



AGENDA

MEETING: Regular Meeting and Public Hearing
TIME: Wednesday, May 1, 2013, 4:00 p.m.
(Public Hearing begins at approximately 5:00 p.m.)
PLACE: City Council Chambers, Tacoma Municipal Building, 1st Floor
747 Market Street, Tacoma, WA 98402

Note:
Location Change

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting on April 17, 2013

D. DISCUSSION ITEMS

1. 2013 Annual Amendment Package

- Continue to discuss potential modifications to the proposed amendments based on public comment, and make a recommendation to the City Council.
- “Agenda Item D-1” / Lihuang Wung, 591-5682, lwung@cityoftacoma.org

2. Schuster Corridor Multi-Use Trail

- Review the background and status of the Schuster Parkway multi-use trail feasibility and conceptual design study.
- “Agenda Item D-2” / Stephen Atkinson, 591-5531, satkinson@cityoftacoma.org

3. Public Hearing – Sands’ Application for Open Space Current Use Assessment

- Conduct a public hearing to receive public comment.
- “Agenda Item D-3” / Dustin Lawrence, 591-5845, dlawrence@cityoftacoma.org

4. Sands’ Application for Open Space Current Use Assessment

- Review public comments received and consider making a recommendation to the City Council.
- “Agenda Item D-4” / Dustin Lawrence, 591-5845, dlawrence@cityoftacoma.org

E. COMMUNICATION ITEMS & OTHER BUSINESS

1. Quorum Call and Tentative Agenda for the May 15, 2013 Meeting:
 - South Downtown Subarea Plan and Draft EIS Update
 - Mixed-Use Center Zoning Code Update

F. ADJOURNMENT





MINUTES (draft)

Time: Wednesday, April 17, 2013, 4:00 p.m.
Location: Room 16, Tacoma Municipal Building North
Present: Donald Erickson (Chair), Tina Lee (Vice-Chair), Theresa Dusek, Benjamin Fields, Sean Gaffney, Mark Lawlis, Erle Thompson, Scott Winship
Excused: Matthew Nutsch

CALL TO ORDER

Chair Erickson called the meeting to order at 4:00 p.m. and declared a quorum present.

APPROVAL OF MINUTES

The minutes of April 3, 2013 meeting were approved as submitted.

DISCUSSION ITEMS

1. 2013 Annual Amendment

Lihuang Wung, Brian Boudet, Dustin Lawrence, Stephen Atkinson and Cheri Gibbons, Planning Services Division, facilitated the Commissioners' review of the public comments received during the March 2013 public hearing process concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2013 ("2013 Annual Amendment"), as compiled in the *Public Comments and Staff Responses and Suggestions Report*. The Commission generally concurred with the responses to comments and the post-hearing modifications to the 2013 Annual Amendment as suggested by staff.

The Commission requested staff to provide additional information or consider further modifications pertaining to certain issues, such as:

- Modifying the plan language concerning the Bayside Trail, "active industry", and "waterfront-oriented use" as contained in the Public Access Alternatives Plan and the Tacoma Waterfront Design Guidelines;
- Modifying the sign regulations concerning the number of digital signs allowed per site;
- Modifying the definition of "motor vehicles" in the drive-through regulations to incorporate bicyclists;
- Modifying the requirement pertaining to the establishment of the application deadline for annual amendments; and
- Modifying the language pertaining to "focused geographic areas" where public information signs would be required to be installed for certain plan amendment actions.

The Commission decided to continue the discussion, finalize its deliberations, and consider making a recommendation to the City Council at the next meeting on May 1, 2013.

COMMUNICATION ITEMS AND OTHER BUSINESS

- (a) The Commission acknowledged receipt of information regarding the public hearing on April 25, 2013 concerning the *Draft South Downtown Subarea Plan and Environmental Impact Statement*, and the Sustainable Tacoma Commission's meeting on April 25, 2013 concerning STAR (Sustainability Tools for Assessing and Rating Communities).
- (b) The Commission reviewed the tentative agenda for the May 1, 2013 meeting, and suggested the following items: the 2013 Annual Amendment, the Schuster Corridor Multi-Use Trail, and the public hearing concerning the Sands' Application for the Open Space Current Use Assessment.
- (c) Mr. Boudet reported that the Council's Environment and Public Works Committee received a status report on the 2013 Annual Amendment on April 10, 2013, and that the Committee was very engaged in the discussion, and appreciative of the Planning Commission's work, on the many important issues contained in the amendment package.

ADJOURNMENT

The meeting was adjourned at 6:30 p.m.



City of Tacoma
Planning and Development Services

Agenda Item
D-1

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: 2013 Annual Amendment
Date of Meeting: May 1, 2013
Date of Memo: April 24, 2013

At the next meeting on May 1, 2013, the Planning Commission is expected to complete the review process for the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2013 ("2013 Annual Amendment") and make a recommendation to the City Council.

At the last meeting on April 17, the Commission reviewed the public comments received during the public hearing process in March, and generally concurred with the responses to the comments and the post-hearing modifications to the 2013 Annual Amendment Package as suggested by staff. The Commission also made some suggestions and/or requested for additional information on certain issues.

In response, staff is proposing additional, minor modifications to the 2013 Annual Amendment Package specifically pertaining to the following subjects:

- Adoption and Amendment Procedures (Tacoma Municipal Code 13.02)
- Draft Tacoma Waterfront Design Guidelines
- Draft Public Access Alternatives Plan

Attached are the selected pages of these documents where the respective modifications are proposed, as highlighted in yellow. Staff will facilitate the Commission's review and approval of the information at the May 1st meeting.

Upon completing the review of all proposed additional modifications, the Commission will consider making a recommendation to the City Council by approving the draft *Letter of Recommendation* and the draft *Planning Commission's Findings and Recommendations Report*. A copy of the draft letter is attached; however the draft report is not attached, because it has been provided to the Commission for the April 17th meeting and no further changes have been proposed to it.

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

Attachments (4)

c: Peter Huffman, Interim Director



City of Tacoma
Planning Commission

Donald Erickson, Chair
Tina Lee, Vice-Chair
Theresa Dusek
Benjamin Fields
Sean Gaffney
Mark Lawlis
Matthew Nutsch
Erle Thompson
Scott Winship

May 1, 2013

Honorable Mayor and Members of the City Council,

On behalf of the Planning Commission, I am forwarding our recommendations on the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for 2013 (the "2013 Annual Amendment"), which encompass the following significant actions and intents:

1. Strengthen the regulatory standards for drive-through facilities and reduce their impacts;
2. Better define digital signs (electronic changing message center) and establish standards pertaining to hours of operation, height, size limitation, and brightness;
3. Increase the maximum short subdivision size from four to nine lots and improve associated standards to facilitate an expedited permitting process and increase development opportunities;
4. Develop the Tacoma Waterfront Design Guidelines and the Public Access Alternatives Plan as primary implementing strategies for the Shoreline Master Program;
5. Simplify the Comprehensive Plan land use designation system to better align the designations for Mixed-Use Centers, shorelines and other uses of land with their corresponding zoning classifications;
6. Streamline the legislative processes for the adoption and amendment of the Comprehensive Plan, area-wide rezones, moratoria, and interim zoning;
7. Review the Comprehensive Plan to ensure its consistency with the Countywide Planning Policies;
8. Update the unfunded transportation projects to maintain their funding eligibility and incorporate "environmental justice" in transportation policy provisions to be consistent with VISION 2040; and
9. Clean up the Land Use Regulatory Code to address inconsistencies, correct minor errors, and improve administrative efficiency.

These proposed amendments are the result of intensive analyses, thorough research, and rigorous deliberations performed by the Planning Commission and City staff over the past eight months. Extensive outreach efforts have been conducted to engage stakeholders, interested parties and concerned citizens, and to ensure early and continuous public participation in the review process. The Planning Commission also held a public hearing on March 20, 2013 to solicit public comments on the proposed amendments. We appreciate and respect all the comments received. We also recognize that there are always opportunities to further improve the public notification procedures. We recommend that the City make the most of the available technology and media resources and consider cross-promoting news regarding public hearings in a highly prominent fashion on the City's website and TV Tacoma.

Enclosed is the "*Planning Commission's Findings and Recommendations Report, May 1, 2013*" that summarizes the proposed amendments, the public review process, and the Planning Commission's deliberations. The Planning Commission believes the 2013 Annual Amendment will help achieve the City's strategic goals for a safe, clean and attractive community and a diverse, productive and sustainable economy. We respectfully request the City Council adopt the 2013 Annual Amendment as recommended by the Planning Commission.

Sincerely,

Donald K. Erickson, AICP, Chair
Tacoma Planning Commission

Enclosure



2013 ANNUAL AMENDMENT APPLICATION #2013-07

ADOPTION AND AMENDMENT PROCEDURES

Additional Changes to Tacoma Municipal Code Chapter 13.02

Recommended for Planning Commission’s Consideration on May 1, 2013

Proposed deletions are shown in red strikethroughs.
Proposed additions are shown in red underlines.
Additional changes (strikethroughs or underlines) are highlighted in yellow.

Chapter 13.02
PLANNING COMMISSION

Sections:

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

13.02.045 Adoption and amendment procedures.

A. Adoption and amendment. The Comprehensive Plan, including any of and its elements, and as well as development regulations and regulatory procedures that implement the Comprehensive Plan shall be adopted and amended by ordinance of the City Council. The following the procedures identified in this section shall be followed to adopt and amend the City’s Comprehensive Plan, including all elements, and to adopt and amend development regulations and regulatory procedures that implement the Comprehensive Plan. Adoption and amendment of the Comprehensive Plan and development regulations must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

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

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

The All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, by the Planning Commission and City Council so that the cumulative

effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the annual amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.045.G and H, by the end of June of the following year.

Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

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

D. Application for proposed ~~Amendment~~ amendments application. Items initiated by the City Council, the Planning Commission, or in the Department's ~~Work Program~~ do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations. Application fees shall be as established by City Council action. The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. The deadline for submitting a complete application to the Planning Commission, and paying any applicable fee, for amendment to the Comprehensive Plan is 5:00 p.m. on the final business day in June of any given year to be considered in the following annual amendment cycle ; however, applications will be accepted at any time. Those applications ~~to for~~ amending the Comprehensive Plan received after the ~~above~~ established deadline are less likely to be considered ~~by the Commission for possible consideration~~ in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission. Applications for ~~a change~~ changing to development regulations or ~~a proposal for an~~ area-wide zoning ~~reclassification~~ classifications which are consistent with the Comprehensive Plan and do not require an amendment to the Comprehensive Plan can be submitted at any time. The application shall include, but not be limited to, the following:

* * *

13.02.057 Notice for public hearings.

A. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to City Ordinance No. 25966, and other individuals or organizations identified by the Department as either affected or likely to be interested.

B. For Comprehensive Plan land use ~~intensity designation~~ changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a **special notice** of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area.

~~BC.~~ The Department shall require that for a ~~For a proposed amendment to the Comprehensive Plan~~ land use ~~intensity designations change~~ or ~~an~~ area-wide zoning classifications ~~change~~ within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted ~~on in~~ the affected ~~site or sites~~ area at least 14 calendar days prior to the Planning Commission public hearing.

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

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

~~ED.~~ The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date.

OBJECTIVE #3: Maintain and enhance the VISUAL QUALITY of the water, shoreline, and adjacent developments

The visual quality of any shoreline development proposal should relate directly to a set of site-specific factors. Incorporating design principles such as human scale, architectural diversity and varied building massing can lead to well-designed waterfront buildings and shoreline access areas. The design character of public access areas should relate to the scale and intensity of the proposed development. For example, projects in high-intensity areas may include a complex and varied shoreline and dynamic water experiences. Conversely, in a natural setting or park setting, the serene visual quality of the Sound can be preserved and maintained by focusing on the site's natural characteristics. Other factors can also contribute to the visual quality of the shoreline and adjacent developments. For example, landscaping with native and drought tolerant plants can provide texture and interest to the waterfront. Existing degraded shoreline edges and substandard shoreline erosion protection can be improved as part of new shoreline developments. Unsightly debris that mars the appearance of the shoreline such as plastic bottles, old tires and other refuse should be removed. Over time, the elimination of inappropriate uses and poor quality shoreline conditions and the implementation of well-designed developments will enhance the visual quality of Commencement Bay and the Tacoma Narrows.

OBJECTIVE #4: Provide CONTINUITY along the shoreline while also enhancing the UNIQUE SENSE OF PLACE of distinct sub-districts and shoreline areas

Access areas are utilized most if they provide direct connections to public rights-of-way such as streets and sidewalks, are served by public transit and are connected to adjacent public access or recreation areas. To create a comprehensive system of waterfront access, safe bicycle and pedestrian routes to the shoreline should be planned in collaboration with local governments. In addition, a variety and diversity of design features can create interest and 'serendipitous' moments. Public access design features should strike a

balance between the unifying design elements that create a common identity for the Tacoma Waterfront, while also using the inherent character and attributes of shoreline sites and context of specific shoreline areas to promote a unique sense of place for subareas within the access system.

OBJECTIVE #5: Take advantage of the PUGET SOUND SETTING

Development along the shores of Commencement Bay and Tacoma Narrows should take maximum advantage of the attractive setting that the water provides. Over time, it is expected that more projects will take full advantage of the scenic water setting.

OBJECTIVE #6: Ensure that public access is COM-PATIBLE WITH WILDLIFE through siting, design, and management strategies

In many locations around Commencement Bay and Tacoma Narrows, the shoreline edge is a vital zone for wildlife. Access to some wildlife areas allow visitors to discover, experience and appreciate the shoreline's natural resources and can foster public support for resource protection. However, in some cases, public access may have adverse effects on wildlife (including flushing, increased stress, interrupted foraging or nest abandonment), and may result in adverse long-term population and species effects. The type and severity of effects, if any, on wildlife depend on many factors, including site planning, the type and number of species present and the intensity and nature of the human activity.

OBJECTIVE #7: Enroll PARTNERS in the planning and implementation of these guidelines.

The success of the waterfront access system and of these design guidelines is contingent on developing successful partnerships with other public entities and private parties in the ongoing planning, funding, and maintenance of these facilities. Metro Parks Tacoma, the Foss Waterway Development Authority, and the Port of Tacoma are all significant property owners and managers within the City of Tacoma waterfront. As specific public access projects are identified, ensure close coordination between these entities from site planning through to design, permitting, and construction.

3.14 Trail Safety and Security

Various design and programmatic measures can be taken to address safety issues on a shared-use path or wooded trail. For additional tips and strategies consult the City of Tacoma Mobility Master Plan Pedestrian and Bicycle Design Guidelines and CPTED (Community Policing Through Environmental Design) strategies.

3.14.1 Protect privacy of adjacent property owners

Encourage the use of neighborhood friendly fencing and also planting of landscape buffers.

Clearly mark path access points.

Post path rules that encourage respect for private property.

Strategically-place lighting, utilizing light shields to minimize unwanted light in adjacent homes.

3.14.2 Reduce crime through environmental design

Manage vegetation to ensure visibility from adjacent streets and residences.

Place lights strategically and as necessary.

Place benches and other amenities at locations with good visual surveillance and high activity.

Create a “Path Watch Program” involving local residents.

Select benches, bollards, signage and other site amenities that are durable, low maintenance and vandal resistant.

3.14.3 Prevent unwanted vehicle access on the path

Utilize landscaping to define the corridor edge and path, including earth berms or boulders.

Use bollards at intersections

Pass a motorized vehicle prohibited ordinance and sign the path.

Lay the shared-use path out with curves that allow bike/ped passage, but are uncomfortably tight for automobile passage

3.14.4 Reduce litter and dumping

Post rules encouraging pack-it-out practices.

Manage vegetation to allow visual surveillance of the path from adjacent properties and from roadway/path intersections.

Place garbage receptacles at trailheads.



Surveillance from nearby buildings and pedestrian-scale lighting can increase shared-use path safety

DESCRIPTION OF IMPROVEMENTS AND PROJECT DETAILS

4.1 Schuster Parkway Promenade Multi-Use Trail

Reconstruct or realign Schuster Parkway to accommodate a 14' shared-use ~~path~~ promenade, replacing the existing sidewalk. The promenade should be the primary access route through the Schuster Corridor. ~~The trail could run on either the landward or waterward edge of Schuster Parkway.~~

4.2 Bayside Trail

Where feasible, improve and reconfigure the Bayside Trails to provide a natural trail parallel to the shoreline with connecting that connects access from upland residential areas to shoreline paths the proposed Schuster Parkway promenade. Priority connections should be constructed made between Stadium Way and Schuster Parkway to facilitate neighborhood access to the waterfront. The Bayside Trail also includes natural trails within Garfield Gulch which could be enhanced as a more park-like setting.

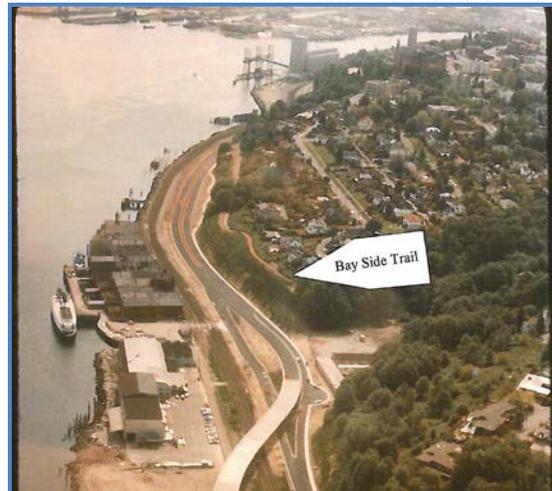
4.3 Esplanade/Overwater Water-oriented Boardwalk

When and where feasible, construct a 15' esplanade boardwalk along the water's edge or overwater where necessary.

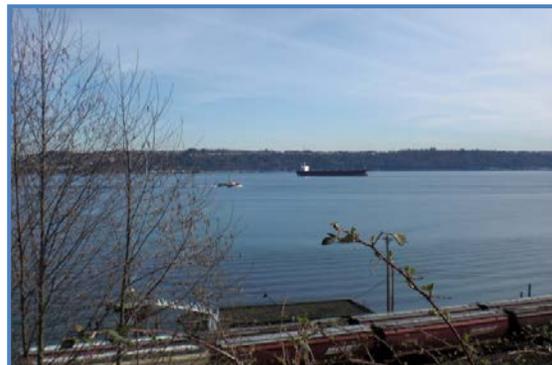
Implementation of this project will necessitate acquisition of properties or easements and access improvements from existing or other proposed pedestrian walkways.

4.4 Garfield Gulch Viewpoint

Improve and maintain a viewing area at the site of the historic lookout at the top of Garfield Gulch at the intersection of Garfield Gulch and the Schuster Slope.



4.2 Bayside Trail, above: An aerial view of the historic Bayside Trail.



4.4 Garfield Gulch Viewpoint: An example of the types of views available from the top of Garfield Gulch – overlooking Commencement Bay.

4.5 North Schuster Flyover

A flyover across Schuster Parkway and the railroad could provide a direct access point from the existing sidewalk or an improved trail into the Chinese Reconciliation Park. The project would require close cooperation with BNSF and Sperry Ocean Dock as well as easement agreements or direct property acquisition.



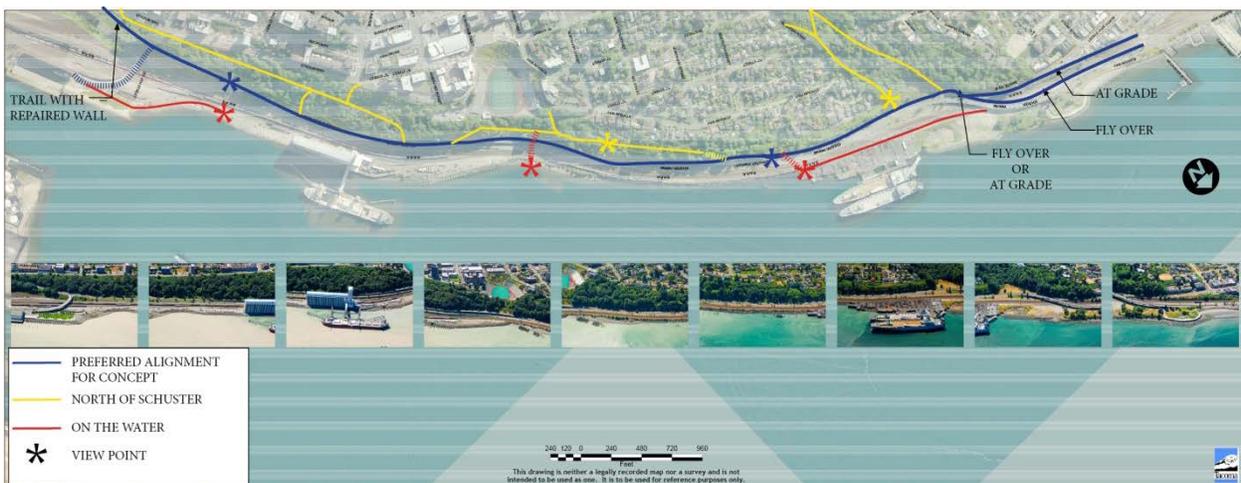
Above: Segments of the existing sidewalk could be widened to multi-use trail standards. Portions of the sidewalk are setback from the roadway and provide a comfortable walking experience.

4.6 Beach Access Flyover and Pier

A flyover from Schuster Parkway across to this beach could provide a significant new public destination, especially if coupled with a new public pier aligned with the existing in-water pilings. The project would require easement agreements with BNSF for use of the property as well as significant safety improvements to prevent visitors from walking along or crossing the railroad tracks.



Above: Views along the shoreline looking north towards Sperry Ocean Dock and Ruston Way.



Preferred design concept for integrated access routes, combining elements of Bayside Trail, Schuster Parkway Promenade, and a water-oriented boardwalk. The blue line represents the Schuster Parkway Promenade: Phase 1 of an integrated approach.



To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: Schuster Parkway Multi-Use Trail Feasibility Study
Date of Meeting: May 1, 2013
Date of Memo: April 24, 2013

Public testimony regarding the shoreline related elements of the 2013 Annual Amendment package have focused considerable attention on the Schuster Parkway shoreline area and the public access alternatives for connecting the Thea Foss Waterway and Ruston Way.

In 2008 the City Council allocated funds for a feasibility and conceptual design study of public access options along Schuster Parkway. The project was subsequently added to the Capital Facilities Program (CFP) and the 6-year Transportation Improvement Program (TIP). The 1.5-mile long shoreline sits between two waterfront areas to the north and south that have undergone a significant transformation from their past industrial character into active, public urban waterfronts lined with parks and interspersed with restaurants and other uses. The City's long-term vision has been to connect these two sections with a multi-use trail. The conceptual design for this corridor will be the first step towards completing a key segment of the "Dome to Defiance" public access system and enhancing the capacity of the system for all users.

A preliminary analysis of potential trail alignments was performed as part of the Shoreline Master Program update (SMP) and the Mobility Master Plan (MoMaP), including an overwater or waterside trail, a reconfiguration of Schuster Parkway and the existing sidewalk, and the Bayside Trail system. Other project considerations include linkages to the Stadium Way and Pacific Avenue streetscape improvements, Ruston Way streetscape planning, as well as slope stability measures along the Bayside Slope.

Staff's preliminary recommendation, made to the City Council Environment and Public Works Committee on April 10, 2013, is to site the multi-use trail along the existing sidewalk that abuts Schuster Parkway and to do so in a way that preserves the existing travel lanes and leverages resources to achieve multiple community objectives.

At the next meeting on May 1, 2013 staff will present background, a status update, and next steps for the Schuster Parkway multi-use trail feasibility and conceptual design study. If you have any questions, please contact me at 591-5531 or satkinson@cityoftacoma.org.

c: Peter Huffman, Interim Director



City of Tacoma
Planning and Development Services

Agenda Item
D-3

To: Planning Commission
From: Dustin Lawrence, Planning Services Division
Subject: Public Hearing on Sands' Application for Open Space Current Use Assessment
Date of Hearing: May 1, 2013
Date of Memo: April 24, 2013

At the next meeting on May 1, 2013, the Planning Commission will hold a Public Hearing for an Open Space Current Use Assessment (OSCUA) application for a property located at 615 South 82nd Street.

The applicant is requesting that seven parcels, totaling approximately 1.9 acres, of private property be approved by the City Council and the Pierce County Council for classification as open space for property tax purposes, per the City and County's OSCUA procedures. The application is considered a renewal due to a change in ownership, but has previously received the OSCUA designation. If approved, this classification would reduce the property taxes assessed to the property on an ongoing basis, contingent upon its continued use as an open space. The amount of tax reduction would be proportional to the amount of benefits the public derives from the open space lands.

Notice of the Planning Commission's public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribe, major employers and institutions, and other known interested individuals or groups. The notice was published in the Tacoma News Tribune on April 17, 2013. Additionally, the notice was provided to properties within the area proposed for the current use assessment, and for properties within 400 feet of the area. The public comment deadline is noon on May 1st, 2013.

To date, staff has received two public comment letters generally opposing the application. The comments are included with this memorandum.

If you have any questions, please contact me at 591-5845 or dlawrence@cityoftacoma.org.

Attachments (2)

c. Peter Huffman, Interim Director

From: rbearden@comcast.net [mailto:rbearden@comcast.net]
Sent: Wednesday, April 17, 2013 8:15 AM
To: dlawrence@cityoftacoma.org
Cc: donnabuck
Subject: Open Space Public Hearing, Comments against

Dear Mr/Ms Lawrence,

In regards to tax reduction hearing on the property at 615 So. 85th Street...

Just because it's an open field, it does not deserve a tax reduction, **unless the City of Tacoma** and the County of Pierce **reduces every-ones** property in which there is no building on it.

Both myself and my wife see two major reasons that the owners need to continue to pay for property like everyone else:

- 1 - If a person was injured on the property, it could (and probably would) be argued that the "City declared it PUBLIC property." therefore opening it up to lawsuits, and
- 2 - If commercial property owners/managers get their foot in this door, all of their property, not actually in use, could and would, request the same thing. This would be a row of dominoes that continually comes back to haunt everyone.

Thank you.

Bob & Deborah Bearden
511 S. Pine Street
Tacoma, WA 98409
(253) 475-2818

From: "heavyfour" <heavyfour@comcast.net>
To: planning@cityoftacoma.org
Sent: Saturday, April 20, 2013 9:01:34 PM
Subject: Public hearing,open space, 615 South 82nd.st. Tacoma, Wa.

Comments on Sands property at 615 South 82nd. St. Tacoma, WA

We received your notice of public hearing on this property which is under consideration for reduction of property taxes through the Open Space Current Use Assessment. My wife and I have reviewed the notice and viewed the property, and we feel that it would be a mistake to grant said reduction. Our reasons are listed below:

1. Your map is wrong. It shows the property to border 81th. St. but there are homes on 81th. St. and you would be granting reductions on said properties with your proposed reductions. You have to present the proper description of the property before consideration is given, and since the description is incorrect the proposal is invalid.
2. It is my understanding that under the open space program, when a property goes on the program the general public is to have access to the property as part of the consideration. My inspection of the property shows NO access to the property and homes on all but one side of the property, and the side is fenced off and clearly not accessible.
3. There is a creek down the center of the property running East to West and the property backs up to the small park located just of "D" St. It would be better if it could be tied to the park providing a larger walk area for the public. Under your proposed notice you make no note of this issue.
4. As I noted before, there are homes on 81th,st. and the owners have built on said property, making this property "landlocked" with no access.

My review and comments are based on my past years of serving on the Pierce County Planning Commission, and it is my firm belief that it would be wrong to issue tax relief to this property under the noted conditions and the private homes on the property.

I recommend that the members on the commission visit the property before making a bad recommendation and provide tax reduction or exemption to said property. You also have to correct the diagram or your proposal is invalid.

Thank you for your attention to this matter.

Sincerely,

J Leonard Day
214 South 54th.
Tacoma, WA. 98408
253-473-2906



City of Tacoma
Planning and Development Services

Agenda Item
D-4

To: Planning Commission
From: Dustin Lawrence, Planning Services Division
Subject: Findings and Recommendation concerning Sands' Application for Open Space Current Use Assessment
Date of Hearing: May 1, 2013
Date of Memo: April 24, 2013

At the meeting on May 1, 2013, immediately following the scheduled public hearing on Sands' Application for an Open Space Current Use Assessment, the Planning Commission will review the public comments received, and if appropriate, consider making a recommendation to the City Council.

In anticipating the need for facilitating the Commission's review and decision-making, staff has prepared a draft *Findings and Recommendation Report* and a draft *Letter of Recommendation*, as attached. As noted in the report, the exhibits will be compiled after the Commission makes its recommendation. The one exception is additional information on critical areas has been included with this memorandum.

If you have any questions, please contact me at 591-5845 or dlawrence@cityoftacoma.org.

Attachments

c. Peter Huffman, Interim Director



City of Tacoma
Planning Commission

Donald Erickson, Chair
Tina Lee, Vice-Chair
Theresa Dusek
Benjamin Fields
Sean Gaffney
Mark Lawlis
Matthew Nutsch
Erle Thompson
Scott Winship

May 1, 2013

Honorable Mayor and Members of the City Council:

On behalf of the Planning Commission, I am pleased to forward our recommendation to approve Linea and Norma Jean Sands application for an Open Space Current Use Assessment for their property addressed as 615 South 82nd Street. Enclosed please find the *Planning Commission's Findings and Recommendations Report* that summarizes the proposal, the public review process, and the Commission's actions.

Ms. Sands is requesting that seven parcels, totaling approximately 1.9 acres, be approved for classification as open space for property tax purposes. The application is a renewal, as it has previously been designated in the Open Space Current Use Assessment program. This classification would reduce the property taxes assessed to the property on an ongoing basis, contingent upon its continued use as an open space. The amount of tax reduction proposed is proportional to the open space and environmental benefits to the community.

Current Use Assessment is a statewide program that provides a method for property owners to benefit from a tax incentive to maintain their land as open space. The program is voluntary, in that property owners may remove their property from the program at any time, paying back taxes and a penalty if they do so within 10 years of entering the program. Current Use Assessments do not amend the Comprehensive Plan or zoning, although they are required to follow the same procedures as proposed Plan amendments. The City and Pierce County jointly review Current Use Assessment applications within the City. Final action is taken either through separate decisions by the City and the County Councils, in cases when both bodies concur; or, by a Joint Determining Authority composed of three members of each Council.

The Commission recommends that the City Council approve this application. The Sands property is a valuable open space within the City, providing multiple natural, aesthetic and open space benefits to the citizens of Tacoma. It is also within a designated habitat corridor and will provide linkages with adjacent City owned open space properties. Providing a tax incentive to retain this valuable open space is an appropriate use of the Current Use Assessment program, and is strongly supported by Tacoma's Comprehensive Plan policies.

We respectfully request the City Council approve the Current Use Assessment application as recommended by the Planning Commission on May 1, 2013.

Sincerely,

Don K. Erickson, AICP, Chair
Tacoma Planning Commission

Enclosure



SANDS PROPERTY OPEN SPACE CURRENT USE ASSESSMENT

TACOMA PLANNING COMMISSION
FINDINGS AND RECOMMENDATIONS
MAY 1, 2013

A. SUBJECT:

Open Space Current Use Assessment application submitted by Linea and Norma Jean Sands for property at 615 S 82nd St to be assessed at its current use as open space for property tax purposes.

B. SUMMARY OF PROPOSED ACTION:

The applicant is requesting that seven parcels, totaling approximately 1.9 acres, be approved by the City Council and the Pierce County Council for classification as open space for property tax purposes, per the City and County's Open Space Current Use Assessment (OSCUA) procedures. The application is considered a renewal due to a change in ownership, but has previously received the OSCUA designation. If approved, this classification would reduce the property taxes assessed to the property on an ongoing basis, contingent upon its continued use as an open space. The amount of tax reduction would be proportional to the amount of benefits the public derives from the open space lands.

C. FINDINGS OF FACT:

1. Current Use Assessments are a statutory tool that was adopted in 1970 in the Revised Code of Washington (RCW) Chapter 84.34 and the Washington Administrative Code (WAC) Chapter 458-30. Through this process, land owners can apply to have their open space, farm/agricultural, and timber lands and historic properties valued, for tax purposes, at their current use value rather than at the highest and best use that would be permitted by zoning. This provides property owners with an incentive to maintain their land as open space by lowering their taxes. The program is voluntary, and property owners may remove their property from the program at any time, paying back taxes and a penalty if they do so within 10 years of entering the program. The tax reductions resulting from open space classifications are distributed to County taxpayers.
2. Tacoma's Comprehensive Plan contains policy guidance calling for the conservation of valuable open space lands, and indicates that the OSCUA process is a useful and appropriate tool to accomplish that goal.
3. Chapter 13.08 of the Tacoma Municipal Code sets forth the intent, procedures and criteria for reviewing applications for OSCUA.
4. Pierce County and the City jointly review current use assessment applications for sites located within the City. Final action may be taken either through separate action by the City and the County Council, in cases when both bodies concur on the final decision; or, by a Joint Determining Authority composed of three members of each Council.
5. The City considers the County's findings as determined through use of a point system called the Public Benefit Rating System (PBRs), contained in Pierce County Code 2.114.060. The PBRs is used by the County to determine how much public benefit is derived from the subject open space site, and therefore how much of a tax reduction to grant.

6. Ms. Sands submitted an OSCUA application to Pierce County on February 14, 2012. The County forwarded it to the City around the same time. The area proposed for current use assessment is shown in Map Exhibit “A” (attached). The parcels have been labeled “A” through “I” for ease of reference on the attached map, and this report will refer to both the official parcel number and to that letter label. It should be noted that Parcels “A” through “G” are subject to the OSCUA while parcels “H” and “I” are developed and not being considered.
7. A staff analysis report was prepared by Planning and Development Services for the proposed current use assessment, evaluating the application based upon the criteria in TMC 13.08. The staff analysis noted the following:
 - a. Of the nine parcels comprising the entire site, seven may be considered for the OSCUA.
 - b. The application is a renewal due to title change. Records show that six of the seven parcels are already under the OSCUA program. The application would include a new parcel (Parcel “E”) and would renew the OSCUA on parcels “A” through “D” and “F” through “G”.
 - c. A known wetland is located on Parcel “A”.
 - d. The site is adjacent to other open space parcels, many of which are owned by the City of Tacoma that are classified by the City as open space. As such the site provides linkages with other open space parcels.
 - e. The site is located within a designated habitat corridor.

Based on this analysis, staff recommended that the seven undeveloped parcels be approved for open space classification. These parcels would qualify for 5 points for containing wetlands, 5 points for being located within a municipal boundary of an incorporated city, 5 points for containing at least one acre of wooded area, and 5 points for providing a linkage with other open space properties. The parcels would qualify for a total of 20 points, resulting in an 80 percent tax reduction on approximately 1.9 acres.

Staff noted in their report that these recommendations were made without the benefit of the County’s staff report.

8. The application and staff analysis report was presented to the Planning Commission on April 3, 2013.
9. The Commission reviewed the staff analysis report, and authorized the current use assessment application for distribution for public review and comment on April 3, 2013.
10. The proposed action was presented to and discussed by the Planning Commission during their regular meetings, all of which are open to the public.
11. Additional information on Critical Areas was completed by the City’s Environmental Specialists after the initial staff report was provided to the Commission. The additional information confirms the presence of a wetland on the property, and as such, the initial recommendation to award points for wetlands remains the same. Further, the Environmental Specialist noted that the site is located in a designated habitat corridor. The additional critical area information is marked as Exhibit “B”.
12. Pursuant to WAC 197-11 and Tacoma's SEPA procedures, this action is exempt from SEPA review.

13. The application, staff analysis report and supporting materials were made available for public review at the office of Planning and Development Services as well as the City's website.
14. The Planning Commission held a public hearing on the proposed current use application on Wednesday, May 1, 2013.
15. Written or electronic notice of the Planning Commission's public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribe, major employers and institutions, and other known interested individuals or groups. A notice was advertised in The News Tribune on April 17, 2013. The notice stated the time and place of the hearing, the purpose of the public hearing, and where and how additional information could be obtained and how to provide comments.
16. A separate notice was also provided to taxpayers, as listed in the records of the Pierce County Assessor, for properties within the area proposed for a current use assessment and for properties within 400 feet of the boundaries of the proposed zoning change.
17. Planning Commission received _____ written public comments and oral testimony from _____ individuals at the public hearing.
18. The public comments expressed opposition to the application, based on the following concerns:
 - a. Classifying the property as open space may hold the City liable if someone were to be injured on the property.
 - b. Granting the OSCUA on undeveloped property could set precedence on commercial properties which could have a negative impact on community.
 - c. The map included on the public notice is an inaccurate representation of the property subject to the application.
 - d. The public should have the right to access the property.
 - e. There is a creek on the property that could be tied to a park on "D" Street which could provide a larger walking area for the public.
19. The Planning Commission reviewed all testimony from the public hearing together with written testimony at their meeting on May 1, 2013.
20. In response to the public comments, the Commission finds that:
 - a. By providing the OSCUA designation to the site, it will remain privately held property. The City will not be liable in the event someone were to be injured on the property.
 - b. Granting the application would not set precedence for commercial property to receive the same classification. All properties have the same set of review criteria and are examined on a case by case basis. The site has already been in the OSCUA program. The current application is a renewal due to a change in ownership.
 - c. Regarding the map, the public notice was accurate in identifying the correct parcels. The Commission acknowledges that the undeveloped right-of-way shown on the public notice post card may appear as a road in such a small map. As such, additional maps were provided to the concerned citizen by staff. Further, more detailed maps have been available on the City's website and in the City's Planning office in order to better clarify the location of the proposal.

- d. Nothing in the OSCUA requires the public to have full access to the property. The City is required to use the Public Benefit Rating System provided by Pierce County. The rating system allows properties to receive the OSCUA designation a number of ways, including critical area protection, aesthetics, and habitat area protection.
- e. Environmental information provided by City staff acknowledges a critical area on the site, but not a creek. Historically, there has been a stream, but such stream has been altered significantly and is not regulated as a stream by the City. However, there is a known stream located directly to the north of the subject property.

D. CONCLUSIONS:

The Planning Commission concludes that the Sands property meets the criteria for approval under the Open Space Current Use Assessment program. The property provides open space and environmental benefits that are valuable to the general public. Providing a tax incentive for the property to remain as open space supports the City of Tacoma's environmental and open space goals.

E. RECOMMENDATION:

The Planning Commission recommends that Parcels "A" through "G" (2575000060, 2575000040, 2575000071, 2575000051, 2575000072, 2575000010, and 2575000020) receive 20 points under the Public Benefit Rating System and qualify for an 80 percent tax reduction.

F. EXHIBITS (to be compiled upon approval):

- A. Parcel Map
- B. Critical Area Review
- C. Application
- D. Staff Report
- E. Planning Commission Public Hearing Notice
- F. Public Comments Received (oral and written)

Lawrence, Dustin

From: Blair, Misty
Sent: Tuesday, April 02, 2013 10:05 AM
To: Lawrence, Dustin
Cc: Chad Williams; Boudet, Brian
Subject: RE: 2012 Current Use Applications - Sands
Attachments: MSC2003-00382, PA2575000052, 615 S 82nd St, Walter Sands.pdf; 615 S 82nd St-WDFW report.pdf

Dustin,

RE: Critical Areas Review associated with 2012 Current Use Assessment Application

I have completed my review of the subject site located at 615 S 82nd Street, Tacoma (PA2575000071, -072, -060, -052, -051, -040, -030, -020, -010). Based on my research into the site and observations made on site, I have formulated the following technical analysis:

Site History

A Wetland Delineation Report was completed for the subject parcels in 1999 by Mitchell Consultants, LLC (see attached). According to this report, the site hydrology has been severely impacted by the surrounding urbanization and sewer infrastructure. According to the information provided, the subject site historically contained a stream channel at the base of the ravine. Surrounding development and bypassing stormwater has diverted or otherwise compromised the stream hydrology. This report concluded that one small isolated, non-jurisdictional wetland was located on the property.

Current Site Conditions

At our most recent site visit on March 21, 2013, I identified the on-site historic stream channel which is currently artificially supplied with ground water via a well pump system in order to water fruit trees, irrigate landscaped areas, fill concrete lined ponds and facilitate compost piles. This area has some marginal wetland plants and wetland/stream channel soils, but the hydrology is currently artificially so this area does not meet the parameters of a wetland or stream. The previous wetland report (Mitchell, 1999) found no regulated wetlands on the subject parcels, however it appears that some site manipulation or other changing site conditions may have created a small ponded wetland in the northwest portion of the subject sites. Based on my field observations this potential wetland is located on parcel 2575000060 just north of the sanitary sewer line (SAP ID# 6272145). Hydrology appears to be provided to this wetland via a ground seep feeding a depression impacted by the sewer line and foot path along the outer perimeter of the property. According to the applicant, this ponded area can overtop onto the City of Tacoma unimproved ROW to the north.

No floodplain, landslide or seismic hazards have been identified on-site. The subject sites are located within a habitat corridor as defined by the City of Tacoma Comp Plan. The entire property is enclosed in a 6 foot chain link fence with a perimeter footpath and some more substantial paved trail systems near the house. The applicant is currently engaged in invasive species control and native plant restoration throughout the property. This activity has helped to maintain the function and value of the open space. The compost/brush pile construction described within the 1999 wetland report appear to still be maintained and active. I have also attached the Washington State Department of Fish and Wildlife (WDFW) Priority Habitats and Species Report for the subject sites, which identifies Big brown bat and pond turtles in the general area. This information alone does not classify the subject property as Fish and Wildlife Habitat Conservation Area (FWHCA). While on-site I did not identify any specific priority species or habitat.

In addition, there is an off-site stream running adjacent to the sanitary sewer line located to the north of the subject parcels. This stream is channelized and overgrown with invasive species such as Himalayan blackberry and Japanese

knotweed. This stream system is provided a protective buffer, which would extend onto parcel number 2575000060 and possibly parcel number 2575000040.

Conclusions

Parcel number 2575000060 appears to contain a small ponded wetland and stream buffer. Parcel numbers 2575000071, -072 & -040 may contain wetland/stream buffers. Parcel numbers 2575000052 and 2575000030 contain a single family home and associated detached garage. The remaining subject parcels contain mature evergreen forested upland. The subject sites are valuable wooded open space located within a highly urbanized area. Despite the surrounding urbanization, this area is still providing aesthetic, habitat and water quality functions that benefit the entire community.

