

Members

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Donald Erickson, Vice-Chair
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Minutes

Tacoma Planning Commission

Community and Economic Development Department

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

Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department
Heather Pennington, Water Distribution Engineering Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

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(Approved as Amended on 9-21-11)

MEETING: Regular Meeting

TIME: Wednesday, August 17, 2011, 4:00 p.m.

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

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Chris Beale, Peter Elswick, Sean Gaffney, Scott Morris, Ian Morrison, Matthew Nutsch, Thomas O'Connor

Staff Present: Donna Stenger, Jana Magoon, Steve Atkinson, Brian Boudet, Sue Coffman, Cheri Gibbons, David Johnson, Karla Kluge, Shirley Schultz, Lisa Spadoni, Lihuang Wung, Noah Yacker (BLUS); Josh Diekmann, Jennifer Kammerzell (Public Works); Jon Walker (Legal); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:03 p.m. The minutes for the meetings of July 20, 2011 and August 3, 2011 were approved as submitted.

GENERAL BUSINESS

1. Development and Permitting Activity Reports

Sue Coffman, Assistant Manager for Building and Land Use Services (BLUS), presented the third installment on Permitting Activity for BLUS. She provided an overview on the activity for all permits by comparing the number of permits issued in the first six months of 2010 with the number issued for the same six-month period in 2011. She gave the exact numbers that were issued for building (commercial & residential), plumbing and mechanical, Land Use, barricade, tree removal, sewer permits, and Work Order permits. She also presented charts, maps and graphs showing the trends and numbers of permits that occurred during these periods.

Lisa Spadoni, Principal Planner for BLUS, reviewed some of the projects that BLUS staff was involved with recently. She highlighted two major projects, i.e., a Mixed Use Medical Center on MLK Jr. Way and the new Franciscan Health Care located near South 16th and MLK Jr. Way. She mentioned a new project that may be somewhat controversial because of an addition of a drive thru at the facility – the construction of a new Taco Bell at 6th and S. Stevens. She also



reviewed an apartment complex of two hundred and thirty units near Tacoma Mall that is under consideration. The Commissioners asked if the project at 6th and Alder was still a viable project and Ms. Spadoni's response was that it was still being worked on.

Jana Magoon, Land Use Administrator, provided a brief summary of land use permit submittals in the first half of 2011. She noted that the number of permit submittals is about the same as the last half of last year. Most of the land use permit activity is in shorelines and critical areas.

The Commissioners wondered where the department stands relative to historic averages with respect to the permits for large commercial projects. Ms. Coffman replied that in 2010 there was slight increase in commercial buildings, but the trend is downward as indicated by the current numbers that are at the levels that were permitted in 2009. She also interjected a hopeful note by saying that Land Use Permits were slightly up, which could be an indicator that developers are readying their sites for building. The Commissioners asked about the apparent increase in sign permits and whether BLUS issues over-the-counter permits. Ms. Coffman replied that increase in sign permits may be due to new and more efficient methods. She stated that there are stages of categories assigned to permit applications and the more complex the permit is the longer the processing of the permit.

2. Medical Cannabis Moratorium

Ms. Donna Stenger distributed PowerPoint handout on Medical Cannabis and the draft resolution that the City Council will consider at their next meeting to establish a Medical Cannabis Task Force. The resolution also includes principles that the Council has declared are their objectives in establishing regulations. The purpose of today's discussion is moratorium and the establishment of land use regulatory codes. Ms. Stenger summarized the topics that are in the handout for federal, state, and City laws on marijuana.

Mr. Jon Walker, City Attorney, gave a brief history and defined the purpose of the State law, reviewed the scope of coverage, and explained how the use of marijuana for medical purposes provides an "affirmative defense" for State prosecution but not Federal. He referred to the Governor's veto of certain sections of the marijuana law. The affirmative defense applies to the patient and qualified provider as defined in the law. The new law that went into effect on July 22 also allows collective gardens. Mr. Walker explained what collective gardens are and the protocol that must be followed. He stated for the record that possession of marijuana is still a federal offense. He also stated that there is no compassionate defense under federal law and the federal law does not encourage the use of marijuana for medical purposes.

Mr. Walker explained the City's involvement with the issue of medical marijuana. In 2010, the police had complaints lodged against a business that was providing marijuana as a dispensary. An investigation was undertaken. Tax and License sent out letters telling the business and other business that they would have to cease operations. Some business owners had their business license revoked at that time and appealed the decision that they were an illegal use. The City Council placed a stay on further enforcement pending clarification at the State level. The 2011 session did provide clarification but the Governor vetoed most of the legislation.

The Council's expectation at this point is that the Planning Commission review and evaluate all the data and recommend new regulations. The Commissioners wondered whether marijuana usage is legal, "because the City Council would not be asking the Planning Commission to recommend regulations for an illegal use." Mr. Walker said that dispensaries are illegal but

collective gardens are allowed. He stated that there are some points that need to be considered as to how patients will be able to have access to the marijuana after it is grown in a collective garden. The Commissioners noted that the City needs to also address regulations outside of land use such as packaging. Ms. Stenger went over what regulations the Task Force would address.

The Commissioners asked for clarification on the federal law pertaining to compassionate use of marijuana. Mr. Walker indicated that if an individual was in clear and unambiguous compliance with State laws then there is very little likelihood that the Federal authorities will prosecute. The Commissioners had questions about impacts from marijuana facilities. Mr. Walker said that he was not aware of any studies that had been done on this issue. Ms. Stenger added that this would be an issue for the Planning Commission to address. Additional discussion centered on the rationale for establishing an emergency moratorium. Ms. Stenger noted that the regulations will be "new ground" for the City and there are no examples to go by.

Ms. Stenger closed the presentation with the statement that it is likely that the legislature may propose changes in 2012, which could affect what regulations are adopted by the City. There was a question put forth on what the Commission's standing is in relation to the Medical Cannabis Task Force. Ms. Stenger explained that the Task Force will focus on health and safety issues, licensing and taxes, but will provide feedback to the Commission. Because of the involvement of the Task Force and possible legislative changes, the Commissioners suggested that the duration of moratorium should be 12 months. They also noted the new task will impact other work items.

3. Master Program for Shoreline Development

Mr. Stephen Atkinson, Long-Range Planning, presented the final draft of the Shoreline Master Program (SMP). He provided a summary of the modifications that had been made to the public hearing draft documents in response to testimony, including zoning changes as well as modifications to the Shoreline Restoration Plan, Public Access Alternatives Plan, Tacoma Municipal Code 13.06, and the Cumulative Impacts Analysis. He also briefly reviewed the technical changes that were made to make the document more user-friendly. The Commissioners were complimentary on the changes and clarifications and stated that the document was much easier to read.

Mr. Atkinson discussed the concerns that have been expressed by the Commissioners and in public comments over the staff recommendation to rescind the Ruston Way Plan, the Thea Foss Waterway Design and Development Plan, and the Shoreline Trails Plan, as elements of the SMP and Comprehensive Plan. He reviewed the rationale and process behind this recommendation. Discussion ensued about the significance of rescinding these documents. The Commissioners were not comfortable with rescinding the documents entirely as they contained subject matter and applicability to areas outside the jurisdiction of the SMP.

The Commissioners voted unanimously to forward the draft SMP, as presented, to the City Council for final approval, with the following amendments: removal of the recommendation to rescind the Ruston Way Plan, the Shoreline Trails Plan, and the Thea Foss Waterway Design and Development Plan; changes to the Findings of Fact and Recommendations to reflect this discussion; and slight changes to cross-outs that occurred in the document. The Commissioners also added the statement that where there are conflicts between the SMP and other Comprehensive Plan elements, the policies and regulations within the SMP shall prevail.

4. 2012 Annual Amendment – Assessment Reports

Ms. Stenger presented the proposed 2012 Annual Amendment Package that included the following applications for amending the Comprehensive Plan and Land Use Regulatory Code:

- #2012-1 Container Port Element
- #2012-2 Housing Element
- #2012-3 Transportation Element
- #2012-4 Sign Code Revisions
- #2012-5 Platting and Subdivision Code Revisions
- #2012-6 Urban Forestry Code Revisions
- #2012-7 Minor Amendments and Refinements

Ms. Stenger gave a briefing on each of the amendments. Amendment #2012-1 is a proposal to adopt a new element of the Comprehensive Plan. The required date for completion has been extended by the State legislature to June 2015, but the City would like to have the amendment completed by 2012.

As to #2012-2, the City Council has asked the Planning Commission to amend the Housing Element to address affordable housing. At the same time that this amendment is under consideration, Pierce County is updating the Countywide policies on affordable housing and the State mandates that our housing plan should be consistent with the countywide policies. Both the City Council resolution and Countywide policies will be used to guide amendments.

Regarding #2012-3, amendments to the Transportation Element, part of the proposal is to add projects to the unfunded projects list that are the result of work by Neighborhood Councils on their action strategies. The other proposal is text and map revisions with the goal to correct the Mobility Master Plan section to ensure consistency, prioritize projects for pedestrian improvements, and update implementation strategies.

For #2012-4 Sign Code Revisions, the main focus is the Planning Commission's request to address on premises signs that have same issues that were studied for digital billboards.

Amendment #2012-5 deals with the platting and subdivision code. This is proposed because the code has not been updated since the mid-'90s. Because of the passage of time, there have been many changes in the Comprehensive Plan and State law that need to be addressed. Staff will be looking at connectivity for pedestrians and vehicles, fees for parks and open spaces, and short plat requirements.

The Urban Forestry Code Revisions, #2012-6, is a follow-up related to Urban Forestry and Open Space Habitat and Recreation elements of the Comprehensive Plan. Primarily the amendment will address landscaping standards.

The last proposed amendment, #2012-7, involves correcting errors and inconsistencies in the Regulatory Code. These minor amendments and refinements are proposed on an annual basis.

Ms. Stenger closed the presentation with an overview of the schedule. The Planning Commission voted unanimously to accept these applications for consideration in the 2012 annual amendment cycle, approve the respective assessment reports, and forward the package to the City Council.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following announcement:

1. Planning Commission Opening – The City Council is seeking interested and qualified citizens to fill a vacant position on the Planning Commission, representing Council District No. 1 (West End and North End), for a term to expire June 30, 2014. Applications must be submitted to the Mayor's Office by Friday, August 19, 2011.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger stated that this is the last meeting of Commissioner O'Connor and perhaps the last meeting for Commissioner Elswick. There will be two new members appointed by City Council next Tuesday and they will be joining the Commission at their next meeting.

Ms. Stenger also announced that she will be forwarding the list of the accomplishments of the Planning Commission for 2011-2012 and the 2011-2012 Planning Activities to the City Council with just a couple of changes to reflect the 2012 Amendments discussed tonight and the addition of medical cannabis. There had been a proposal to look at the Old Town area for designation as a Historic District and at this time the Landmarks Preservation Commission has decided not to move forward with the request and it will be removed from the list of anticipated activities.

COMMENTS BY PLANNING COMMISSION

Commissioner O'Connor briefly addressed a farewell note and commented that he had learned a lot during his time on the Commission. Lihuang Wung, Long-Range Planning, also had words of commendation for Commissioner Morris who was leaving the Commission after serving for an extended period of time; Mr. Wung noted that the City Council had appointed Mr. Morris seven times to the Planning Commission.

ADJOURNMENT

The meeting adjourned at 6:42 p.m.