

Members

Jeremy C. Doty, Chair
Thomas C. O'Connor, Vice-Chair
Peter Elswick
Kimberly Freeman
Sean Gaffney
William Hirsh
Scott Morris
(vacant)
(vacant)



Agenda

Tacoma Planning Commission

Community and Economic Development Department

Ryan Petty, Director
Peter Huffman, Assistant Director
Charles Solverson, P.E., Building Official

Tacoma Public Utilities

Heather Pennington, Water Representative
Cathy Leone-Woods, Power Transmission & Distribution Assistant Manager

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(Agenda also available online at: www.cityoftacoma.org/planning > "Planning Commission" > "Agenda Packets")

MEETING: Special Meeting – Workshop

TIME: Friday, March 12, 2010, 12:00 noon to approximately 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

A. CALL TO ORDER**B. QUORUM CALL****C. PLANNING COMMISSION WORKSHOP**

Description: Discussion of the Planning Commission's duties and responsibilities

Support Information: (1) City Charter 3.8 – Planning Commission
(2) Tacoma Municipal Code 13.02 – Planning Commission
(3) Planning Commission Rules and Regulations, November 18, 2009
(4) Additional information may be distributed at the workshop

Staff Contact: Donna Stenger, 591-5210, dstenger@cityoftacoma.org

D. ADJOURNMENT

Article III

THE ADMINISTRATIVE BRANCH

The City Manager

Section 3.1 - The Council shall appoint a chief administrative officer of the city government who shall be entitled City Manager, and who shall serve at the pleasure of the Council. Both his appointment and removal shall require the affirmative vote of five members of the Council. The Manager shall be selected on the basis of his training, experience, and other administrative qualifications for the office and without regard to his place of residence at the time of appointment, but during his tenure of office he shall reside within the city limits. The Council shall review the City Manager's performance annually and every two years shall vote on whether to reconfirm the appointment of the City Manager, with the affirmative vote of at least five members of the Council in a public meeting necessary to effect such reconfirmation. Neither the Mayor nor any councilman shall be eligible for the position of City Manager within two years after the expiration of his latest term. The Council may directly retain the services of an individual or organization to assist the Council in conducting a search for a City Manager and conducting performance reviews of the City Manager. (Amendment approved by vote of the people September 18, 1973 and November 2, 2004.)

Council-Manager Relationships

Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the city government under his jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager. Neither the Council nor any member thereof shall give orders to the Manager's subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager's subordinates, or the making of particular purchases from or contracts with any specific individual or organization. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote.¹²

¹² RCW 42.30.110(g) allows the Council to exclude the City Manager from executive sessions when the City Manager's performance is discussed.

Section 3.3 – The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City. He shall give general direction to the programs and activities of all city departments and offices, except those removed from his jurisdiction by this charter, and shall be responsible for the proper execution of the policies set by the Council and the enforcement of all laws and ordinances. He shall keep the Council informed of the conditions and needs of the City and shall make such reports and recommendations as he may deem desirable or as may be requested by the Council. (Amendment approved by vote of the people September 18, 1973.)

Section 3.4 – The Manager shall have the power to appoint and remove, subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, all officers and employees of the city under his jurisdiction, or may at his discretion authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

City Attorney

Section 3.5 – The City Manager shall appoint a City Attorney, who shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced his profession within the State of Washington for not less than five years next preceding his appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, his professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

Section 3.6 – The City Attorney shall be legal advisor to the City Council, Manager, and all officers, departments, and boards of the city in matters relating to city affairs. He shall represent the city in litigations in which the city is interested; shall provide written legal opinion on official matters when requested by the Council, Manager, commissions, boards, or other city officers; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the city is concerned; and perform such other duties as may be prescribed for him by ordinance or otherwise by law.

City Clerk

Section 3.7 – The City Manager shall appoint a City Clerk who shall (a) attend all meetings of the Council and keep a permanent journal of its proceedings, (b) record and certify all ordinances and resolutions, (c) serve as custodian of the city seal and official city records, (d) prescribe and furnish sample forms for petitions provided for by this charter, (e) serve as registrar of voters for the city, and (f) perform such other duties as may be prescribed by the Manager, state law, this charter, or by ordinance. The City Clerk with the approval of the City Manager may designate one clerk in his office as his deputy, who shall have all the powers and perform all the duties of the City Clerk in his absence.

City Planning Commission¹³

Section 3.8 – There shall be a Planning Commission, composed of nine (9) members, with such powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design. A majority of the voting members of such Commission shall constitute a quorum for the transaction of business. The Commission shall be authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances of the City of Tacoma. Said Planning Commission members shall serve without pay. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Tacoma Public Library¹⁴

Section 3.9 – The Tacoma Public Library shall be administered by a board of trustees in the manner provided by state law or city ordinance not inconsistent therewith.

Tacoma Humane Society

Section 3.10 – The City Council is hereby authorized to enter into a contract with the Tacoma Humane Society, or any other agency or agencies performing similar duties and functions, granting to said society,

agency, or agencies the control and operation of all city pounds and delegating certain duties and responsibilities with reference to the control of animals. Such contract(s) shall provide, among other things, that said society or agency (agencies) shall faithfully operate said pounds, shall pay all expenses in connection therewith, shall receive all licenses, fines, penalties and proceeds of every nature connected therewith, and such other sums as may be legally appropriate therefor, subject only to accounting as provided by law. The Council is further authorized, notwithstanding the provisions hereof, to determine that the City shall operate its own city pounds or detention facility and otherwise regulate and control animals within its corporate limits. Any contract entered into pursuant to the authority hereof shall be subject to cancellation by the City for good cause. (Amendment approved by vote of the people September 18, 1973.)

Administrative Organization¹⁵

Section 3.11 – Within the framework established by this charter, the administrative service of the city government shall be divided into such offices, departments, and divisions as provided by ordinance upon recommendation of the City Manager. Such ordinance shall be known as the “Administrative Code.”

Section 3.12 - The City Council may remove any appointed member of any City board, commission, or board of trustees, for cause, after notice and public hearing, if that member is found to have knowingly violated the oath of office he or she took under this charter (Section 6.4) or has committed any acts specified in state law as grounds for the recall and discharge of an elective public officer. The City Council, in its discretion, may allow a hearings examiner to hear such a matter. Recommendation of a hearings examiner shall be subject to review by the City Council. The City Council’s final decision shall be based on the evidence in the record. A record of the proceedings shall be made. (Amendment approved by vote of the people November 2, 2004.)¹⁶

¹³ See Chapter 13.02 - Planning Commission

¹⁴ See Chapter 1.16 - Library

¹⁵ See Chapter 1.06

¹⁶ Section 3.12 renumbered November 2, 2004, to maintain consistency throughout the Charter.

Chapter 13.02
PLANNING COMMISSION

Sections:

- 13.02.010 Creation – Appointment.
- 13.02.015 Establishment of advisory committees.
- 13.02.016 *Repealed.*
- 13.02.020 Meetings – Officers – Records.
- 13.02.030 Expenditures – Budget.
- 13.02.040 Duties and responsibilities.
- 13.02.041 Quorum.
- 13.02.043 Definitions.
- 13.02.044 Comprehensive Plan.
- 13.02.045 Plan adoption, amendment, and implementation procedures.
- 13.02.050 *Repealed.*
- 13.02.053 Wide-area zoning reclassifications.
- 13.02.055 Moratoria and interim zoning.
- 13.02.057 Notice for public hearings.
- 13.02.060 *Repealed.*

13.02.010 Creation – Appointment.

Pursuant to the authority conferred by Article II, Section 11, of the Constitution of the State of Washington, and Section 3.8 of the Tacoma City Charter, there is hereby created a City Planning Commission consisting of nine members, who shall be residents of Tacoma. The members shall be appointed and confirmed by a majority of the City Council. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation; and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design.

At the expiration of each respective three-year term, a successor shall be appointed by the City Council.

Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired terms. Members may be removed by a majority of the Council, after public hearing, for inefficiency, neglect of duty, or malfeasance in office. Upon an appointed member’s missing three 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 the office and a new member be appointed to fill the unexpired term. The members shall be selected

without respect to political affiliations and they shall serve without compensation. (Ord. 26386 § 28; passed Mar. 23, 1999; Ord. 25318 § 1; passed Jun. 8, 1993; Ord. 24942 § 1; passed Jul. 2, 1991; Ord. 20266 § 1; passed Dec. 17, 1974; Ord. 20183 § 1; passed Aug. 13, 1974; Ord. 18877 § 1; passed Jul. 15, 1969; Ord. 14983 § 1; passed Mar. 1, 1954)

13.02.015 Establishment of advisory committees.

In order to carry out its duties and functions prescribed by this chapter, the Planning Commission may establish advisory committees as it deems appropriate. Advisory committees shall serve at the discretion of the Commission and their duties and scope of responsibilities shall be established by the Planning Commission. The members of such advisory committees shall be appointed and confirmed by a majority of the City Council, except that the Planning Commission, in such instances as it deems appropriate, may designate that the chairperson of an advisory committee be a regular appointed member of the Planning Commission and shall be selected by a majority vote of the Commission. Nothing in this section shall be construed to authorize members of such advisory committees to be members of the Planning Commission. (Ord. 25318 § 2; passed Jun. 8, 1993; Ord. 20266 § 2; passed Dec. 17, 1974)

13.02.016 Definitions.

Repealed by Ord. 27172

(Ord. 27172 § 3; passed Dec. 16, 2003; Ord. 27079 § 8; passed Apr. 29, 2003; Ord. 25850 § 2; passed Mar. 12, 1996)

13.02.020 Meetings – Officers – Records.

The Commission shall elect its own chairperson and create and fill such other offices as it may determine it requires. All meetings of the Commission or its advisory committees shall be open to the public pursuant to the Open Public Meetings Act of 1971. The Commission shall adopt rules for transaction of business. Records of all official Commission proceedings shall be kept by the City Clerk and shall be open to public inspection. The City Manager shall assign to the Commission and its advisory committees a place of meeting in which to meet and transact business. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 24942 § 2; passed Jul. 2, 1991; Ord. 20266 § 3; passed Dec. 17, 1974; Ord. 14983 § 2; passed Mar. 1, 1954)

13.02.030 Expenditures – Budget.

The expenditures of the Commission shall be limited to appropriations made to the Community and

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Economic Development Department by the City Council for the planning function of the City. The services and facilities of the Community and Economic Development Department shall be utilized by the Commission in performing its duties. The work program for the coming year will be prepared by the Community and Economic Development Department and submitted to the Commission for approval. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27466 § 33; passed Jan. 17, 2006; Ord. 26386 § 29; passed Mar. 23, 1999; Ord. 24942 § 3; passed Jul. 2, 1991; Ord. 20266 § 4; passed Dec. 17, 1974; Ord. 14983 § 3; passed Mar. 1, 1954)

13.02.040 Duties and responsibilities.

The Planning Commission is hereby vested with the following duties and responsibilities:

A. To prepare the Comprehensive Plan, pursuant to Revised Code of Washington Chapter 36.70A, that is concerned with protecting the health, welfare, safety, and quality of life of City residents, and to recommend such plan to the City Council. The Comprehensive Plan shall consist of plan elements consistent with the planning goals established by the State in RCW 36.70A, and shall contain descriptive text covering the objectives, principles, or standards used to develop the Plan, map(s), statements of goals, policies, and intents, and may include recommendations for the implementation thereof.

B. To review and update the Comprehensive Plan and its elements as necessary and, if appropriate, recommend new goals and policies and propose amendments to the City Council.

C. To develop and prepare as necessary and appropriate, long-and short-range programs for implementation of the Comprehensive Plan.

D. To conduct periodic planning studies of homogeneous community units, distinctive geographic areas, or other types of districts having unified interests within the total area of the City which will amplify and augment the Comprehensive Plan.

E. To formulate effective and efficient land use and development regulations and processes, consistent with RCW 36.70A and the goals and policies of the Comprehensive Plan and which provide for the implementation thereof.

F. To review and make recommendations on matters concerning land use and development, including moratoria and interim zoning.

G. To work with the Landmarks Preservation Commission, pursuant to TMC 13.07, to designate historic special review districts and conservation districts within the City, after public hearing, and to

make recommendations to the City Council for establishment of such districts.

H. To ensure early and continuous public participation in the development, amendment, and implementation processes of the Comprehensive Plan, including all of its elements, and in the development of land use and development regulations and amendments thereto.

I. Through review of the capital facilities program, ensure that the capital budgets and expenditures for public facilities and services are in conformity with the Comprehensive Plan.

J. To review the six-year transportation program for consistency with the Comprehensive Plan.

K. To provide for the inventory, collection, mapping, research, and analysis of data describing land uses, demographics, infrastructure, critical areas, transportation corridors, housing, and other information useful in managing growth, with an emphasis on doing this work through the use of land use and geographic information systems.

L. To provide an annual report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year.

M. Beginning on January 1, 1991, to provide a report to the State Department of Commerce on the progress made in implementing Chapter 36.70A RCW. This report shall be submitted annually until January 1, 1995, and shall be submitted every five years thereafter.

N. To initiate and review, or review, and make recommendations to the City Council for area-wide zoning reclassifications to implement the Comprehensive Plan and its elements; initiate and make recommendations on moratoria and interim zoning; and review and make recommendations on City Council-initiated moratoria and interim zoning.

O. To conduct pre-annexation planning for areas which are within the City's urban growth area and which may be reasonably expected to be annexed to the City. Planning for these areas may include, but not be limited to: land use; intensity designations; public facilities and services; capital facility needs; and zoning classifications and regulations. Areas not included in the Comprehensive Plan and annexed to the City will necessitate a plan amendment. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 4; passed Dec. 16, 2003; Ord. 27079 § 9; passed Apr. 29, 2003; Ord. 25850 § 3; passed Mar. 12, 1996; Ord. 25696 § 4; passed Apr. 25, 1995; Ord. 24942 § 4; passed Jul. 2, 1991; Ord. 20560 § 1; passed Sept. 30, 1975; Ord. 20266 § 5; passed Dec. 17, 1974; Ord. 14983 § 4; passed Mar. 1, 1954)

13.02.041 Quorum.

A quorum for the transaction of official business of the Planning Commission shall consist of a majority of the members of the Commission, but a smaller number may adjourn, from time to time. (Ord. 27172 § 5; passed Dec. 16, 2003)

13.02.043 Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

A. An “area-wide zoning reclassification” is a legislative action to change the zoning classification(s) on an area-wide basis in order to implement and maintain the consistency of the Comprehensive Plan. It is comprehensive in nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City, including those associated with annexation and overlay special review zoning districts. Area-wide zoning reclassifications, unlike parcel zoning reclassifications, are generally of area-wide significance, usually involving many separate properties under various ownerships, and often utilize several of the City’s zoning classifications to implement the City’s Comprehensive Plan. An area-wide zoning reclassification consisting of a single ownership but having a broader impact of significance on the community may be considered to be an area-wide reclassification if it is being undertaken in order to maintain consistency of the City’s Comprehensive Plan.

B. “Department,” as used in this chapter, refers to the Community and Economic Development Department.

C. “Development regulations” are any regulations and regulatory procedures placed on or involving development or land use activities of the City, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances (RCW 36.70A).

D. An “emergency” situation is one in which human health or safety is jeopardized and/or public or private property is imminently endangered. For the purposes of this section, an “emergency” situation shall also include one demanding the immediate amendment of the Comprehensive Plan outside of the annual amendment cycle, without which capital facilities concurrency is likely to be compromised and/or levels of service are expected to drop below an acceptable level.

E. “Interim zoning” is an immediate change in existing zoning classifications or regulations where new zoning classifications or regulations are

temporarily imposed. Such temporary zoning controls are designed to regulate specific types of development so that, when new plans and/or zoning are adopted, they will not have been rendered moot by intervening development; or are necessary to prevent harm or to preserve the status quo. Interim zoning can be an area-wide reclassification of a temporary nature or modification to specific requirements of a zoning classification.

F. “Land Use Intensity” is a designation for all property that indicates the future development influence based on factors such as size, scale, bulk, nuisance level, density, activity level, amount of open space, and traffic generation. Intensities are classified as high, medium, and low, and are depicted on the Generalized Land Use Plan map which illustrates the future land use pattern for the City.

G. “Moratorium” (or collectively, “moratoria”) is the refusal to accept or process new applications for building, zoning, subdivision (plating), or other types of development to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.

H. “Plan amendment” is a proposed change to the Comprehensive Plan and may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the land use intensity designation as shown on the Generalized Land Use Plan map; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans. (Ord. 27466 § 34; passed Jan. 17, 2006; Ord. 27172 § 6; passed Dec. 16, 2003)

13.02.044 Comprehensive Plan.

A. The Comprehensive Plan shall include the following planning elements:

1. A land use element indicating the proposed generalized land use, including the suitability, capability, location, and number of acres of land devoted to such uses as residential, commercial, industrial, recreation, open space, and other uses. The land use element shall include population densities and distribution, estimates of future population growth, building intensities, and areas for potential annexation. The land use element shall also provide for the protection of the quality and quantity of ground water used for public water supplies, as well as for the protection of the quality of water discharged into waters of the state, including Puget Sound.

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2. A transportation element which implements and is consistent with the land use element, is regionally coordinated, and identifies the need for future transportation facilities and services, including system expansion and management needs. The transportation element shall include the following:

- (a) Land use assumptions used in estimating travel.
- (b) Estimated traffic impacts to state-owned transportation facilities from land use assumptions.
- (c) An inventory of existing air, water, and ground transportation facilities and services, including state-owned facilities.
- (d) Level of service standards for all locally owned arterials and transit routes that are regionally coordinated, to serve as a gauge to judge performance of transportation systems and specific actions for bringing into compliance the facilities and services which fall below these standards.
- (e) Level of service standards for state-owned transportation facilities as prescribed by RCW 47.06 and 47.80 to gauge the performance of the system.
- (f) Identification of state and local system needs to meet current and future demands.
- (g) At least a 10-year forecast of travel levels based upon the adopted Comprehensive Plan to provide information on the location, timing, and capacity needs of future growth.
- (h) An assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions.
- (i) Demand-management strategies.
- (j) Finance component including:
 - (1) An analysis of funding capability to judge needs against probable funding sources and a multi-year financing plan for identified needs, the appropriate parts of which shall serve as the basis for the six-year transportation program required by RCW 35.77.010 and which is coordinated with the six year improvement program developed by the State Department of Transportation as required by RCW 47.050.030.
 - (2) A discussion of how additional funding will be raised or how land use assumptions will be reassessed to ensure the level of services standards will be met if probable funding falls short.
 - (3) A housing element which shall provide policies for the preservation, improvement, and development of housing, and shall include an inventory and analysis of existing and projected housing needs. The housing element shall identify sufficient land to meet housing needs, including, but not limited to,

low-income housing, multi-family housing, group homes, and foster care facilities.

(4) A capital facilities element, including an inventory of the location and capacity of existing publicly-owned capital facilities, and a forecast of the future needs for such capital facilities, including the expansion of capital facilities, the construction of new facilities, and the maintenance requirements of existing facilities. The capital facilities element shall include at least a six-year financing plan identifying projected funding capacity and sources of public money for financing new or expanded capital facilities. The land use and capital facilities elements and the capital facilities financing plan shall be coordinated and consistent. The capital facilities element shall include a requirement to reassess the land use element if probable funding falls short of meeting existing needs.

(5) A utilities element identifying the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(6) A shoreline element setting forth policies concerning economic development; public access and circulation; recreation; urban design, conservation, restoration, and natural environment; and historical, cultural, scientific, and educational values.

(7) A process for identifying and siting essential public facilities which are typically difficult to site.

B. The Comprehensive Plan must address the following two elements, but only if funds sufficient to cover local costs of including these elements have been appropriated and distributed by the state at least two years before the applicable review and update deadline in RCW 36.70A.130:

1. A recreation and open space element indicating the location and development of areas and public sites for recreation, natural conservations, parks, parkways, beaches, playgrounds, and other recreational and open space areas. The element should include estimates of park and recreation demand, an evaluation of facilities and service needs and identification of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demands.

2. An economic element providing for economic growth and vitality and a high quality of life. The element shall include a summary of the local economy, utilizing standard employment categories and indicating employment levels and trends and other information, as appropriate; a summary of the strengths and weaknesses of the local economy and supporting factors such as land use, utilities, transportation, work force, housing, education,

natural/cultural resources, and amenities; and an identification of policies, programs, projects, or strategies to foster economic growth.

C. Subject to the provisions of Section 13.02.044, the Comprehensive Plan may include the following planning elements and any additional planning elements which the Commission or Council considers pertinent:

1. A community services and facilities element indicating the general location of all community services and facilities, and indicating the need and appropriate location for such services and facilities.
2. An environmental element indicating environmental conditions and natural processes, including climate, air quality, geology, hydrology, vegetation, wildlife, fisheries, critical areas, mineral resource lands, solar energy, and other natural factors and hazards that affect, or would be affected by, development.
3. A historic and conservation element identifying objects, areas, sites, or structures of historical, archaeological, architectural, or cultural significance.
4. An annexation element setting forth policies to guide orderly urban growth and designating areas for potential annexation for at least 20 years. The annexation element shall identify future land uses and consider development patterns, density, projected population growth, timing, and the provision of capital facilities and services, including capacity, financing, and expansion.
5. An urban design element addressing the design of development through the application of standards, guidelines, and recommendations for project review.
6. Sub-area elements setting forth policies concerning specific geographic areas of the City or concerning specific issues.

D. The Comprehensive Plan shall be coordinated and consistent with other entities and governmental jurisdictions sharing common borders or related regional issues and with county-wide and multi-county planning policies.

E. The City shall carry out its programs, perform its activities, and make capital budget decisions in conformance with the Comprehensive Plan.

F. The City shall continuously review and evaluate the Comprehensive Plan and development regulations that implement the Plan. At least every seven years the City shall take legislative action to review and, if needed, revise the Comprehensive Plan and development regulations to ensure that the Plan and regulations are complying with the requirements of RCW 36.70A. The first review shall be completed no later than December 1, 2004. The review, and any

revisions that result from the review, may be conducted in concert with the procedures used to annually amend the Comprehensive Plan. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 7; passed Dec. 16, 2003)

13.02.045 Adoption and amendment procedures.

A. Adoption and amendment. The Comprehensive Plan, including any of its elements, and development regulations shall be adopted and amended by ordinance of the City Council. The procedures identified in this section shall be followed to adopt and amend the City’s Comprehensive Plan, including all elements, and to adopt and amend development regulations and regulatory procedures that implement the Comprehensive Plan.

B. When Amendments Will Be Adopted. All amendments to the Comprehensive Plan shall be considered concurrently and no more frequently than once each year except that amendments may be considered more frequently under the following circumstances:

1. An emergency exists;
2. The initial adoption of a sub-area plan;
3. The adoption or amendment of a shoreline master program under the procedures set forth in RCW 90.58;
4. The amendment of the capital facilities element of the Comprehensive Plan that occurs concurrently with the adoption or amendment of the City’s biennial budget; or
5. To resolve an appeal of a Comprehensive Plan filed with the Central Puget Sound Growth Management Hearings Board or a decision of the state or federal courts.

The proposed plan amendments shall be considered concurrently by the Planning Commission and City Council so that the cumulative effect can be ascertained. Amendments proposed to comply with the update requirements of RCW 36.70A.130 will occur according to the time frames established therein.

C. Who may propose an amendment. A proposed amendment to the Comprehensive Plan or development regulations may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the Tacoma City Council or the Tacoma Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma,

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or of any other general or special purpose government.

D. Amendment application. Items in the Department's Work Program do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations. Application fees shall be as established by City Council action. The deadline for submitting a complete application to the Planning Commission, and paying any applicable fee, for amendment to the Comprehensive Plan is 5:00 p.m. on the final business day in June of any given year to be considered in the following annual amendment cycle; however, applications will be accepted at any time. Those applications to amend the Comprehensive Plan received after the above established deadline are less likely to be considered by the Commission for possible consideration in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission. Applications for a change to development regulations or a proposal for an area-wide zoning reclassification which are consistent with the Comprehensive Plan and do not require an amendment to the Comprehensive Plan can be submitted at any time. The application shall include, but not be limited to, the following:

1. A description of the proposed amendment;
2. The current land use intensity designation as shown on the Generalized Land Use Plan map, and zoning classification for the affected area;
3. The desired land use intensity designation and/or zoning classification, if applicable;
4. The reason the amendment is needed and being proposed;
5. A description of the affected area including identification of affected parcels, ownership, current land uses, and site characteristics, such as topography and natural features;
6. A description of the land uses surrounding the proposed amendment area;
7. A description of how the proposed amendment enhances the applicable portion of the neighborhood element of the Comprehensive Plan.
8. A description of any community outreach and response to the proposed amendment;
9. A demonstration by the applicant of consistency with the applicable policies of the Comprehensive Plan, and the criteria for amending the Comprehensive Plan or development regulations;
10. Proposed amendatory language, if applicable;

11. A map of the affected area, if applicable; and

12. Additional application information may be requested by the Department, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.

The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

E. Assessment procedure. The Department shall docket all amendment requests upon receipt to ensure that all requests receive due consideration and are available for review by the public. The Department will provide an assessment of all proposed amendment applications and forward proposed amendment applications to the Planning Commission. This assessment shall include, but not be limited to, the assessment criteria contained herein. The Planning Commission will review this assessment and make its decision as to: (1) whether or not the application is complete or what information is needed to make the application complete; (2) which amendment application(s) will be considered and in which amendment cycle; and (3) whether or not to prepare alternative proposed amendment(s) that either expand or contract the scope of the original proposed amendment. The Planning Commission shall make determinations concerning proposed amendments within 120 days of receiving an application.

F. Assessment criteria. Criteria for assessing plan amendment applications will include:

1. Determining if the amendment request is legislative, and properly subject to Commission review, or quasi-judicial, and not properly subject to Commission review.
2. Determining if the request is site-specific (i.e., a land use intensity or a zoning change for a specific parcel(s) likely to be under one ownership);
3. Receipt by the application deadline, if applicable (a large volume of requests before the deadline may necessitate that some requests be reviewed in a subsequent amendment cycle);
4. Order of receipt;
5. Recent study of the same area or issue (this may be cause for the Commission to decline further review);
6. Amount of analysis necessary (if a large-scale study is required, an application may have to be delayed until a future amendment cycle due to work loads, staffing levels, etc.); and

7. Available incorporation into planned or active projects.

G. Amendment criteria. Beyond being consistent or achieving consistency with the Comprehensive Plan, proposed amendments must meet at least one of the following criteria to be considered by the Planning Commission:

1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions;
2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission;
3. The needs of the City have changed, which support an amendment;
4. The amendment is compatible with existing or planned land uses and the surrounding development pattern;
5. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize;
6. The capacity to provide adequate services is diminished or increased;
7. Plan objectives are not being met as specified, and/or the assumptions upon which the Plan is based are found to be invalid;
8. Transportation and/or other capital improvements are not being made as expected;
9. For proposed amendments to land use intensity or zoning classification; substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification; or
10. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.

H. Review of proposed amendments. Under the review and direction of the Planning Commission, the Department will evaluate the amendment application, collect necessary data, and conduct the appropriate analysis and make an environmental determination. The Department will solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate; electronic mail will be routinely used to contact organizations, agencies, and jurisdictions. For land use intensity changes, area-wide zoning reclassifications, and interim zoning of an area-wide

nature, the Department shall ensure that a **special notice** of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

The Department will analyze, and make a recommendation on, each proposed amendment. Then, after a Public Hearing(s), the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration. The Department will present the proposed amendments to the Planning Commission, which will conduct public meetings and hearings, and make recommendations to the City Council.

1. Adoption or amendment of the Comprehensive Plan or development regulations shall be enacted only after public notice and public hearings by both the Planning Commission and City Council.
2. The Planning Commission may recommend, and the City Council may adopt, or adopt with modifications, the Comprehensive Plan, development regulations, regulatory procedures, and amendments thereto, if:
 - a. The adoption or amendment merits approval because it will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
 - b. The adoption or amendment conforms to state statutes, including RCW 36.70A.

I. Public hearing and action.

1. The Planning Commission may formulate and recommend to the City Council adoption or amendment of the Comprehensive Plan, or adoption or amendment of development regulations or regulatory procedures that implement the Comprehensive Plan. In formulating its recommendations to the City Council, the Planning Commission shall provide public notice and conduct at least one public hearing. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission. Planning Commission public hearings

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for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.

2. At least one City Council public hearing on adoption or amendment of the Comprehensive Plan or development regulations shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to 13.02.057.

3. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan or development regulations prior to adoption by the City Council, and must transmit copies of the adopted plan or development regulation and any amendment after City Council action.

J. Amendments considered under emergency situation. The Planning Commission and the City Council may consider amendments to the Comprehensive Plan at any time as a result of an emergency situation. Emergency situations include situations involving official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation, or address the absence of adequate and available public facilities or services as provided for in Chapter 13.16 of the Tacoma Municipal Code, decisions by the Central Puget Sound Growth Management Hearings Board or the State or Federal Courts, or actions of a State Agency or Office or the State Legislature, affecting Tacoma will be reviewed by the Planning Commission with advice from the City Attorney's Office to determine if an appropriate "emergency" exists, necessitating an emergency Comprehensive Plan amendment. Capital projects which are fully funded by non-City revenue (i.e., an outside grant or other "windfall") are not considered emergencies and, therefore, amendment of the Comprehensive Plan is not necessary; however, such projects shall be added to the Capital Facilities Program at the next amendment cycle. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 8; passed Dec. 16, 2003; Ord. 26899 § 1; passed Dec. 11, 2001; Ord. 26386 § 30; passed Mar. 23, 1999; Ord. 25850 § 4; passed Mar. 12, 1996; Ord. 25696 § 5; passed Apr. 25, 1995; Ord. 25360 § 1; passed Aug. 31, 1993; Ord. 24942 § 5; passed Jul. 2, 1991; Ord. 21883 § 1;

passed Nov. 13, 1979; Ord. 20266 § 6; passed Dec. 17, 1974)

13.02.050 Quorum.

Repealed by Ord. 27172

(Ord. 27172 § 9; passed Dec. 16, 2003; Ord. 25318 § 3; passed Jun. 8, 1993; Ord. 20266 § 7; passed Dec. 17, 1974; Ord. 20183 § 2; passed Aug. 13, 1974; Ord. 14983 § 5; passed Mar. 1, 1954)

13.02.053 Area-wide zoning reclassifications.

The Planning Commission may also consider the need for area-wide zoning reclassifications, in association with or independently of Comprehensive Plan amendments, including those associated with an annexation or which are necessary to maintain the zoning classification's consistency with the Comprehensive Plan. The procedures for consideration of area-wide zoning reclassifications shall be as follows:

1. Who may request an area-wide zoning reclassification, and how. The means of submitting a request for an area-wide zoning reclassification and those empowered to submit such a request shall be the same as in Section 13.02.045.

2. Process for area-wide zoning reclassification. An area-wide zoning reclassification implementing the goals and policies of the Comprehensive Plan will be conducted by the Planning Commission, consistent with RCW 42.36.010, with recommendation to the City Council. Area-wide zoning reclassifications which are inconsistent with the Comprehensive Plan shall be proposed for adoption at the same time as and in conjunction with the Plan's amendment. Area-wide zoning reclassifications which are consistent with the Comprehensive Plan and do not require plan modification may be considered at any time.

3. Public Hearing and Recommendation for an Area-Wide Zoning Reclassification. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan. If a reclassification is recommended, it shall be based on, but not limited to, the following circumstances:

a. substantial evidence is presented demonstrating that growth and development is occurring in a

different manner than presented in the Comprehensive Plan;

b. the proposed area-wide reclassification is consistent with the Comprehensive Plan and the Generalized Land Use Plan map;

c. the reclassification is needed to further implement the Comprehensive Plan;

d. the proposed reclassification is needed to maintain consistency with proposed amendments to the Comprehensive Plan;

e. there is substantial evidence presented showing inconsistency between the designated land use intensity in the subject area and the existing zoning; or

f. the subject property is suitable for development in general conformance with the zoning standards under the recommended rezone classification.

4. At least one public hearing on a proposed area-wide zoning reclassification shall be held prior to final action by the City Council. (Ord. 27172 § 10; passed Dec. 16, 2003)

13.02.055 Moratoria and interim zoning.

A. Who may request moratoria or interim zoning, and how. Those empowered to submit a request shall be the same as in Section 13.02.045.C. Those empowered may petition the City Council or Planning Commission, in writing, to request moratoria or interim zoning, including the specific geographic location and describing what circumstances contribute to an emergency situation or the need for protective measures.

B. Process for moratoria and interim zoning. A moratorium and/or interim zoning controls may be considered either as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under existing zoning and development regulations. Moratoria or interim zoning may be initiated by either the Planning Commission or the City Council by means of determination at a public meeting that such action may be warranted. Where an emergency exists, prior public notice may be limited to the information contained in the public meeting agenda. City Council-initiated moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to action; provided, that where an emergency is found to exist by the City Council, it may act immediately and prior to the formulation of Planning Commission findings of fact and recommendation. At its next available meeting immediately following the City Council's referral or action, the Planning Commission shall consider the measure and, if it finds evidence that an emergency

exists necessitating the immediate imposition of a moratorium or interim zoning, or that temporary measures are needed to protect the status quo, it shall recommend adoption to the City Council. The Planning Commission shall respond with its findings of fact and recommendation to the Council within 30 days of the date of the Commission meeting at which it is first made aware of the Council's request. In emergency situations where the City Council has first enacted a moratorium or interim zoning, but where the Planning Commission's findings of fact and recommendation do not support the action, the City Council shall reconsider, but shall not be bound to reversing, its action.

C. Public hearing and action. The Planning Commission will hold at least one public hearing prior to formulating its recommendation to the City Council. The public hearing may be, but it is not required to, be held at the same time and in conjunction with the amendment of the Comprehensive Plan. Where an emergency exists, public hearings regarding moratoria or interim zoning may be held after the Planning Commission forwards its findings of fact and recommendation to the City Council, and after action has been taken by the City Council.

In the case of moratoria or interim zoning, the City Council shall hold a public hearing within at least 60 days of adopting any moratoria or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt findings of fact justifying the adoption of moratoria before, or immediately after, it holds a public hearing.

D. Duration of Moratorium or Interim Zoning. As part of its findings of fact and recommendation, the Planning Commission shall recommend to the City Council a duration for the moratorium or interim zoning controls and note if a study, either underway or proposed, is expected to develop a permanent solution and the time period by which that study would be concluded. Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period. Moratoria or interim zoning may be renewed for an unlimited number of six-month intervals following their imposition; provided, that prior to each renewal, a public hearing is held by the City Council and findings of fact are made which support the renewal. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 11; passed Dec. 16, 2003)

13.02.057 Notice for public hearings.

A. The Department shall give public/legal notice of the subject, time and place of the Planning

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Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to City Ordinance No. 25966, and other individuals or organizations identified by the Department as either affected or likely to be interested. For land use intensity changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a **special notice** of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area.

B. The Department shall require that for a land use intensity change or an area-wide zoning classification change a public information sign(s), provided by the Department, is posted on the affected site or sites at least 14 calendar days prior to the Planning Commission public hearing.

C. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the land use intensity change or area-wide zoning classification; applicants shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition.

D. The sign shall contain, at a minimum, the name of the applicant, a description and location of the proposed amendment, and where additional information may be obtained.

E. The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date. (Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 12; passed Dec. 16, 2003)

13.02.060 Reports.

Repealed by Ord. 24942

(Ord. 24942; passed Jul. 2, 1991; Ord. 20266 § 8; passed Dec. 17, 1974; Ord. 14983 § 6; passed Mar. 1, 1954)



TACOMA PLANNING COMMISSION

RULES AND REGULATIONS

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, and November 18, 2009. 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 (Title 13, Chapter 13.02 – Planning Commission).

The Rules and Regulations contain the following items:

- I. Election and Terms of Office
- II. Duties of Officers
- III. Establishment of Advisory Committees and Task Forces
- IV. Planning Division Manager
- V. Meetings
- VI. Records
- VII. Annual Report to the City Council
- VIII. Miscellaneous
- IX. Rules and Regulations Amendments

I. Election and Terms of Office

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.

1. Nominations and Elections – Officers shall be nominated at the first meeting in December of each year. Elections shall be held at the following meeting. New officers will assume duties at the meeting following their election.
2. Officer Qualification Considerations – The Officers should:
 - a) be interested in holding the position(s);
 - b) be able to devote sufficient time to Commission business;
 - c) be committed to attending as many regular and special Commission meetings as possible;
 - d) be prepared to make presentations to the City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans and policies; and
 - e) 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.

- B. 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.

II. Duties of Officers

- A. Chair – 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.
- B. Vice-Chair – 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.

III. Establishment of Advisory Committees and Task Forces

- A. Advisory Committees – The Commission may establish advisory committees as it deems appropriate, following the procedures as authorized in the Tacoma Municipal Code Section 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 give 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 pursuant to Sections V.F.1 & V.F.2 of these rules. Task forces may not conduct public hearings.

IV. Planning Division Manager

The Planning Division Manager 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. The Planning Division Manager shall be responsible for providing such other staff service as may be required by the Commission within the limits of the budget for the Community and Economic Development Department as approved by the City Council.

V. 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 the Council Chambers of the Tacoma Municipal Building, 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 the Planning Division Manager 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 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 the Tacoma Municipal Code Section 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 Community and Economic Development 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. A quorum for the transaction of official business shall consist of a majority of the members of the Commission, but a smaller number may adjourn from time to time. 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. 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 the Planning Division Manager or his/her representative who shall then present the request to the Commission. The Commission shall then approve or deny the request.
- E. 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.
- F. Conduct of Meetings
 - 1. Order of business:
 - a) Roll Call

- b) Approval of minutes not previously approved
- c) Consideration of business items in the order set forth in the meeting agenda. (Matters set for public hearing shall be considered at such time as determined by the Commission and set forth in the hearing notice.)
- d) Other business
- e) Communication
- f) Comments by Planning Division
- g) Comments by Planning Commission
- h) Adjournment
- i) The preceding 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.

2. Conduct of regular meetings:

- a) The Chair of the Commission shall preside over all regular meetings of the Commission except as provided for in Section II of these rules.
- b) The Chair introduces the agenda items.
- c) The Planning Division Manager or his/her representative, if appropriate, summarizes the staff report or other information prepared or received by the staff on the agenda item.
- d) The Commission considers requests and may ask questions of the staff or others in attendance at the direction of the Chair. Comments by the public may be permitted, but only at the discretion of the Chair.
- e) The Commission takes appropriate action, if an action is required.

3. Conduct of public hearings:

- a) The Chair of the Commission shall preside over all public hearings conducted by the Commission except as provided for in Section II of these rules.
- b) The Chair calls the public hearing to order and announces the procedure for the public hearing as established by the Commission.
- c) The Planning Division Manager or his/her representative, if appropriate, summarizes the staff report or other information prepared or received by the staff on the hearing item.
- d) Communications, not contained in the Commission's report, received concerning the hearing item are presented to the Commission.
- e) The Chair asks for reports from advisory committees or task forces, if appropriate.
- f) The Commission hears those persons wishing to give testimony.
- g) 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.

- h) 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.

G. 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.

VI. 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 Community and Economic Development 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 Community and Economic Development 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.

VII. Annual Report to the City Council

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 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.

VIII. Miscellaneous

- A. Code of Ethics – Members of the Commission shall comply with the City of Tacoma's Code of Ethics pursuant to the Tacoma Municipal Code Chapter 1.46 while conducting Commission business. The types of conduct that constitute violations of the Code of Ethics include 1) conflicts of interest, 2) financial interests and personal gain in contracts, 3) beneficial influence in contract selection, 4) representation of private person at City proceeding, 5) certain private employment, 6) beneficial interest in legislation, 7) disclosure of confidential information, 8) improper use of position, 9) improper use of City personnel, 10) improper use of City property, 11) acceptance of compensation, gifts, favors, rewards or gratuity, and 12) impermissible conduct after leaving City service.
- B. Contact Information – The generic contact information of members of the Commission should be considered public information and made available for public access.
- C. Conferences – Members of the Commission may attend, at their own expense, conferences, meetings and training courses closely related to Commission business.

IX. Rules and Regulations Amendments

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