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Agenda

Tacoma Planning Commission

Community and Economic Development Department

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Charles Solverson, P.E., Building Official

Public Works and Utilities Representatives

Kurtis Kingsolver, Interim Assistant Director/City Engineer, Public Works Department
Heather Pennington, Resource Planning Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

747 Market Street, Room 1036
Tacoma, WA 98402-3793
253-591-5365 (phone) / 253-591-2002 (fax)
www.cityoftacoma.org/planning

(Agenda also posted at: www.cityoftacoma.org/planning > "Planning Commission" > "Agendas-Minutes-Recordings")

MEETING: Regular Meeting

TIME: Wednesday, December 21, 2011, 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. APPROVAL OF MINUTES – N/A

D. GENERAL BUSINESS

(4:05 p.m.) **1. Critical Areas Preservation Code Updates**

Description: Review testimony received at the public hearing on September 21, 2011 and written comments received through September 30; and review staff responses to public comments and possible changes to the proposed amendments.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Karla Kluge, 591-5773, kkluge@cityoftacoma.org

(4:30 p.m.) **2. Master Program for Shoreline Development**

Description: Following the City Council's adoption of the Shoreline Master Program Update and associated revisions to the Land Use Regulatory Code on November 29, 2011, review the status of the project, including the amendments made by the City Council over the Planning Commission's recommendations, the Department of Ecology's adoption process, and potential work items and next steps for 2012 as directed by the Council.

Actions Requested: Review; Comment

Support Information: To be distributed at the meeting

Staff Contact: Steve Atkinson, 591-5531, satkinson@cityoftacoma.org



(4:50 p.m.) **3. 2012 Annual Amendment: #2012-2 Housing Element**

Description: Review the proposed amendments to the Housing Element and staff's approach to accomplishing the amendments.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-3"

Staff Contact: Ian Munce, 573-2478, imunce@cityoftacoma.org

(5:20 p.m.) **4. Large Scale Retail Moratorium**

Description: Review testimony received at the public hearing on December 7, 2011 and written comments received through December 9; and review staff responses to public comments and possible changes to the proposed amendments.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-4"

Staff Contact: Brian Boudet, 573-2389, bboudet@cityoftacoma.org

E. COMMUNICATION ITEMS

F. COMMENTS BY LONG-RANGE PLANNING DIVISION

G. COMMENTS BY PLANNING COMMISSION

H. ADJOURNMENT



City of Tacoma
Community and Economic Development Department

TO: Planning Commission
FROM: Karla Kluge, Senior Environmental Specialist
SUBJECT: Critical Areas Preservation Ordinance Update
DATE: December 14, 2011

The Planning Commission conducted a public hearing on September 21, 2011 concerning the proposed revisions to the Tacoma Municipal Code, Chapter 13.11 – Critical Areas Preservation (CAPO) and Chapter 13.05 – Land Use Permit Procedures. The proposed changes were needed to clean up and clarify existing code language, and to provide new code sections addressing voluntary restoration, small development projects, wetland buffer refinement and additional mitigation options.

Some of the public comments received during the public hearing process suggested that changes to the programmatic permit approach and trail regulations would be needed to sufficiently support the voluntary restoration goals. In addition, the state Department of Ecology provided comments on the proposed wetland buffer modifications. In response, staff developed a revised approach for the programmatic process, wetland buffer reduction, and regulations to address the concerns. Since this was considered a change in the approach presented to the Planning Commission from the original proposal, staff decided it would be prudent to seek additional feedback from the Focus Group that had assisted the City in developing the original proposal. The Focus Group met on November 15, 2011 and was generally supportive of the new changes in the CAPO in response to the comments.

At the meeting on December 21, 2011, staff will review the public testimony and the corresponding staff responses, focusing on the new changes proposed for the Draft CAPO. Staff intends to seek comments and direction from the Commission, and prepare accordingly a set of recommendations for the Commission's consideration at a later meeting.

Attached are (1) Summary of Public Comments and Staff Responses Report, (2) a copy of all written comments received, and (3) Additional (new) changes to the Critical Area Preservation Code following the Public Hearing on September 21, 2011 and the Focus Group Meeting on November 15, 2011. If you have any questions, please contact Karla Kluge at 591-5773 or kkluge@cityoftacoma.org.

c: Peter Huffman, Assistant Director

Attachments (3)



CRITICAL AREA PRESERVATION CODE UPDATE

SUMMARY OF PUBLIC COMMENTS AND STAFF RESPONSES REPORT December 15, 2011

	COMMENTS	SOURCE(S)	STAFF RESPONSE
1.	The proposed changes help implement recommendations and strategies outlined in the 2008 Climate Action Plan by increasing tree planting and maintenance and implementing the Open Space Habitat and Recreation Plan.	Sustainable Tacoma Commission	Support noted.
2.	Voluntary restoration and enhancement activities will benefit from the new processes contained in the code and CED/BLUS staff and the City is commended for their proactive efforts.	Metroparks , Cascade Land Conservancy, Sierra Club Tatoosh Group, WA Department of Ecology	Support noted.
3.	The thresholds between “Allowed Activities” and “Activities Allowed with Staff Review” are appropriate and the requirement for a planting plan under the latter is a reasonable requirement to provide protection of the critical area. The proposed process is a streamlining of approvals necessary for work in critical areas.	Cascade Land Conservancy	Comment noted.
4.	Section 13.11.330.D. Buffer Reduction allows reduction below a minimum threshold identified by the best available science and may place the wetlands within the City at risk for additional impacts. Buffers are anticipated to be well-vegetated and if not already in a well-vegetated state, they should be planted to achieve this state, even if there are no impacts to the buffer. The technical advisory group advises that this section be removed, or modified to tie buffer reductions to reducing the intensity of adjacent land use, or only reduced as allowed through buffer averaging.	WA Department of Ecology	Comment noted and proposed changes include modifications to the buffer reduction section that limits buffer reductions to the minimums recommended according to best available science and the Department of Ecology guidance. The reduction section was revised to include a “standard” reduction with provisions for improvement of the remaining buffer, and a reasonable use reduction that would allow reductions less than the standard in situations where there is no other reasonable use of the property with less impact to the critical area and buffer. In the latter case, improvement to the buffer is also required, among other provisions. These changes were discussed with the Department of Ecology staff and were verbally noted as acceptable. See attached document for proposed changes.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
5.	In the “Activities Allowed with Staff Review” insert “where possible” into the trail standard to require trails to be moved to the outer ¼ edge where it is possible to do so.	MetroParks	Comment noted. It is understood that at times, the terrain or unique circumstances may not allow the trail to be moved to the outer ¼ edge of the buffer. In some cases the outer ¼ edge may be off site and not attainable. Staff had included “where possible” in the general trail section and recommends that it also be included in the “Activities Allowed with Staff Review”. The proposed language will ensure consistency between “Activities Allowed with Staff Review” and the “General Standards.” See attached document for proposed changes.
6.	Clarification of Allowed Activities and Activities Allowed with Staff Review on invasive removal and replanting. Can larger equipment be used without staff review?	Joe Brady, MetroParks	Use of larger equipment (not hand held) must always be reviewed by City staff. Approval may be verbal or written depending on the situation. A code change is not recommended.
7.	Programmatic Permits should have a longer timeline. A 5-year timeline, even with a 5-year extension is not long enough to achieve restoration goals and does not provide a real incentive to use this process for MetroParks. 20 years is the desired timeline, either through additional re-authorization(s), or as part of a conditional requirement in the original permit.	MetroParks, Cascade Land Conservancy, Barnett, Puget Creek Restoration Society	Comment noted and staff agrees. The expiration time was based on the existing five year expiration of wetland permits and 5-year validity for wetland delineations if landscape changes have not altered the wetland system. However, achieving a fully functioning natural system through volunteer efforts is understood to require additional time and therefore, additional extensions with review may provide an acceptable alternative with continuing review. See attached document for proposed changes.
8.	Programmatic Permits should be split into two types: 1) those with significant development, and 2) restoration-related activities with minor developments	MetroParks	Comment noted. Instead of a programmatic permit, staff proposes to change the process to include a “programmatic extension process,” which would apply to both minor development permits and development permits. See attached document for new proposed language.
9.	Delineation requirement for programmatic permit or other permits is cost excessive.	MetroParks	Delineation of wetland boundaries provides the basis for most site plans and is needed for development activities and generally needed for restoration and enhancement activities in order for the steward to determine where certain plants should be placed on the site. If there are development impacts that trigger compensatory mitigation, wetland delineation is essential to describe the impacts very specifically and track advance mitigation.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
			A code change is not recommended.
10.	Add the wetlands in Puget Gulch to “Wetlands of Local Significance” due to their high functioning and public importance.	MetroParks	Comment noted. Staff agrees and recommends that the Puget Gulch Wetlands be added to the table of “Wetlands of Local Significance”. See attached document for new proposed language.
11.	Expand the definition of non-native plants under Section 13.11.200.B.6.b to include Himalayan and Evergreen blackberry, English ivy, clematis, English holly and laurel, Japanese knotweed, Scots Broom, Reed Canary Grass, Herb Robert, spurge Laurel, Poison Hemlock, English Morning Glory and Bindweed.	Puget Creek Restoration Society	The Pierce County Noxious Weed Control board provides a list of plants that “must” be removed and those that are “recommended” to be removed. Removal is mandatory for Class A and Class B weeds and provision 13.11.200.B.6.b does not include an area limitation which is intended to allow complete removal of Class A and Class B plants. Class B includes Poison Hemlock. English ivy may be removed according to the provisions in 13.11.200.B.6.a. If ivy removal is extensive and may cause erosion, staff review and approval is required. The remaining weeds may be removed under Section 13.11.200.B.6.c when the total buffer area does not exceed 1,000 square feet and the slope is less than 15%. If weed removal includes an area within the critical area such as a wetland or stream, or exceeds the provisions above, such removal is still allowed but staff review and approval is required. A code change is not recommended.
12.	Maintain a full review process for buffer averaging and buffer reduction to ensure full protection of the critical area.	Puget Creek Restoration Society	As currently proposed under a Minor Development Permit buffer averaging and buffer reduction will be a “full review process” that includes public notice and comment. A code change is not recommended.
13.	Do not implement “In Lieu Fee” for mitigation of impacts because the square foot valuation of the critical area does not equate to what full creation of wetland would cost. The cost of mitigation should cover all aspects of mitigation.	Puget Creek Restoration Society	The Critical Areas Ordinance previously included a monetary mitigation provision which allowed money to be paid in lieu of on-the-ground mitigation in certain cases. This provision was removed in 2005 because the fee amount was found to be an inadequate form of mitigation. The Department of Ecology has since developed guidelines for an In-Lieu Fee program that is similar to mitigation banking. The proposed In-Lieu Fee provision under Section 13.11.270.I includes language requiring consistency with state and federal rules, including a public process. The draft language includes the <i>possibility</i> of the City

	COMMENTS	SOURCE(S)	STAFF RESPONSE
			<p>developing its own In-Lieu Fee program and does not revert back to the previous, inadequate monetary mitigation provision. Fees and credits that may be used are yet to be determined.</p> <p>A code change is not recommended.</p>
14.	<p>Mitigation banking should apply to the watershed where impacts were generated. Mitigation should also occur within the City of Tacoma to allow wildlife access to the mitigation area.</p>	<p>Puget Creek Restoration Society</p>	<p>Rules for Mitigation banking have been developed by the Department of Ecology and are based upon a watershed or basin approach. The Critical Area code allows for off-site mitigation, with a preference for it being within the same drainage basin, sub-basin or watershed as the impact site. During the Open Space and Recreation Plan and Program development, a private consultant, ESA Adolfson, evaluated City properties for an area suitable for wetland mitigation banking and did not find a suitable area. This means that if a mitigation bank is constructed that includes the City of Tacoma in its “service area”, it is unlikely that the bank will be within the City boundaries. And while the bank may be outside the City boundaries, the mitigation and environmental restoration approach is supported by Best Available Science and DOE guidance.</p> <p>A code change is not recommended.</p>
15.	<p>Utility projects should also have to use best available science and should include public comment and involve an area steward in the project.</p>	<p>Puget Creek Restoration Society</p>	<p>New utility construction requires best available science and permitting, including public comment. Area stewards that may be affected by a project can comment. Maintenance and repair of utilities is exempt provided the work does not expand the footprint of the facility or right-of-way or alter any regulated critical area or buffer. Maintenance activities must be in compliance with the current City Surface Water Management Manual and Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area. For surface water, the work may not further expand into the critical area, with the understanding that when working in water, some alteration may be necessary. Impacts are to be avoided where possible. For repair and maintenance projects, public notice and comment is not required under the current code. Area stewards may be involved where applicable; however, it is not required. Maintenance activities also do not generate compensatory mitigation and permitting is not required. Temporary impacts should be corrected. In short, maintenance generally equates to</p>

	COMMENTS	SOURCE(S)	STAFF RESPONSE
			the preservation of a pre-existing system that is necessary for system functionality. A code change is not recommended.
16.	Include code language that supports the incorporation of comments regarding a project and ensure follow through.	Puget Creek Restoration Society	Public and agency comments are incorporated into all Land Use decisions, where applicable, as determined by the Land Use Administrator. Where necessary, comment content that is provided regarding regulatory requirements or compliance with Chapter 13.11 is contained within the conditions and advisory notes provided at the end of the land use decision. The applicant is responsible for all conditional requirements and staff reviews the project at various intervals for compliance. A code change is not recommended.
17.	Assessment permits should include public input.	Puget Creek Restoration Society	Wetland Assessment Permits as they are administered in the current code include a Public Notice and comment requirement. The newly proposed Minor Development Permits will also include a Public Notice requirement. A code change is not recommended.
18.	Section 13.11.20440 (13.11.200) should include a list for allowed activity types to inform potential applications.	Puget Creek Restoration Society	Each specific code citation in 13.11.(200) includes the description of the activity that it is referring to. Staff may be contacted for additional interpretation and guidance. A code change is not recommended.
19.	Allow work to be done on slopes greater than 15% and provide allowance for trained experts and organizations.	Puget Creek Restoration Society	Work may be completed on slopes greater than 15% under the Activities Allowed with Staff Review, Minor Development Permit, and the Development Permit provisions. Geotechnical expertise and review will be conducted during the review process either by City staff, if appropriate, or by a qualified geotechnical expert. A code change is not recommended.
20.	Section 13.11.210.B.3 should be removed from the code because all wetlands, regardless of size should be protected equally.	Puget Creek Restoration Society	While it is agreed that all wetlands are important this allowance is a standard practice and was discussed with the WA Department of Ecology. In that discussion, it was recommended that should an In-Lieu Fee program be developed, funds could then be collected as mitigation for loss of wetland area, but the current method of addressing these wetlands follows the standard practice.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
			A code change is not recommended.
21.	With respect to evaluating hazard trees, qualified individuals should include certified wetlands scientists, native plant experts and ecologists.	Puget Creek Restoration Society	<p>Section 13.11.210.B.11 refers to a person performing a hazard tree evaluation to determine the health of the tree and providing a report. The associated list provides additional disciplines that may be able to provide a report equivalent to a certified arborist. The suggested additions do not generally include this same type of expertise.</p> <p>With respect to other areas of the CAPO, the definition of qualified professional is already contained within Chapter 13.11 and would provide guidance for any discipline with the required knowledge.</p> <p>A code change is not recommended.</p>
22.	Boardwalks should be included under pervious trail types.	Puget Creek Restoration Society	<p>Section 13.11.250.E. Trail Use and Construction includes general provisions that refer to pervious and impervious materials. In general, boardwalks that are slatted with open spaces do have a pervious component. However, the wood, composite, or other material that is used for the slats and the supporting structures are not pervious and may result in wetland or stream loss as well as buffer loss and these impacts must be mitigated.</p> <p>A code change is not recommended.</p>
23.	Section 13.11.290 requires bonding and bonding should not apply to non-profits and individuals restoring areas that are not being restored for mitigation.	Puget Creek Restoration Society	<p>Section 13.11.290 Sureties require performance bonds and maintenance and monitoring bonds for all projects where compensatory mitigation is required, with the exception of public agencies only. Restoration that is not part of a mitigation plan for impacts does not require bonding regardless of whether the applicant is a non-profit or an individual performing restoration.</p> <p>A code change is not recommended.</p>
24.	Section 13.11.210.B.9. c. – Viewing Platforms should include boardwalks	Puget Creek Restoration Society	<p>Viewing platforms are of a limited nature in “overwater” coverage at the edge of ponds or at the edge of wetlands while boardwalks are typically used to cross a water such as a stream or wetland and continue through the buffer for various distances depending upon the size of the system. The latter would be considered potentially a significant impact that requires mitigation.</p> <p>A code change is not recommended.</p>
25.	Section 13.11.330.A Reduction of buffers should not be allowed. Section 13.11.330.D.1(b), 13.11.	Puget Creek Restoration Society	The Sections that are referred to were part of the proposed changes in approach discussed at the Focus Group meeting.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
	330.E. Reduction of Category I and II buffers should not be allowed as the width of the buffer supports these high category wetlands.		These sections were changed to respond to the Department of Ecology comments on wetland buffer reduction. See attached document for proposed changes.
26.	Section 13.11.220.A. This approach is going in the right direction and the time extension should indicate 20 years.	Puget Creek Restoration Society	Support noted.
27.	Section 13.11.900. This language should be incorporated into 13.11.220.A.	Puget Creek Restoration Society	Support noted.
28.	Section 13.05.070. C. Support this language.	Puget Creek Restoration Society	Support noted.
29.	Individuals, Groups, or organizations that voluntarily restore public green spaces should not pay fees to do so.	Puget Creek Restoration Society	Comment noted. This aspect of the code update is not under review at this time.

SOURCE KEY

Oral Testimony on September 21, 2011

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail
1.	Beaudoin	Jim	Puget Creek Restoration Society	702 Broadway Suite 101	Tacoma	WA	98402	pugetcreek@yahoo.com
2.	Brady	Joe	Metroparks	4702 South 19 th Street	Tacoma	WA	98405	joeb@tacomaparks.com
3.	Kramer	Kory	Cascade Land Conservancy, Green Tacoma Partnership	615 Second Avenue, Suite 600	Seattle	WA	98104	

Written Comments received by September 30, 2011

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail	Date
1.	Anderson	Mary	MetroParks	4702 South 19 th Street	Tacoma	WA	98405	marya@tacomaparks.com	9/30/2011
2.	Calendar	Alex	WA Department of Ecology	P.O. Box 47775	Olympia	WA	98504		10/10/2011
3.	Bunten	Donna	WA Department of Ecology	P.O. Box 46700	Olympia	WA	98504	Donna.bunten@ecy.wa.gov	10/10/2011
4.	Coughlan	Philip C.	Sustainable Tacoma Commission	747 Market St.	Tacoma	WA	98402		9/29/2011
5.	Hansen	Scott	Puget Creek Restoration Society	702 Broadway Suite 101	Tacoma	WA	98402		9/30/2011
6.	Kramer	Kory	Cascade Land conservancy, Green Tacoma Partnership	615 Second Avenue, Suite 600	Seattle	WA	98104		9/29/2011
7.	Moore	Bliss	Sierra Club, Tatoosh Group	6116 N. Park Ave.	Tacoma	WA	98407		9/30/2011

Written Comments received on November 23, 2011 following the Focus Group Meeting

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail
1.	Hansen	Scott	Puget Creek Restoration Society	702 Broadway Suite 101	Tacoma	WA	98402	pugetcreek@yahoo.com

Critical Areas Preservation Code Update

**Planning Commission Public Hearing
September 21, 2011**

Written Comments



City of Tacoma
Sustainable Tacoma Commission

September 28, 2011

Dear Planning Commissioners;

The Sustainable Tacoma Commission supports the proposed changes to the downtown off-street parking requirements and the critical areas preservation codes. The changes help implement recommendations and strategies outlined in the 2008 Climate Action Plan. Specifically that Plan calls for:

- Reducing or eliminating parking minimums required for residential/mixed use developments;
- Adopting parking maximums for new developments or major remodels
- Increasing tree planting and maintenance, and
- Implementing and Funding the Open Space Habitat and Recreation Plan

Thank you for considering these important changes. All of our efforts will lead us towards reduced greenhouse gas emissions and a more livable, healthy community.

Sincerely,

Philip C. Coughlan
Co-Chair
Sustainable Tacoma Commission



Tatoosh Group

Cascade Chapter Sierra Club

Exploring, Enjoying and Protecting Pierce County... *and Beyond*

September 30, 2011

Tacoma Planning Commission
747 Market St, 9th Floor
Tacoma, WA 98402

Re: Downtown Off-Street Parking and CAPO Update

Dear Chair Doty and Planning Commissioners:

The Sierra Club Tatoosh (Pierce Co.) Group just wanted to complement you and staff, particularly, Chelsea Levy, for the work that has been on amending the requirements regarding Downtown Off-Street Parking. Most significant, is probably the proposed Reduced Parking Area with the reduced parking requirements. These changes should, in the long run, promote walking, biking, and use of public transit while reducing auto traffic (and its congestion, toxic and CO2 emissions, safety hazards, noise, etc.) and help make downtown a better place to live and do business.

Also, much thanks to the Commission and Karla Kluge and her staff on proposing updates to CAPO which greatly improve the rules by providing clarity and understanding of the code and streamlining the administration of it. Since our Group has been actively working with Tacoma Metro Parks to remove non-native invasive plant species in the parks, we really appreciate the modification in the rules under the proposed 13.11.200 which makes it a little easier for environmental and community groups to participate in such work projects to remove bad plants and plant the appropriate native ones.

To summarize our views, we strongly support both the changes to the code regarding downtown off-street parking and the refining updates to the CAPO.

Thanks again to the Commission and City staff for their good work on these recommendations.

Sincerely,

Bliss Moore, Vice Chair and Ivy League (Invasive Species Control Program) Coordinator
Sierra Club Tatoosh Group
253-752-6472 (h)
6116 N. Park Ave.
Tacoma, WA 98407

cc: Dorothy Walker, Chair, Sierra Club Tatoosh Group

Kluge, Karla

From: Wung, Lihuang on behalf of Planning
Sent: Monday, October 03, 2011 11:42 AM
To: Kluge, Karla
Subject: FW: CAPO Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Karla,

This may have been forwarded to you, but to be on the safe side

Lihuang Wung

Community and Economic Development Department
747 Market Street, Room 1036
Tacoma, WA 98402
(253) 591-5682

From: Kory Kramer [mailto:Koryk@cascadeland.org]
Sent: Thursday, September 29, 2011 3:22 PM
To: Planning
Subject: CAPO Comments

PLANNING COMMISSION
747 MARKET STREET – ROOM 1036
TACOMA WA 98402
(253) 591-5365

September 29th, 2011

RE: Comment on potential Critical Areas Preservation Code changes

Dear Karla,

The Green Tacoma Partnership is a public-private partnership between the City of Tacoma, Metro Parks, Tahoma Audubon Society, Cascade Land Conservancy (CLC), citizens, educational organizations, neighborhood groups, non-profits, faith-based organizations, and businesses all working together to sustain a viable healthy network of natural spaces throughout Tacoma.

By pairing with local park restoration groups, the Partnership supports the hands-on restoration of Tacoma's green spaces. Restoration work parties take place continually throughout the year; this work is integral to the restoration of Tacoma's forested parkland and greenbelts and is invaluable in creating an educated and engaged community.

CLC's interest in the Partnership stems from our initiation of and commitment to the Cascade Agenda, a conservation strategy designed to save working farms and forestlands by promoting smart urban growth and design to create complete, compact and connected communities. The thinking is that without vibrant, livable urban communities, it is more difficult to draw the region's growing population into these urban centers, and human encroachment and impact on surrounding natural areas becomes a problem. The City of Tacoma was the Cascade Agenda's first Leadership City and the Green Tacoma Partnership is one of many programs that the city supports as a way of improving the livability of Tacoma.

The creator of the Green City Partnerships program, CLC acts as the community and business outreach and engagement coordinator as well as the continuing education and training coordinator for habitat stewards and

volunteers. As a nationally recognized nonprofit organization, CLC is also adept at bringing both federal and private grant money into its programs, including the Green Tacoma Partnership.

Although I was not a part of the original focus groups that met to address the constraints of the previous code, I understand that one of the driving forces in updating the code was to streamline processes for volunteer habitat stewards' work. As I've become more familiar with the key issues, it is apparent that it has taken much time, thought, and compromise in order to produce the currently proposed changes. I would like to formally recognize that and thank the planning department and planning commission for your efforts in this regard.

From CLC's perspective, I feel that the majority of the work conducted by trained habitat stewards and other volunteers under their guidance falls within the categories of "Allowed Activities" and "Activities Allowed with Staff Review." After discussion, I understand the reasoning behind the 1,000 sq. ft. limit without staff review as well as the limit to working only on English Ivy. Because the proposed changes allow habitat stewards to submit a plan of proposed work for city staff review, that could allow them to work on areas larger than 1,000 sq. ft and on plants other than English Ivy, we accept that requiring a City approved planting plan or template is a reasonable request of habitat stewards, is not onerous and shouldn't act as a deterrent to recruiting and retaining habitat stewards. The proposed update states that "In an effort to assist residents, City approved planting plans or templates will be developed." I would like to be sent a copy of the template once finalized as I think this could be a helpful tool for stewards.

That said, from conversations held with Metro Parks staff, it is clear that there is still concern about the amount of time allowed under the Programmatic Permit. I believe that this issue lies more with the property owner than it does with CLC specifically; however, insomuch as any hindrance on a property owner's project that involves voluntary restoration affects volunteers' ability and willingness to participate in improving their community, such deterrence of volunteer participation affects the Green Tacoma Partnership.

The Green Tacoma Partnership is in a phase of necessary growth with habitat stewards actively restoring 14 sites around the city. However, the actual number of acres under restoration continues to be minimal, and in order to recruit and retain the necessary volunteer numbers to achieve restoration on 1,881 acres around Tacoma, we need to ensure that processes are as simple as possible and that help from city staff is accessible when needed.

The concern about a programmatic permit expiring in 10 years, or potentially 5 years, stems from the rate at which volunteer work happens. The most active volunteers hold one work party per month lasting approximately 3 hours. This means that with a turnout of 4-5 volunteers (which is pretty normal) there are a maximum of only 180 person-hours worked every year. This rate doesn't provide a landowner operating under a programmatic permit much benefit at all, yet without the volunteer input, some of these projects may be deemed unviable.

Because of this peculiarity directly related to the nature of volunteer work, and because the stated objective of the code amendment process is "to support and promote this stewardship activity," I feel that efforts should be made by the planning department to address this concern in the updates.

An idea proposed in the Open Space Management Team meeting on Wednesday September 28, 2011 that could have some potential is that of allowing two additional successive extensions of a programmatic permit that could total 20 years, with that being the absolute cap, yet still allowing the city a level of control at the review period before each extension.

I would like to thank you again for your willingness to listen to and understand our concerns on behalf of the volunteers and other agencies operating as part of the Green Tacoma Partnership. Please don't hesitate to contact me with questions or for clarification on points stated in these comments and I look forward to seeing the final code updates.

Sincerely,

Kory Kramer
South Sound Green Cities Project Manager
(253) 274-5673 direct

(253) 343-4293 cell
(206) 577-9145 fax
koryk@cascadeland.org

Cascade Land Conservancy
1119 Pacific Ave., Suite 1300
Tacoma, WA 98402
www.cascadeland.org

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 10, 2010

Ms. Karla Kluge
Senior Environmental Specialist
Community & Economic Development Department
City of Tacoma
747 Market Street
Tacoma, WA 98402

Re: Review of Tacoma's Critical Areas Preservation Ordinance Update

Dear Ms. Kluge:

Thank you for the opportunity to review and comment on Tacoma's proposed Critical Areas Preservation Ordinance (CAPO) update. We have reviewed the September 21, 2011, draft and offer the following comments for consideration by the City's Planning Commission.

We appreciate the explanation you provided in your September 16, 2011, email describing the City's analysis of its existing wetlands and buffer strategies. The thorough comparison of the City's buffers based only on wetland category to the "Alternative 3" buffers demonstrates that the City's proposed buffers are consistent with a moderate-risk approach to protecting wetland functions. The key elements of the City's approach are the requirements that the proposed adjacent land uses implement the impact-minimizing measures in Table 1 and the higher-functioning wetlands of local significance will receive 300-foot buffers. Another important factor is that many of the City's wetlands are bordered by existing roads, resulting in "interrupted" buffers.

One area in which the proposed CAPO update puts the City's wetlands at risk is Section 13.11.330.D, Buffer Reduction. While this section is based on Appendix 8-C of *Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands* (Publication # 05-06-008, April 2005), there are some key differences. Ecology's guidance allows a 25% reduction (from high-intensity to moderate-intensity land use buffers, based on using Alternative 3) if the applicant implements impact-minimizing measures and provides a protected, well-vegetated corridor.

For example, using Ecology's buffer table (Table 8C-5 of Appendix 8-C), a Category III wetland that scored 23 points for habitat function adjacent to a high-intensity land use would require a buffer of 150 feet. This buffer could be reduced to 110 feet by providing a protected corridor and requiring the impact-reducing measures in Table 8C-8.

The City's approach assumes that all land uses are high intensity but requires the use of impact-reducing measures, thereby reducing the land use intensity to moderate. Using the City's proposed



Karla Kluge, City of Tacoma
October 10, 2011
Page 2

revisions in Table 7, a Category III wetland scoring 23 points would require the use of the impact-reducing measures in Table 1 and have a buffer of 75 feet. The buffer could then be reduced another 25% by providing a corridor and requiring enhancement of a disturbed buffer, resulting in a buffer of 56 feet. We believe that such a reduction is not consistent with the best available science and will result in buffers that are not protective of wetland functions, especially in the case of the wetlands of local significance and Category III and IV wetlands.

The other aspect of the proposed buffer strategy that puts wetland functions at risk is tying buffer reductions to buffer enhancement. One of the most critical elements of the buffer widths recommended in any of the buffer alternatives presented in Ecology's guidance is the assumption that the buffers are well vegetated with a relatively intact, native plant community. The guidance explicitly states that if a buffer area is not well vegetated to begin with, the buffer should either be widened or restored with appropriate vegetation. The buffers we recommend in Appendix 8-C and on which the City's buffers are based assume the buffer is vegetated with native plant communities that are appropriate for the ecoregion or with a plant community that provides similar functions. If the buffer is not well vegetated, it must be planted with native species appropriate to the ecoregion.

While we understand the desire to provide incentives for improving disturbed buffers, allowing a reduction in buffer width in exchange for enhancing the buffer is not supported by the best available science and should be removed. Buffer reductions should be tied to reducing the intensity of the adjacent land use or achieved through buffer averaging.

Overall, we applaud the City for the hard work that has gone into this revision. The incorporation of new mitigation options such as in-lieu fee programs and mitigation banking will make wetland mitigation in the City more successful. And the revisions pertaining to voluntary enhancement and restoration should improve and promote these activities.

Thank you again for the opportunity to comment on the proposed CAPO. We would be happy to discuss our comments with you. Please call me at (360) 407-6167 or send email to alex.callender@ecology.wa.gov if I can be of assistance. You may also contact Donna Bunten at (360) 407-7172 or send email to donna.bunten@ecology.wa.gov.

Sincerely,



Alex Callender
Wetland Specialist
Shorelands and Environmental Assistance Program

ac/lp

cc: Dave Andersen, Commerce
Ike Nwanko, Commerce
Theresa Nation, WDFW
Donna Bunten, Ecology
Perry Lund, Ecology

Kluge, Karla

From: Bunten, Donna (ECY) [DBUN461@ECY.WA.GOV]
Sent: Monday, October 10, 2011 4:30 PM
To: Kluge, Karla
Cc: Callender, Alexander (ECY)
Subject: In-lieu fee program

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Business

Hi, Karla,

The response from our wetlands advisory group is that if you intend to use your in-lieu fee program for federal permits, it must be approved by the Corps (of course, impacts to these small wetlands wouldn't be regulated by the Corps anyway). Unfortunately, we don't have any other advice on how to conduct your program. One person suggested that you just keep on doing what you've been doing (but you wouldn't be able to use it for federal permits). No one could provide examples of how other cities are handling it either.

I think one of the confusing aspects of your CAO is that on the one hand, you're saying that small wetlands are exempt from the provisions of the CAO:

Isolated Category III or Category IV wetlands, which have been classified and identified as having a total cumulative area of less than 1,000 square feet, regardless of property lines are exempt from the provision of this Chapter provided they:

- a. Are of low habitat function (less than 20 points in the Washington Wetlands Rating System for Western Washington).
- b. Are hydrologically isolated and are not part of a mosaic wetland system.
- c. Are not associated with a Shoreline of the state or wetland that is part of a riparian habitat area, and
- d. Are not critical habitat to local populations of priority species.

but then you're going to require monetary compensation into a fund. It's great that you want to require appropriate mitigation for small impacts in an effort to achieve no net loss, but you might want to clarify that these small wetlands are exempt from avoidance and minimization, but not from compensation. Did we miss this distinction somewhere?

Donna J. Bunten
CAO Review Coordinator
Dept. of Ecology
PO Box 46700
Olympia, WA 98504-46700
(360) 407-7172
donna.bunten@ecy.wa.gov

September 30, 2011

Comments to the City of Tacoma's Planning Commission

Author: Metro Parks Tacoma

Re: CAPO Code Update

Voluntary restoration projects are a critical component to making Tacoma a more livable and desirable city for Tacoma's residents. By pairing with local park restoration groups, Metro Parks Tacoma supports the hands-on restoration of its local green spaces. Restoration work parties take place continually throughout the year; this work is integral to the restoration of Tacoma's forested parkland and open spaces.

The current Open Space Management Team (OSMT) provides a forum for representatives from each of the agencies/organizations in the Green Tacoma Partnership to meet with City planners, biologists, and other mission-critical staff to discuss project specific issues and work through a City approved Open Space Management Plan template. This template, when completed, contains project information, management strategies and methodologies, and desired outcomes that are required for City permits. The major advantage of the OSMT process is the ability for landowners to work with staff *ahead of time* to design projects that provide a logical framework for agencies (such as MPT) to prepare budgets around, are easily interpreted by volunteers, and ensure city staff that projects are in line with current codes.

Metro Parks Tacoma (MPT) appreciates the City's efforts to revise the Critical Areas Preservation Ordinances in response to the growing number of Tacoma's citizens who are banding together to restore and enhance natural areas throughout Tacoma. If this code update is successful by instituting logical code language, there is no doubt that the acres of restored open space will continue to increase across Tacoma.

With this goal in mind, we request that the Commission consider the following changes to the draft code as currently written:

1. *The Programmatic Permit language, as currently written, does not fully achieve the desired intent to allow voluntary restoration to occur as a more efficient and streamlined process. MPT feels that a plausible solution is to split the programmatic permit into two types-1) those with significant development, and 2) restoration-related activities with minor development (of which the majority will simply require staff review).*

The latter permit (#2) should rely on the OSMT process and city-approved management plan template outlined above. MPT further advocates allowing additional permit renewals on activities with only minor development. As currently written all programmatic permits would be issued for 5 years with one opportunity to extend the permit for an additional 5 years with staff review. We ask you reconsider 2 additional extensions with staff review, one at 10 years and again at 15 years if no significant changes have occurred in the site ecological systems. This timeline matches the planning templates that have been developed by the Open Space Management Team and would help keep the cost of voluntary restoration more reasonable. If you will not consider additional staff approved extensions, perhaps this type of permit could be offered at a reduced price, recognizing the minimal impact to the critical area and the voluntary nature of the proposed improvements.

2. *13.11.210 Activities Allowed with Staff Review:* Item B.9.c should include "Where possible, the trail shall be located within or near the outer ¼ edge of the buffer....". This provision will allow current trails in critical area buffers that are non-conforming to be moved to more practical locations as far away from the critical area as possible, using the Staff Review process. This change would make this section compatible with 13.11.190.

3. *Add the wetlands found in Puget Gulch to the current list of "Wetlands of Local Significance". The wetland resources found in the lower reaches of the gulch are some of the best and high functioning in the City, and should be recognized and protected as such.*

Thank you for your time and consideration of these comments.

Mary Anderson
Natural Resources Coordinator
Parks and Building Services
Metro Parks Tacoma

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Tacoma, Washington 98402
Phone: (253) 779-8890
Fax:(253) 779-8890
Email:
pugetcreek@yahoo.com
WebPage:
www.pugetcreek.org



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September 20, 2011

Community & Economic Development Department
City of Tacoma
Long-Range Planning Division
747 Market Street, Room 1036
Tacoma, WA. 98402-3793

RECEIVED
SEP 30 2011
Per _____

To Planning Commission and City Council:

The Puget Creek Restoration Society (PCRS) protects, enhances and restores the Puget Creek Watershed and similar streams, wetlands and green spaces. We serve the South Puget Sound communities and invite their participation through hands-on restoration, research, education, advocacy, and by promoting a sense of stewardship.

Our organization represents over 3,000 members and volunteers located in the City of Tacoma/Pierce County and who are deeply concerned with wetland, stream, green space and nearshore issues in the City.

Thank you for allowing us to provide input into the CAPO revisions. We request the following conditions be incorporated into the project:section B number 6 b

- Section B #6B
A expanded definition as to what is considered a non-native plant that can be removed under the following two criteria:

“Allowed Activities” and “Activities Allowed with Staff Review”.

We would encourage the following non-native very invasive plants be allowed to be removed through this process: Himalayan and Evergreen Blackberry; English Ivy and Clematis; English Holly and Laurel; Japanese Knotweed; Scots Broom; Reed Canary Grass; Herb Robert; Spurge Laurel; Poison Hemlock; English Morning Glory and Bindweed.

- PCRS feels that buffer averaging and buffer reduction should still have the full review process. Buffers are just that; they are buffering and protecting the critical area. The buffers established by the code are what we feel are a bare minimum of what is really needed and since any impacts

to the buffers will impact the critical area the requisite for a full process to insure that decreasing the buffer will not adversely harm the critical area is needed.

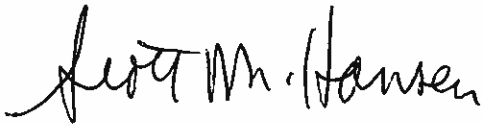
- We are not in favor of “In-Lieu Fee” for mitigation of impacts. We base this on the fact that what the City has determined as a square foot valuation of the critical area impacted does not equate to what the value is if the City used those funds generated to purchase a wetland of the same type. In short there is a need to get in place a valuation in the In-Lieu Fee process that will equate to an equal value that would get spent to purchase the same type of area.
- Any mitigation banking in an area needs to be directly applied to the watershed that the impacts were generated in. They should not be allowed to be applied to another watershed area. It should also happen within the City of Tacoma as that is where the impacts were generated. The wildlife need to have resource areas close to their impacted habitat.
- Utility projects in the City of Tacoma need to understand and have requirements in place to direct them to use best practices as to affecting the least damage to the habitat when they proceed with a project. Even if it means that they have to spend more so that avoidable damage is held to the minimum. There needs to be a place in the process that does include public comment and that when an area has a steward or organization that has been working in that critical area they should be involved in the discussion as to what will have direct impact in the critical area.
- There needs to be in place in the code that when City project managers say they will incorporate comments and alternatives to how their project is done that they do follow through with those stated arrangements.
- Page 7 of the CAPO update the second blue highlighted area. We feel an assessment permit should be required so to allow for public input and more information from that input can get brought to the attention of the reviewers.
- In section, 13.11.20440 we believe that a list developed and added into this section depicting the allowed activity types would help in assessing the activity by the reviewing staff person to know if they can or can not do it.
- Only allowing work to get done on slopes that are less than a 15% grade will not get restoration done and will allow further degradation of habitat because the invasive plants are on all slopes of all gradients. We feel qualified experts and organizations who have successfully for many years with no injuries need to be approached and a system put in place so that with proper training they may have the right to work on all slopes . Puget Creek Restoration Society is such an organization and would be very willing to help establish an acceptable training and protocol for this type of work.
- We feel limiting the size to 1,000 sq. ft. or less will limit the ability of restoration efforts when the ivy has taken over such large areas. Language should be incorporated that if the area isn't replanted then the sites need to stay less than 1,000 sq. ft. but if these sites are being replanted then they can be expanded in order to actually move towards completely restoring of the habitat.
- 13.11.210—B #3 we feel needs to be removed from the code as we feel all wetlands no matter what size or category of need to be protected under the same critical area standards.

- The Programmatic Permit process should last for at least 20 years as it takes that long for some sites to fully develop. Some permitting takes years to accomplish and plants can take up to 10 years before become the dominant ones over invasives.
- Page 15 of revised CAPO number 11. Those additional qualified individuals should also include certified wetland scientists; native plant experts and of course Ecologists.
- Page 32 of revised CAPO number E-2. We feel that raised boardwalks should also fall under pervious trail types.
- Page 41 of revised CAPO number 13.11.290. Non-profits and individuals restoring areas that are not from required mitigation should have the Surety bonds requirements waived as they do not have funding and are actively restoring of the system.

The above comments are based on studies of the area known as Puget Creek Watershed by our organization and we feel they are very applicative to the CAPO development and should be incorporated into components of it. By including these comments and concerns we feel it will make the CAPO a stronger document and program.

I write as an officer of the Board of Directors of Puget Creek Restoration Society, which has evaluated the proposed project. We will appreciate your office's full consideration of our position, and we look forward to working with you in making Tacoma a better place for everyone. You can reach us at (253) 779-8890.

Sincerely,



Scott M. Hansen-B.S., M.A., M. S., (Ph.D.-student)
Ecologist/Treasurer Board of Directors

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November 23, 2011

Karla Kluge
Senior Environmental Specialist
Building and Land Use Services
Community & Economic Development Department
253-591-5773

Hello Karla:

The Puget Creek Restoration Society (PCRS) protects, enhances and restores the Puget Creek Watershed and similar streams, wetlands and green spaces. We serve the South Puget Sound communities and invite their participation through hands-on restoration, research, education, advocacy, and by promoting a sense of stewardship.

Our organization represents over 3,000 members and volunteers located in the City of Tacoma and who are deeply concerned with wetland, stream, green space and nearshore issues in the City.

Thank you for allowing us to provide input into the CAPO update process. We request the following conditions be incorporated into the Code and response to our questions be developed:

All comments will reference the specific code number or are a general comment that needs to be incorporated into the Code.

- 13.11.210-c.—We feel that the viewing platforms also should include raised boardwalks as they are improving conditions and are like platforms. This language that would also include raised boardwalks if constructing on an existing trail and minimizing impact on the habitat.
- 13.11.330-A—We feel that since the buffers are already at a minimum that is needed that further averaging or reduction would adversely impact the wetland and should not be allowed.
- 13.11.330-D-1—We feel that reducing the buffer that has protected Category I & II wetlands is going to adversely affect the wetland. The reasoning is that these wetlands are high functioning is because of the wideness of the buffer and reducing it will cause degradation of it. We do not support any buffer reduction in this or any situation.

- 13.11.330-D-1-b—We feel that just restoring the remaining buffer will not provide the needed protection for the wetland that is needed to protect the wetland thus restoring it is good but the wide width of the buffer is still needed.
- 13.11.330-E—Same as above it should not be allowed and this is the same for all components through (d) in this section.
- 13.11.220-A—We feel this is going in the right direction but should have language that specifically indicates up to 20 years.
- 13.11.900-This language is good and needs to be incorporated into the above language.
- 13.05.070-C— All good.
- Our last and one of the most important comments is that those individuals, groups, or organizations who are voluntarily restoring public green spaces should not have to pay for permit fees as it is City or Metro Parks property and they are donating their time to do so. These entities are strapped for funding and permitting fees would take away from limited resources that would be applied to actual restoration of the property via buying plants etc.

Without further clarification of the impact that the code update has on the natural systems, the Puget Creek Restoration Society cannot support these changes; however, if the plan were to incorporate our comments, questions and concerns into the code update we would reconsider our position.

I write as an officer of the Board of Directors of Puget Creek Restoration Society, which has evaluated the proposed project. We will appreciate your office's full consideration of our position, and we look forward to working with you in making Tacoma a better place for everyone. You can reach us at (253) 779-8890 if you have any questions.

Sincerely,

Scott M. Hansen-B.S., M.A., M. S., (Ph.D.-student)
Ecologist/Treasurer Board of Directors



CRITICAL AREAS
PRESERVATION ORDINANCE
REVISION

Additional (new) changes to the Critical Area Preservation Code following the Public Hearing on September 21, 2011

The following red-line changes reflect modifications to the proposed Critical Area Preservation Code released in the Public Review Document on September 21, 2011 as a result of comments received during and following the Public Hearing, including a comment letter following the Focus Group meeting.

Chapter 13.11 – Critical Areas Preservation

13.11.160 Pre-existing Uses/Structures

A. An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the provisions of Tacoma Municipal Code (TMC) Section 13.11-~~140~~, Section 13.10 Shoreline Management and Section 13.06.630.

B. Except as otherwise required by law, a legal pre-existing use or structure may continue unchanged; or modified only where the use or structure becomes less non-conforming, and where the modification will increase the buffer, and increase the functions of the critical area.

C. All modifications for pre-existing structures, other than trails, shall conform to the current code provision to the maximum extent possible as determined by the Land Use Administrator.

* * *

13.11.210 Activities Allowed with Staff Review

* * *

9. Construction of pedestrian trails within the buffer of a wetland, stream, lake, pond, or FWHCA is permitted, subject to the following criteria:

- a. The trail is constructed of pervious material such as bark chip or equivalent
- b. The trail does not cross or alter any regulated drainage features or waters of the state.
- c. The trail shall be located within the outer quarter (1/4) edge of the buffer, where possible, with the exception for limited viewing platforms~~vistas~~.
- d. The trail system discourages pedestrians from using informal trails that are not part of the designated trail system.
- e. The trail is designed to avoid human disturbance to priority species and priority habitat.
- f. Low impact trails shall not be later widened or upgraded to impervious trails that encourage activities with greater impacts without additional review and required permitting.
- g. Informational signs are required at trail heads, at a minimum, and are subject to City approval.

* * *

13.11.220 Application Types

- A. This chapter allows four types of wetland/stream/fish and wildlife habitat conservation area (FWHCA) applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Land Use Administrator's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.
- B. The four types of permit applications are as follows:
1. Verification. Wetland Delineation, Stream OHWM, or FWHCA Verification. An applicant may request verification of a wetland, or stream, or FWHCA on the subject site or within 300 feet of the subject site without submitting plans for a specific project. A verification request may include presence, a boundary determination through wetland delineation or an Ordinary High Water Mark determination. A verification request may also include the jurisdictional status of a critical area.
 2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Land Use Administrator determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Land Use Administrator will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:
 - a. The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and
 - b. Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.
 - c. For buffer modification, the project meets the following:
 - i) Buffer averaging as allowed within Sections 13.11.330 and 13.11.430; or
 - ii) Buffer reduction as allowed within Section 13.11.330.
 3. Development Permit. A decision will be issued where, the Land Use Administrator determines that avoidance and minimization have not eliminated all impacts and compensatory mitigation will be required as a result of the proposal.
 - a. The applicant must meet the requirements of one of three legal tests; No Practicable Alternatives, Public Interest or Reasonable Use, and
 - b. Demonstrate Mitigation Sequencing, and
 - c. Provide mitigation as required in accordance with this Chapter.
 - ~~4. Programmatic Development Permit. An applicant may request a programmatic permit where voluntary enhancement and restoration activities are included with the proposal in addition to compensatory mitigation requirements of this chapter. The intent is to encourage advance mitigation, greater project flexibility and phased development. Proposals may include new destination facilities or high-intensity recreation facilities as described in 13.06.560.~~
 - ~~a. The applicant must meet the requirements of one of three legal tests; No Practicable Alternatives, Public Interest or Reasonable Use, and~~
 - ~~b. Demonstrate Mitigation Sequencing, and~~
 - ~~a. Provide mitigation as required in accordance with this Chapter.~~

* * *

13.11 320 Wetland Buffers

Table 8. Wetlands of local significance*	
Site	Buffers (feet)
Snake Lake	300
China Lake	300
DeLong Park	300
Wapato Lake	300
McKinley Park	300
<u>Puget Creek Park</u>	<u>300</u>
*Best Available Science Review Recommendation from City of Tacoma Critical Areas Task Force June 2004	

13.11.330 Wetland Buffer Modifications.

A. Buffer Requirements. The standard buffer widths in Table 2 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The use of the standard buffer widths requires the implementation of the measures in Table 1, where applicable, to minimize the impacts of the adjacent land uses. The applicant shall demonstrate mitigation sequencing when using buffer averaging or buffer reduction.-

B. Buffer Increases. Buffer widths shall be increased on a case by case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

- a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- c. The adjacent land has minimal vegetative cover or slopes are greater than 30 percent.
- d. The adjacent land contains an identified connective corridor that should not be bisected.

C. Buffer Averaging. The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for buffer reductions.

1. Averaging to improve wetland protection may be permitted when all of the following conditions are met:
 - a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower rated area, and
 - b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert; and

- c. The buffer is increased adjacent to the high-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion; and
- d. The total area of the buffer after averaging is equal to the area required without averaging; and
- e. The buffer at its narrowest point is never less than ¾ of the required width.

D. Buffer Reduction. Buffer widths can be reduced according to the following criteria:

1. The buffer for Category I and Category II wetlands that score moderate or high for habitat (20) points or more may be reduced to the low habitat ~~buffer~~ buffer, or up to 60 feet for Category III wetlands or 40 feet for Category IV wetlands, if the following criteria are met;

a. A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat via some type of legal protection such as a conservation easement, or

~~b. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community. An existing buffer that is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions and the buffer is planted to create the appropriate plant community, and~~

~~c. The buffer at its narrowest point is never less than ¾ of the required width.~~

E2. -Buffer Averaging or Buffer Reduction beyond the minimum standards indicated above may be allowed to allow a reasonable use of a legal lot of record ~~may be permitted~~ when all of the following criteria are met:

a. There are no feasible alternatives to the site design that could be accomplished with~~out~~ the standard buffer averaging or buffer reduction provision above; and

b. The averaged or reduced buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland expert, and

~~c. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community.~~

~~d. The project shall meet the requirements of one of the three legal tests; No Practicable Alternatives, Public Interest, or Reasonable Use.~~

~~e. The total area of the buffer after averaging is equal to the area required without averaging; and~~

~~d. The buffer at its narrowest point is never less than ¾ of the required width.~~

* * *

13.11.900 Definitions

Programmatic Restoration Project. Projects where restoration with applicable public access are the primary functions and goals of the project. Advanced mitigation may be proposed and tracked for future development elements that are submitted during the 20-year timeline available through a 5-year extension process. Programmatic restoration projects will provide support and incentives to preserve City Open Space and park areas, recreation areas and trails. These projects will provide partnerships that enhance recreation opportunities. Programmatic restorations projects will allow implementation of new programs/ and activities, and maintenance of native vegetation within critical areas and buffers.

Chapter 13.11 – Critical Areas Preservation

13.05.070 Expiration of permits

C. When Permit Expired. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired, with the exception of ~~wetland/stream/FWHCA projects that qualify for a~~ restoration project extension permits. Programmatic ~~restoration projects permits~~ shall be allowed to be renewed every five (5) years for a maximum total of 20 years to allow implementation of long-term habitat recovery that may be utilized as advanced mitigation for future impacts associated with public access and enjoyment. have an additional 5 years following a renewal process.

In order to renew ~~every for 5 additional~~ 5 years, the applicant is required to submit a status report explaining the progress ~~of development~~ under ~~the a minor development programmatic~~ permit or development permit and shall identify the remaining items requiring additional permitting, including building permits. The applicant shall provide copies of any monitoring reports that were required as part of the permit conditions. The renewal application shall be submitted prior to the termination of the five year limit with the appropriate renewal fees. prior to the 5 year termination of the original permit



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-3

TO: Planning Commission
FROM: Jeff Boers, Project Manager, Long-Range Planning Division
SUBJECT: 2012 Annual Amendment – Application #2012-2 Housing Element
DATE: December 14, 2011

At the December 21, 2011 meeting, the Planning Commission will review amendments to the Housing Element of the Comprehensive Plan, amendments that include the following three major components:

1. Incorporating the eight policy principles concerning Affordable Housing, as directed by the City Council per Resolution No. 38264, adopted on May 17, 2011;
2. Ensuring consistency with the Countywide Planning Policies for Pierce County pursuant to the Growth Management Act; and
3. Updating housing needs and assessment information based on the 2010 census data.

Attached is a discussion outline (*Attachment A*) that depicts a recommended approach to accomplishing the proposed amendments. Staff intends to seek the Commission's comments on and approval of the approach, and prepare accordingly a set of amendments to the Housing Element in tracked changes format for the Commission's consideration at a later meeting.

Note that the eight policy principles (see *Attachment B*) are part of the recommendations of the Affordable Housing Policy Advisory Group, which was established by the City Council. Staff will provide background on the recommendations of the Advisory Group as well as the Long-Range Planning Division's role and responsibility in implementing the Advisory Group's recommendations (see *Attachment C*).

For more information about the proposed amendments to the Housing Element, please visit www.cityoftacoma.org/planning, and click on "Annual Amendment #2012-2: Housing Element". If you have any questions, please contact Ian Munce at 573-2478 or imunce@cityoftacoma.org, or Jeff Boers at jboers@cityoftacoma.org.

Attachments (3)

c: Peter Huffman, Assistant Director



2012 Annual Amendment Application No. 2012-2
Housing Element

DISCUSSION OUTLINE

This discussion outline depicts staff's approach to accomplishing amendments to the Housing Element of the Comprehensive Plan, amendments that include the following three major components:

- A. Incorporating the eight policy principles concerning Affordable Housing, as directed by the City Council per Resolution No. 38264, adopted on May 17, 2011;
- B. Ensuring consistency with the Countywide Planning Policies for Pierce County pursuant to the Growth Management Act; and
- C. Updating housing needs and assessment information based on the 2010 census data.

A. Affordable Housing Policy Principles

The Affordable Housing Policy Principles adopted by Resolution No. 38264 are part of the recommendations of the Affordable Housing Policy Advisory Group (AHPAG) to the City Council. Background information about the AHPAG and its recommendations are compiled in separate documents that can be accessed on the Long-Range Planning Division's website at www.cityoftacoma.org/planning (click on "Annual Amendment #2012-2: Housing Element").

The eight policy principles are:

- Affordable housing is vital to important civic interests
- Affordable housing is attractive, innovative and well managed
- The city needs to enlist the engine of private development
- Affordable housing developments spur other investments
- The city should welcome affordable housing developments
- Every city neighborhood needs affordable housing developments
- Affordable housing as innovative design
- Affordable housing as a high city priority amid competing interests

Staff analysis indicates that the current Housing Element can be enhanced by incorporating the eight policy principles in the following manner:

1. Replace the intent statement of the "Housing Affordability (HA)" section with a new intent statement that primarily speaks to the nature and intent of the eight policy principles. The intent statement would explicitly incorporate the eight principles. This would be accomplished as part of the 2012 update.
2. As appropriate, revise certain policies under Neighborhood Quality (NQ), Housing Preservation (HP), Housing Choice (HC), Housing Affordability (HA) and Housing Fairness (HF) to clearly link these policies to the eight policy principles. This would be accomplished as part of the 2012 update.

3. Revise existing policies and create new policies within the Housing Element and possibly other Comprehensive Plan elements, as appropriate, to reflect additional language from the eight principles and other AHPAG recommendations. This would occur during the 2013 and 2014 amendment cycles.
4. Revise the language in the "Legislative/Regulatory", "Financial", "Administrative" and "Planning" subsections under "Section IV – Recommended Actions to Implement Housing Policies" to incorporate language from the eight principles and other AHPAG recommendations, as appropriate. This would occur during the 2013 and 2014 amendment cycles.

B. Countywide Planning Policies

In 2009, the Pierce County Regional Council recommended approval of amendments to the Countywide Planning Policies (CWPPs) for Pierce County relating to affordable housing.

On August 17, 2011, the Planning Commission approved of the Assessment Report for Annual Amendment #2012-2 Housing Element, with the understanding and presumption that said amendments to CWPPs would be completed by the end of 2011 or soon thereafter and that the Housing Element needs to be revised accordingly to ensure consistency with the amended CWPPs specifically relating to affordable housing.

As of December 2011, amendments to the CWPPs have been adopted by Tacoma City Council pursuant to Resolution No. 38367 on November 29, 2011, but have yet to be ratified by a sufficient number of jurisdictions within Pierce County to become effective at the county and regional levels. Staff anticipates that ratification will occur sometime in early 2012, possibly in time for incorporation in the Housing Element within the 2012 Annual Amendment cycle.

Nevertheless, staff will ensure that any amendment to the Housing Element, as currently proposed or as may be recommended by citizens during the public review process, is consistent with the CWPPs as adopted by the City Council.

C. Housing Needs Assessment

Under the Growth Management Act, the City must include in its housing element provisions for the current and projected housing needs of all economic segments of the community while ensuring the vitality and character of established residential neighborhoods. A housing needs assessment is one of the tools used to provide a foundation for demonstrating how this mandate will be achieved. The Housing Element was last updated in 2007 and much of the housing needs information it contains is based on 2000 Census data.

The AHPAG report states that it did not conduct additional research or compile new data, in that adequate data and information was already available from a variety of sources. In particular, the report uses data and information from the Consolidated Plan for Housing and Community Development 2010–2015. The Consolidated Plan's needs assessment is derived from 2005-2007 American Community Survey data and, in some cases, earlier 2000 Census data.

New (more current) data is becoming available from the 2010 Census and from various American Community Survey data sets for 2009 and 2010. Although it does not appear that the

latest data would lead to significantly different conclusions from those based on the Consolidated Plan's earlier data, staff recommends using the latest available data for technical amendments to the Housing Element's needs assessment during the 2012 amendment cycle.

Staff intends to update the entire "Section II – Housing Needs", which contains the following three categories of housing-related inventory and assessments:

Category 1 – Trends in Population

- Population Growth
- Population by Race and Ethnicity
- Household Composition
- Household Income

Category 2 – Housing Stock

- Type of Housing Units
- Age of Housing
- Housing Tenure Type
- Housing Costs
- Housing Affordability

Category 3 – Land Capacity

City of Tacoma
Affordable Housing Policy Advisory Group
Eight Policy Principles and Acknowledgments

Adopted Pursuant to Council Resolution No. 38264, May 17, 2011

1. Affordable Housing is Vital to Important Civic Interests

The City's welfare requires an adequate supply of well built and well managed affordable housing serving the full range of incomes appearing among its residents. An adequate supply of this housing is vital to the following important civic needs or values:

- The City's prosperity, economic development and growth of employment opportunities;
- The appropriate management of the City's projected population growth and transportation needs;
- The City's fulfillment of its legal obligations under the Growth Management Act to make "adequate provisions for existing and projected [housing] needs of all economic segments of the community" and to comply with the related directives of the Pierce County Countywide Planning Policies.
- The survival of green spaces throughout the City and Pierce County;
- The success of the City's schools;
- The effectiveness of the City's emergency services;
- The City's ability to continue its accommodation of a population that is increasingly diverse by income, race, ethnicity, ability, disability and age;
- The City's ability to accommodate a population that, in the aggregate, is getting older; and
- The City's values of social justice.

2. Affordable Housing is Attractive, Innovative and Well Managed

Affordable housing developments by nonprofit developers, public and private, in the City, region and nation have been among the most attractively designed, most environmentally innovative and best managed in the market place.

3. The City Needs to Enlist the Engine of Private Development

Nonprofit developments of affordable housing will never likely be adequate to meet the City's need. The City also needs a companion strategy to enlist the engine of private market rate developments to include a measure of affordable units. These strategies also provide the added benefit of economic and demographic integration.

4. Affordable Housing Developments Spur Other Investments

Affordable housing developments have spurred the revitalization of neighborhoods, encouraging both public and private investment, helping the City attain its desired density, and furthering a neighborhood's economic development.

5. The City Should Welcome Affordable Housing Developments

Affordable housing is an asset to be encouraged and not a detriment to be tolerated and controlled.

6. Every City Neighborhood Needs Affordable Housing Developments

The City should promote the development of affordable housing in every City neighborhood.

7. Affordable Housing as Innovative Design

In seeking the appropriate balance, the City should not have to compromise important neighborhood design standards in order to promote affordable housing. Instead proper design should allow affordable housing to show the way for all developments serving all incomes toward a greener, more sustainable urban future that accommodates the appropriate density that the City's planning documents anticipate to be necessary for the City's projected population allocations.

8. Affordable Housing as a High City Priority amid Competing Interests

In a complex community like Tacoma, interests and policies often clash. Good governance is the effort to balance them appropriately. In doing so, the City should give a very high priority to the promotion of affordable housing development.

Affordable Housing Policy Advisory Group Recommendations and Implementation

December 21, 2011

A. Overview

As part of the 2012 Annual Amendment to the Comprehensive Plan that is anticipated to be adopted by the City Council in June 2012, amendments are being proposed to the Housing Element to, in part, incorporate the eight Affordable Housing Policy Principles as recommended by the Affordable Housing Policy Advisory Group (AHPAG).

This document provides background information about the AHPAG, its recommendations, as well as the roles and responsibilities of the Planning Commission and the Community and Economic Development Department (CEDD) in implementing AHPAG's recommendations.

B. Establishment of AHPAG

Created and appointed by the City Council on April 27, 2010, the AHPAG is comprised of members with varied interests and perspectives, including affordable housing advocates, market rate developers and design professionals, to:

- (1) Review the work of the Council's Neighborhood and Housing Committee on affordable housing and the work of the Pierce County Housing Affordability Task Force;
- (2) Review demographic data and identify data development needs in order to inform planning efforts;
- (3) Provide input and consultation necessary to refine the Committee's affordable housing policy recommendations;
- (4) Recommend a series of policy actions that are consistent with or complimentary (sic) to the City Comprehensive Plan; and
- (5) Build a consensus of Advisory Group members.

C. AHPAG's Recommendations

The AHPAG submitted its 'final' report to the City Council's Neighborhood and Housing Committee on December 3, 2010. The report provides a *Statement of the Problem*, which summarizes the AHPAG's perspective on the affordable housing challenges facing Tacoma currently and over the next twenty years. The report reviews data measuring the scope and nature of the City's present unmet need for affordable places for its residents to live. In general, the AHPAG's analysis of the data shows that the City has a serious shortage of affordable housing and also projects the significant increased future need the City faces for additional affordable housing.

The heart of the AHPAG report, *Policy Recommendations to the City Council*, contains the Group's policy recommendations in the eight categories listed below:

- 3.1 - City Policy and Leadership
- 3.2 - Housing Incentive or Inclusionary Programs
- 3.3 - Regulatory Assistance to Developers of Affordable Housing
- 3.4 - Financing Tools
- 3.5 - Affordable Building Design Practices
- 3.6 - Preservation, Acquisition, Conversion and Rehabilitation of Existing Housing
- 3.7 - Community Development Incentives
- 3.8 - Planning and Zoning Tools

According to the report, the policy recommendations would have the City focus its efforts in four main ways:

- (1) *Non-Profit Development*: The AHPAG report recommends how the City can become a more effective source of financial and regulatory assistance to nonprofit developers of affordable housing.
- (2) *For-Profit Development*: The report's second principal theme is to harness the engine of private, for-profit developers and make it financially worthwhile for them to include affordable units in market rate projects.
- (3) *Reduce Cost of Housing Development*: The report recommends ways that the City can reduce the cost of housing development generally. These measures would make all housing more affordable, including housing for low-income households.
- (4) *Accommodation of Appropriate Density*: The report also recommends how the City can accommodate the increased density it will need for the additional households it projects to be living in Tacoma by 2030.

D. Implementation of AHPAG's Recommendations

On May 17, 2011, the City Council adopted Resolution No. 38264, adopting the eight Affordable Housing Policy Principles as set out in Recommendation 3.1 of the AHPAG's report.

Some of the AHPAG policy recommendations fall outside the normal purview of the Planning Commission and CEDD, and will need to be addressed by other departments, agencies, stakeholders and the City Council. Other policy recommendations clearly warrant the Commission's consideration and are intended to be the focus of the Commission's work on amendments to affordable housing provisions.

Specifically, per Resolution No. 38264, the Planning Commission and CEDD are requested to include consideration of the eight policy principles in future updates to various policy documents and plans, including the Comprehensive Plan. At a minimum, this means incorporating the policy principles into the Housing Element. This action will, in turn, trigger the need for consideration of additional policy and development regulation amendments.

Given the limited staffing resources available, this work will require considerable time and effort over several years for the Commission to fully consider and develop recommended policy and regulatory amendments in response to the AHPAG recommendations. To facilitate the

Commission's review in an effective manner and fulfill the Council's directives within a realistic timeframe, CEDD staff has developed a progressive, 4-step work program, as described below:

Task 1 – Comprehensive Plan Policy

- AHPAG Recommendation:
 - 3.1 City Policy and Leadership
- Scope:

Incorporate eight policy principles and acknowledgments in the City's Comprehensive Plan.
- Tentative Schedule:

2012 Comprehensive Plan Amendment Cycle.
- Staff Comment:

This task would entail a straightforward transfer of the eight principles to the Housing Element. The intent would be to adopt language that would inform subsequent policy and regulatory updates during work on Tasks 2–4.

Task 2 – Incentive, Bonus, and Inclusionary Programs

- AHPAG Recommendations:
 - 3.2.1 Voluntary Housing Incentive Program
 - 3.3 Regulatory Assistance to Developers of Affordable Housing
- Scope:

The City will examine existing housing incentives/bonuses for improvements and geographical expansion as well as explore new and innovative city-wide incentives/bonuses for non-profit and for-profit housing.
- Tentative Schedule:

Initiate discussion with the Planning Commission in 2012-2013.
- Staff Comment:

This task would likely involve consideration of concurrent amendments to policies and regulations.

Task 3 – Rezones

- AHPAG Recommendations:
 - 3.2.2 Inclusionary Requirements for Voluntary Residential Upzones
 - 3.2.3 Limited Mandatory Affordable Housing Bonus Program for City-Initiated Upzones
- Scope:

The City will explore approaches to including inclusionary requirements in its voluntary residential rezone process and requirements in City upzones that are initiated by the private sector.
- Tentative Schedule:

Initiate discussion with the Planning Commission in 2012-2013.
- Staff Comment:

This task would involve consideration of concurrent amendments to policies and regulations.

Task 4 – Affordable Housing Infill Development

- AHPAG Recommendations:
 - ☑ 3.2.4 Inclusionary Requirements for Voluntary Planned Communities
 - ☑ 3.2.5 Planned Residential Development and Planned Affordable Residential Districts
 - ☑ 3.5.1 Accessory Dwelling Units
 - ☑ 3.5.2 Cottage/Cluster Housing
 - ☑ 3.5.3 Permit Ready Housing Designs
 - ☑ 3.5.4 Great House Design
 - ☑ 3.5.5 Rooming House/Boarding House/Single Room Occupancy
- Scope:

The City will examine existing residential infill development policies and standards for improvement and explore new and innovative approaches to residential infill development in residential zones within the City.
- Tentative Schedule:

Initiate discussion with the Planning Commission in 2012-2013.
- Staff Comment:

This task would involve consideration of concurrent amendments to policies and regulations.

E. Additional Information

Further background and more detailed information can be found in such documents as:

- City Council Resolution No. 38264, adopted on May 17, 2011
- AHPAG Policy Recommendations to the City Council, dated December 3, 2010.
- AHPAG Modified Policy Recommendations, dated October 13, 2011
- Neighborhoods and Housing Committee Meeting Minutes from November 7, 2011
- Housing Element (last amended 12/11/07)
- Proposed Amendments to the Countywide Planning Policies for Pierce County (2009 amendments relating to affordable housing)

These documents can be accessed on the Long-Range Planning Division's website at www.cityoftacoma.org/planning (click on "Annual Amendment #2012-2: Housing Element").



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-4

TO: Planning Commission

FROM: Brian Boudet, Urban Planner, Long-Range Planning Division

SUBJECT: Large Scale Retail – Proposed Code Amendments

DATE: December 14, 2011

At your next meeting on December 21, 2011, the Planning Commission will review the public testimony from the December 7th public hearing on the proposed amendments the zoning code provisions relative to large scale retail uses. At this meeting staff will also discuss potential alternatives for the Commission's consideration in response to issues brought up in the public testimony, including the applicability of the conditional use permit requirement to the reuse of existing buildings. A brief handout on this topic is provided for your review and discussion.

The attached Public Comments and Staff Responses Report summarizes the written and oral comments received on the proposal during the public comment period, which closed December 9, 2011. Testimony was provided by four individuals or organizations. A copy of each of the written comments we received is also attached for your review.

If you have any questions, please contact me at (253) 573-2389 or bboudet@cityoftacoma.org.

c: Peter Huffman, Assistant Director

Attachments



LARGE SCALE RETAIL – PROPOSED CODE AMENDMENTS

SUMMARY OF PUBLIC COMMENTS AND STAFF RESPONSES REPORT December 13, 2011

	COMMENTS	SOURCE(S)	STAFF RESPONSE
1.	<p>Large scale retail development has a ripple effect on our community. While we may hope that large scale retail development provides jobs, it does disrupt neighborhoods and increase traffic congestion. If the large scale retail business fails, it leaves an ugly, empty box. Request that changes in the regulations do not allow for large scale retail development, especially in neighborhoods where they do not now exist.</p>	Webster	<p>Comments noted.</p> <p>The proposed code changes would require a discretionary land use permit and a public hearing for large scale retail development in most zoning districts. This process would better ensure that future large scale retail development is developed in appropriate locations and addresses any potential impacts. In addition, this proposal would not allow large scale retail development within the RCX District.</p> <p>Under the current zoning code, large scale retail development is already not allowed within numerous zones (NCX, C-1, T, HM, PDB, HMX, and PMI Districts, as well as the South Tacoma Manufacturing/Industrial Center).</p>
2.	<p>The Central Neighborhood Council (CNC) supports the proposed conditional use permit requirement, as it will allow the community to provide input during the development process and give the City more discretion to better ensure consistency with the Comprehensive Plan.</p> <p>The CNC commends the Commission for not limiting its recommendations to just size prohibitions and recommends that the Commission consider reviewing design criteria within our Community and Urban Mixed Use Centers next year, as inadequate attention was paid to these centers in 2009.</p>	Central Neighborhood Council	<p>Comments noted.</p> <p>While the moratorium provides limited time to consider amendments, the Planning Commission has also indicated its desire to further refine the existing design standards for the Community and Urban Mixed-Use Centers in the near future.</p>

	COMMENTS	SOURCE(S)	STAFF RESPONSE
3.	<p>Mr. Franklin, who is a shopping center owner and developer in the Pacific Northwest, requests that the proposed Amendment exclude any existing single building that has multiple tenant spaces from requiring a CUP in order to consolidate the tenant spaces into a single retail use that would exceed the current proposed square-footage threshold.</p> <p>Mr. Franklin notes that under this example, the property owner is not increasing the square-footage of an existing building, only changing functional layout of the space within this building.</p> <p>If this scenario is not excluded from the CUP requirement, Mr. Franklin contends that it may be harder to fill vacant retail spaces and/or a property owner may opt to allow a building to remain vacant rather than apply for a CUP.</p>	Nat Franklin, PMF Investments (oral and written testimony)	<p>Comments noted.</p> <p>Staff will discuss options with the Commission that could address Mr. Franklin's concern about the consolidation of existing tenant spaces and how they would be reviewed under the proposed code amendment.</p>
4.	Commenter extremely disappointed with development within the City.	Anonymous	Comments noted.

SOURCE KEY

Oral Testimony on December 7, 2011

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail
1.	Franklin	Nat	PMF Investments, LLC					natfranklin@pmfinvestments.com

Written Comments received by December 9, 2011

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail	Date
1.	Anonymous								11/28/2011
2.	DeOme Leighton	Tricia Justin	Central Neighborhood Council					chair@cnc-tacoma.com justin.leighton17@gmail.com	12/8/2011
3.	Franklin	Nat	PMF Investments					natfranklin@pmfinvestments.com	12/9/2011
4.	Webster	Carol		3019 North 29 th Street	Tacoma	WA	98407	carolwebster@nventure.com	11/18/2011



Large Scale Retail Moratorium

POTENTIAL CHANGES TO THE DRAFT CODE AMENDMENTS

The following changes reflect potential modifications to the proposed Code Amendments, dated November 17, 2011, which were released in the Public Review Document and the subject of the Planning Commission's public hearing on December 7, 2011. These potential changes are brought forth as a result of comments received during the public review process and further staff analysis.

Note – The changes that are **highlighted** represent new modifications to the original draft regulations for the Commission's consideration.

13.06.640.J. Conditional Use Permit – Large Scale Retail.

1. Purpose. The purpose of the conditional use permit review process for large scale retail uses is to determine if the proposal is appropriate in the location and manner proposed and, recognizing the size and scale of such developments and their significant impact on the ability for the community to achieve its long-term vision and goals, to ensure that such developments represent an exceptional effort to support the intent and policies of the Comprehensive Plan and respond to the vision, issues and concerns of the specific neighborhood. It is critical to ensure that such proposals incorporate design strategies beyond the standard design and development standards that will ensure such projects represent a positive contribution to the community and mitigate their size, scale, traffic volumes and other potential impacts that are typically associated with large scale retail developments.
2. This section shall apply to new development of large scale retail businesses that exceed the applicable size limitations (as outlined in the use tables found in Sections 13.06.200, -.300, and -.400). This section shall not apply to existing large scale retail uses or the reuse of existing buildings, unless such project involves additions to the existing building(s) that exceed the minor modification thresholds in Section 13.05.080. Where allowed, a conditional use permit for a retail business that exceeds the applicable size limitations (as outlined in the use tables found in Sections 13.06.200, -.300, and -.400) shall only be approved upon a finding that such development is consistent with all of the standard decisions criteria for conditional use permits, as outlined above under Subsection C, and the following additional decision criteria:
 - a. The proposed development is designed in a manner that allows for future reuse of the building by multiple tenants. This may be accomplished by incorporating a variety of different design elements, including provision of several tenant spaces of varying sizes within buildings or the ability to practically modify the buildings in the future with building separations and modifications to access, mechanical systems and other components that would accommodate multi-tenant reuse.
 - b. The design of off-street parking areas represent a substantial effort to ensure enhanced pedestrian safety and comfort. Appropriate parking lot design strategies include segmenting surface parking areas into smaller groupings with interspersed buildings, pedestrian features, frequent pedestrian pathways, landscaping, and other focal points, and/or provision of structured parking for a portion of the on-site parking provided.

- c. The type and volume of traffic and existing and proposed traffic patterns allows for accessibility for persons and various modes of transportation. Adequate landscaping, screening, open spaces, and/or other development characteristics are provided as necessary to mitigate the traffic impact upon neighboring properties. In addition, pedestrian-oriented design is further emphasized within mixed-use centers to maintain connectivity between uses and all modes of transportation, including bicycle, pedestrian and mass transit options.
- d. Business activity, including delivery and hours of operation, are limited to avoid unnecessary noise and light impacts to surrounding residential uses. Outdoor storage or garden areas are appropriately screened from view or contained within a building.
- e. In mixed-use centers, the design of the overall development represents an exceptional effort to positively contribute to the desired and planned character of the district, as outlined in the Comprehensive Plan. This may be accomplished through incorporation of enhanced development features, such as incorporating a variety of uses, structured parking, multiple floors to allow for a smaller building footprint, smaller-scale storefront design along the street level, incorporation of residential units within the building or overall development site, and a diverse array of public spaces, including indoor and outdoor spaces, active and passive spaces, and plazas and garden spaces.
- f. For projects on sites along a designated pedestrian street (see Sections 13.06.200.E and 13.06.300.C) the site and building design provides a significant emphasis on pedestrian-orientation over vehicular-orientation. This may be accomplished through encouraging direct, continuous and regular pedestrian access, incorporating an internal pedestrian circulation system that provides connections between buildings, through parking areas, to the street and transit linkages, and to surrounding properties and neighborhoods, where possible, incorporating continuous and active uses and spaces along pedestrian street frontages and internal pedestrian pathways, and limiting conflicts between pedestrians and vehicles, particularly along the pedestrian street.

An application for a conditional use permit for large scale retail businesses 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 large scale retail business, the applicant shall hold a public informational meeting with adjacent 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, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site. The meeting shall be held at a location and time of day that is convenient for community members (i.e. after regular business hours if scheduled on a weekday). Subsequently, as part of the conditional use permit application, the applicant shall provide written confirmation that the required pre-application community meeting was held, the general substance of the community input, and whether, and if so how, the project was modified in response to the community input.

Upon issuance, the Hearing Examiner's decision may be appealed subject to procedures contained in Chapter 1.23.

Large Scale Retail – Proposed Code Amendments

**Planning Commission Public Hearing
December 7, 2011**

<h2>Written Comments</h2>

From: Carol Webster [mailto:carolwebster@nventure.com]
Sent: Friday, November 18, 2011 5:29 PM
To: Planning
Subject: Large Scale Retail

Dear Planning Commission Members,

As you know, large scale retail has a ripple effect on our community. Although we *might* hope it could provide jobs, it also disrupts neighborhoods and increases traffic congestion. The retail may even fail as a business, and leave an ugly, empty box.

Please do not change regulations to allow large scale retail, especially in areas where it does not now exist.

**Carol Webster
3019 North 29th Street
Tacoma, WA 98407**

WHERE CAN I GET ADDITIONAL INFORMATION?

Additional information, including the complete text of the proposed amendments and other background information, is available from the Community and Economic Development Department at the address to the right, and on the Planning Division website:

www.cityoftacoma.org/planning

(click on "Large Scale Retail Moratorium")

HOW DO I PROVIDE COMMENTS TO THE COMMISSION?

You can testify at the hearing or provide written comments no later than 5:00 p.m. on **Friday, December 9, 2011** using the return address on this card or by facsimile at (253) 591-2002 or via e-mail at planning@cityoftacoma.org.

If you have additional questions please feel free to contact Brian Boudet at:

(253) 573-2389

*P.S.,
BURY THE [REDACTED] ANNEX!*



To request this information in an alternative format or a reasonable accommodation, please contact the City Clerk's Office at 591-5505. TTY or STS users please dial 711 to connect to WA Relay Services.



PLANNING COMMISSION
747 MARKET STREET - ROOM 1036
TACOMA WA 98402
(253) 591-5365

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*Now hear this
Why Don't you City
[REDACTED] BURY TACOMA
IN CONCRETE & STEEL
STARTING WITH City Hall
& THE COP SHOP?*



TACOMA WA 98408-6111

*MAKE A TIME CAPSUL OUT
TOO OF THIS [REDACTED] TOWN
SO THAT PEOPLE IN THE
FUTURE CAN SEE HOW STUPID!
ALL YOU CITY [REDACTED] ARE!*

NOTICE OF PUBLIC HEARING



Large Scale Retail - Proposed Code Amendments

The Planning Commission is considering revisions to the City's zoning regulations relative to large scale retail uses. The Commission is holding a public hearing to obtain community feedback on these proposed code changes.

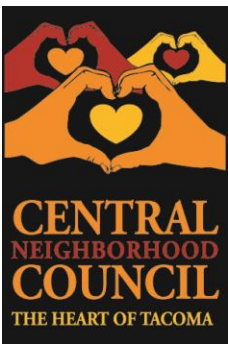
PLANNING COMMISSION PUBLIC HEARING

Wednesday, December 7, 2011 5:00 pm City Council Chambers
Tacoma Municipal Building, 747 Market Street, 1st Floor

WHAT IS BEING CONSIDERED?

The proposed changes would establish a Conditional Use Permit requirement for large scale retail uses in most of the areas of the city where they are allowed. Retail uses larger than 45,000 square feet in the commercial and mixed-use districts and larger than 65,000 square feet in the industrial districts would trigger this special review. The proposed conditional use permit process would include requirements for public notice, a public hearing, and a pre-application community meeting. The purpose of this new permit requirement would be to provide opportunities for community input on future large-scale retail projects and to better ensure that these types of projects minimize their impact on surrounding areas and are developed consistent with the Comprehensive Plan.

~~HEAR YES~~
HEAR YES
All You City
V



To: City of Tacoma – Planning Commission
From: Central Neighborhood Council
Date: December 7, 2011
Subject: Planning Commission Recommended Amendments to Zoning Code

Dear Planning Commission Members:

This letter presents the comments of the Central Neighborhood Council (CNC) on the Planning Commission’s recommendations to amend City of Tacoma’s code (Tacoma Municipal Code (TMC) sections 13.06) regarding large-scale retail developments. July 19, 2011. The CNC is a nonprofit organization independent of the City, but created in 1992 by the City along with seven other neighborhood councils (they geographically encompass the entire City) to facilitate citizen input and participation in City governance, pursuant to TMC Chapter 1.45. Section 1.45.070 of TMC states, “Neighborhood Councils will directly advise City government on matters concerning the general health, safety and welfare of their neighborhoods. Their actions should reflect the needs and wants of the neighborhood.”

The CNC supports the Planning Commission’s recommended amendments to utilize a conditional use permit on large scale retail establishments. The conditional use permit will allow the community to provide input during the development process. It will also give the City more discretion regarding the type/style of development for consistency with the Comprehensive Plan.

We also commend the Commission for not limiting your recommendations to just size prohibitions. We recommend the Commission consider reviewing design criteria within our Community and Urban Mixed Use Centers next year. As discussed previously, inadequate attention was paid to these centers in 2009.

Thank you.

Tricia S. DeOme
Chair
chair@cnc-tacoma.com
Central Neighborhood Council

Justin Leighton
Secretary
justin.leighton17@gmail.com
Central Neighborhood Council

www.cnc-tacoma.com

From: Nat Franklin [mailto:natfranklin@pmfinvestments.com]
Sent: Friday, December 09, 2011 3:27 PM
To: Planning
Cc: bboudet@cityoftacoma.org
Subject: RE: Proposed Amendments Regarding Large Scale Retail Establishments

December 9, 2011

Planning Commission
Brian Boudet
City of Tacoma, WA

To All Planning Commission Members & Brian,

Thank you for giving me the opportunity to speak with you on Wednesday, December 7th. As I stated, I am a shopping center owner and developer (PMF Investments LLC) IN THE Pacific Northwest. I continue to work and make investments and contributions in various communities throughout the State of Washington, developing a strong working relationship in these communities as a result. An example of this investment is the recently remodeled Kmart in Bellevue (Vacant for 10 years). We worked closely with the City of Bellevue and the surrounding community to make it a successful development for all parties involved. Construction and retail jobs were created, the tax base expanded, environmental improvements made and a vibrant community asset was created at a site where there was a empty parking lot and vacant buildings. I recently worked with the planning commission, economic development commission and the City Council in the City of University Place to allow drive thru's which will bring quality new tenant's in my Green Firs Shopping Center.

Although the proposed amendment is well intended, there needs to be clarification such as not to defeat the intent of the Amendment. The Amendment should exclude any existing single Building that may have multiple tenants that the owner/developer May wish to make into a single tenant Building without increasing the Building footprint. This clearly is NOT expanding the Building footprint but only staying within the existing Building. If I am not allowed to expand a tenant space within the existing Building footprint, it will most likely remain vacant and become a blight on the community resulting in a lost opportunity to maintain or expand the tax base and provide new jobs for members of the local community. Although I will continue to receive rent from the vacant Building, an opportunity would be lost if it were to sit vacant and become an eye sore in our community.

Please consider this exception to any proposed Amendment without going through a conditional use.

Thank you in advance for your consideration of my comments.

Sincerely,

Nat Franklin
Manager
PMF Investments LLC