

The CAPO also includes standards for geohazards, including steep slopes. However, the code does not make it clear that the intent to avoid, minimize and mitigate also applies to geohazard areas as it does in other critical areas. This outcome is not consistent with the Best Available Science which indicates that vegetation retention is the most effective approach to minimizing the risk of slope failure.

Staff recommend that the CAPO Geohazards section be updated as follows:

1. Clarify that avoidance and mitigation sequencing applies to geohazard areas
2. Clarify that the Best Available Science supports retention of existing vegetation for steep slopes



A large lot subdivision



*Example of clustered development
(Source: WDFW 2009)*

Steep slopes landslides:



Impacts Assessment

Adoption of clear, substantive and reasonable critical areas standards for Biodiversity Corridors, and clarifications to Geohazard standards would have a range of impacts in applicable areas, including the following:

- Significantly reduce the likely future fragmentation of Open Space Corridors
- Support the *One Tacoma Plan*, which reflects a longstanding community desire conserve cherished green corridors
- Promote public health, watershed health and clean air
- Provide habitat for plants and animals that are present in Tacoma as well as for migrating birds
- Proactively reduce the potential long-term risk to life and property of developing on steep slopes, which may increase with climate change
- While existing regulations and development constraints such as steep slopes already limit development capacity, the proposal would further reduce development capacity in some areas
- Provide predictable and clear standards for reasonable use of property.

With Planning Commission direction, staff will continue to analyze proposed critical areas standards on a range of hypothetical sites. These will better illustrate the likely impacts as well as help to refine the proposals.

Outreach Strategy

Planning staff are working closely with Environmental Specialist, Open Space and Urban Forestry staff to develop the proposals. In addition, the Planning Division is engaging an architect to assist in scenario analysis and illustrations to clarify the approach.

Staff will engage with members of the development community, neighborhood groups, public agencies and the environmental representatives before and during the public comment period, including the following meetings:

- Master Builders Association Legislative Committee – January 9, 2018
- Sustainability Commission – January 16, 2018
- Metro Parks Tacoma and Tacoma School District – date TBD
- Community Council – date TBD

Next Steps

Staff request Planning Commission concurrence or direction on the proposed scope for the current phase of the larger Open Space Corridor Project, as well as high level direction on the proposed critical areas standards updates.

Staff will return in January to present a full draft package for the Commission's consideration. The package will include a staff report, development scenarios illustrating the impact on a range of hypothetical properties, and draft code changes.

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard.

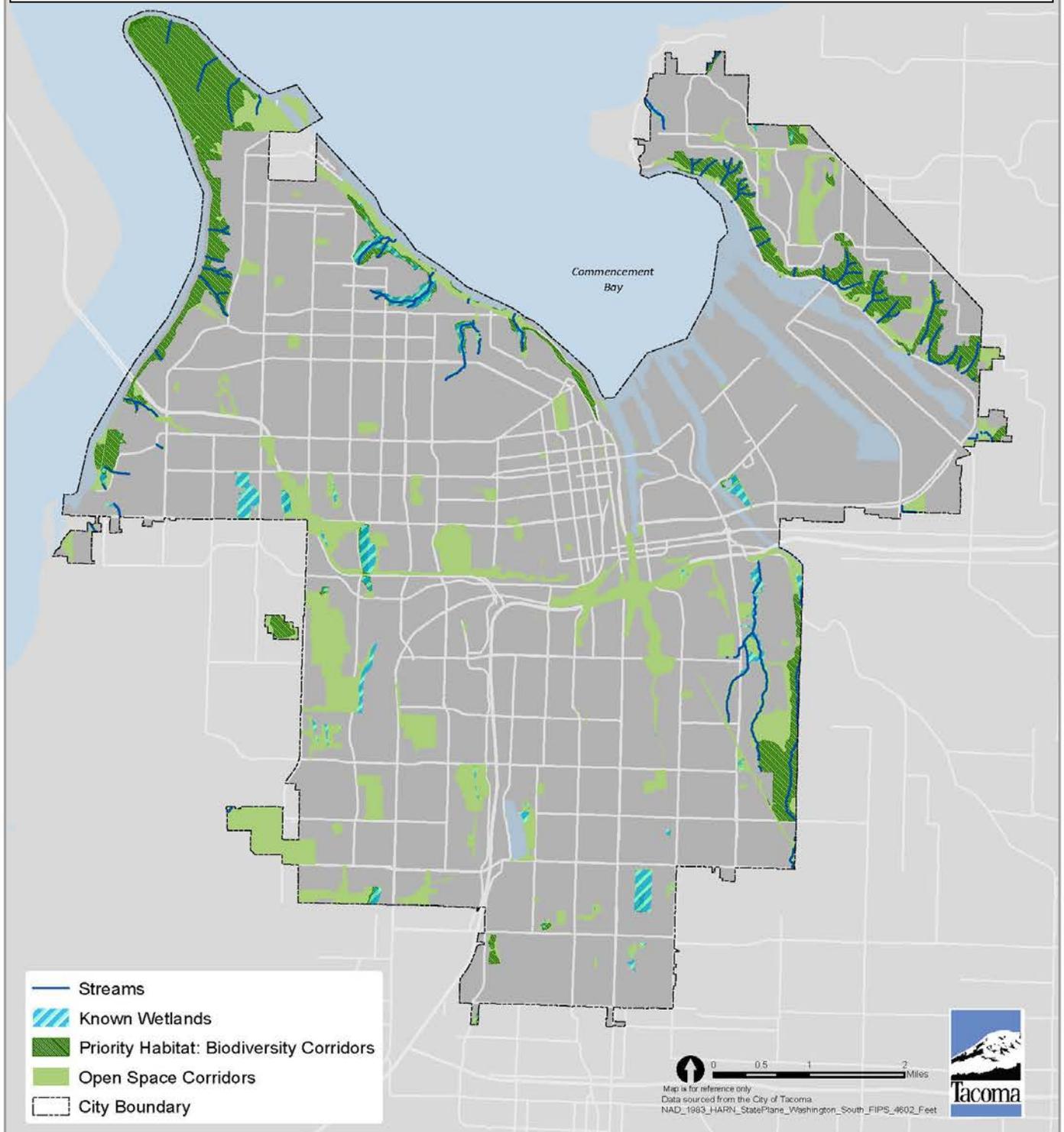


Open Space Corridors:



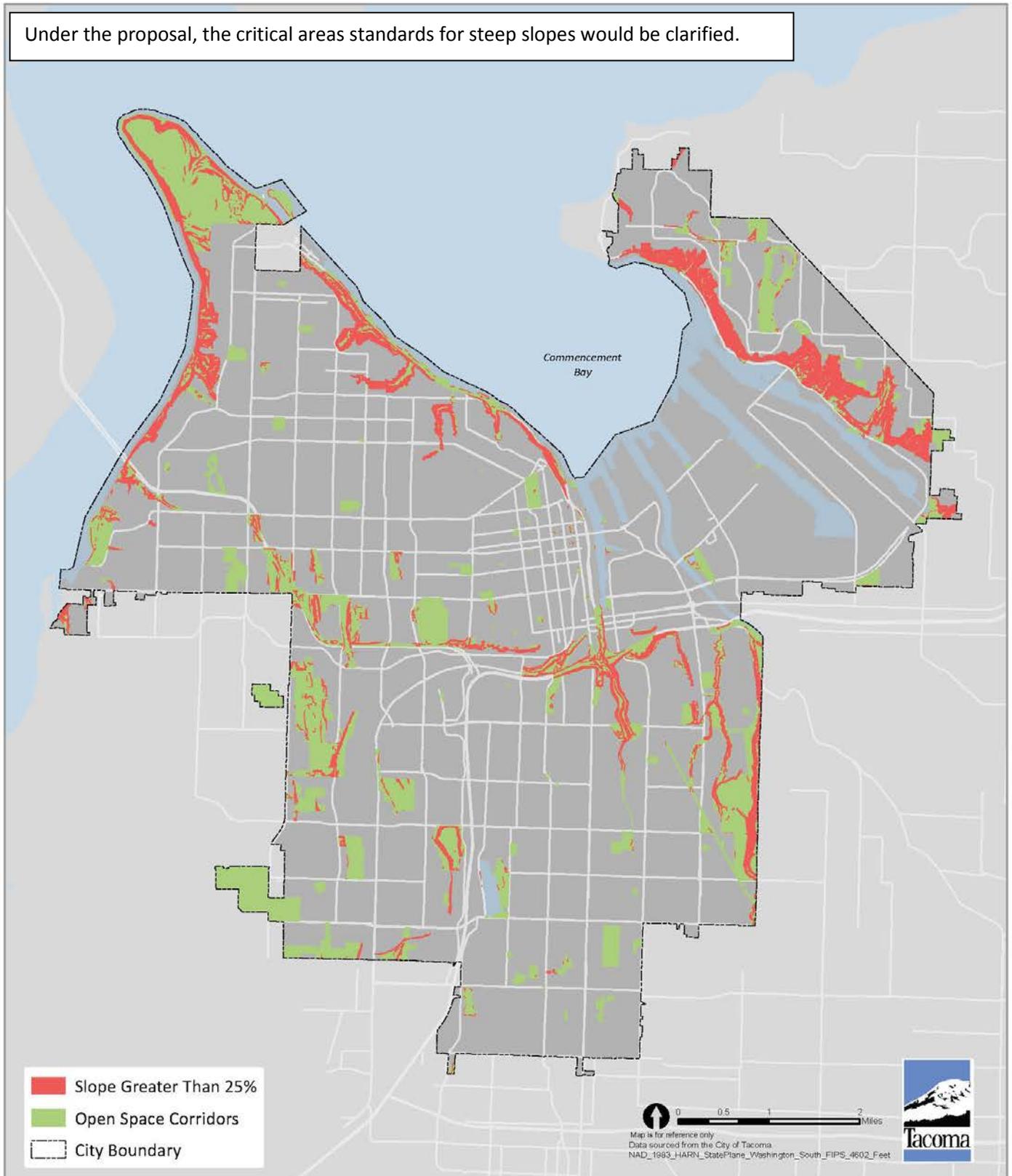
Open Space: Environmental Assets

This map combines several critical areas that are subsets of the City's Fish and Wildlife Habitat Conservation Areas (FWHCA's). Under the proposal, development within these critical areas would be subject to additional standards.



Open Space: Environmental Hazards

Under the proposal, the critical areas standards for steep slopes would be clarified.



Attachment B: BAS Summary



City of Tacoma
Planning and
Development Services

November 30, 2017

To: Elliott Barnett, Associate Planner

From: Shannon Brenner, Environmental Specialist

Re: Biodiversity Areas and Corridors, and Geological Hazards Best Available Science

The Growth Management Act requires local jurisdictions to classify and identify Fish and Wildlife Conservation Areas (FWHCAs) and they are designated under the Critical Area Preservation Ordinance in the Chapter 13.11 of the Tacoma Municipal Code. FWHCAs include several types of habitat and species including wetlands, streams, and priority habitat and species as defined by the Washington Department of Fish and Wildlife (WDFW).

Biodiversity Areas and Corridors are one of many types of priority habitats identified by WDFW and large portions of the City's undeveloped and vegetated Open Space is designated as Biodiversity Areas and Corridors.

The WDFW defines Biodiversity Areas as those areas within a city that contain habitat that is valuable to fish and wildlife. These areas are mostly comprised of native vegetation and relative to the surrounding area the vegetation is diverse with a mosaic of habitats. Corridors are defined as areas of relatively undisturbed land that is not fragmented and connects fish and wildlife habitat conservation areas, other priority habitat, or valuable habitats within a city.

Development in and surrounding these areas negatively impacts native wildlife with loss of habitat and fragmentation of habitat. The areas identified in the City of Tacoma as Biodiversity Areas and Corridors provide wildlife corridors that connect other critical areas or habitats such as wetlands, streams and shorelines. They provide migration corridors allowing wildlife to travel from one habitat to the next in search of food and shelter. It is also recognized by WDFW and the City's Open Space policies in the Comprehensive Plan that these areas provide important ecological services including wildlife habitat, improved water quality, water storage and availability, pollination, and reduction of carbon dioxide.

The WDFW has developed recommendations for Biodiversity Areas and Corridors for cities and counties to incorporate into their policies and development regulations. These are science based recommendations that were developed with the assistance of many science team members including

experts on birds, mammals, amphibians, and reptiles common in the Puget Lowlands. Currently the City's Critical Areas Preservation Ordinance recognizes WDFW's recommendations for priority habitat and species but has not incorporated any of the recommendations as development standards in the code.

In addition to Biodiversity Areas and Corridors, much of the City's Open Space has Geological Hazards. These are also a critical area identified in the Critical Areas Preservation Ordinance. In general, the focus has been placed on reducing risk through engineering. However, BAS and agency guidance from the Washington Department of Natural Resources and Department of Ecology recommend avoidance and preservation of vegetation as the first step.

I reviewed WDFW's recommendations as well as literature cited by WDFW and other jurisdictions in their review of Best Available Science (BAS). The BAS shows that the following objectives are critical to urban habitat health. Other jurisdictions have incorporated these principles into their regulatory schemes for open spaces and critical areas.

- Maintaining connected vegetated corridors is critical to habitat health.
 - Maintaining connected vegetated corridors is critical to habitat because as it becomes fragmented from development barriers to animal movement are created reducing or eliminating the use of the remaining habitat patches.
 - The degree of sensitivity to habitat fragmentation varies from species to species; however overall there is a decline in species diversity. The BAS states that the greatest number of species are supported with large corridors more than 1,000-feet wide consisting of more than 80% forest or native vegetation while the most impact will occur with a corridor of 150-feet or less comprised of 30% or less of forest or native vegetation.
 - Animals often move between different areas to obtain food and shelter. Corridors allow species to freely travel between habitat types maintaining connections between upland habitat and wetlands, streams, and shorelines.
- Vegetated areas are very important to maintain species diversity.
 - In urban environments the remaining habitat and interconnecting corridors are especially valuable to maintain the current species diversity as the ratio of vegetation to developed area is low. Species diversity decreases as vegetation is replaced by buildings and roads.
 - The amount of species that habitat patches can support declines as patches become smaller.
 - The quality of the habitat is also important as BAS shows that a vegetated area with a diverse multi-story canopy can support a larger amount of species. WDFW recommends preservation of areas that are dominated by native vegetation, forested areas with large trees and snags, and habitats with complex understories. The areas mapped as Biodiversity Areas and Corridors in the City include most of the remaining forested canopy with an understory of native vegetation. Many of the smaller isolated patches of vegetation in the City have a less diverse assemblage of plants often without a forested canopy and a higher percentage of non-native weedy species that develop monocultures reducing diversity

- Development alters the vegetation often replacing relatively natural areas with managed vegetation reducing floral diversity with an accompanied decline in species diversity.
- Complex habitat with forested canopies, shrub layers, ground vegetation, snags, downed woody debris, and leaf litter are needed to maintain species diversity.
- Mature trees in forested areas provide high value habitat that takes a long time to replace. Examples include: perching and nesting by larger avian species such as bald eagles, red-tailed hawks, and peregrine falcons; use by smaller avian species such as the cedar waxwing, Steller's Jay, black-capped chickadee, and nuthatches who store seeds by wedging them into furrows of tree bark for storage.

The focus for Geological Hazardous Areas has often been a reduction of hazards to the public by mitigating the hazard through engineering. However, often the Geological Hazardous Area is located in an Open Space Corridor and may have other critical areas and engineered risk-reduction techniques can result in negative environmental impacts. BAS relevant to Geological Hazardous Areas and agency guidance recommends avoidance first which is also a requirement in the Critical Areas Preservation Ordinance for any critical area. The distinction between avoidance and mitigating hazards through engineering needs to be clarified. The BAS and agency guidance shows the following should be considered when managing development in or near Geological Hazardous Areas.

- The effects of root mass on slope stability have been studied and the tensile strength of the root mass, while it varies for tree species, can be substantial in stabilizing slopes.
- Vegetation and the underlying organic duff reduce the energy of rain and attenuate flows reducing erosion.
- Vegetation removes water from soils enhancing the stability of slopes by reducing the volume of water in the soil mantle.
- Landslides in developed areas are often influenced by human activities. Common human activities that can contribute to landslides include directing runoff onto steep slopes, failure of drainage systems, excavation, placement of fill, and retaining wall failures.
- Removal of vegetation can result in rapid runoff and saturation of surficial soils leading to landslides.
- The majority of landslides in the Puget Lowlands are shallow landslides and debris avalanches triggered by heavy rainstorms. These shallow landslides can cause significant property damage and have resulted in loss of life.

Attachment C: Assessment Report (March 2017)

Open Space Corridors Project

Project Description and Process



The Open Space Corridors (OSC) Project is one of the City’s initial steps to implement the Parks and Open Space designation of the new Comprehensive Plan, *One Tacoma*. The Parks and Open Space designation includes a variety of areas within the City, including active park and recreation areas, passive open spaces, critical areas, steep slopes, and other important habitat areas. Many of these lands remain privately owned and zoned to encourage development. While some sites are protected by critical area standards, others currently lack development standards that would adequately protect and retain the multiple important functions and values these lands provide.

Over the next 20 years, the number of people and jobs will grow significantly in Tacoma, increasing development pressure within sensitive and important open spaces within the City. In addition, climate change is likely to increase landslide and erosion risks, placing even greater importance on taking actions now to protect life and property. Where past policy approaches have typically relied on direct acquisition of properties to preserve functions, this project will evaluate other regulatory approaches.

Project Process

The Open Space Corridors Project is being conducted in four major phases.

<p>1. Research and Assessment December 2016 to March 2017</p> <ul style="list-style-type: none"> Assessment Report, April 2017 <p>★ We are here</p>	<ul style="list-style-type: none"> Evaluate current critical area development standards and identify Open Space Corridors currently not subject to CAPO. Identify development scenarios and map public/private land, development risk. Research best practices and zoning approaches that other cities have used to limit development in designated open space corridors.
<p>2. Concepts Development April to July 2017</p> <ul style="list-style-type: none"> Concepts Report, August 2017 	<ul style="list-style-type: none"> Develop a draft conceptual framework for regulating Open Space Corridors.
<p>3. Code Development September to January 2018</p> <ul style="list-style-type: none"> Discussion Draft, February 2017 	<ul style="list-style-type: none"> Revise Tacoma Municipal Code to implement the Open Space Corridor proposed regulatory framework.
<p>4. Public Hearings/Adoption</p> <ul style="list-style-type: none"> PC Hearing, March 2018 Council Hearing, June 2018 	<ul style="list-style-type: none"> The public may testify in person on the draft Open Space Corridors standards at the Planning Commission and Tacoma City Council public hearings.

Planning and Development Services
City of Tacoma, Washington
Marilyn Strickland, Mayor • Peter Huffman, Director



Project Manager
Stephen Atkinson, Senior Planner
satkinson@cityoftacoma.org
www.cityoftacoma.org/planning

Washington State Growth Management Act

The Washington State Growth Management Act identifies the following as planning goals: maintain and enhance natural resource-based industries, including productive timber, agricultural and fisheries industries [RCW 36.70A.020(8)]; encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses [RCW 36.70A.020(8)]; encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks [RCW 36.70A.020(9)]; and, protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water [RCW 36.70A.020(10)].

Countywide Planning Policies

The Countywide Planning Policies (CPPs) are goals, objectives, policies, and strategies to guide the production of the County and municipal comprehensive plans. The CPPs include goals and policies relating to the identification, designation, and conservation of open space and environmentally sensitive lands. The CPPs also identify strategies that municipalities may use to achieve the goals of the CPPs, including the use of buffers, development restrictions, incentives, transfer of development rights, and education among others.

One Tacoma Planning Policies

As part of the City of Tacoma's Comprehensive Plan update, Parks and Open Space corridors were identified and integrated into the Future Land Use Map of the One Tacoma Plan. These areas are further defined as Open Space Corridors in the Environment and Watershed Health Element of the Plan and were designated consistent with the purpose and intent of the Growth Management Act and the Washington Administrative Code. Goals and policies supporting the preservation and enhancement of designated Open Space Corridors are integrated throughout the One Tacoma Plan.

Planning

Policy UF-11.1 Create an integrated system of Open Space Corridors that defines and enhances the built and natural environment, offers a well-balanced range of experiences, and enriches the lives of Tacoma's current and future citizens.

Policy UF-11.4 Recognize and promote the multiple benefits Open Space Corridor preservation and restoration provides to the city, including more resilient plant and wildlife communities, community health and well-being, stormwater retention, active living, beauty, scenic resources, economic development, and sense of civic pride and identity.

Policy EN-1.17 Assess and periodically review the best available science for managing critical areas and natural resources and utilize the development of plans and regulations while also taking into consideration Tacoma's obligation to meet urban-level densities under the Growth Management Act.

Policy EN-1.30 Promote community resilience through the development of climate change adaptation strategies. Strategies should be used by both the public and private sectors to help minimize the potential impacts of climate change on new and existing development and

What tools does the City utilize to protect Open Space Corridors?

- Transfer of Development Rights
- Current Use Assessment
- Property Acquisition and Management
- Critical Areas Development Regulations

Critical Areas in Tacoma include:

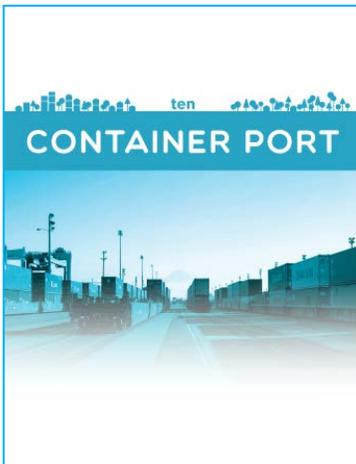
- marine habitats,
- freshwater rivers,
- streams and lakes,
- wetlands,
- aquifer recharge areas,
- frequently flooded areas,
- geologic hazardous areas, and
- fish and wildlife habitat areas.



Tacoma Environmental Action Plan 2016



Tacoma’s Environmental Action Plan includes a target to adopt and implement code that discourages development where such development would endanger life, property or infrastructure, or where important ecological functions or environmental quality would be adversely affected.



The Container Port Element of the One Tacoma Plan identifies the steep slopes along Commencement Bay and Marine View Drive as a preferred natural buffer between industry and residential neighborhoods.

operations, include programs that encourage retrofitting of existing development and infrastructure to adapt to the effects of climate change.

Manage Environmental Hazards

Policy EN–2.1 Minimize the risk of damage to life and property by establishing robust development standards that ensure avoidance and/or minimization of potential geologic hazards.

Policy EN–2.2 Require appropriate levels of study, technical analysis, best available science and all known available and reasonable methods of prevention control and treatment (AKART) as a condition to permitting construction within geologically hazardous areas, ensure sound engineering principles are used based on the associated risk in these areas and limit land uses within or near geologically hazardous areas.

Policy EN–2.8 Regulate development in the 100-year floodplain to avoid substantial risk and damage to life, public and private property, infrastructure, and fish and wildlife habitat. Ensure these regulations, as a minimum, comply with state and federal requirements for floodplain regulations.

Protect Assets

Policy EN–3.1 Ensure that the City achieves no-net-loss of ecological functions over time.

Policy EN–3.5 Discourage development on lands where such development would pose hazards to life, property or infrastructure, or where important ecological functions or environmental quality would be adversely affected:

- a. Floodways and 100-year floodplains
- b. Geologic hazard areas
- c. Wetlands
- d. Streams
- e. Fish and wildlife habitat conservation areas
- f. Aquifer recharge areas
- g. Shorelines

Policy EN–3.6 Limit impervious surfaces within Open Space Corridors, shorelines and designated critical areas to reduce impacts on hydrologic function, air and water quality, habitat connectivity and tree canopy.

Policy EN–3.7 Encourage site planning and construction techniques that avoid and minimize adverse impacts to environmental assets.

Improve Environmental Quality

Policy UF–11.2 Improve Open Space Corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.

19%

The City's estimated existing tree canopy coverage

Climate Impacts

Anticipated climate change impacts in Tacoma include more extreme precipitation events (i.e., wetter winters and drier summers), an increased risk of mudslides, and greater flood risk in the Puyallup River (Dalton et al. 2014, Snover et al. 2013). Sea level rise and storm surge may result in greater coastal flooding, erosion and destabilization of shoreline bluffs.



Steep slopes on Tacoma Narrows

Purpose and Intent

The purpose and intent of the Open Space Corridors project is to:

- Maintain contiguous open space corridors that provide for uninterrupted forests, slopes, streams, and species migration;
- Support the City's target of 30% tree canopy by 2030 (30x30);
- Establish standards for tree preservation and vegetation clearing that gives clear guidance to city staff and property owners during the permit review process;
- Address Open Space Corridors at a landscape scale rather than through the site by site review that occurs with critical area standards;
- Allow for reasonable use of private property that is currently designated for Parks and Open Space with a clear methodology for determining reasonableness;
- Update steep slope and geologic hazard application submittal requirements and development standards given the City's forecasted climate changes and the impacts climate change may have on increasing the risks to human life and property.

Geologic Hazards Best Available Science Review

Geologic Hazards, including steep slopes and potential landslide hazard areas, are frequently located within areas designated as Open Space in the One Tacoma Plan. City staff are currently involved in two projects that will help to compile the best available science specifically for geologic hazards.

Department of Commerce Critical Areas Handbook

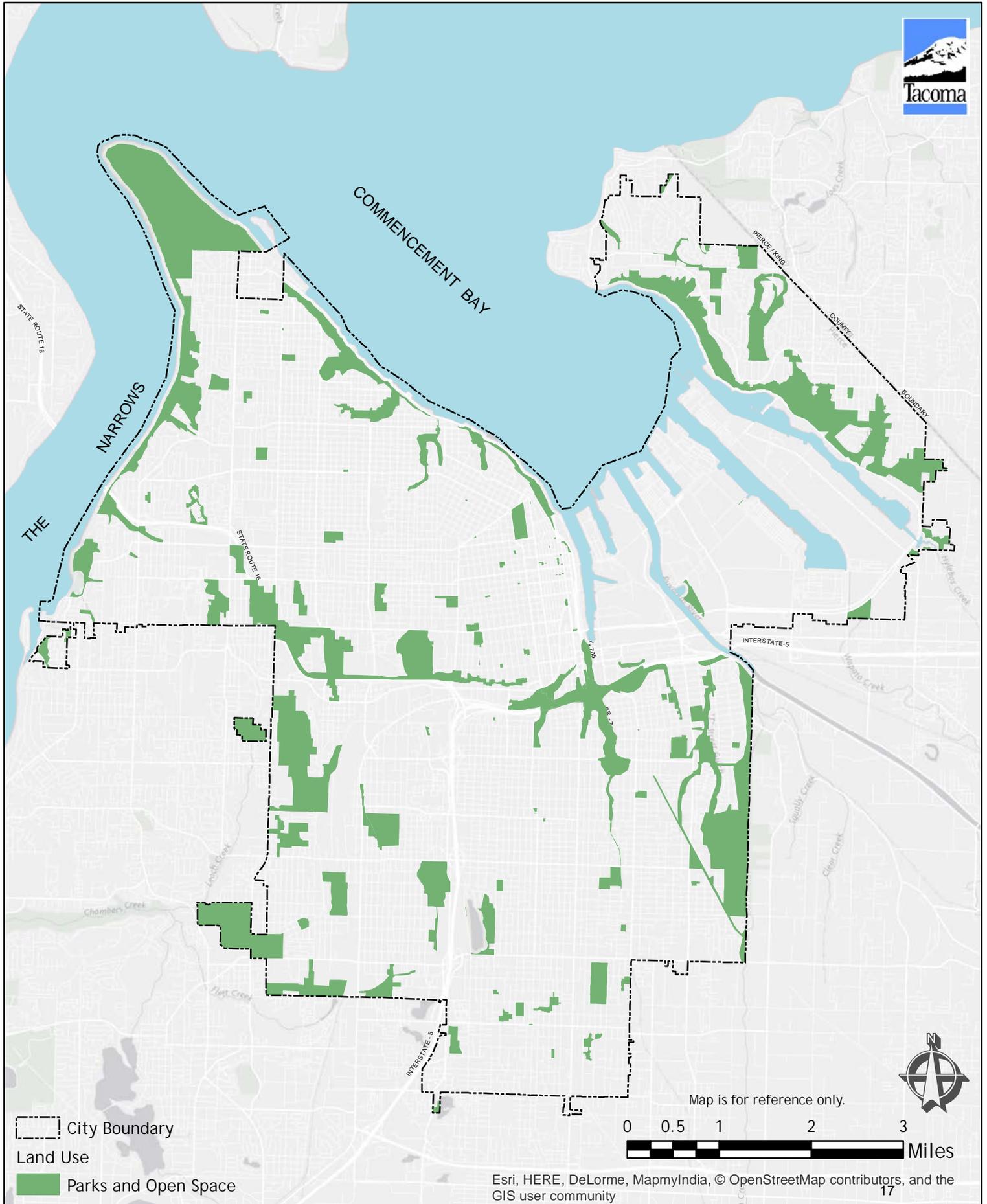
City staff is participating in a sounding board for the Department of Commerce to help guide an update to the Department of Commerce Critical Areas Handbook. In 2017 this sounding board is expected to review findings related to recent Growth Management Hearings Board decisions and court cases as well as review draft chapters on each topic to be updated. A point of emphasis in this scope of work is to update guidance on managing geologic hazards.

Washington Regional Coastal Resilience Grant

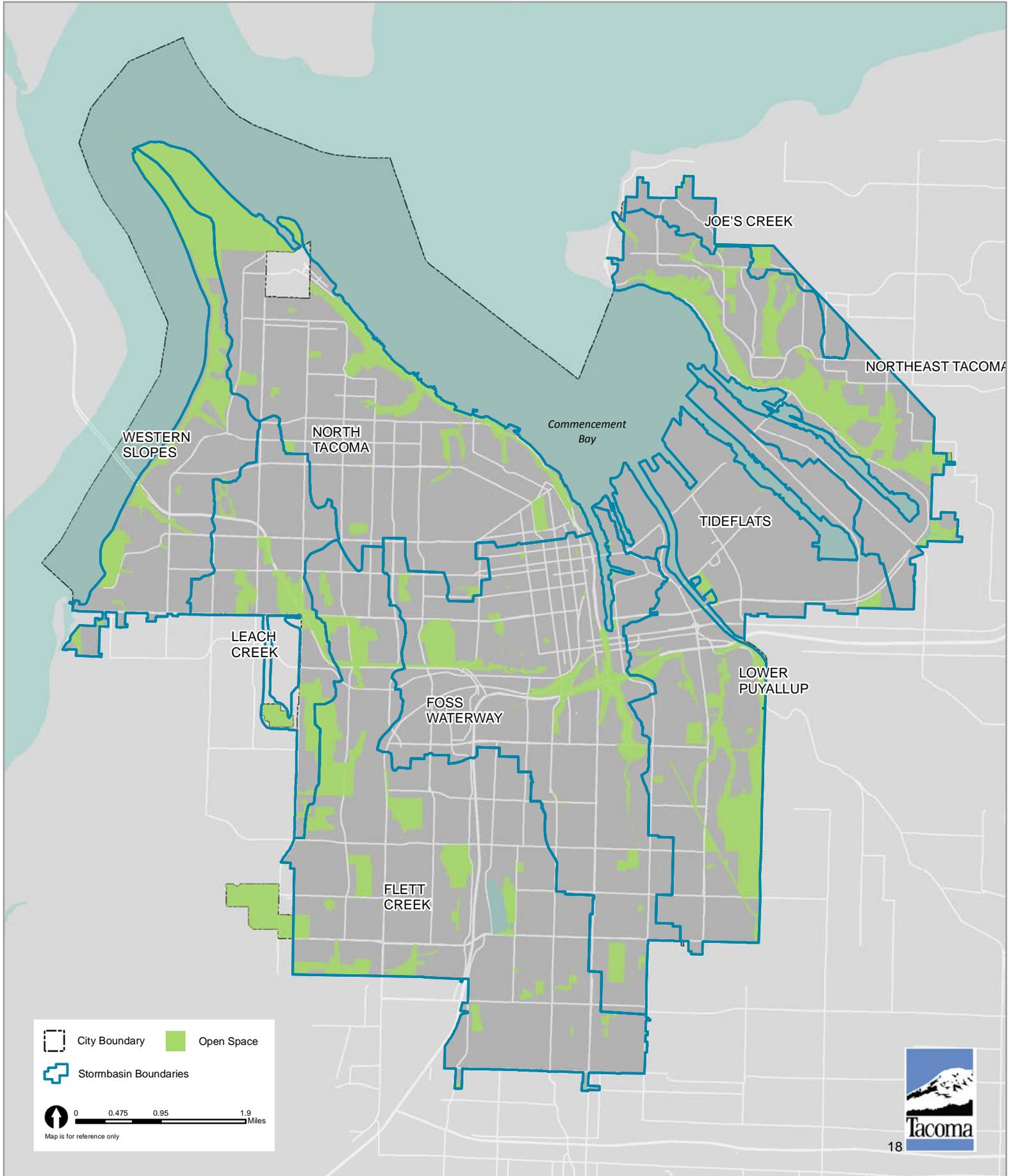
City staff from Planning and Development Services and Environmental Services are partnering with the Washington Sea Grant to:

- 1) identify the relationship between increased sea level rise and slope stability; and
- 2) identify what information is needed for regulators to make decisions that incorporate climate change risks when evaluating development permit proposals on steep slopes.

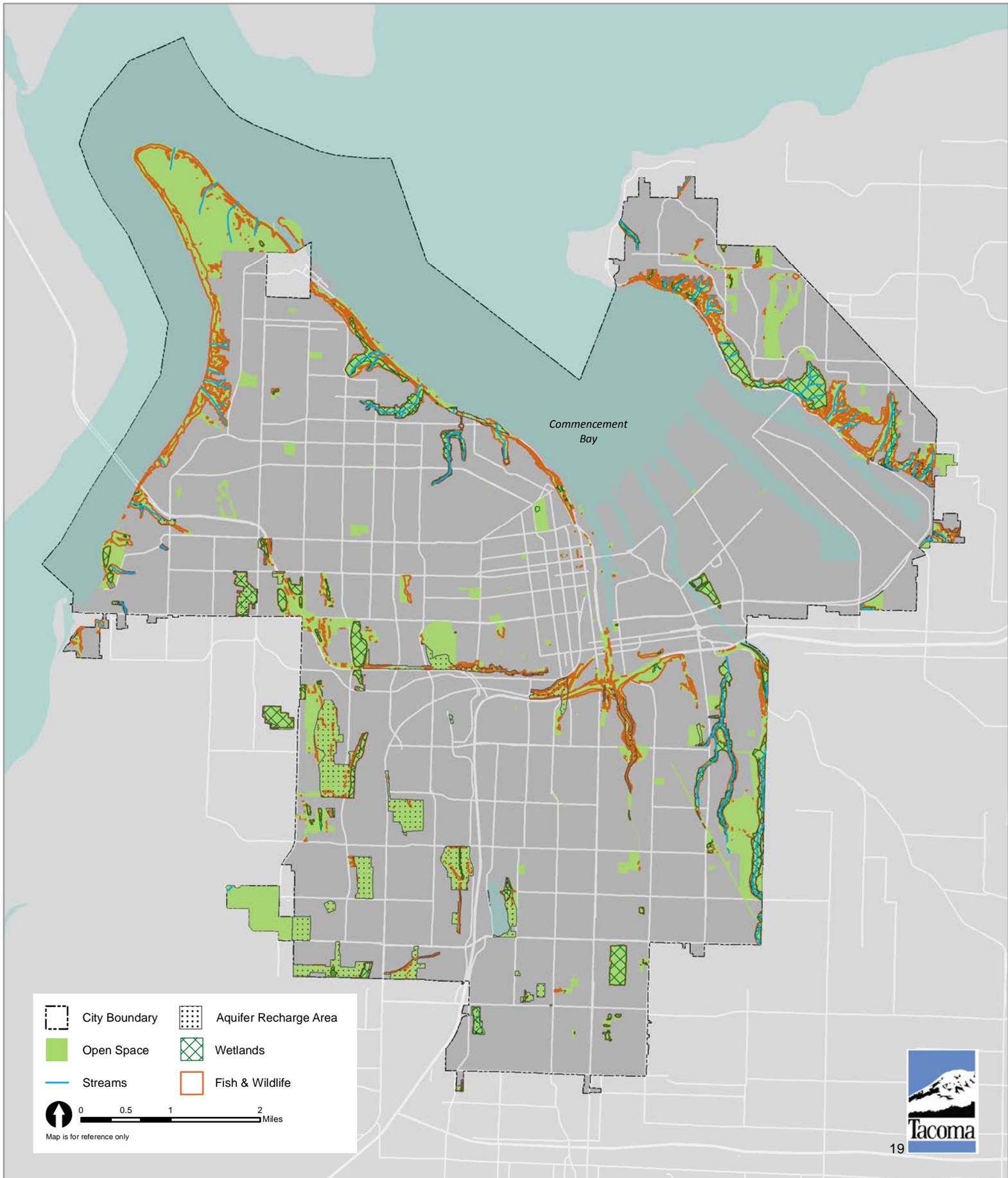
Lands Designated for Parks and Open Space



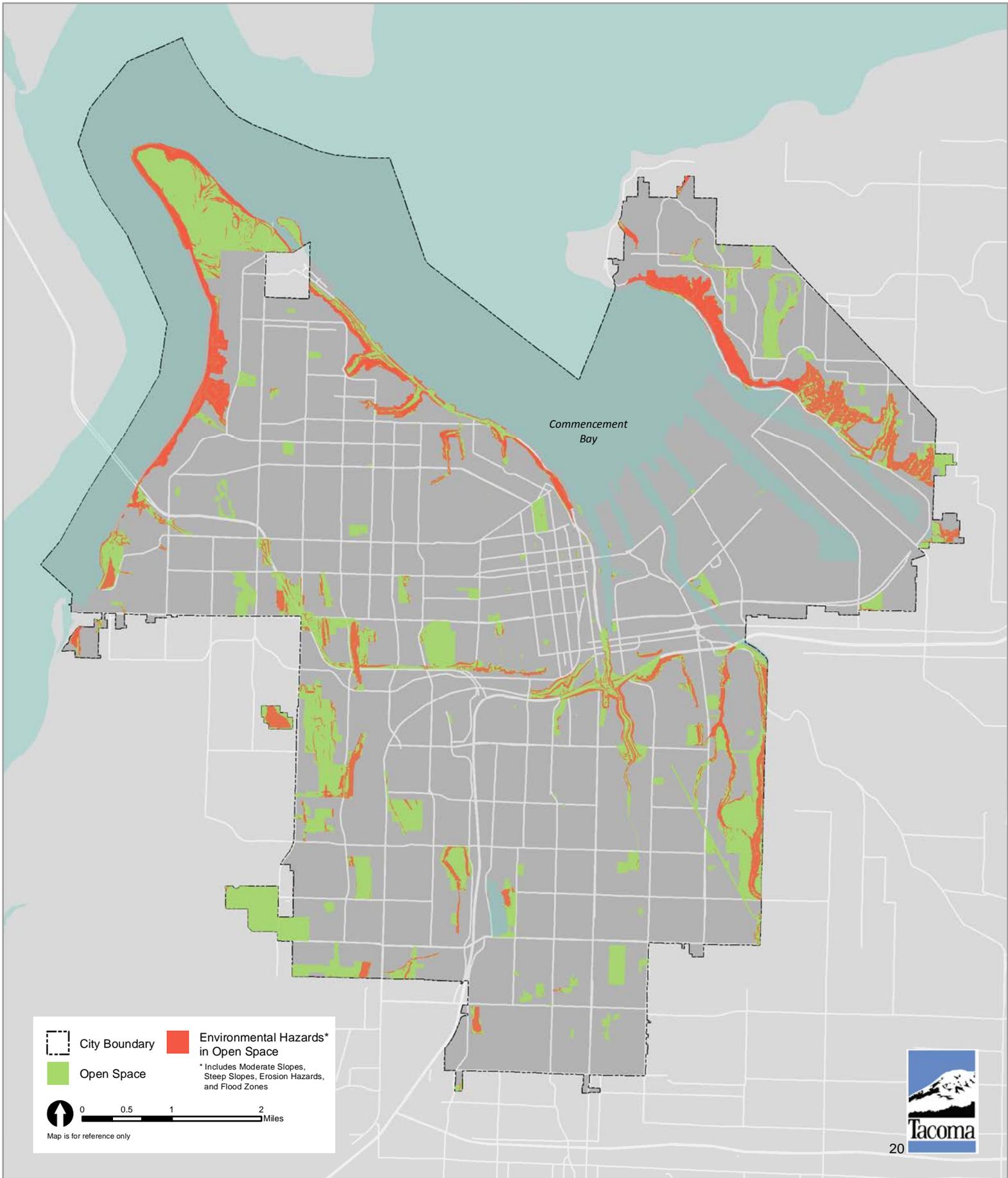
Open Space and Stormbasin Boundaries



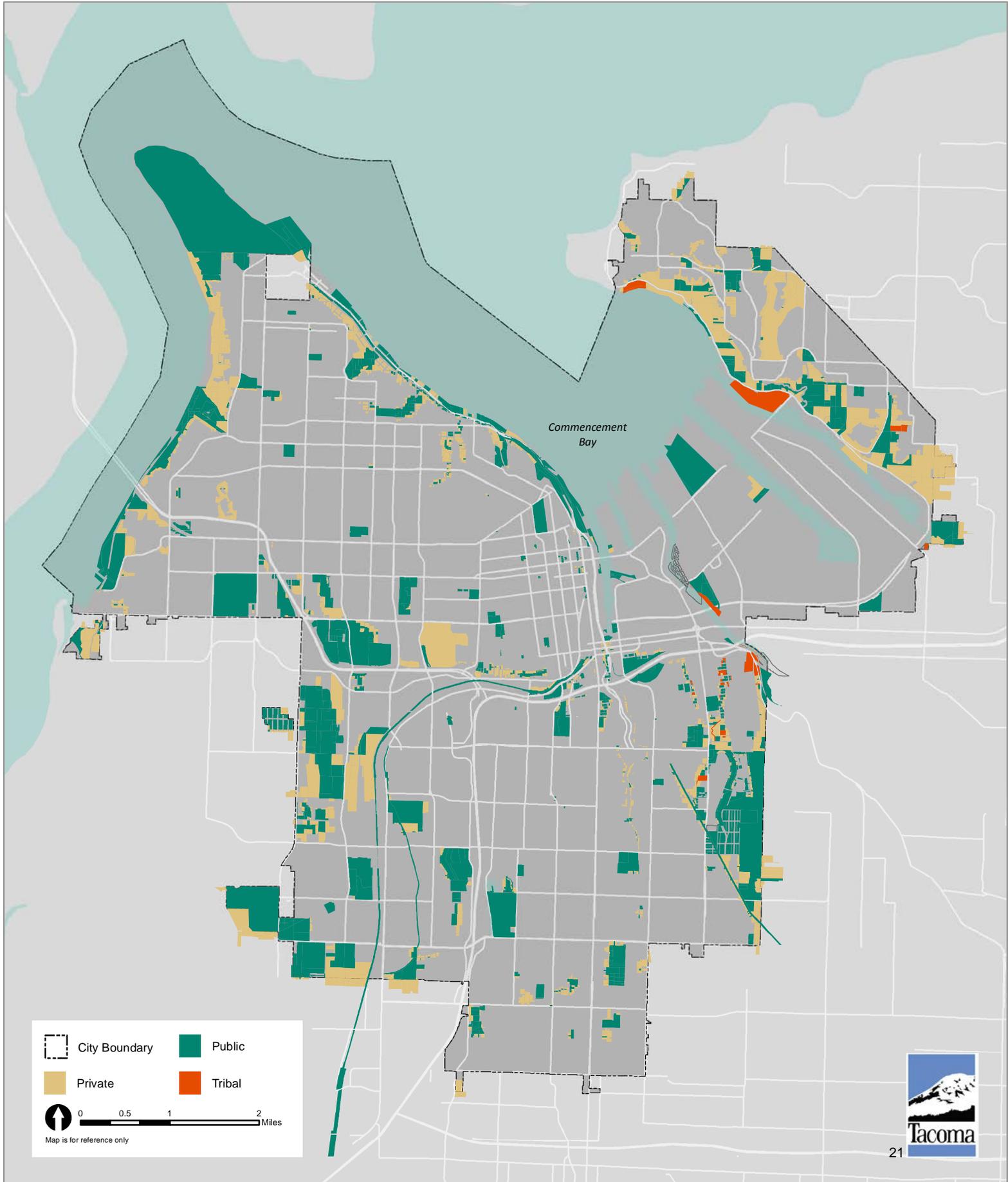
Open Space and Environmental Assets



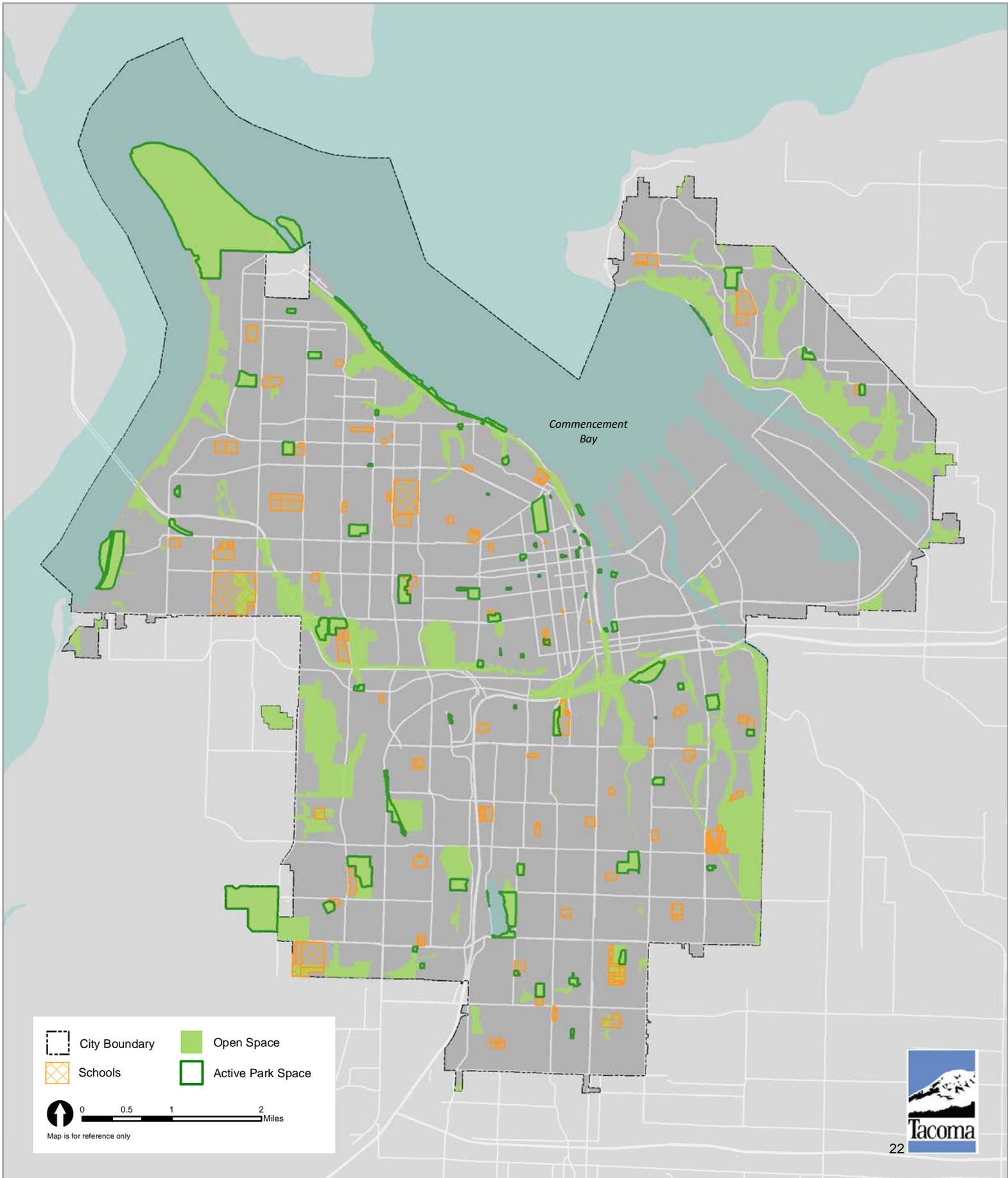
Open Space and Environmental Hazards



Open Space: Public, Private, and Tribal Lands



Open Space and Active Parks + School Properties





City of Tacoma
Planning and Development Services

**Agenda Item
D-6**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Planning Commission Year-End Review**
Meeting Date: December 6, 2017
Memo Date: November 29, 2017

With the planned cancellation of the December 20, 2017 meeting, the next meeting on December 6 marks the last meeting of the year. Staff will facilitate a year-end review for the Planning Commission to celebrate the accomplishments during 2017, while planning for the work activities for 2018 and beyond. The Commission will also take the opportunity to address certain logistical and administrative issues to improve the conduct of business.

To facilitate the Commission's review, attached is the 2017-2019 Planning Work Program that was originally developed by the Commission on June 7, 2017; subsequently reviewed by the City Council's Infrastructure, Planning and Sustainability Committee on June 14, 2017 and October 11, 2017; and recently marked up by staff to indicate accomplishments of certain projects and proposed modifications to other projects where appropriate.

Also, to facilitate the Commission's discussion on continuous improvements to the conduct of business, attached is the Commission's current Rules and Regulations (i.e., By-laws), as amended on June 1, 2016. Some of the amendments to the By-laws the Commission may be contemplating include changing the meeting starting time from 4:00 to 5:00 p.m., modifying the procedures for the "Public Comments" segment of the meeting, and allowing flexibility in meeting off-site.

If you have any questions, please contact me at (253) 591-5682 or lwung@cityoftacoma.org.

Attachments:

1. Updated 2017-2019 Planning Work Program
2. Planning Commission's Rules and Regulations (June 1, 2016)

c. Peter Huffman, Director



Updated Planning Commission Work Program (2017-2019) *November 29, 2017*

The Planning Commission Work Program contains projects and planning activities that are slated for completion in or substantial progress during the timeframe of June 2017 through 2019. The work program was developed in concert with the Tacoma Planning Commission and the City Council's Infrastructure, Planning and Sustainability Committee in June-October of 2017.

However, as a result of Council priorities and budget and staff constraints, several modifications to the work program have been implemented. These modifications are reflected below with the postponement and/or modification of certain projects, as outlined below.

Track 1: Interim Regulations (*off-cycle*)

- Correctional Facilities Regulations
- Tideflats Uses and Standards – **COMPLETED**
- Marijuana Uses and Playground Buffers – **COMPLETED**
- Emergency Temporary Shelters – **EXTENDED for 6 Months**

Track 2: Subarea Plans (*off-cycle*)

- Tacoma Mall Neighborhood Subarea Plan - **IN PROCESS**
- Tideflats Subarea Plan – **INITIATING IN EARLY 2018**

Track 3: 2018 Amendment Cycle

- Car Wash Use Allowance – Private Application #2018-01
- Outdoor Tire Storage Code Amendment – Private Application #2018-02
- South 80th Street PDB Rezone – Private Application #2018-03
- View Sensitive District (VSD) Height Measurement – Private Application #2018-06
- Future Land Use Map Implementation: Area-wide Rezones – Phase 4 **POSTPONED to 2018/2019**
- Commercial Zoning Update – Phase 1 **POSTPONED to 2018/2019**
- Open Space Corridors Implementation **SCOPE REDUCED**
- Transportation Master Plan – Limited Update
- Code Clean-ups

Track 4: 2019 Amendment Cycle (*tentative*)

- Future Land Use Map Implementation: Area-wide Rezones
- Commercial Zoning Update
- Urban Design Studio – Establishment
- Residential Infill Pilot Program – Phase 2

- JBLM Joint Land Use Study Implementation
- Shoreline Master Program – 2019 Periodic Update
- Code Clean-ups

On-going Planning Issues

- Historic Demolition Review (*may be coordinated with 2018 Amendment Cycle*)
- Capital Facilities Program for 2018-2023 (*off-cycle*)
- Six-Year Comprehensive Transportation Program for 2017-2022 (*off-cycle*)
- Billboards Regulations **POTENTIALLY COMPLETED DEC. 2017**
- Joint Meetings of the Planning Commission with appropriate groups (e.g., the Landmarks Preservation Commission, the Transportation Commission, and the Neighborhood Councils)
- Transportation Master Plan Implementation, in coordination with the Transportation Commission (e.g. impact fees study, transportation network planning, streetscape design guidance, signature trails development, etc.)
- Link Expansion Streetscape project (including the Links to Opportunity Program and the SGA Technical Assistance Program)
- Historic Preservation, in coordination with the Landmarks Preservation Commission (e.g. TDR, integration of Historic Preservation Plan with *One Tacoma* Plan, educational programs, etc.)
- Residential Infill Pilot Program (implementation)
- Citizen Participation and Public Outreach Enhancements (with specific engagement efforts focusing on the Proctor District)

Regional and Cross-Jurisdictional Issues

- Metro Parks Tacoma and Tacoma School District strategic plans updates
- Pierce County Parkland/Spanaway/Midland (PSM) Community Plan
- Regional Transportation Issues, in coordination with the Transportation Commission (e.g. Tacoma LINK and Central LINK Light Rail Expansions, Pacific Avenue BRT Study)
- PSRC Regional Centers Framework Update
- PCRC Centers of Local Importance/County-level Centers Update

Emerging and Deferred Issues

- 20-minute Neighborhood Baseline Analysis
- Urban Growth Baseline Analysis
- Mixed-Use Centers Implementation Programming
- Mixed-Use Centers Height Bonus Program Review
- Institutional Campus Zoning Update
- Urban Forestry Implementation (including landscaping, tree-preservation, open space, etc.)
- Watershed-level Environmental Planning
- Parking Update (including RPA, refinements along light rail, design, etc.)
- Downtown Plan Integration with Subarea Plans
- Street Typology and Designation System Review
- Unified Development Code
- Transfer of Development Rights (TDR) and Tax-Increment Financing (TIF) Program Review
- Sign Code Update
- Annexation Planning

Track 1 Projects: Nearing Completion

Correctional Facilities – Interim and Permanent Regulations

Summary:

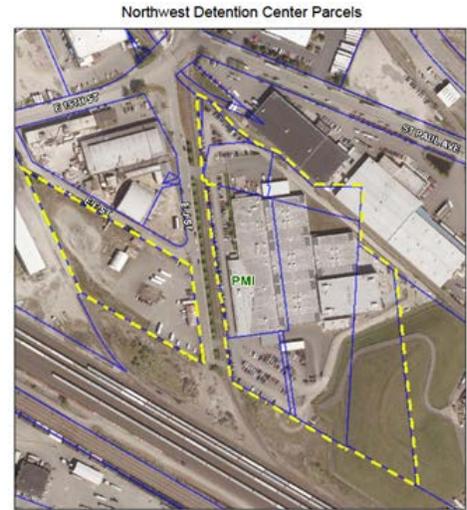
The City Council enacted emergency interim zoning regulations pertaining to public and private correctional facilities on March 7, 2017, per Ordinance No. 28417, and subsequently adopted some modifications to the regulations on May 9, per Ordinance No. 28429. This project will develop permanent regulations for the City Council's consideration based on the issues and approach outlined in Ordinance No. 28429 prior to the expiration of the interim regulations in March 2018.

Primary Staff Contact:

Ian Munce, Special Assistant to the Director
imunce@cityoftacoma.org

General Project Timeline:

March 2017 – March 2018



Tideflats Uses and Standards – Interim Regulations

Summary:

This project will explore the need for interim regulations in the Port/Tideflats Manufacturing and Industrial Center during the early stage of the development of the Tideflats Subarea Plan. Potential interim regulations could include use restrictions, modified permit procedures and enhancements to public notice, and limits on development in adjacent slopes and transition areas.

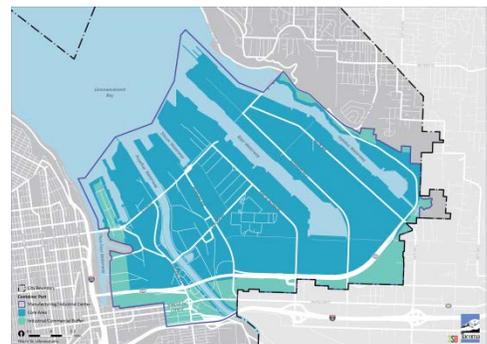
Note: The associated permanent regulations will be addressed as part of the final adoption of the Tideflats Subarea Plan.

Primary Staff Contact:

Stephen Atkinson, Senior Planner
satkinson@cityoftacoma.org

General Project Timeline:

Adopted on November 21, 2017



Marijuana Uses and Playground Buffers (Completed)

Summary:

This project would consider amending the zoning code on an interim basis by adding definitions of “Playground” and “Recreation center or facility,” in order to ensure that recreational marijuana buffers apply to Metro Parks Tacoma owned playgrounds and recreation centers and facilities to the level intended by the State, but currently not covered by State definitions. The associated permanent regulations may be, from a timing perspective, coordinated with the 2018 Amendment Cycle.

Primary Staff Contact:

Lihuang Wung, Senior Planner
lwung@cityoftacoma.org

General Project Timeline:

Adopted on November 7, 2017



Emergency Temporary Shelters – Interim and Permanent Regulations

Summary:

The City Council adopted Ordinance No. 28430 on May 9, 2017, declaring a public health emergency relating to the conditions of homeless encampments. As part of the follow-up actions, this project will develop interim and permanent regulations for the Council’s consideration concerning the zoning and development standards for permitting emergency temporary shelter facilities and sites.

Primary Staff Contact:

Lauren Flemister, Senior Planner
lflemister@cityoftacoma.org

General Project Timeline:

Extended 6 months, until April 2018



Track 2: Subarea Plans

Tacoma Mall Subarea Plan

Summary:

Tacoma Mall Neighborhood is important to people who live, work and shop in the region. This 485-acre area was designated by the City and the Puget Sound Regional Council as a focus for jobs and housing growth. A Draft of the Subarea Plan is currently available for public review. Staff expects to complete the legislative process in 2017.

Primary Staff Contact:

Elliott Barnett, Associate Planner
elliott.barnett@cityoftacoma.org

General Project Timeline:

Adoption expected in Spring 2018



Tideflats Subarea Plan

Summary:

The City Council adopted Amended Resolution No. 39723 on May 9, 2017, initiating the Tideflats subarea planning process. The resolution requests the Planning Commission to consolidate several planning initiatives currently underway for the area; requests the Commission to begin discussion of the need for interim regulations for the area; requests the City Manager to identify resources need for the subarea planning; and requests the City Manager to negotiate an Interlocal Agreement with the Port and the Puyallup Tribe for the collaboration of the project. The scope of work for the subarea plan is yet to be determined.



Note: This project incorporates consideration of the issues highlighted in:

- NETNC's "NE Tacoma Buffer Zone" Application #2018-04
- The Council Consideration Request pertaining to the implementation of the Port Container Element
- PDS Director's Rule on Heavy Industrial Expanded Notification

Primary Staff Contact:

Stephen Atkinson, Senior Planner
satkinson@cityoftacoma.org

General Project Timeline:

Planned initiation in early 2018

Track 3: 2018 Amendment Cycle

Car Wash Use Allowance (Private Application #2018-01)

Summary:

This application seeks to amend the Land Use Regulatory Code to allow car wash facilities in the Neighborhood Commercial Mixed-use Zoning District (NCX). The amendments could include changes to the definitions, core-pedestrian street restrictions, and potential design and development standards.

Primary Staff Contact:

Lihuang Wung, Senior Planner
lwung@cityoftacoma.org

General Project Timeline:

April 2017 – June 2018



Outdoor Tire Storage Code Amendment (Private Application #2018-02)

Summary:

The application seeks to amend the Land Use Regulatory Code concerning development standards for Vehicle Service and Repair businesses, with a focus on discount and used tire shops in the C-2 General Community Commercial District. There are seven applicants associated with this amendment. All are small business owners and/or landlords of discount/used tire sales operations in the C-2 District. Most of these businesses are in repurposed buildings (mostly old auto repair or service stations) on underutilized lots along arterial streets.

Primary Staff Contact:

Lihuang Wung, Senior Planner
lwung@cityoftacoma.org

General Project Timeline:

April 2017 – June 2018



S. 80th Planned Development Business District Rezone (Private Application #2018-03)

Summary:

This project seeks to rezone an area along S. 80th Street from Planned Development Business District (PDB) to a more appropriate district that is consistent with the recommendations from the Joint Base Lewis-McChord Joint Land Use Study and the current use makeup of the area.

Primary Staff Contact:

Lauren Flemister, Senior Planner
lflemister@cityoftacoma.org

General Project Timeline:

April 2017 – June 2018

City of Tacoma | Planning and Development Services
Study Area 3: PDB Future Land Use



View Sensitive District Height Measurement (Private Application #2018-06)

Summary:

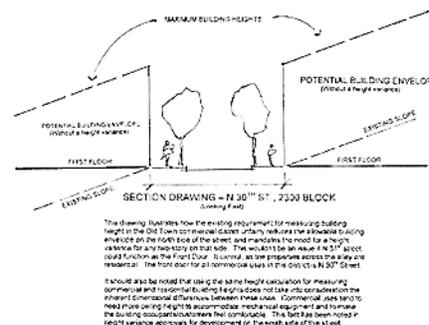
The application seeks to amend the Land Use Regulatory Code concerning how building heights are measured in a View-Sensitive Overlay District (VSD), which has a reduced height limit (25-feet) and a measurement methodology that is unique from other districts. The study will focus on those areas zoned Commercial with a VSD.

Primary Staff Contact:

Lauren Flemister, Senior Planner
lflemister@cityoftacoma.org

General Project Timeline:

April 2017 – June 2018



Open Space Corridors Implementation

Summary:

The City's designated open space corridors includes a variety of areas within the City, including recreation areas, passive open spaces, wetlands, streams, steep slopes, and other important habitat areas. This project will evaluate appropriate site development standards to protect the important functions of the City's open space corridors while continuing to accommodate reasonable use of private property. The scope for this phase of the project has been reduced to focus primarily on clarifying and improving standards associated with regulated critical areas including geohazard and fish and wildlife conservation areas (which had originally been identified separately).

Primary Staff Contact:

Elliott Barnett, Associate Planner
elliott.barnett@cityoftacoma.org

General Project Timeline:

July 2017 – June 2018



Transportation Master Plan – Limited Update

Summary:

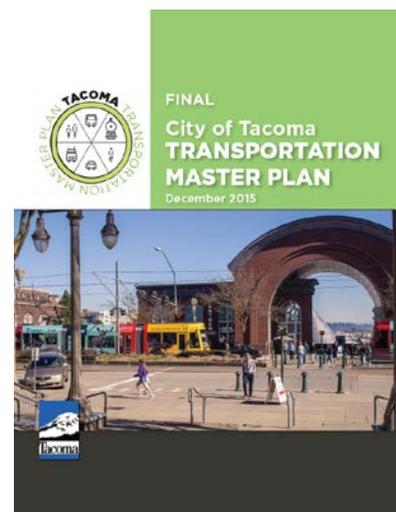
The Transportation Master Plan (TMP) is the transportation element of the *One Tacoma* Comprehensive Plan. The purpose of this project is not a major update or overhaul to the TMP, but smaller modifications including cleanups and updates to address work that has been completed since the last update, including the new Environmental Action Plan, the upcoming Safe Routes to Schools Implementation Plan, the Pedestrian Safety Improvement Program, and some increased funding opportunities. The Transportation Commission will coordinate a significant portion of the work and make a recommendation to the Planning Commission.

Primary Staff Contact:

Josh Diekmann, Traffic Engineer
jdiekmann@cityoftacoma.org

General Project Timeline:

March 2017 – June 2018



Code Clean-ups

Summary:

As part of the 2018 Amendment, this proposal would amend the Land Use Regulatory Code to keep information current, address inconsistencies, correct errors and clarify code language, in order to improve code administration efficiency and enhance customer service.

Primary Staff Contact:

Lihuang Wung, Senior Planner
lwung@cityoftacoma.org

General Project Timeline:

April 2017 – June 2018



Track 4: 2019 Amendment Cycle (tentative)

Future Land Use Map Implementation: Area-wide Rezones

Summary:

The Future Land Use Map of the Comprehensive Plan provides a basis for applying zoning and for making land use decisions. This project will put into effect the land use designations through appropriate area-wide rezones to achieve consistency with the Future Land Use Map, and work to achieve the goals of the One Tacoma Plan.

Primary Staff Contact:

Stephen Atkinson, Senior Planner
satkinson@cityoftacoma.org

General Project Timeline:

March 2018 – June 2019



Commercial Zoning Update

Summary:

The Commercial Zoning update will revise the design and development standards for the City's Neighborhood and General Commercial zoning districts. The project will bring these districts into alignment with the goals and policies of the One Tacoma Plan to promote more context-sensitive commercial zoning standards.

This project may involve the creation or consolidation of existing commercial zoning districts.

Primary Staff Contact:

Stephen Atkinson, Senior Planner
satkinson@cityoftacoma.org

General Project Timeline:

January 2018 – June 2019



Urban Design Studio – Establishment

Summary:

The Urban Design Studio is a proposed long-term program with a focus on delivering urban design services to customers in the Planning and Development Services Department, to other City departments, and through external public and private partnerships.

The initial phase of this project will include extensive public engagement, development of design guidelines, administrative procedures, and municipal code amendments.

Note: This project will incorporate consideration of the issues highlighted in Private Application #2018-05 “Design Review in MUCs”

Primary Staff Contact:

Lauren Flemister, Senior Planner
lflemister@cityoftacoma.org

General Project Timeline:

January 2018 – June 2019



Residential Infill Pilot Program – Phase 2

Summary:

The purpose of the Pilot Program is to promote innovative residential infill development types. The program was adopted in 2015 and the first phase of implementation is in progress. Four projects submitted by interested developers have been selected to move into the permitting process.

This phase of implementation will consider lessons learned from completed projects, code amendments to the infill code and guidelines, and recommendations for continued implementation of the program.

Primary Staff Contact:

Lauren Flemister, Senior Planner lflemister@cityoftacoma.org

General Project Timeline:

June 2018 – June 2019



JBLM Joint Land Use Study Implementation

Summary:

This project will evaluate the findings and recommendations of the Joint Land Use Study for Joint-Base Lewis-McChord and evaluate strategies for addressing compatibility with the base, with specific focus on the Accident Potential Zone (APZ).

Primary Staff Contact:

Lauren Flemister, Senior Planner
lflemister@cityoftacoma.org

General Project Timeline:

March 2018 – June 2019



Shoreline Master Program – 2019 Periodic Update

Summary:

The State Shoreline Management Act requires local governments to periodically review their shoreline master programs and make any adjustments deemed necessary to reflect changing local circumstances, new information or improved data. Per RCW 90.58.080, the City of Tacoma is required to conduct a periodic review on or before June 30, 2019. The initial public scoping phase of the project will inform what information, issues, and topics are pertinent for this periodic review.

Primary Staff Contact:

Stephen Atkinson, Senior Planner
satkinson@cityoftacoma.org

General Project Timeline:

January 2018 – June 2019

SHORELINE MASTER PROGRAM

An Element of the Comprehensive Plan and
Title 13 of the Tacoma Municipal Code





TACOMA PLANNING COMMISSION

RULES AND REGULATIONS (“BY-LAWS”)

The following Rules and Regulations of the Tacoma Planning Commission were originally adopted by the Commission on April 20, 1970, and subsequently amended on July 21, 1980; August 21, 1995; May 21, 1997; June 7, 2000; October 20, 2004; November 18, 2009; December 1, 2010; August 5, 2015; and June 1, 2016. These Rules and Regulations conform to the statutory authority of the City Charter (Article III, Section 3.8 – City Planning Commission) and the Tacoma Municipal Code (TMC) (Title 13, Chapter 13.02 – Planning Commission).

The Rules and Regulations contain the following sections:

- I. Officers
- II. Advisory Committees and Task Forces
- III. Staffing
- IV. Meetings
- V. Records
- VI. Annual Report
- VII. Miscellaneous
- VIII. Rules and Regulations Amendments

I. Officers

- A. The Commission shall elect its own Chair, Vice-Chair, and such other officers as from time to time it may determine it requires, all of whom shall be members of the Commission.
- B. Nominations and elections of officers shall be conducted at the first meeting in September of each year or on a different date set by the Commission. New officers will assume duties after the meeting following their election.
- C. Officer Qualification Considerations – The Officers should be interested in holding the position(s); be able to devote sufficient time to Commission business and attend as many Commission meetings as possible; be prepared to make presentations to the City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans and policies; and have sufficient experience on the Commission to understand its role and functions and to have a basic understanding of the City's Comprehensive Plan policies and development regulations.
- D. The term of office shall be for one (1) year or until the next scheduled election. In case of any vacancy in office, the vacancy shall be filled by an election at the first regular meeting after the occurrence of such vacancy.
- E. Duties of Officers – The Chair shall preside over all meetings of the Commission. All resolutions adopted by the Commission and Commission correspondence shall be

signed in his/her name as Chair of the Commission. In the event of the absence of the Chair or his/her inability to act, the Vice-Chair shall take his/her place and perform his/her duties. In the event of the absences or inability to act of both the Chair and the Vice-Chair, the remaining members of the Commission shall appoint one of their members to temporarily act as Chair.

II. Advisory Committees and Task Forces

- A. Advisory Committees – The Commission may establish advisory committees as it deems appropriate, following the procedures set forth in TMC 13.02.015.
- B. Task Forces – The Commission may also establish task forces as it deems appropriate to conduct extended and supplemental analyses of issues identified and defined by the Commission. Task forces are ad-hoc and issue-oriented in nature and shall not be construed to have the same organization and operation as those of “advisory committees.” A task force shall be comprised of up to four (4) members of the Commission designated by the Commission by a majority vote. Chairpersons of task forces may be designated by the Chair of the Commission. There shall not be more than two task forces operating at any given time. Task forces shall serve at the discretion of the Commission and their duties and responsibilities shall be established by the Commission. All task force meetings shall be open to the public and conducted in accordance with these rules. Task forces may not conduct public hearings.

III. Staffing

The Long-Range Planning Division Manager and/or his/her designee (hereinafter referred to as Staff) shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of records of meetings, hearings, official actions and all public records. Staff shall be responsible for providing such other services as may be required by the Commission within the limits of the budget for the Planning and Development Services Department as approved by the City Council.

IV. Meetings

- A. Regular Meetings – Regular public meetings of the Commission shall be held on the first and third Wednesday of each month at 4:00 p.m. in Room 16 of the Tacoma Municipal Building North, or in another location designated by the Commission. If the regular meeting day falls on a legal holiday, the Chair of the Commission shall fix another day therefore and give notice of said meeting as hereinafter providing for “special meetings.” The notice for any regular public meeting shall indicate the date, time, place and business to be transacted, and be distributed prior to the meeting to those individuals and organizations listed on the mailing list that shall be maintained by Staff and may be subject to the Commission’s approval.
- B. Public Hearings – Public hearings conducted by the Commission shall be held in the Council Chambers of the Tacoma Municipal Building or another location designated by the Commission and indicated in the notice of hearing. The date and time of the hearing shall be determined by the Commission and indicated on the notice of hearing. Notices for public hearings shall be distributed in accordance with TMC 13.02.057. Notices shall also be mailed, prior to the hearing, to those on the mailing list as

hereinabove provided, to those individuals or organizations which have indicated in writing to the Planning and Development Services Department an interest in the subject(s) of the hearing, and to other interested parties as deemed appropriate by the Commission. An additional notice shall be required for matters continued for further hearing and continued to a time, date, and place certain.

- C. Special Meetings – Special meetings of the Commission set for a time different than regularly scheduled as hereinabove provided shall be held at such times as the Commission may determine, or may be called by the Chair for any time upon the written request of three members of the Commission. Special meetings shall be open to the public. Per RCW 42.30.080, special meetings require at least 24 hours' written notice. Such notice shall indicate the date, time, place and business to be transacted. Notices of special meetings shall be distributed to the same recipients of notices for regular public meetings, to the recipients on the special press mailing list on file with the City Clerk's Office, and to other interested parties as deemed appropriate by the Commission.
- D. Quorum – A quorum for the transaction of official business shall consist of a simple majority of filled positions of the Commission, per TMC 13.02.041.
- E. Absences – Requests by members to be excused shall be stated by the member at a Commission meeting or be submitted to the Commission or be directed through Staff who shall then present the request to the Commission. The Commission shall then approve or deny the request. Upon a member's missing three (3) unexcused consecutive regular meetings, the Commission shall afford such member a hearing to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the question of whether the Commission shall recommend to the City Council that such member should be deemed to have forfeited his/her office and a new member be appointed to fill the unexpired term.
- F. Every official act taken by the Commission shall be by resolution or by motion by an affirmative vote of a majority of the quorum. In the event that a member disqualifies themselves or passes, this is to be registered as "not voting". Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.
- G. Conduct of Meetings
 - 1. Order of Business – The following order of business may be modified for any meeting by a suspension of the rules, concurred in by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice:
 - a) Call to Order and Quorum Call
 - b) Approval of Agenda
 - c) Approval of Minutes
 - d) Public Comment – The Chair shall decide whether this item will be included in the agenda, and if so, how much time will be allowed for each speaker. Public comments, if included in the agenda, must be limited to items on the agenda that are not the topic of a recent public hearing.

- e) Discussion Items – Matters set for public hearing shall be considered at such time as determined by the Commission and set forth in the hearing notice.
 - f) Communication – This may include other business brought forward by Commissioners, comments by Commissioners, and comments and additional information provided by Staff.
 - g) Adjournment
2. Conduct of Regular and Special Meetings:
- a) The Chair shall preside over all regular and special meetings of the Commission.
 - b) The Chair introduces the agenda items.
 - c) Staff and/or presenters invited by staff summarize the information prepared or received by the staff responsible for the agenda item.
 - d) The Commission considers requests and may ask questions of the staff and/or other presenters. Comments by the public on the agenda item under consideration may be permitted, but only at the discretion of the Chair.
 - e) The Chair asks for reports from advisory committees or task forces, if appropriate.
 - f) The Commission takes appropriate action, if an action is required.
3. Conduct of Public Hearings:
- a) The Chair shall preside over all public hearings conducted by the Commission.
 - b) The Chair calls the public hearing to order and announces the procedure for the public hearing as established by the Commission.
 - c) Staff summarizes the staff report or other information prepared or received by the staff responsible for the hearing item.
 - d) The Chair asks for reports from advisory committees or task forces, if appropriate.
 - e) The Commission receives oral testimony.
 - f) The Chair either closes the hearing and announces the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date if there is a finding by the Chair that all interested parties have not been afforded an adequate opportunity to testify before the Commission or if new information is to be considered on which the Commission feels additional public testimony to be appropriate.
 - g) At a meeting(s) subsequent to the public hearing, the Commission considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision-making until the completion of additional analyses.

H. Open Public Meetings Act and E-mail Exchanges

E-mail exchanges between members of the Commission can constitute a violation of the Washington State Open Public Meetings Act (OPMA), Chapter 42.30 RCW.

Generally, if a majority of the members participate in an e-mail discussion of Commission business, the members are conducting a meeting in violation of the OPMA requirement that meetings must be “open to the public with prior notice.” It is suggested that Commission members observe the following guidelines to avoid OPMA problems with e-mail exchanges:

1. When possible, limit e-mail exchanges on issues related to Commission business to less than a majority of Commission members. Sending copies of an e-mail to less than a majority may not suffice if subsequent exchanges relay the content of the original exchange to a majority of members.
2. Never decide at an open meeting that a majority of the Commission will continue or complete discussion of an agenda item by e-mail.
3. One-sided (no response anticipated) informational e-mails to a majority or more of Commission members are probably consistent with the OPMA. In open meetings, the Commission members should verbally announce that they have sent this type of e-mail if it relates to the discussion at hand. Commission members are free to engage in e-mail exchanges with staff on one-sided e-mails, but not with each other.
4. E-mail exchanges on issues that the Commission will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the Commission, a majority of the Commission should not subject the issue to e-mail discussion.

V. Records

- A. The Commission's adopted summary minutes of the public meetings shall be the official records. The actual recording of each hearing item shall be the official record for such item.
- B. Supplemental records pertaining to matters of public meetings and public hearings shall be kept on file in the Planning and Development Services Department as required by law. These supplemental records may include but not be limited to the following:
 1. Description of agenda items, including all submitted information therewith.
 2. Report of the Planning and Development Services Department, Commission Advisory Committees and Task Forces on the matter as presented to the Commission at a meeting thereof, including such material submitted in writing and in map form.
 3. Written communications concerning the matter.
 4. Facts concerning the matter.
 5. Records of all actions taken by the Commission in the matter (resolutions, motions, setting of dates for hearings, etc.).
 6. Record of actions taken by the City Council in the matter (ordinances, resolutions, results of hearings, etc.).
- C. Recorded transcripts or summary minutes of all official Commission proceedings shall be filed with the City Clerk and shall be opened to public inspection.

VI. Annual Report

Pursuant to TMC 13.02.040, the Commission shall annually report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year, and if applicable, the outlook of planning issues for the coming year. Said report is typically prepared in July of each year and should, at the discretion of the Chair, take the form of a letter, a memorandum, a summary report or a copy of relevant minutes of the Commission's meetings, and may be posted on the City's website.

VII. Miscellaneous

- A. Code of Ethics – Members of the Commission shall comply with the City of Tacoma's Code of Ethics pursuant to TMC 1.46 while conducting Commission business.
- B. Disclosure of Contacts – Individual members of the Commission may, but are not required to, participate in or initiate discussions with interested parties affected by issues under consideration by the Commission. Such meetings or contacts with citizens should be disclosed at the next scheduled meeting of the Commission. The intent of such disclosures in a public setting is to preserve the integrity of the Commission's process and provide a record and notice to other individuals who may also be affected or interested. If a Commissioner receives a request to meet/discuss but prefers not to do so, he/she may suggest the requesting parties to express their comments and concerns through the normal procedures, i.e., providing testimony at public hearings and/or providing comments to staff.
- C. Contact Information – The contact information of members of the Commission should be considered public information and made available for public access upon request.
- D. Conferences – Members of the Commission may attend, at their own expense, conferences, meetings and training courses closely related to Commission business.

VIII. Rules and Regulations Amendments

The Rules and Regulations may be amended by the Commission by a majority of vote at any meeting.