

Members

Donald Erickson, Chair
 Sean Gaffney, Vice-Chair
 Theresa Dusek
 Tina Lee
 Matthew Nutsch
 Erle Thompson
 Scott Winship
 (vacant)
 (vacant)



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

Kurtis Kingsolver, 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

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(Approved on 6-6-12)

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, May 16, 2012, 4:30 p.m.

PLACE: Council Chambers, Tacoma Municipal Building, 1st Floor
747 Market Street, Tacoma, WA 98402

Members Present: Donald Erickson (Chair), Sean Gaffney (Vice-Chair), Theresa Dusek, Erle Thompson, Scott Winship

Members Absent: Tina Lee, Matthew Nutsch

Staff Present: Elliott Barnett, Brian Boudet, Jana Magoon, Ian Munce, Lucas Shadduck, Lisa Spadoni, Lihuang Wung, Noah Yacker (BLUS); Mike Carey, Josh Diekmann, John O'Loughlin, Lorna Mauren, Ramie Pierce, Mike Slevin (Public Works); William Osborne (planning consultant)

Chair Erickson called the meeting to order at 4:06 p.m. Commissioner Theresa Dusek, who was appointed by the City Council on May 15, 2012, for the "Environmental Community" position, was sworn in by the City Clerk. The minutes of the regular meeting and public hearing on May 2, 2012 were approved as submitted.

GENERAL BUSINESS

1. 2012 Urban Forestry Landscaping Code Update

Elliott Barnett provided an overview of the public comments received at the public hearing on May 2, 2012 and during the public comment period, and some staff recommended changes based on the comments. The Commissioners provided the following comments, concerns and suggestions:

- The City should focus on canopy enhancement in larger areas, such as designated open spaces, and explore other non-regulatory options, before moving forward with this regulatory approach, and in particular requirements on single-family properties.



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- With no analysis done on what it would cost for developers to incorporate an engineered increase in soil volume, it should not be a code requirement at this time.
- The use of red oaks as an example could be misleading since red oaks have a very large canopy, making it sound like only a few trees would be required. Red oaks are not an indigenous species and are expensive. Other examples should be used as well. Indigenous trees should be listed in the Urban Forest Manual.
- It seems reasonable to allow the Port and other public agencies at least a year to develop their own Urban Forest Management Plan (UFMP).
- The fee-in-lieu amount should be revisited in response to public comments and concerns.
- The draft code is hard to understand as currently written, and could be improved immensely by illustrations, diagrams and visuals.
- With regards to requirements within public rights-of-way (ROW), when the Commission considered canopy cover percentages by land use, the intent was that the City should lead the way through example. However, the proposal would push that burden onto adjacent property owners. The City should incent and support voluntary tree planting and maintenance by property owners, such as the Tree-mendous Program in Seattle.
- To facilitate tree planting within the ROW, the City should identify space for larger trees and for landscaping, such as medians not required for left-turn movements.
- Staff should explore approaches to address the concerns about requiring trees that could block views, such as choosing lower growing tree types where there are potential view conflicts. The code should not require people to plant trees that blocks views; if there is really no other way, the code should exempt everyone who has a view.
- When asked if the City designated view corridors, staff responded that the Urban Forest Policy Element includes a list of designated publicly significant views. In response to the comment that we should be sensitive to both public and private views, staff provided that jurisdictions that have tried to regulate tree height have faced legal challenges and have not been successful; instead, private restrictive covenants have been used for that purpose.
- In the case of public agencies with their own Urban Forestry Program, if they would need to obtain City approval frequently, it would be a concern.
- The City should take the lead, and not put the burden on residents. The City shouldn't be telling property owners what they have to do on their property.
- The ROW should be the responsibility of the City to plant.
- The responsibility should be shared between the City and property owners. For example, the City might plant trees which become the property owners' responsibility after 3 years. The utility connection has been part of the discussion, and that City expenditures on trees do provide value.

In summary, the Commissioners generally felt that they were not comfortable at this time with sending the proposal on to the City Council. They were concerned that the staff responses to some of the public comments did not adequately address the concerns. They suggested that staff should focus on the issues identified (including concerns for single-family areas), on education rather than regulation, and on existing and potential City programs to support and incent tree planting. They requested another meeting to continue to discuss this matter.

2. Code Streamlining 2012

Ian Munce and Noah Yacker provided a summary of three land use code streamlining proposals pertaining to SEPA thresholds, zoning flexibility for live-work and work-live, and off-street parking exemptions for existing commercial buildings, that were designed to expedite infill and adaptive reuse of existing buildings.

Mr. Munce stated that, in response to the recently adopted State legislation that would raise the thresholds for SEPA review for new construction, the City is proposing to raise the SEPA threshold for residential dwelling from 4 units to 20 units and that for parking lot development from 20 spaces to 40 spaces. The City Council will consider a resolution on June 12, 2012 to direct staff to use the higher thresholds allowed under SEPA while code changes and public review are underway.

Mr. Munce also pointed out that the “live-work/work-live” proposal was being developed in order to assist with the revitalization of Downtown and mixed-use centers by allowing the flexibility to add a home occupation to all legal residential uses (“live-work”) or to add a minor residential component to an existing building (“work-live”), without triggering change of use requirements under the City’s land use code.

Mr. Yacker explained that the proposed parking exemption would eliminate parking-related barriers to the reuse of existing buildings located in commercial districts by allowing the principle use of an existing building to change without requiring additional parking. He provided some background information including current parking requirement and exemptions, recent code changes in parking, and the results of benchmarking research.

Mr. Munce indicated that at the next meeting staff will continue to facilitate the Commission’s discussion of the matter and request the Commission to consider authorizing the proposal for public review. The Commission concurred.

PUBLIC HEARING

1. Medical Cannabis Land Use Regulations

At 5:00 p.m., Chair Erickson called to order the public hearing on the proposed Medical Cannabis Land Use Regulations. Lucas Shadduck provided a summary of the proposal, which included three alternative schemes of land use regulations, i.e., Alternatives A, B and C. Chair Erickson called for testimony. None was received. Chair Erickson closed the public hearing and stated that written comments may be submitted until 5:00 p.m., May 18, 2012.

GENERAL BUSINESS

3. Medical Cannabis Land Use Regulations (post-hearing discussion)

Mr. Shadduck and Mr. Munce facilitated the Commissioners’ discussion on Alternatives A, B and C. Chair Erickson commented that dispensaries are not a legal viable alternative under State law. Commissioner Thompson expressed a concern that proof of property owner consent be required with any medical cannabis land use application. He also suggested that dispersion buffering between collective gardens be included under Alternative C. Chair Erickson reiterated

that Alternative C should allow for collective gardens to co-locate and suggested that 3 to 6 be allowed to co-locate on any one give site. Commissioner Dusek asked for clarification about the parcel sizes available under Alternative C.

The Commissioners directed staff to incorporate the Commissioner's comments and suggestions, as well as any written comments that may be received through the end of the comment period on May 18, into the three alternatives, as appropriate, and present the three alternatives, as may be modified, at the next meeting for the Commissioners' review and decision-making.

COMMUNICATION ITEMS

Chair Erickson acknowledged receipt of the following information/announcements:

1. E-mail from Gary Knudson, May 3, 2012, regarding TDR Program, and staff response.
2. The Planning Commission has three openings available, representing Council Districts 2, 3 and 5, for a three-year term from July 1, 2012 to June 30, 2015. Applications are due to the Mayor's Office by Friday, June 8, 2012.
3. The Planning Commission is accepting applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2013 through June 29, 2012.
4. "Short Course on Local Planning" provided by the State Department of Commerce on May 23, 2012, 6:30 p.m., in Bellevue.
5. Planning Commission Tentative Agenda for June 6.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Lihuang Wung made the following announcements:

- The MLK Subarea Plan and EIS project Community Open House on May 24, 2012;
- The City Council study session on 21012 Annual Amendment on May 22, 2012; and
- The resolution concerning "three regional centers" and the three resolutions concerning "affordable housing" adopted by the City Council on May 15, 2012.

Mr. Munce stated that Council Member David Boe, following up on the meeting with the Commission on April 18, 2012, reported to the City Council's Committee of the Whole on May 15, 2012, that work is in progress (such as the development of the joint work program) to continue to improve the communication between the Commission and the Council.

COMMENTS BY PLANNING COMMISSION

Vice-Chair Gaffney expressed his appreciation to staff for meeting with individual Commissioners in the past few months.

Commissioner Dusek was asked to introduce herself. She is a resident of Tacoma for all her life and has a strong background, experience and community involvement in such issues and principles as geology, soils, environmental affairs, opens space, shorelines, land use, and engineering.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.