



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, February 17, 2016, 4:00 p.m.

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

Note Change in
Meeting Location
(not in Room 16)

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes of February 3, 2016

C. Public Comments

Comments must be pertaining to items on the agenda and limited to up to three minutes per speaker.

D. Discussion Items

1. Marijuana Code Amendments

Release proposed code amendments concerning marijuana uses and set March 2, 2016 as the date for a public hearing to receive public comment.

(See "Agenda Item D-1"; Molly Harris, 591-5383, mharris@cityoftacoma.org)

2. Permitting and Development Activity Report

Review information on building and land use permits, projects of interest and development trends based on year 2015 data.

(See "Agenda Item D-2"; Lisa Spadoni, 591-5281, lspadoni@cityoftacoma.org)

3. Wireless Communication Facilities (an application for the 2016 Annual Amendment)

Review background information, key issues, and proposed approach for code amendments concerning wireless communication facilities.

(See "Agenda Item D-3"; Lihuang Wung, 591-5682, lwung@cityoftacoma.org)

E. Communication Items & Other Business

(1) Infrastructure, Planning and Sustainability Committee meeting, February 24, 2016, 4:30 p.m., Room 16; agenda includes: Transportation Commission Annual Report and 2016 Work Plan; Sustainable Tacoma Commission Annual Report and 2016 Work Plan; and Disposable Plastic Bag Survey Results.

(2) Planning Commission meeting and public hearing, March 2, 2016, 4:00 p.m., Council Chambers; agenda includes: Multifamily Design Standards; Future Land Use Implementation; Short-Term Rentals; and Public Hearing at 5:00 p.m. on Marijuana Regulations.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, February 3, 2016, 4:00 p.m.

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

PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Jeff McInnis, Meredith Neal, Anna Petersen, Brett Santhuff, Dorian Waller, Scott Winship

ABSENT: Donald Erickson

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:02 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF JANUARY 20, 2016

The agenda was approved.

The minutes of the regular meeting on January 20, 2016 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Chair Beale opened the floor for public comments. The following citizens provided comments:

1) **Philip Dawdy:**

Mr. Dawdy commented that he had been a patient advocate on medical cannabis for over six years and was currently a lobbyist for SMP, which had been on the verge of being licensed the previous month. On dispersion and buffers, he expressed concern that his client might have to move due to a dispersion requirement and eliminate potential areas for patient cooperatives. He commented that the one mile buffer for cooperatives was something that he had argued against and that it provided an argument for allowing stores to cluster. He commented that Seattle's buffer reduction example would improve the spread of stores.

2) **Justin Ice:**

Mr. Ice commented that he was a collective owner and that across the street there was a large hillside with a park at the top about 680 feet from his collective. He commented that he had done his best to bring the building back from where it was and had been there for two years. He commented that he might bring a 502 grower in and that he was thinking of dividing his building up into several suites to provide processing, production, and sales in a single building.

3) **Robin Austin:**

Ms. Austin discussed how marijuana had improved the quality and dignity of life for a close friend who was suffering from terminal cancer. She commented that her passion was for the person with stage 4 cancer who is going to a recreational facility to get their medicine. She commented that she wanted medical in recreational, but also for medical to have its own spot. She reported that two of the collectives that she represents are close to a transit station and one is being shut down even though a liquor store is nearby.

4) **Michael Perkins:**

Mr. Perkins asked that they consider that the reason that the next round of licensing opened up was for collective gardens to transition to the recreational system. He commented that to beat the black market they need to allow access in easy to reach areas. He reported that he owned two recreational stores in Seattle and was looking at other cities for a third. He commented that

having stores close to each other hasn't been an issue in the areas that they have been in. He asked the Commission to consider that a one mile buffer would lock him out of every piece of property that he had looked at.

D. DISCUSSION ITEMS

1. Marijuana Moratorium

Molly Harris, Planning Services Division, introduced Ryan Day, Candice Bock, and Alex Cooley. The three speakers were present to discuss issues related to medical marijuana and the history and intent of the recent legislation.

Candice Bock, Association of Washington Cities, commented that she had been working on marijuana related legislation for the past several years on behalf of the cities of Washington. She reported that with recreational marijuana legalized and the existing medical marijuana system in place there was a lot of concern on the part of the legislature that there was a disincentive to use the legalized, regulated, and taxed market. She reviewed that legislature had been sensitive to patient access issues throughout the process, but the goal was to merge the two systems so that there was a regulated and taxed system without the disincentive to participate. SB 5052 had eliminated collectives and created a medical marijuana endorsement that has been already issued to 70% of the existing stores. Cooperatives were included to address patient access issues. HB 2136 had provided local flexibility for a number of jurisdictions to adopt buffers as small as 100 feet, with the exception of schools and playgrounds.

Ryan Day commented that he had been involved in the development of 5052 and that his seven year old son was a medical cannabis patient who prior to medical cannabis had been experiencing over 100 seizures per day. He encouraged the Commission to think about patients as they are considering recommendations for zoning and buffers, as finding high CBD/low THC cannabis had been difficult with the collective garden system. Mr. Day commented that the required one mile buffer from recreational retailers would make it impossible for many people to have cooperatives, adding that people can't move when a new store opens up. He commented that if they do a moratorium on cooperative growing, people will be forced back into the underground. Mr. Day reported that since cooperative grows need to be registered with the Liquor and Cannabis Board (LCB) there will be a degree of control and safeguards. Mr. Day suggested that if they are to create dispersion rules, they set a certain number of stores in a given radius.

Alex Cooley commented that he works for a medical and recreational producer in the City of Seattle and that he has been involved in the discussion since 2011 with Senate Bill 5073. He commented that his facility in Seattle was the first fully permitted facility in the State of Washington and that he had worked with the City to establish rules for cultivation, which had been adopted statewide. He commented that Initiative 502 had not been intended to affect medical cannabis, but that SB 5052 had been designed to kill medical marijuana. Mr. Cooley discussed issues related to collective gardens and how SB 5073 led to the aggregated collective garden model. He noted that buffers originated from efforts to penalize illegal drug retailers for being close to sensitive uses and encouraged the Commission to consider buffers of 1000 feet for schools and playgrounds and 100 feet for everything else. Mr. Cooley reviewed that for dispersion Seattle had allowed two retailers every 1000 feet and that if they do buffers right, dispersion will not be an issue as retailers would prefer to be spread out. He noted that there were no bans on pharmacies or bars in neighborhoods. Mr. Cooley commented that it was about sensible pragmatic and practical policy, because it was very hard to undo these things once they are done.

Commissioners provided the following comments and questions:

- Commissioner McInnis asked if there was a sense for how many medical patients there were in City Tacoma. Ms. Bock commented that the LCB had done market research and that the data might be available.
- Commissioner McInnis asked if there were specifications determining the difference between medical cannabis and recreational. Mr. Day commented that there were certain categories of products that are only available to medical patients. Mr. Cooley commented that there is no official declaration of the difference between the two.

- Commissioner Petersen asked what the incentive was for a person to go to a cooperative instead of growing for themselves. Mr. Day commented that a cooperative allows people to share space and labor, as they are not allowed to share medicinal marijuana. He commented that there are also people who can't afford it, are too weak to work in a garden, or do not have the money for the supplies needed.
- Commissioner Petersen asked if producers/processors could give cannabis away. Mr. Day responded that currently a producer/processor could not give cannabis away themselves, but they could sell to a store at cost and then ask the store to give it away or sell it at cost.
- Commissioner Neal reviewed that the fire department had commented that 60 plants was too many for a single residence. Mr. Day responded that each plant takes up a single square foot and that 60 could fit into a corner of his garage.
- Commissioner Neal asked if they would be concerned about having grows in multifamily units. Mr. Cooley commented that as long as someone is following building code, it would be safe. Ms. Bock commented that according to the law, plants cannot be viewed or smelled from another housing unit.
- Commissioner Winship asked if someone could grow 60 plants without overloading a standard 200 amp board. Mr. Cooley responded that the power draw would be comparable to a vacuum.
- Chair Beale asked if the LCB or local jurisdictions would be responsible for permitting should someone need to install additional wiring or venting. Mr. Cooley responded that it would be up to the local jurisdictions to enforce their code.
- Chair Beale asked if for cooperatives, the one mile buffer from marijuana retailers was the required minimum or if jurisdictions had some flexibility. Mr. Day responded that it was a minimum requirement from the State.
- Chair Beale asked if jurisdictions would be notified when new cooperatives were licensed by the LCB. Mr. Day responded that they would either provide notification or respond to inquiries to their database. Mr. Day added that cooperatives are sensitive locations and they did not want them to be mapped out because of the potential to become targets.

Ms. Harris provided a review of key issues and potential changes to the Land Use Regulatory Code concerning marijuana retail uses and marijuana cooperatives. Maps showing the existing retail marijuana stores, sensitive use buffers, and dispersion were discussed. Ms. Harris noted that significant area would become available if the sensitive use buffer were reduced to 100 feet. Chair Beale requested maps showing a citywide 100 foot buffer for everything except for schools and playgrounds. Vice-Chair Wamback requested clarification on whether cooperatives were affected by sensitive use buffers or only by the buffer from existing retail marijuana stores. He commented that if they were not affected by sensitive use buffers he would like to go forward with no buffers for cooperatives. Commissioner Santhuff expressed interest in allowing a limited number of stores within a given radius.

Ms. Harris asked for direction from the Commission, noting the key issues including potential caps on retail stores, cooperatives, buffers from sensitive uses, and standards for signage, hours of operation, and notification. Commissioner Neal commented that there didn't seem to be a need for further cap as the buffers were limiting the number of stores on their own. Commissioner Santhuff commented that either only a cap or dispersion seemed necessary. Ms. Harris noted that Seattle had supported dispersion to provide equitable access. Mr. Cooley noted that Seattle grandfathered in existing medical operators so that they would not have to move if a new recreational store opened within 1000 feet. Commissioner Petersen asked if there would be different standards, including buffering and dispersion, if a retailer was exclusively selling medical marijuana.

Vice-Chair Wamback suggested that existing stores should not be held to a dispersion requirement and that if they were to have to move, they should be able to move without having to comply with a dispersion requirement. He added that his concern was that jurisdictions surrounding Tacoma had completely banned it and that Tacoma could either be open minded or they could choose to allow the black market to thrive.

Notification was discussed. Ms. Harris commented they had asked the State to provide better notification, but that they could do it locally. Commissioner Petersen expressed support for using the same notification standards as they do for liquor stores. Chair Beale concurred.

Chair Beale recessed the meeting at 5:34 p.m. The meeting resumed at 5:39 p.m.

2. Tacoma Mall Neighborhood Subarea Plan

Elliott Barnett, Planning Services Division, provided a review of the status of the Tacoma Mall Neighborhood Subarea Plan and Environmental Impact Statement (EIS) project. Mr. Barnett reviewed that the Tacoma Mall Neighborhood was a regional growth center, and it had seen a substantial amount of growth over the past 15 years. He commented that there was a lot of interest from the community in seeing the area continue to grow in a positive direction. Key dates were reviewed, with stakeholder meetings scheduled for the next several months and a Draft Plan/EIS being presented to the Commission in July. Conclusions to date included expanding the study area from the current 485 acres to 601 acres total; developing one EIS alternative, rather than two; and the completion of the EIS scoping process.

Julia Walton, 3 Square Blocks, discussed the illustrative vision plan. She reviewed that since last speaking to the Commission in November, they had spent time defining the “bones” of what would become the plan map. The map of the expanded study area was shown and the attributes of the four quadrants were discussed. The Stormwater strategy map was discussed, Ms. Walton noting the purple highlighted areas that were the best locations for infiltration.

Ms. Walton commented that they were interested in looking at the use of streets particularly along the loop road for multiple purposes, such as locating small neighborhood parks. She noted that they were looking at some early implementation strategies including catalyst projects.

The draft land use map was discussed. Ms. Walton commented that they had worked with the illustrative vision and the comments received from the public to develop the map. She commented that they were trying to concentrate development to get the greatest benefit. The urban mixed use area, primarily the mall area and the area along S. 38th Street, would be the focus of the most intense development. Lincoln Heights and the Madison neighborhood would be residential only which was a significant change. Commissioner Neal asked whether the area by Titus Will was within the expanded area. Mr. Barnett responded that it was not included because of the current use and the lack of interest by the current property owners. Commissioner McInnis asked if there was going to be regional storm drainage associated with the plan or if facilities would be project by project. Ms. Walton responded that it would be both. The locations of regional facilities were still being considered. Vice-Chair Wambach commented that there were inconsistencies on how the map addresses existing and proposed structures. He commented that the map should either show every existing building or none of them.

Ms. Walton stated there would be two phases of zoning implementation: interim regulations in 2016 followed by potential development of a hybrid form-based code. Mr. Barnett commented that the intent is to adopt some code changes along with the plan, while recognizing that there could be additional tools considered later to shape future development. The 2016 zoning changes would utilize the existing mixed-use center’s zoning as a template. The largest change would be the streets map that would identify and work towards securing the missing connectivity in the neighborhood.

The draft street system connections map was discussed. Ms. Walton commented that if the City adopted a streets plan the City could build pieces of the three key streets to get the system started, which could then be supplemented with private development. Chair Beale asked how they would implement dedication of new right of way without project level SEPA. Mr. Barnett responded that staff would provide a range of potential options to secure new rights-of-way. Commissioner Santhuff recommended developing further future street connections that expand the Madison street grid across Pine to the mall and add connectivity to the Costco site. Commissioner Santhuff also expressed interest in developing the connections that exist with the trails such as the Water Ditch Trail and the pedestrian connection across Interstate 5.

Chair Beale asked if they were going to work within the framework of existing zoning designations or if they were going to create subarea specific zoning designations that would allow for things like higher residential densities. Mr. Barnett responded that the first phase would be implemented within the current zoning palette. Chair Beale asked if they would be upzoning to allow for additional residential density and how much time they had spent with activity units and PSRC guidelines for regional growth centers. Mr.

Barnett responded that they had gone through the analysis and that the proposal meets all Regional Growth Center targets, such as planning for 45 Activity Units per acre.

Commissioner Santhuff asked why they were downzoning the Madison neighborhood. Ms. Walton responded that it was in response to public comments and was an attempt to limit the scale. Commissioner Santhuff commented that his hope was that future development would keep with the larger scale and eventually become a place that was more welcoming. He commented that the ST3 package included the possibility of two light rail stations on Pine and that he would hope that they were maximizing the residential capacity there. Mr. Barnett commented that with the Madison area the proposal envisions a townhouse, small multifamily type of scale, rather than single-family, and that the neighborhood overall had plenty of development capacity to meet the growth targets. He added that the team is working on proposed light rail station locations and would make sure that they were located in areas with lots of density and transit oriented development.

Vice-Chair Wamback commented that he would be interested in an additional bonus palette being created that would allow any development that has a net reduction of impervious surface to develop more. He added that one of their goals should be to have no more impervious surface ten years from now than they do today.

Mr. Barnett provided an overview on how the plan would be organized. He noted that things like sustainability, equity, and smart growth would be incorporated in all of the sections. Chair Beale commented that public feedback had indicated that equity and maintaining affordable housing in the area were a priority. He suggested considering if it deserves a standalone section or at least should receive a good deal of focus.

Commissioner Petersen noted that one of the comments was on limiting the number of pot shops and liquor stores. She suggested that they consider the neighborhood's wishes and how buffers would help them. It was noted that with the 1000 foot buffer the majority of new retail marijuana stores would be concentrated in specific sections of the city including the mall area.

E. COMMUNICATION ITEMS & OTHER BUSINESS

There were no communication items.

F. ADJOURNMENT

At 6:31 p.m., the meeting of the Planning Commission was concluded.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Molly Harris, Planning Services Division
Subject: **Marijuana Code Amendments**
Date of Meeting: February 17, 2016
Date of Memo: February 11, 2016

At the meeting on February 17, 2016, the Planning Commission will review proposed modifications to the Land Use Regulatory Code concerning Marijuana Uses. The Commission will be requested to formulate a proposal, release it for public review, and set March 2, 2016 as the date for a public hearing to receive public comment.

Attached to facilitate the Commission's review and action are a Discussion Outline that lays out options for code amendments and a Preliminary Draft Land Use Regulatory Code that is partially completed and will be completed with options chosen through the review of the Discussion Outline. Also attached are various maps and additional background information and materials, as listed below.

It is noted that, in response to a question about sensitive use buffers and cooperatives that was raised at the last Commission meeting, it was confirmed with the WSLCB that the information and map presented to the Commission was accurate. That is, cooperatives may not be located within 1000' of certain uses. However, the buffers may be reduced to 100' for some of these uses (not elementary or secondary school, playgrounds). The RCW pertaining to this issue, with highlighted portions, is attached.

If you have any questions, please contact me at 253.591.5383 or mharris@cityoftacoma.org.

Attachments:

1. Discussion Outline – Key Options for Consideration
2. Preliminary Draft Potential Land Use Regulatory Code
3. Potential Marijuana Use Location Maps (4)
4. Marijuana Uses Schedule
5. MRSC News Article dated February 10, 2016
6. Sensitive Use Buffer Clarification, RCW 69.51A.250
7. Existing and Proposed Marijuana Stores Map

c: Peter Huffman, Director

**Marijuana Land Use Regulations
Tacoma Municipal Code Title 13, Land Use Regulatory Code
Key Options for Consideration
February 17, 2016**

SCOPE OF WORK: Develop permanent land use regulations governing Marijuana uses.

GOAL: Recommend land use regulations that implement State law while achieving equitable access and limited impacts on the citizens of Tacoma.

KEY OPTIONS:

Buffers for retail marijuana stores (Chapter 13.06.565. C.9.a)

1. Reduce buffers to 100’.
2. Reduce buffers to 100’; except for City’s added sensitive buffers.
3. Reduce buffers to 500’.
4. Reduce buffers to 500’; except for City’s added sensitive buffers.
5. Reduce buffers in downtown Mixed Use Center to 500’.
6. Reduce buffers in downtown Mixed Use Center to 500’; except for City’s added sensitive buffers.
7. Do not reduce buffers.
8. Another option.

Dispersion of retail marijuana stores (Chapter 13.06.565.C.9.f)

1. No, do not disperse.
2. Yes, disperse at 500’.
3. Yes, disperse at 1000’.
4. Another option.

Cap on retail marijuana stores (Chapter 13.06.565.C.9.f)

1. Do not cap.
2. Yes, cap at State number (16 retail stores).
3. Yes, cap at another number.
4. Another option.

Retail Marijuana Stores (Chapter 13.06.565.C.9.f)

1. Do not require Medical Endorsement.
2. Require Medical Endorsement for 50% of new stores.
3. Require Medical Endorsement for all stores.
4. Another option.

Cooperatives (Chapter 13.06.565.C.9.g)

1. Allow as per State law.
2. Allow as per State law but with sensitive buffers reduced to 100’.
3. Allow as per State law but with sensitive buffers reduced to 100’; except for City’s added sensitive buffers.
4. Do not allow.
5. Another option.

Additional Modifications to reflect conformance with recent State laws:

1. Intent (Chapter 13.06.565.A)
2. Clarification of non-conforming use status (Chapter 13.06.565.B.1)
3. Prohibition on collective gardens IAW recent State law (Chapter 13.06.565.B.2)
4. Clarification and addition of definitions per State law changes (Chapter 13.06.700.M)

Marijuana Buffer Requirements, per Washington Administrative Code section 314-55-010 and Tacoma Municipal Code, Chapter 13.06.565.c.b

<input type="checkbox"/> elementary school; <input type="checkbox"/> secondary school; or <input type="checkbox"/> playground.	1000 feet*+ (State law req. that cannot be reduced)
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<input type="checkbox"/> correctional facilities; <input type="checkbox"/> court houses <input type="checkbox"/> drug rehab. centers; or <input type="checkbox"/> detoxification centers	1000 feet+ (Tacoma regulations—applies to retail only; could be reduced)
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<input type="checkbox"/> child care center; <input type="checkbox"/> game arcade; <input type="checkbox"/> library; public park; <input type="checkbox"/> public transit center; or <input type="checkbox"/> recreation center or facility.	1000 feet*+ (State law req.—could be reduced to 100’)
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*The uses are defined in the Washington Administrative Code section 314-55-010.

+Distances are measured from any lot line of property on which any of the listed uses are located or proposed to be located.

The buffer requirements are intended to balance the public, health, safety and welfare interests in having sufficient areas within which these activities may locate and prevent concentration of these activities in any one area.

Tacoma Municipal Code Chapter 13.06, Zoning

13.06.565 Marijuana Businesses

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated medical aspects of the marijuana system, aligns these with the existing recreational system, and establishes a “medical marijuana endorsement” that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of Ord. 28182 Ex. A on Nov. 5, 2013 ~~this ordinance~~ shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with 2SSB 5052 and as regulated and defined in RCW 69.51A, collective gardens are prohibited.

3~~2~~. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

2. Marijuana uses shall only be allowed within the City of Tacoma if licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

9. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55. [TO BE UPDATED PER PLANNING COMMISSION GUIDANCE.](#)

b. Marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.

c. The methodology for measuring the buffers outlined above in subsections 9.a and 9.b. shall be as provided in WAC 314-55.

d. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 9.a and 9.b.

e. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.

[f. Marijuana retail uses shall be dispersed a minimum of XXXX feet from each other. TO BE UPDATED PER PLANNING COMMISSION GUIDANCE.](#)

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PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

f. A maximum of sixteen Marijuana retail uses shall be permitted to operate in the City of Tacoma. At least 50% of all new Marijuana retail uses must have a State medical endorsement in order to obtain a City business license. TO BE UPDATED PER PLANNING COMMISSION GUIDANCE.

g. Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are prohibited/are allowed per State law. TO BE UPDATED PER PLANNING COMMISSION GUIDANCE.

* * *

13.06.700 Definitions and illustrations.

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Marijuana. As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers

Marijuana-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor ~~and cannabis control~~ board to sell ~~useable~~ marijuana concentrates, and useable marijuana, and marijuana-infused products in a retail outlet.

* * *

13.06A.050 Additional use regulations.

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.
2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.
2. Heliports.
3. Work release facilities.
4. Jails and correctional facilities.
5. Billboards
6. Drive-throughs not located entirely within a building.

C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section

13.06.570.

E. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

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13.06.200 Commercial Districts.

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3. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N = Prohibited use in this district.

4. District use table.

Uses	T	C-1	C-2	PDB	Additional Regulations ^{2,3} (also see footnotes)
Marijuana processor	N	N	N	N	
Marijuana producer	N	N	N	N	
Marijuana retailer	N	P	P	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See additional requirements contained in Section 13.06.565

* * *

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

13.06.300 Mixed-Use Center Districts.

* * *

3. District use table.

Uses	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Regulations ^{2,3} (also see footnotes)
Marijuana processor	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565

* * *

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

13.06.400 Industrial Districts.

* * *

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Marijuana processor	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana producer	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana retailer	P~	P~	N	~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565

* * *

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

PRELIMINARY DRAFT POTENTIAL Regulations—Marijuana Uses

13.06A Downtown Tacoma

* * *

13.06A.050 Additional use regulations.

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.
2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.
2. Heliports.
3. Work release facilities.
4. Jails and correctional facilities.
5. Billboards
6. Drive-throughs not located entirely within a building.

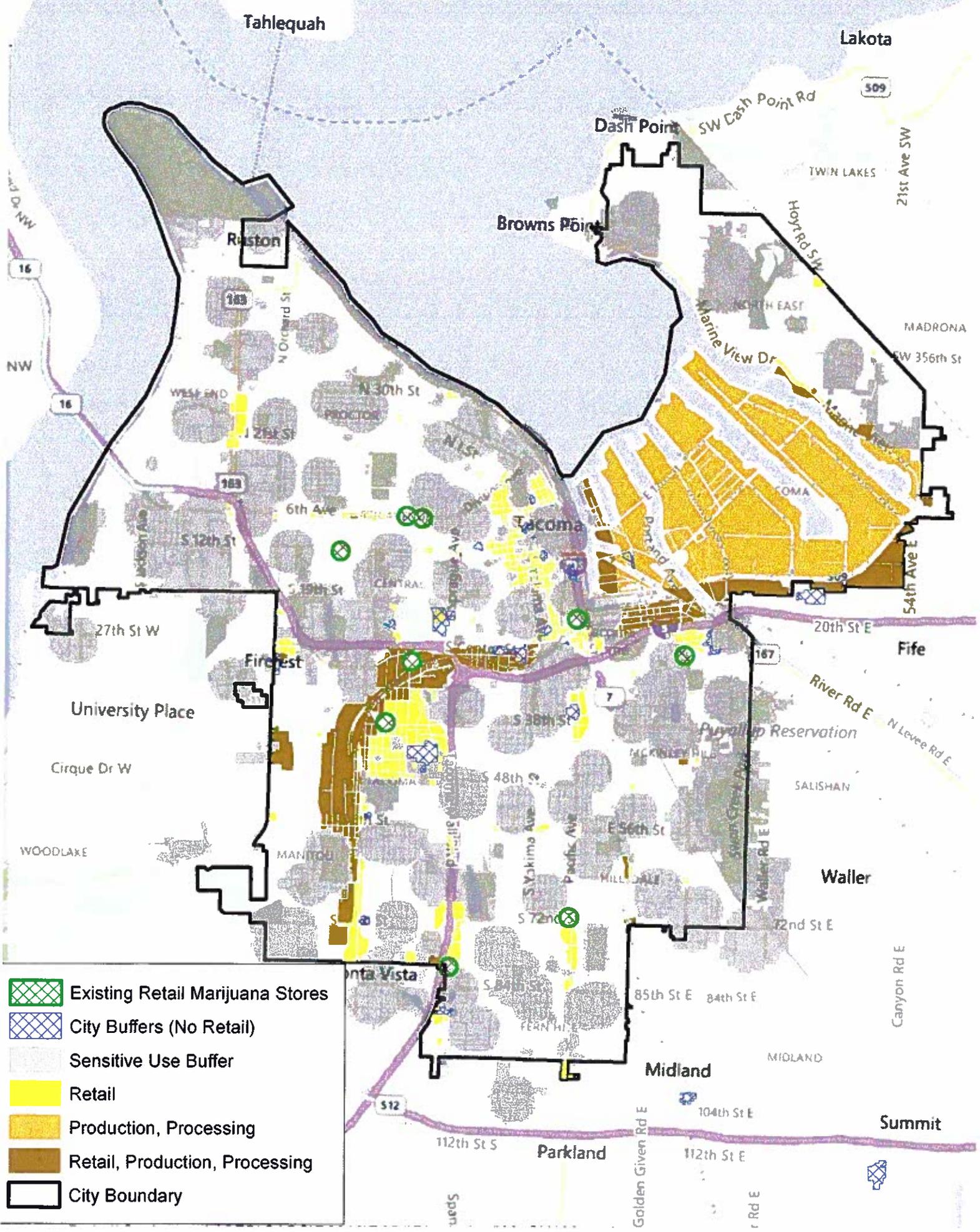
C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.570.

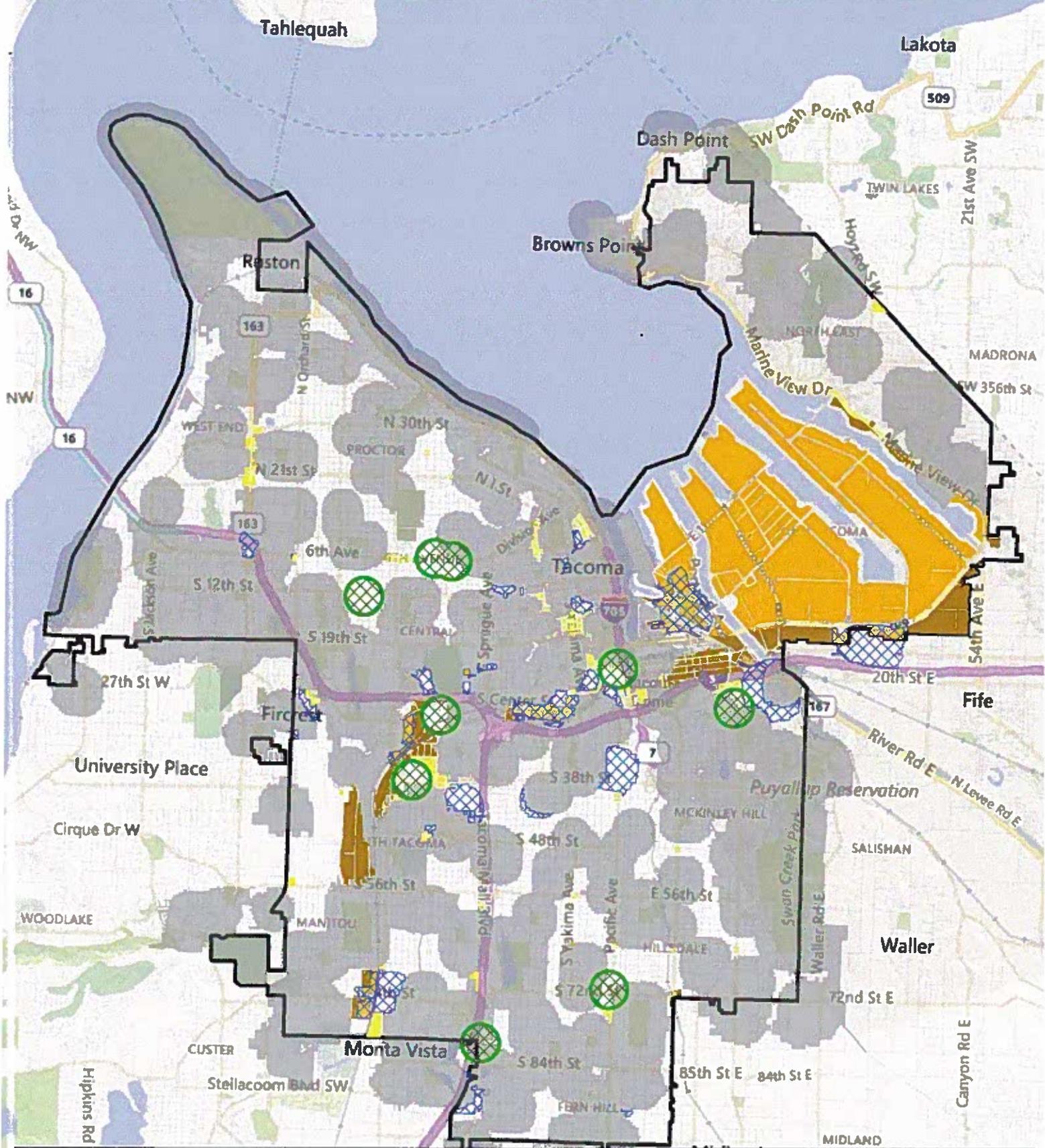
E. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.

Note: These amendments show potential changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

Potential Marijuana Locations (500' Dispersion, 100' Sensitive Buffer)



Potential Marijuana Locations (1,000' Dispersion; 500' & 1,000' Sensitive Buffer)



- | | | | |
|--|---|---|--------------------------------|
|  | Existing Retail Marijuana Stores |  | Retail |
|  | City Buffers (No Retail) 500' Downtown, 1,000' Outside Downtown |  | Production, Processing |
|  | Sensitive Use Buffer 500' Downtown, 1,000' Outside Downtown |  | Retail, Production, Processing |
|  | City Boundary | | |



MARIJUANA USES

PROPOSED AMENDMENTS TO THE LAND USE REGULATORY CODE

SCHEDULE

(As of February 11, 2016)

Color Keys:

City Council
Council Standing Committees
Planning Commission
Staff

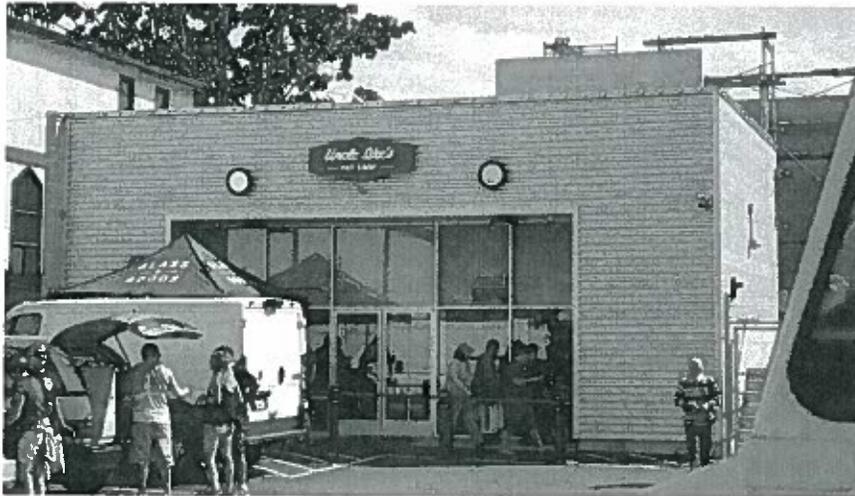
Date	Actions
	Public and Stakeholders Outreach
December 2	Planning Commission – Review scope of work, schedule
	Public and Stakeholders Outreach
December 16	Planning Commission – Discuss moratorium findings and recommendations
February 3	Planning Commission – Overview and discussion of key issues
February 17	Planning Commission – Review proposal and release for public review
February 18	Environmental Determination – Issue SEPA determination; notification to Tacoma Daily Index; start of associated comment period
February 18	Public Hearing Notification – including <i>60-day notice of intent for adoption to State DOC and PSRC.</i>
February 25	Community Council of Tacoma—informational meeting.
March 2	Planning Commission – Public Hearing; leave record open through March 7
March 16	Planning Commission – Review public comments, revise proposal as appropriate, and make a recommendation to the City Council
March 15	Cross District Association—informational meeting.
March 18	Weekly Letter – Forward Commission’s recommendations to Council
March 22	City Council – Set a public hearing for April 5
April 5	City Council – Study Session
April 5	City Council – Public Hearing
April 13	Infrastructure, Planning and Sustainability Committee – Review Planning Commission’s recommendations, consider potential modifications, and make a recommendation to the City Council
April 19	City Council – First reading of ordinance adopting proposed amendments
April 26	City Council – Final reading of ordinance
May 6	Notice of Adoption to State DOC and PSRC
May 8, 2016	Effective Date of adopted amendments



Zoning for Marijuana – What Are Jurisdictions Doing and How Is It Working?

February 10, 2016 by [Jim Doherty \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=105\)](#)

Category:



A recreational marijuana shop in Seattle. Image courtesy of

[SounderBruce](#)

<https://www.flickr.com/photos/sounderbruce/21030288041/in/photolist-y3nHX8-pbUAjl-pjAawK-ptnCfQ-pbU922-xKcmSP-rQhRZ9-rHhJ3A-rZtomW/>

Cities and counties have the authority to zone for licensed marijuana businesses as they deem appropriate, subject to the 1,000 foot buffer zones around certain uses established in [RCW 69.50.331](#) ([\(8\)\(a\)](http://app.leg.wa.gov/RCW/default.aspx?cite=69.50.331)), which cities and counties now may reduce in size, except for those around schools and parks. See [RCW 69.50.331](#) ([\(8\)\(b\)](http://app.leg.wa.gov/RCW/default.aspx?cite=69.50.331)). They may even prohibit such businesses entirely, at least according to the attorney general's office and the five superior courts that have so far addressed the issue. So, how have cities and counties approached their authority to zone for this new land use?

Is there a pattern to how local governments zoned for marijuana businesses? Not really. The city and county zoning measures adopted over the past three years since I-502 was approved are diverse. Some jurisdictions have enacted total prohibitions while others have allowed marijuana businesses in appropriate zoning districts (retail marijuana businesses in retail zones, outdoor marijuana production in agricultural zones, and indoor marijuana production and marijuana processing in industrial zones). See [MRSC's statewide map \(http://mrsc.org/Home/Explore-Topics/Legal/Regulation/Recreational-Marijuana-A-Guide-for-Local-Governments.aspx#table\)](#) with links to ordinances for details on how jurisdictions are zoning for marijuana businesses and which have prohibited them.

Most jurisdictions that allow indoor marijuana production in warehouse-type structures have limited them to industrial zones. Jurisdictions that allow outdoor marijuana production generally limit growing to larger agricultural parcels. Some urban jurisdictions have chosen to allow all marijuana businesses only in industrial or light industrial zones – to keep them tucked away where they will be less obvious or controversial. Additionally, some cities require a conditional use permit process and impose conditions concerning issues such as odors emanating from the property.

A number of jurisdictions have enacted regulations establishing a designated distance between retail stores, to avoid having them clustered together. But, as noted directly above, some jurisdictions do the opposite, requiring all marijuana businesses to be sited in industrial or light industrial zones, potentially resulting in clustering of producers, processors, and retailers.

Predictably, there have been conflicts concerning the locations of marijuana uses. Some people and groups have expressed displeasure at having a licensed marijuana business move in next door. For instance, one of the first retail marijuana stores to open in Seattle was “Uncle Ike’s Pot Shop,” and it is now the state’s top-selling store (<http://www.seattletimes.com/seattle-news/marijuana/seattles-brash-king-of-pot-raking-in-cash-and-raising-hackles/>). It is located in the city’s Central District next to the Mount Calvary Christian Center. The church initially filed a lawsuit in protest, but later dropped it, and the pot shop and the community around it are still trying to coexist. Snohomish County officials got significant input from people upset when licensed marijuana growers moved into their semi-rural neighborhood, and the county subsequently amended its zoning (<http://snohomishcountywa.gov/2169/Marijuana-Related-Facilities>) to prohibit licensed marijuana production in the R-5 zone. And Chelan County has allowed marijuana uses but recently adopted a moratorium (<http://www.co.chelan.wa.us/news/article/marijuana-moratorium-resolution-no-2015-94>) to give it time to address impacts it hadn’t previously considered, such as odor. The county is even considering (<http://leavenworthecho.com/main.asp?SectionID=5&SubSectionID=5&ArticleID=9905>) now banning marijuana growing and processing, but not retail stores.

Ultimately, the legislative body of a city or county has broad discretion to determine where licensed marijuana businesses can locate. Whether marijuana businesses can be totally banned is still an open question. There is currently a case pending (<http://www.atg.wa.gov/news/news-releases/attorney-general-defend-marijuana-voter-initiative-state-appeals-court-friday>) before the state Court of Appeals on this issue. Stay tuned – we’ll keep you updated!

Have a question or comment about this information? Post in the comments below or contact me directly at jdoherty@mrsc.org (<mailto:jdoherty@mrsc.org>).



About Jim Doherty

Jim has over 20 years of experience researching and responding to varied legal questions at MRSC. He has special expertise in transmission pipeline planning issues, as well as the issues surrounding medical and recreational marijuana.

[VIEW ALL POSTS BY JIM DOHERTY](#) ▶ (</Home/Stay-Informed/MRSC-Insight.aspx?aid=105>)

Sensitive Use Buffer Clarification

RCW 69.51A.250

Cooperatives—Qualifying patients or designated providers may form—Requirements—Restrictions on locations—State liquor and cannabis board may adopt rules. (Effective July 1, 2016.)

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated provider of a qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf.

(2) Qualifying patients and designated providers who wish to form a cooperative must register the location with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's recognition card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) No cooperative may be located in any of the following areas:

(a) Within one mile of a marijuana retailer;

(b) Within the smaller of either:

(i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or

(ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW [69.50.331\(8\)](#); or

(c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location does not comply with the requirements set forth in subsection (3) of this section.

(5) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until sixty days have passed since

the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(6) Qualifying patients or designated providers who participate in a cooperative under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up to a maximum of sixty plants. At the location, the qualifying patients or designated providers may possess the amount of useable marijuana that can be produced with the number of plants permitted under this subsection, but no more than seventy-two ounces;

(b) May only participate in one cooperative;

(c) May only grow plants in the cooperative and if he or she grows plants in the cooperative may not grow plants elsewhere;

(d) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide nonmonetary resources and labor in order to participate; and

(e) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(7) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's recognition card must be kept at the location at all times.

(8) The state liquor and cannabis board may adopt rules to implement this section including:

(a) Any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative;

(b) A seed to sale traceability model that is similar to the seed to sale traceability model used by licensees that will allow the state liquor and cannabis board to track all marijuana grown in a cooperative.

(9) The state liquor and cannabis board or law enforcement may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

[2015 2nd sp.s. c 4 § 1001; 2015 c 70 § 26.]

NOTES:

Findings—Intent—Effective dates—2015 2nd sp.s. c 4: See notes following RCW [69.50.334](#).

Effective date—2015 c 70 §§ 12, 19, 20, 23-26, 31, 35, 40, and 49: See note following RCW [69.50.357](#).

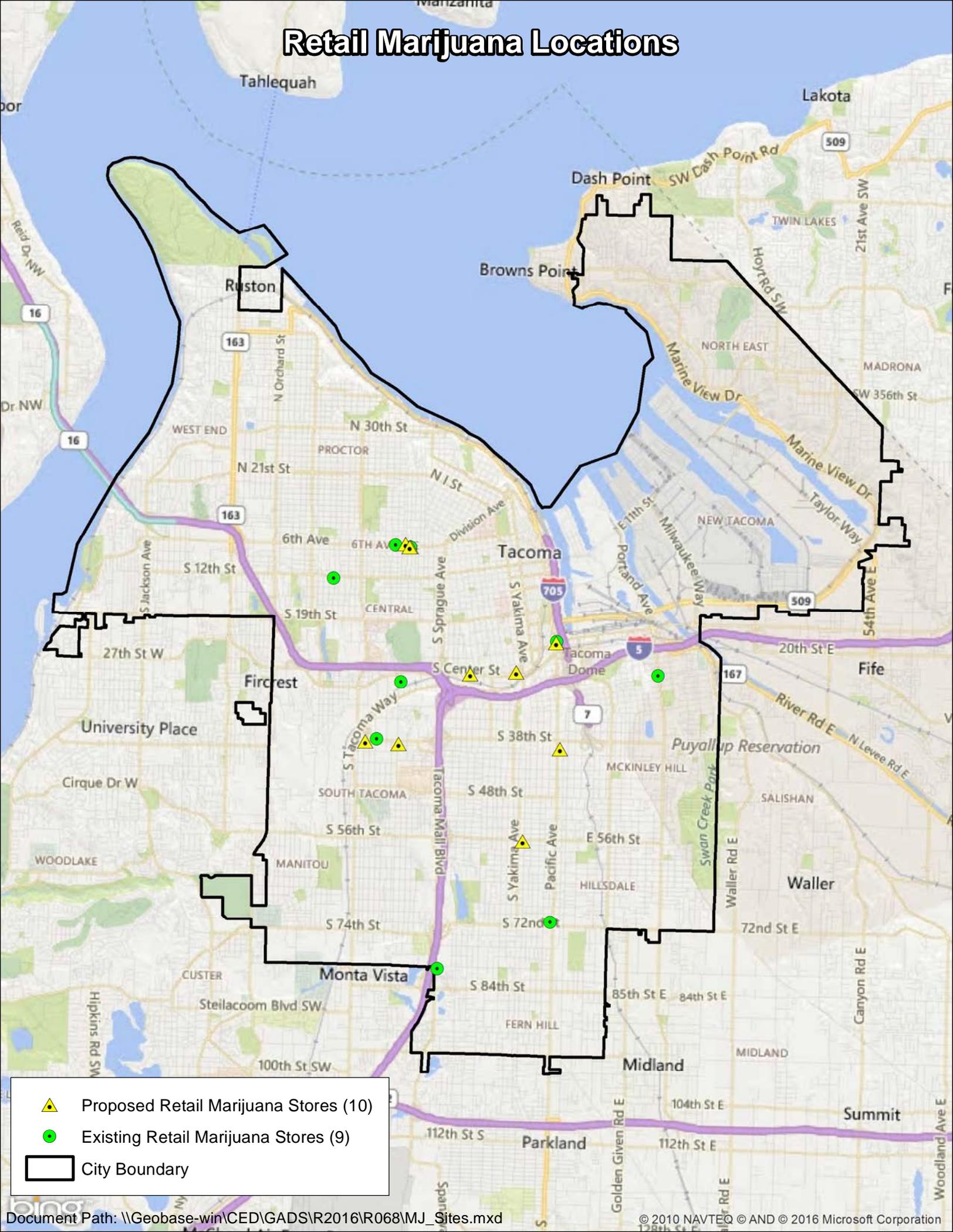
Short title—Findings—Intent—References to Washington state liquor control board—Draft legislation—2015 c 70: See notes following RCW [66.08.012](#).

RCW 69.50.331(8):

(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

Retail Marijuana Locations



- ▲ Proposed Retail Marijuana Stores (10)
- Existing Retail Marijuana Stores (9)
- City Boundary



City of Tacoma
Planning and Development Services

Agenda Item
D-2

To: Planning Commission
From: Lisa Spadoni, Principal Planner, Development Services Division
Subject: **Permitting and Development Activity Reports**
Date of Meeting: February 17, 2016
Date of Memo: February 10, 2016

At the next meeting on February 17, 2016, staff from Planning and Development Services will provide an annual report on the building and land use permitting activity for the 2015. Staff will also highlight projects of interest and development trends.

Attached is a compilation of data and charts depicting the land use and building permit activity for 2015.

If you have any questions, please contact me at 591-5281 or lspadoni@cityoftacoma.org.

Attachments

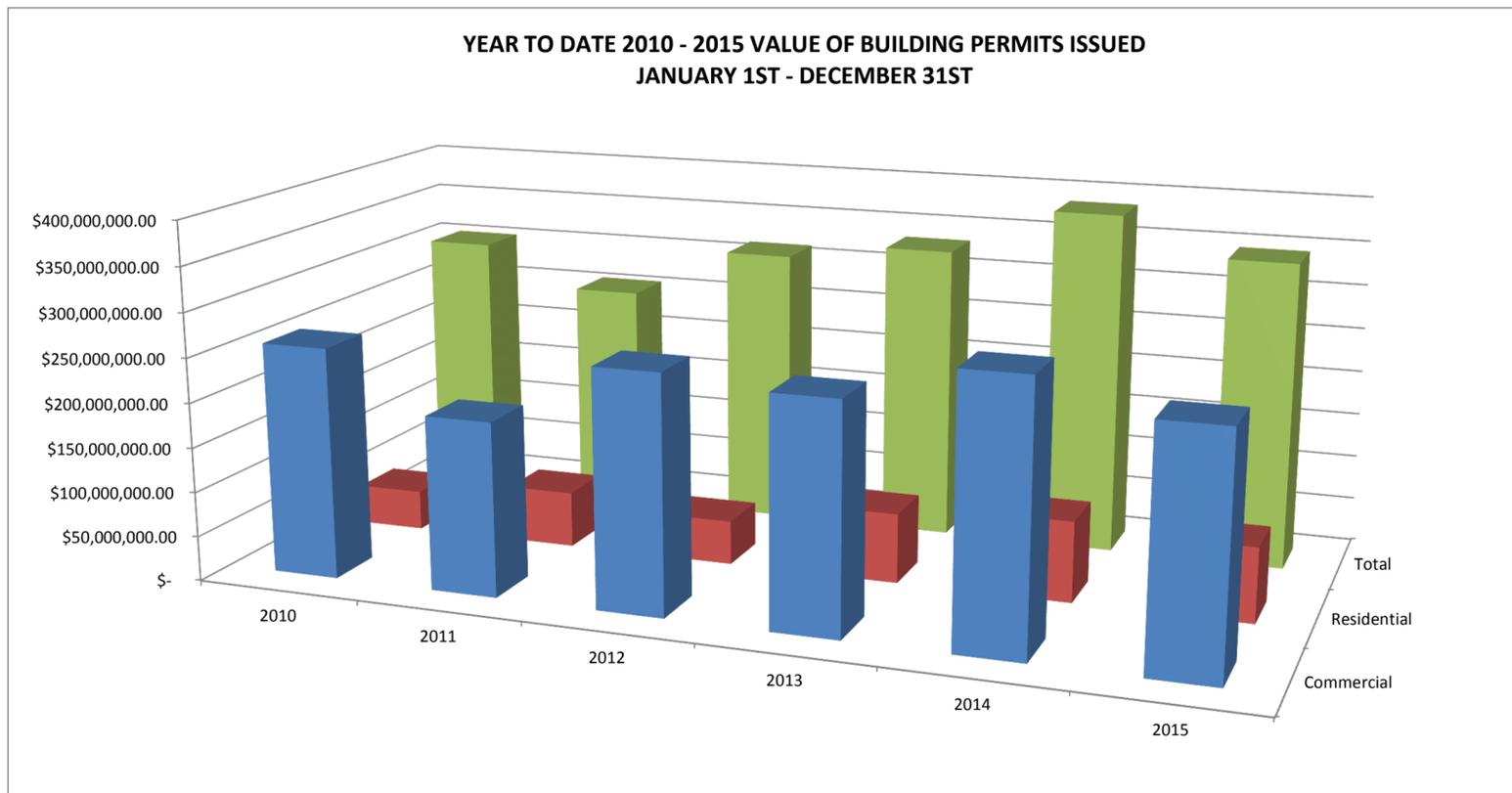
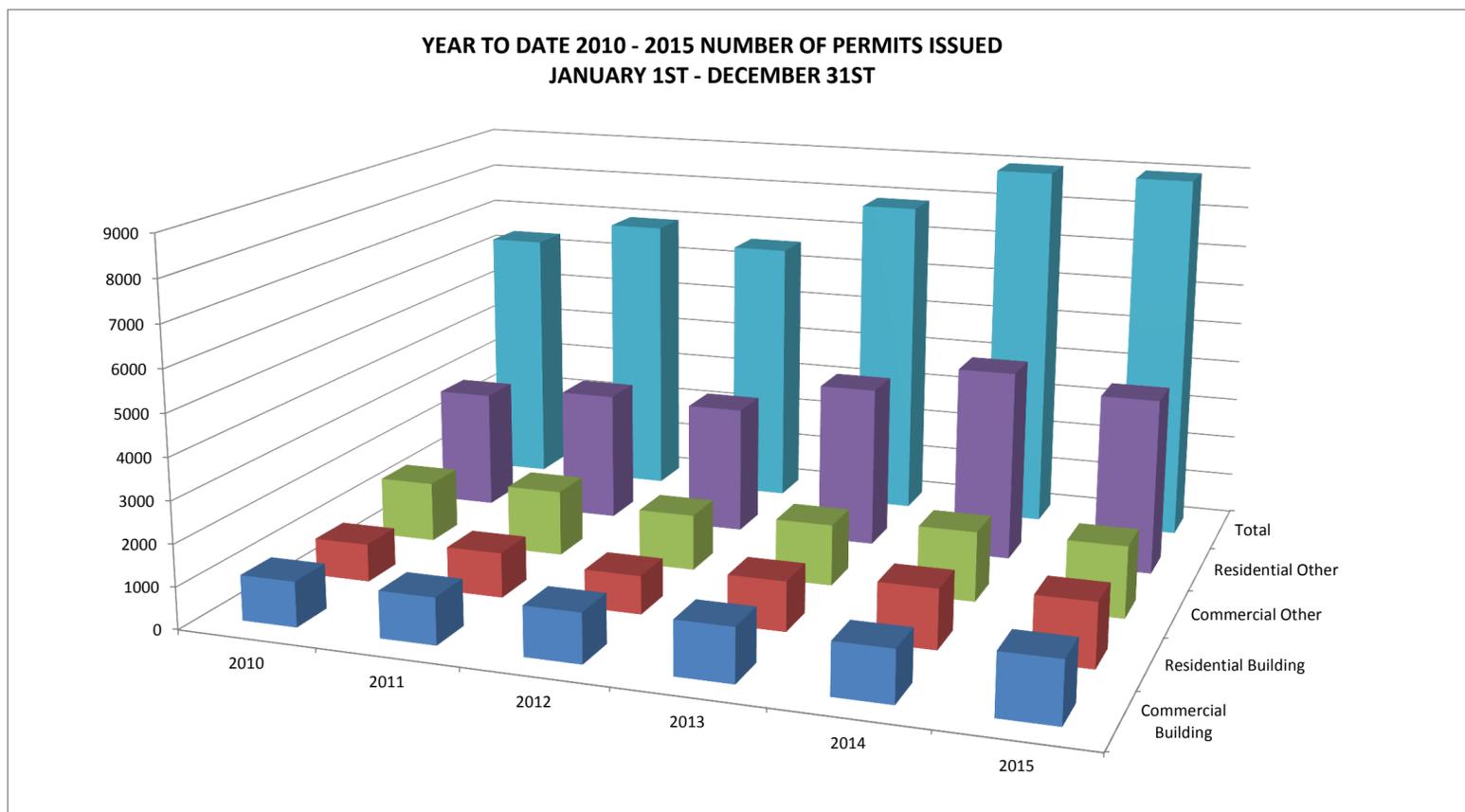
c: Peter Huffman, Director

**YEAR TO DATE 2010 - 2015
JANUARY 1ST - DECEMBER 31ST**

MONTH	BUILDING*				OTHER**				TOTAL	
	COMMERCIAL		RESIDENTIAL		COMMERCIAL		RESIDENTIAL		PERMITS	VALUE
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE		
2010	1082	\$ 258,738,496.00	913	\$ 44,552,787.00	1461	N/A	2907	N/A	6363	\$ 303,291,283.00
2011	1114	\$ 194,549,673.00	1076	\$ 62,531,512.00	1597	N/A	3172	N/A	6959	\$ 257,081,185.00
2012	1182	\$ 264,896,904.00	919	\$ 49,374,768.00	1356	N/A	3121	N/A	6578	\$ 314,271,672.00
2013	1280	\$ 254,158,007.00	1188	\$ 78,204,392.00	1481	N/A	3930	N/A	7879	\$ 332,362,399.00
2014	1231	\$ 295,192,283.00	1418	\$ 90,668,713.00	1682	N/A	4637	N/A	8968	\$ 385,860,996.00
2015	1447	\$ 261,495,508.00	1525	\$ 83,409,875.00	1721	N/A	4268	N/A	8961	\$ 344,905,383.00
TOTAL	7336	\$ 1,529,030,871.00	7039	\$ 408,742,047.00	9298	N/A	22035	N/A	45708	\$ 1,937,772,918.00

* Includes Fire & Sign Permits & Value

** Includes Plumbing, Mechanical, Land Use, & Site Permits



CITY OF TACOMA
PLANNING AND DEVELOPMENT SERVICES

2015	Totals for Year	
Permit Category	No. of Permits	Value of Permits
Residential:		
One-Family Dwellings	209	\$ 55,662,931.00
Duplex Dwellings	15	\$ 3,677,787.00
Alter Residential Bldgs.	1069	\$ 17,724,102.00
Fire Sprinkler	3	\$ 18,152.00
Private Garages/Carports	86	\$ 1,698,498.00
Modular Homes	1	\$ 40,149.00
Residential Grading & Filling	5	\$ 267,798.00
Residential Miscellaneous	52	\$ 164,906.00
Residential Demolition	85	\$ 4,155,552.00
Total Residential:	1525	\$ 83,409,875.00
Commercial:		
*Multiple-Family Dwellings	12	\$ 13,073,100.00
Bank Buildings	0	\$ -
Churches	0	\$ -
Clinics	0	\$ -
Industrial Buildings	2	\$ 939,494.00
Office Buildings	3	\$ 1,053,818.00
Restaurants	2	\$ 1,574,154.00
Schools (Private)	1	\$ 122,199.00
Schools (Public)	6	\$ 5,449,889.00
Service Stations	0	\$ -
Store Buildings	0	\$ -
Warehouses	2	\$ 409,767.00
Moved or Relocated Buildings	14	\$ 857,378.00
Recreation Buildings	1	\$ 39,000.00
Hotels/Motels	0	\$ -
Hospitals/Institutions	1	\$ 6,436,485.00
Parking Garages	0	\$ -
Miscellaneous Buildings	9	\$ 1,098,978.00
Commercial Grading and Filling	38	\$ 15,749,028.00
Commercial Demolitions	39	\$ 8,710,952.00
Miscellaneous Installations	104	\$ 8,675,999.00
Alter Non-Residential Bldgs.	585	\$ 190,243,503.00
Fire Sprinkler/Alarm/Suppression	465	\$ 5,971,924.00
Signs	163	\$ 1,089,840.00
Total Commercial:	1447	\$ 261,495,508.00
	Totals for Year	
	2972	\$ 344,905,383.00
	Totals for Same Period Last Year	
	2649	\$ 385,860,996.00
*Multiple Family Units:----->		
	Total Units	141

CITY OF TACOMA
PLANNING AND DEVELOPMENT SERVICES

2015	Totals for Year	
Permit Category	Residential Permits	Commercial Permits
Banner Permits	0	6
Barricade Permits	66	283
Driveways	37	5
Mechanical Permits	1557	372
Miscellaneous Trench Permits	9	43
Overtime Parking Permits	0	102
Parking Lot Permits	0	22
Plumbing Permits	920	276
Sanitary Sewer New Permits	237	35
Sanitary Sewer Repair Permits	622	42
Sidewalks	42	19
Special Motor Vehicle	0	136
Storm Sewer Permits	193	25
Tree Removal Permits	30	13
Utility Permits	353	108
Water Service New	1	9
Water Service Repair	87	4
Work Order Permits	43	52
Total Other Permits:	4197	1552
Land Use Permits:		
Shoreline Exemption	1	30
Shoreline Substantial Development	0	5
Shoreline Conditional Use	0	2
Shoreline Variance	1	0
Shoreline Sign	0	0
Shoreline Revision	0	0
CAP Development	1	1
CAP Assessment	0	3
CAP Delineation Verification	1	1
CAP Exemption	2	3
Rezone	1	3
Site Approval	0	0
Preliminary Plat	0	0
Short Plat	12	1
Final Plat	5	0
Conditional Use	0	9
MLU Variance	10	6
Boundary Line Adjustment	13	3
Binding Site Plan	0	0
Interpretation/Determination	7	2
SEPA - Environmental	3	35
Assessory Dwelling Unit (ADU)	9	0
Zoning Verification	2	61
Innocent Purchaser	1	0
Wetland Interpretation	2	4
Total Land Use Permits:	71	169
Total Permits	5793	3168

Planning and Development Services Department
MONTHLY PROJECT UPDATE – JANUARY 2016
 PROJECTS ESTIMATED AT \$100,000 VALUATION OR MORE

STATUS

PROJECT INFORMATION

DISTRICT 1

- | | |
|--|---------------------------|
| <ul style="list-style-type: none"> • Point Defiance – 5715 North Animal Loop Road
Environmental Learning Center (SAMI) at Point Defiance. 2-story education building 30,000 sf for classrooms, science labs, and open office spaces. | In Review
\$11,100,000 |
| <ul style="list-style-type: none"> • Narrows Marina – Scott Wagner – 9001 S 19th St
Concept for event center in the scoping phase. | Pre-App |
| <ul style="list-style-type: none"> • Goldfish Tavern – 5310 N Pearl St
Future remodel plans being developed. | Pre-App |
| <ul style="list-style-type: none"> • Mason United Methodist Church – 2710 N Madison St
Facility upgrades for kitchen, fire suppression, heating and plumbing. | Pre-App
\$2,359,300 |

DISTRICT 2

- | | |
|--|---------------------------|
| <ul style="list-style-type: none"> • Haub Superblock – S 13th St – 14th St Pacific Ave
New development involving potential for right-of-way vacation for two office high rise towers with ground-level commercial. | Pre-App |
| <ul style="list-style-type: none"> • McMenamins – 565 Broadway
Project is moving forward. Meeting to discuss building permit conditions of approval and ongoing construction scheduled for 1/29/16. | Issued |
| <ul style="list-style-type: none"> • Stadium Adaptive Reuse – 633 Division Ave
Adaptive reuse of the building. Shell and Core permit and Work Order are in review. Rhein Haus tenant is preparing to submit application for T.I. | In Review |
| <ul style="list-style-type: none"> • Simpson Tacoma Lumber Mill Site – 733 E 11th St
Potential redevelopment for three warehouse buildings totaling 1,1200, 000 sf. Project will required shoreline permitting. Initial meeting took place Oct 2015. Future scoping meeting anticipated. | Pre-App
\$10 million |
| <ul style="list-style-type: none"> • Amtrak & Sound Transit Trestle
Remodel for Amtrak station, new platform extension, connection to Sound Transit Trestle – <i>status to be updated</i> | In Review |
| <ul style="list-style-type: none"> • UW – Urban Solutions / Paper & Stationery Building – 1735 Jefferson Ave (former Old Spaghetti Factory location) Renovation of existing building 4 story, 40,000 sf building for classrooms, labs, and other student learning spaces. Associated with City ROW work in Jefferson Ave. | In Review
\$15,300,000 |
| <ul style="list-style-type: none"> • UW – Tacoma Town Center
Total of 7 buildings – 368 residential units, 195,000 sf retail, and 90,000 sf office space. Phase I construction to begin Sept 2016. | Pre-App |
| <ul style="list-style-type: none"> • Convention Center Hotel
Phase I: 240-ft tower 4 star hotel 300 rooms, street level retail 10,000 sf, 10,000 sf ballroom, 9,000 sf conference rooms, 200 parking stalls and plaza.

Phase II: 240-ft tower, 200 condos and/or market rate apts, 20,000 sf street-level retail, 200 parking stalls. | Pre-App |

<p align="center"><u>Planning and Development Services Department</u> MONTHLY PROJECT UPDATE – JANUARY 2016 PROJECTS ESTIMATED AT \$100,000 VALUATION OR MORE</p>	<p align="center">STATUS</p>
<ul style="list-style-type: none"> • Seven Seas – 2101 Jefferson Ave Phase 1a permit for brewery operations was issued 1/21/16. Phase 1b for second floor assembly space, potential food vendors, and tap room is in review. 	<p>Issued / In Review</p>
<ul style="list-style-type: none"> • Apartment Building – 642 N Prospect St New 4-unit apartment building. 	<p>Pre-App \$225,000</p>
<p>DISTRICT 3</p>	
<ul style="list-style-type: none"> • New Cold Storage Facility New construction for 300-400' height industrial warehouse building. Phase II may occur in future for second building. 	<p>Pre-App \$20,000,000</p>
<ul style="list-style-type: none"> • Junett Apartments – Roy Kissler / Steve Novotny – 3825 S Junett St New building(s)for 36 micro-apartment units. Ongoing scoping to finalize design. 	<p>Pre-App</p>
<ul style="list-style-type: none"> • Homestreet Bank – 1501 S Union Ave New construction for bank and drive-through 	<p>Pre-App</p>
<ul style="list-style-type: none"> • MLK Mixed Use Project – Jon Graves – 1023 Martin Luther King, Jr. Way New mixed-use building for 200-300 residential units and 13,000 sf retail and office, 85' height 	<p>Pre-App \$65,000,000</p>
<ul style="list-style-type: none"> • Triplex – 709 S J St New 3-unit apartment building with detached garage. 	<p>Pre-App \$400,000</p>
<p>DISTRICT 4</p>	
<ul style="list-style-type: none"> • Mor Furniture – 4810 S Wilkeson New furniture retail store building of 44,500 sf with associated parking. Rezone, parking and sign variances approved. Building permit application delayed due to owner pursuing Tacoma Public School District land directly to the south. Applicant confirmed project is still moving forward. 	<p>Pre-App</p>
<p>DISTRICT 5</p>	
<ul style="list-style-type: none"> • Sheridan Court – 1210 S 83rd St Existing critical areas, feasibility pending for 13-lot plat 	<p>Pre-App</p>
<ul style="list-style-type: none"> • Single-Family Development – 9136 East F St, parcel 7915000730 Feasibility for 12 new single-family homes 	<p>Pre-App \$250-500,000</p>
<p>DEFINITIONS</p>	
<ul style="list-style-type: none"> • Rumored or scoping meeting requested, or meetings underway 	<p>Pre-App</p>
<ul style="list-style-type: none"> • Permit application submitted, either in intake screening or assigned to reviewers 	<p>In-Review</p>
<ul style="list-style-type: none"> • Ready to Issue 	<p>Applicant Contacted</p>
<ul style="list-style-type: none"> • Issued 	<p>Permit Issued</p>



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Wireless Communication Facilities**
Date of Meeting: February 17, 2016
Date of Memo: February 10, 2016

As part of the 2016 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code efforts, consideration has been given to updating the Tacoma Municipal Code provisions relating to the wireless communication facilities. The proposed code amendment is intended to comply with the new wireless communication regulations and rules adopted by the Federal Communications Commission in October 2014.

At the meeting on February 17, 2016, the Planning Commission will review background information and key issues relating to the FCC's rules, and provide comments on the proposed approach to code amendments.

Attached to facilitate the Commission's review is a discussion outline, supplemented with several pieces of background information. If you have any questions, please contact me at 253-591-5682 or lwung@cityoftacoma.org.

Attachment

c: Peter Huffman, Director



**2016 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**Wireless Communication Facilities
Discussion Outline**

(For Planning Commission's Review, February 17, 2016)

A. Scope of work:

Amending the development regulations pertaining to wireless communications facilities.

B. Goals:

To comply with the new wireless communication regulations and rules adopted by the Federal Communications Commission in October 2014 and continue to meet the community's goals for urban design and aesthetics concerning wireless communication facilities.

C. Background:

In 2012 Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (codified at 47 U.S.C. § 1455(a)). Section 6409 of the Act requires that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification [i.e., collocation, removal or replacement of transmission equipment] of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (See Attachment 1)

The Federal Communications Commission (FCC), pursuant to its rule making authority as empowered by the Telecommunication Act of 1996, issued a Report and Order (FCC 14-153) on October 21, 2014 (which became effective on April 8, 2015), establishing rules for implementing Section 6409. The Order, among other things, defines when a proposed modification constitutes a substantial change to the physical dimensions of the antenna support structure, establishes application requirements limiting the information that can be required from an applicant, and implements a 60-day "shot clock" for the local government's review and decision making on such applications. (See Attachment 2)

The FCC's rules are intended to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities. The Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the rules.

D. Existing Regulations:

The Tacoma Municipal Code (TMC), Section 13.06.545 Wireless Communication Facilities, establishes requirements and development standards for the location, construction, and modification of wireless communication facilities and services in the City. (See Attachment 3)

Major provisions as set forth in TMC 13.06.545 include: permits required, submittals required for building and conditional use permits, use categories, site selection criteria, as well as development standards that address such issues as visual impacts, setbacks, tower separation, security fencing, signage, lights and signals, noise, and minor modifications.

These provisions and standards were designed to comply with the Telecommunication Act of 1996. Appropriate revisions to these regulations are needed to maintain compliance with the above-mentioned Section 6409 and FCC rules.

E. Key issues:

1. Substantial Modification:

FCC Rules:

- The new rules define when a proposed modification constitutes a substantial change to the physical dimensions of the antenna support structure, as set forth in the FCC's Report and Order 14-153, Subpart CC, §1.40001, Subsection (7).

Code Amendment Considerations:

- Currently, TMC 13.06.545.H.8 provides that minor modifications to existing communication facilities may be approved if it is determined there is minimal or no change in the visual appearance. Consideration should be given to incorporating the FCC criteria for substantial modification into this section to clarify and define "minimal or no change in the visual appearance."
- TMC 13.06.545.E defines types (use categories) of wireless communication facilities, including Level 1 (modifications), Level 2 (towers up to a height of 60 feet), Level 3 (towers over 60 feet and not higher than 140 feet), and Level 4 (towers higher than 140 feet). The provisions for Level 1 may need to be modified to comply with the FCC's criteria.

2. Review Timeline and Required Submittals:

FCC Rules:

- The rules establish a 60-day "shot clock." A decision to approve or deny an application must be made within 60 days of receipt of the application. If the City fails to take action within 60 days, the application will be deemed approved.
- Tolling of the "shot clock" is very limited. It begins upon receipt of the application and cannot be tolled unless the City, within 10 days of receipt, notifies the applicant of any deficiencies. Upon notice the clock is tolled until the applicant responds. Once a response is received, the Clock runs again until the 60 days are gone or the City gives notice that information required in the first response was not provided.
- The City must identify all missing information in its initial review of the application. If the City fails to identify any information that is missing in the City's first response, no subsequent request will toll the clock.
- The City may only require information from the applicant that is reasonably necessary to determine if the proposed modification meets the substantial change criteria.

Considerations:

- Option 1 - Revise TMC 13.06.545 to incorporate the 60-day “shot clock” and associated requirements.
- Option 2 - Adopt the 60-day “shot clock” as an administration policy and business practice (given that the City currently maintains a level of service of approximately 42-days for wireless communication facility permits, 60 days should not be a problem).

3. Visual Impacts:

- Review “Level 1” permits, including and especially those located on rooftops of existing buildings, for visual impacts.
- Level 1 is 16 feet above height of a roof. In C-1 Commercial districts this is nearly half the total height allowed for a building. Does this allow for adequate screening and moving antennas to the center of the building on what are usually smaller buildings?
- Level 1 includes adding antennas to the side of a building as well as the top. Is one or the other preferable in terms of visual impacts?
- Building-mounted antennas are always prioritized over free-standing equipment. Is this always the best case, or in some cases is a free-standing facility less impactful?
- Assess the adequacy of the language around visually screening building-mounted equipment, e.g., paint colors, screening elements, etc.

4. Other “Clean-ups”:

- Consider amending the purpose statement in TMC 13.06.545.A to reference the new federal legislation and rules.
- Terms are defined in the new rules that may be different than the definitions of those terms under current city code. TMC 13.06.545 and other pertinent sections of the TMC should be reviewed and revised accordingly.

F. Attachments:

1. Middle Class Tax Relief and Job Creation Act of 2012, Section 6409 Wireless Facilities Deployment (47 U.S.C. § 1455(a)), February 22, 2012.
2. Federal Communications Commission’s Report and Order 14-153, Subpart CC, §1.40001 Wireless Facility Modifications, released October 21, 2014 and effective April 8, 2015.
3. Tacoma Municipal Code, Section 13.06.545 Wireless Communications Facilities.

Reproduced Full Text of Section 6409(a)
of the Middle Class Tax Relief and Job Creation Act of 2012
(effective February 22, 2012)

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.

(1) **IN GENERAL.** Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.** For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves —

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) **APPLICABILITY OF ENVIRONMENTAL LAWS.** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Subpart CC—State and Local Review of Applications for Wireless Service Facility Modification

§ 1.40001 Wireless Facility Modifications

(a) *Purpose.* These rules implement § 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires a State or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

(b) *Definitions.* Terms used in this section have the following meanings.

(1) *Base Station.* A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i)-(ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) collocation of new transmission equipment;
- (ii) removal of transmission equipment; or
- (iii) replacement of transmission equipment.

(4) *Eligible Support Structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(7) *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated

with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site; (v) it would defeat the concealment elements of the eligible support structure; or

(vi) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i)-(iv).

(8) *Transmission Equipment.* Equipment that facilitates transmission for any commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) *Tower.* Any structure built for the sole or primary purpose of supporting any Commissionlicensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) *Review of Applications.* A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) *Documentation Requirement for Review.* When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) *Timeframe for Review.* Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) *Tolling of the Timeframe for Review.* The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) *Failure to Act.* In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) *Remedies.* Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

3. All open surface mining which results in impounding water, issued a permit under provisions of this section, shall have a substantial, properly maintained fence at least six feet in height, with suitable gates, completely enclosing that portion of the property in which the surface mining is located, and such fences shall be located at all points at safe distance from the face of the surface mining walls on ground under which lateral support is not to be disturbed; provided, however, this shall not include excavation necessary for the construction of a structure for which a building permit has been duly issued. Said fence, or any portion thereof, shall be sight obscuring where deemed necessary to promote the purpose and intent of this section.

4. A rock crusher, cement plant, or other crushing, grinding, polishing, or cutting machinery, or other physical or chemical processes for treating the product, may be permitted in surface mining operations where it is determined that no undue, hazardous, or prolonged nuisances, including noise, dust, smoke, odors, or other obnoxious or unsightly influences will be made on surrounding land inconsistent with the purpose and intent of the zoning district in which the area is located.

D. Cash deposit or surety bond. The applicant shall file or deposit with the Planning and Development Services Department a bond or cash amount equal to the cost, plus 10 percent, of restoring the premises to the condition required by the Director, prior to commencement of work. The amount of the bond or cash deposit shall be fixed by the Director at the time the conditional use permit is authorized to be issued, and the Director shall, upon advisement, determine the amount necessary to restore the premises to a healthy, safe, and lawful condition, as required by the Tacoma Municipal Code. The sureties on the bond filed shall be approved by the Director of Finance, and the form of the bond shall be approved by the City Attorney.

E. Review of bond or cash amount. The Planning and Development Services Department, or permittee, may initiate a review of the amount of the bond or cash deposit where the conditional use permit is for a period in excess of 12 months. Review shall not be made within the first year of the permit, and review shall not be made more than once every six months after the first year; provided, where the permittee is in violation of the conditions of the permit or the provisions of this chapter, this limitation shall not apply. The Director may increase or decrease the amount of the bond or cash deposit where a change in circumstances justifying such action is warranted, and a statement of the change of circumstances upon which action is taken shall be set forth in a written order of the Director.

F. Release of sureties – payment on bond. The cash deposit shall not be returned, or the surety released, upon his bond until the Director, or his or her designee, has inspected and found that the conditions of the conditional use permit and the provisions of this chapter have been satisfied. In the event the Director, or his or her designee, finds that the conditions of the permit or the provisions of this chapter have not been satisfied, then a notice and order, by certified or registered mail, shall be sent to the permittee and his surety, if any, stating that the conditions of the permit or the provisions of this chapter that have not been satisfied and specifying a reasonable time within which such conditions must be satisfied. The notice and order shall be sent to the address shown on the application for the conditional use permit; provided, the permittee or surety may change the address of receiving notice by giving written notification to Planning and Development Services and the Director.

In the event the permittee or surety fails to comply with the conditions of the permit or the provisions of this chapter within the time specified by the Director, or appeal therefrom, as hereinafter provided, the surety shall pay to Planning and Development Services the face amount of the bond. The funds obtained from the surety, or the cash deposit of the permittee, shall be used to satisfy the conditions of the permit or the provisions of this chapter and the remainder, if any, after deduction of 10 percent of the amount expended for costs of supervision by the Director, shall be returned to the party furnishing said funds. The Director may, in addition, revoke the conditional use permit where the permittee has failed to comply with the conditions of the permit or the provisions of this chapter, after notification as hereinabove provided.

G. Inspection. Planning and Development Services may inspect the premises, or any part thereof, at all reasonable times.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27245 § 18; passed Jun. 22, 2004; Ord. 27079 § 42; passed Apr. 29, 2003; Ord. 26966 § 17; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.545 Wireless communication facilities.

A. Purpose. These standards were developed to protect the public health, safety, and welfare, and minimize visual impacts on residential areas and Mixed-Use Center Districts, while furthering the development of wireless communication services in the City. These standards were designed to comply with the Telecommunication Act of 1996. The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless communication services. This section shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless communication services. This section shall not be used to regulate uses and development activity located within street rights-of-way.

To the extent that any provision of this section is inconsistent or conflicts with any other City ordinance, this title shall control. Otherwise, this section shall be construed consistently with the other provisions and regulations of the City.

B. Exemptions. The following are exempt from the provisions of this section and shall be permitted in all zones:

1. Antennas and related equipment no more than three feet in height.
2. Wireless radio utilized for temporary emergency communications in the event of a disaster.
3. Licensed amateur (ham) radio stations not exceeding the permitted height requirements of the underlying zone. Amateur radio towers or antenna support structures exceeding the height limit shall be allowed only with approval of a Conditional Use Permit, in accordance with the provisions of Section 13.06.640. Modification or use of such towers for commercial use shall require full compliance with this section.
4. Satellite dish antennas less than seven feet in diameter, including direct to home satellite services, when used as an accessory use of the property.
5. Routine maintenance or repair of a wireless communication facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings), provided that compliance with the standards of this regulation are maintained.
6. A COW or other temporary wireless communication facility shall be permitted for a maximum of 90 days during the construction of a permitted, permanent facility or during an emergency.
7. Residential television antennas as an accessory installation on a residential dwelling unit.

C. Permits required.

1. Where a transmission tower or antenna support structure is located in a zoning district, which allows such use as a permitted use activity, administrative review, and a building permit shall be required, subject to the project's consistency with the development standards set forth in Section 13.06.545.H. In instances where the antenna height exceeds the height limit of the zoning district or is not allowed as a permitted use activity, a conditional use permit and building permit shall be required in addition to a demonstration of consistency with all required development standards. Table A, below, specifies the permits required for the various types of wireless service facilities that meet the standards of this ordinance.

D. Required submittals.

1. Administrative review-building permit. Application for administrative review and building permit shall include the following:

a. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, including the related equipment facilities, and the proposed color(s) of the facility. The landscape plan shall address the required method of fencing, finished color, and, if applicable, the method of camouflage and illumination.

b. A signed statement indicating that:

(i) the applicant for a new tower has provided notice to all other area wireless service providers of its application to encourage the collocation of additional antennas on the structure. Notice shall be published in a newspaper of general circulation once per week, for a minimum period of 30 days, and an affidavit of publication shall be provided at the time of application as proof that the required notice has occurred. This requirement shall not apply to the development of concealed or camouflaged towers; and

(ii) the applicant and/or landlord agree to remove the facility within one year after abandonment.

c. Copies of any environmental documents required, pursuant to the State Environmental Policy Act ("SEPA") (WAC 197-11). Project actions which are categorically exempt from SEPA shall also be exempt from this requirement. Copies of any environmental documents required by a federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

d. An engineered and stamped site plan clearly indicating the location, type, and height of the proposed tower and antenna, the anticipated antenna capacity of the tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures.

e. Legal description of the parcel and Pierce County Assessor's Parcel Number.

f. A letter signed by the applicant stating the tower will comply with all FAA regulations and applicable standards, and all other applicable federal, state, and local laws and regulations.

Tacoma Municipal Code

g. A signed statement indicating that such installation, repair, operation, upgrading, maintenance, and removal of antenna(s) by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinances, and regulations of federal, state, and local authorities having jurisdiction.

h. The wireless communication service provider must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations.

i. The applicant, if not the wireless communication service provider, shall submit proof of lease agreements with an FCC licensed wireless communication provider, if such wireless communication provider is required to be licensed by the FCC.

2. Conditional use permit-building permit. Application for conditional use permit and building permit shall include the following:

a. All the required submittals set forth in Section 13.06.545.D.1 above.

b. Photo-simulations of the proposed facility. The required photo-simulations shall be taken from at least four line-of-site views. The photo-simulations shall be labeled as to the view depicted, the maximum height and elevation of the structure, including antennas, the elevation from which the photo-simulation was taken, proposed color scheme, and method of screening.

c. A current map showing the location of the proposed tower and associated wireless service facilities, the locations of other wireless service facilities operated by the applicant, and those proposed by the applicant that are within the City or outside of the City, but within one-half mile of the City boundary.

d. The approximate distance between the proposed tower or antenna and the nearest residentially-zoned property.

e. At the time of site selection, the applicant should demonstrate how the proposed site fits into its existing overall network within the City.

f. Confirmation from the applicant and/or the applicable Neighborhood Council Board (“NCB”) that a pre-application public meeting has been held, or is scheduled to occur (unless the requirement for the meeting has been waived by the NCB), with the applicant to discuss the siting of the proposed wireless communication tower or antenna and any issues related to such siting.

E. Wireless communication towers and facilities use category.

1. Wireless communication towers or wireless communication facilities. Wireless communication towers or wireless communication facilities use type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. These types of facilities also include central office switching units, remote switching units, telecommunications radio relay stations, and ground level equipment structures.

Level 1: Modification, including the complete replacement of an existing wireless communication tower or antenna support structure to its existing height, to accommodate collocation, or the installation of a concealed antenna. Also, an antenna attached to the roof or sides of a building, an existing tower, water tank, or a similar structure. This level is limited to the following types of antenna(s): an omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; a panel antenna no more than 16 square feet in total area per panel and extending above the structure to which it is attached by no more than 16 feet; or a parabolic dish no greater than three feet in diameter per dish and extending no more than 16 feet above the structure to which it is attached.

Level 2: Wireless communication towers with associated antennas or dishes to a height of 60 feet.

Level 3: Wireless communication towers with associated antennas or dishes over 60 feet in height and not exceeding 140 feet in height.

Level 4: Wireless communication towers with associated antennas or dishes over 140 feet in height.

Wireless Communication Tower or Wireless Facility Use Category	Zoning District Classifications - Table A					
	R-1; R-2; R-2SRD; R-3; R-4; R-4-L; R-5; PRD; T; HM; HMX; DR; NRX	PDB	C-1; C-2	NCX; CCX; RCX; URX	UCX; CIX; M-1; M-2; PMI	DCC; DMU; WR
<i>Level 1</i>	A ^{1, 3, 4}	A ³	A ³	A ³	A	A
<i>Level 2</i>	S ⁴	S ²	S ²	S ²	A	A
<i>Level 3</i>	S ⁴	S	S	S	A	S
<i>Level 4</i>	S ⁴	S	S	S	S	S

Notes – Symbols

A - Administrative review - Subject to building permit.

S - Requires conditional use permit and building permit.

1 - Permitted on public facility sites, subject to administrative review and building permit.

2 - Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.

3 - Attached, rooftop antennas are permitted outright, a maximum of 16 feet over the height of an existing building or water tank, regardless of the height of the structure

4 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.

F. Site selection criteria. The following criteria shall be utilized to evaluate all conditional use permits, in addition to the criteria set forth in Section 13.06.640.C:

1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant’s grid system. Further, the applicant must demonstrate, by engineering evidence, that the height requested is the minimum height necessary to fulfill the site’s function within the grid system, and that collocation is not feasible. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.

2. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the support structure.

3. Wireless service facilities shall be located and designed to minimize any significant adverse impact on residential uses. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

4. In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district.

G. Priority for siting and type of facility. The order of priority for the siting of new wireless communication towers and facilities is intended as guidance to applicants for the development of sites with wireless communication towers, antennas, and associated facilities. The priority for the type of facility shall be subject to the provisions set forth in Section 13.06.545.G.3.a(4).

1. Priority for siting.

a. Place antennas on appropriate rights-of-ways and existing public and private structures, such as buildings, towers, water towers, and smokestacks.

b. Place antennas and any necessary support structures, on public property developed with existing public facilities and properties developed with existing telecommunication facilities and, if practical, on non-residentially-zoned sites.

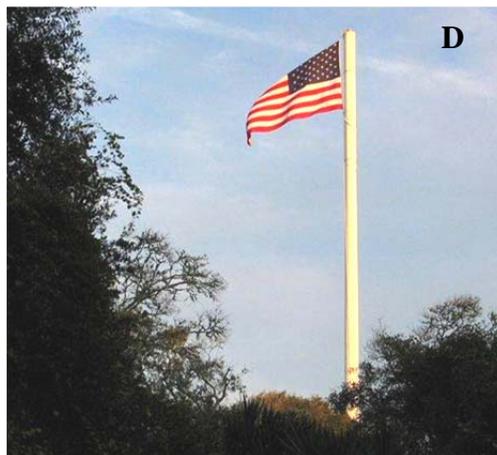
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- c. Place antennas and any necessary support structures, in M-1, M-2, and PMI Industrial Districts.
 - d. Place antennas and any necessary support structures in UCX and CIX Mixed-Use Center Districts.
 - e. Place antennas and any necessary support structures in other non-residentially-zoned property.
 - f. Place antennas and any necessary support structures on public property developed with existing public facilities and, if practical, on multiple-family structures in residentially-zoned sites.
 - g. Place antennas and any necessary support structures in R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, HMX, and HM Districts. Such placement shall be subject to the following criteria:
 - (1) An applicant that proposes to locate a new antenna support structure in a residential, mixed commercial, or transitional zone shall demonstrate that a diligent effort has been made to locate the proposed wireless communications facility on a public facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic, or technological feasibility, no appropriate location is available.
 - (2) Applicants are required to demonstrate:
 - (a) That in the R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, HMX, and HM Districts, they have contacted the owners of structures in excess of the permitted height of the applicable district within a one-quarter mile radius of the site proposed and which, from a location and height standpoint, could provide part of a network for transmission of signals; and
 - (b) After proposing a lease agreement for the site consistent with the documented average market rate for similar properties, were denied permission to use such property or, due to other onerous lease-related terms, chose not to pursue the lease.
 - (3) The information submitted by the applicant shall include:
 - (a) a map of the area served by the tower or antenna;
 - (b) its relationship to other cell sites in the applicant's network; and
 - (c) an evaluation of existing buildings as addressed by Section 13.06.545.G.1.g(2)(a) within one-quarter mile of the proposed tower or antenna, which, from a location and height standpoint, could provide part of a network to provide transmission of signals.
 - h. Place antennas and any necessary support structures on public property developed with existing public facilities and properties developed with existing wireless communication facilities in R-1, R-2, R-2SRD, NRX, and R-3 Districts.
 - i. New antennas and necessary support structures shall be prohibited in R-1, R-2, R-2SRD, NRX, and R-3 Districts, except as noted above.
2. Siting priority on public property. Where public property is sought to be utilized by an applicant, priority for the use of City-owned land for wireless communication facilities shall be given to the following entities in descending order:
- a. City of Tacoma, General Government and Public Utilities; and
 - b. Other governmental agencies.
3. Priority for type of facilities.
- a. Facility preference. Proposed antennas, associated structures, and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:
 - (1) Collocation of facilities and the installation of concealed antennas and attached facilities;
 - (2) Free-standing facilities, which extend no more than 16 feet above adjacent existing vegetation or structures, only when subsection (1) cannot be reasonably accomplished;
 - (3) Free-standing facilities, which extend more than 16 feet above adjacent existing vegetation or structures, only when subsections (1) and (2) cannot be reasonably accomplished; or
 - (4) If the applicant chooses to construct new free-standing facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The City reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.
- H. Development standards. The following special requirements and performance standards shall apply to any wireless communication tower or wireless facility:
- 1. Visual impacts. Wireless communication towers or antenna support structures and related facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area. The use of attached

antennas, concealed facilities, or the camouflaging of towers, antennas, and associated equipment shall be used, to the greatest degree technically feasible, in and adjacent to all residential districts and in the URX, NRX, RCX, NCX, and CCX Mixed-Use Center Districts. Visual impacts shall be addressed in the following manner:

a. Site location and development shall preserve the pre-existing character of the surrounding buildings, land use, and the zoning district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting, and design to blend in with the existing characteristics of the site through application of as many of the following measures as possible (examples are also provide below):

- (1) Existing on-site vegetation shall be preserved, insofar as possible, or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;
- (2) Towers or mounts shall be screened by placement of the structure among and adjacent to, within 20 feet, of three or more trees at least 50 percent of the height of the facility;
- (3) Location of facilities close to structures of a similar height;
- (4) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof and the use of screening, in order to minimize view from adjacent properties and rights-of-way;
- (5) Provision of required setbacks;
- (6) Incorporation of the antenna, associated support structure, and equipment shelter as a building element or architectural feature; and
- (7) Designing freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree.



The examples of methods used to minimize the visual impacts of wireless facilities shown above include the preservation and use of existing vegetation (examples A and C), flush mounting and color-matching wireless facilities (example B), screening above-ground equipment (example C), disguising a wireless facility as another freestanding structure, (example D, as a flagpole; examples A and C, as a tree), and incorporation of wireless facilities into a building feature (example E, inside the cupola).

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b. Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in existing buildings or placed underground, equipment shelters or cabinets shall be limited to a maximum floor area of 400 square feet and a maximum height of 12 feet, shall be screened, and shall be insulated to ensure noise levels do not exceed the ambient pre-development noise level at any residential receiving property abutting the site with a maximum sound pressure level of 40 dB, pursuant to the 1993 ASHRAE Handbook. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls, or equipment enclosures or camouflaging; and

c. Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black, or green, or other appropriate color designed to disguise, conceal, or camouflage the facility or equipment, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Other screening methods, such as the use of siding which is architecturally compatible with adjacent buildings, or site-obscuring fencing materials may also be utilized. Wooden poles are not required to be painted.

2. Setbacks.

a. Towers up to 60 feet in height shall provide the setbacks required for the underlying zone. Where a conditional use permit is required, minimum setbacks of 20 feet from all property lines or the setbacks of the underlying zone, whichever are greater, shall be required. Towers over 60 feet shall provide one additional foot of setback for every foot over 60 feet of height.

b. Towers located in M-1, M-2, and PMI Districts, which meet the height limit of the underlying zone and abut residential zones, shall provide the required setback of the underlying zone. Towers located in M-1, M-2, and PMI Districts, which exceed the height of the underlying zone, shall be setback from the abutting residential district one additional foot for each foot of height over the maximum height permitted by the zone.

c. All setbacks shall be measured from the property lines of the site to the base of a monopole, lattice tower, or equipment mount, or in the case of a guyed tower, from the property lines of the site to the base of the guy wires which support it.

d. Attached facilities located on existing structures, which are nonconforming as to setback requirements, shall be allowed no closer to a property line than the nonconforming structure.

e. Equipment structures shall comply with the setback requirements of the underlying zone, except in the R-1, R-2, R-2SRD, NRX, and R-3 Districts, in which case a minimum setback of 20 feet from all property lines shall be provided, or the minimum setback of the underlying zone, whichever is greater.

3. Tower separation. An applicant will be required to demonstrate why it is necessary, from a technical standpoint, to have a tower within one-half mile of a tower, whether it is owned or utilized by the applicant or another provider, as well as why collocation is not feasible. The distance shall be measured tower-to-tower regardless of property lines and rights-of-way. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.

4. Security fencing. Security fencing a minimum of six feet in height shall be required around the perimeter of any tower site. The required fencing shall be colored or should be of a design which blends into the character of the existing environment. No razor or ribbon wire may be utilized in conjunction with the fence installation.

5. Signage. No signs shall be permitted on towers. One non-illuminated identification sign, with a maximum area of six square feet for all faces, shall be required per development site. The design of the sign and its location on the site shall be subject to the approval of the Director and shall include the name and telephone number of the provider(s).

6. Lights and signals. No lights or signals shall be permitted on towers unless required by the FCC or the FAA. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited. All lighting, unless required by the FAA, or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the sight source.

7. Noise. No equipment shall be operated so as to produce noise in violation of Section 13.06.545.H.1.b and the maximum noise levels set forth in WAC 173-60.

8. Minor modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna and associated equipment, for which a valid conditional use permit exists, may be approved by Planning and Development Services, provided it is determined there is minimal or no change in the visual appearance and said modifications comply with the performance standards set forth in this section.

9. Waiver of development standard requirements. The Director may, in such cases as deemed appropriate, waive any of the aforementioned development standards upon a finding that: (a) reasonable alternatives are to be provided to said standards

which are in the spirit and intent of this section; or (b) strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property. Applications for waivers shall be processed in accordance with the provisions of Chapter 13.05. In the case where a conditional use permit is required, the waiver’s consistency with the criteria necessary to be met for the authorization shall be addressed under the conditional use permit and shall not require a separate application and fee.

I. Non-Use/Abandonment. Not less than 30 days prior to the date that a wireless communication provider plans to abandon the operation of a facility, the provider must notify the City, by certified mail, of the proposed date of abandonment. In the event that such notice is not provided, the records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of abandonment. Upon such abandonment, the provider shall have one year to reactive the use of the facility or dismantle and remove it. If the tower, antenna, foundation, and/or associated facility are not removed within one year, the City may remove them at the expense of the wireless communication providers.

Nothing in this subsection shall be construed to require the removal of architectural elements, including, but not limited to, false church steeples or flag poles that have been installed, pursuant to a valid building or conditional use permit, to conceal wireless communication facilities.

J. Enforcement. Enforcement of the provisions set forth in this section shall be in accordance with the provisions set forth in Section 13.05.100.

(Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27432 § 14; passed Nov. 15, 2005: Ord. 27296 § 26; passed Nov. 16, 2004: Ord. 27245 § 19; passed Jun. 22, 2004: Ord. 27079 § 43; passed Apr. 29, 2003: Ord. 26966 § 18; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.550 Work release centers.

A. Intent. It is found and declared that work release centers are essential public facilities which provide a needed community service. However, the public interest dictates that work release centers shall be subject to special regulations. The intent of these regulations is to reduce incompatible uses within established neighborhoods, to encourage equitable regional and statewide distribution of such essential public facilities, and to promote the public health, safety, and general welfare.

B. Conditional use permit required. A conditional use permit is required for new or expanding work release centers in the UCX, CIX, M-1, and M-2 Districts. In reviewing a request for a conditional use permit for work release centers, the Director shall use the criteria found in subsection D below, as well as the conditional use permit criteria found in Section 13.06.640.

C. Standards.

1. Maximum number of residents. No work release center shall house more than 30 persons, excluding resident staff, in the UCX District; no more than 25 persons, excluding resident staff, in the CIX District; 25 persons, excluding resident staff, in the M-1, and M-2 Districts; and 75 persons, excluding resident staff, in the PMI District.

2. Location requirements.

a. Buffers. The lot line of any new or expanding work release center shall be located 600 feet or more from any residential zone, RCX zone, the lot line of a day care center or church with a day care center, the lot line of any state-licensed family day care, the lot line of any crisis care facility, the lot line of any special needs housing, the lot line of any public or private school, or any lot line of a public park.

The City shall determine whether a proposed facility meets the buffer requirement from maps which shall note the location of existing day care centers, churches with day care centers, state-licensed family day care, crisis care facilities, special needs housing, public or private schools, or any public park. Such maps shall be generated and maintained by the City as a reference document.

b. Dispersion. The lot line of any new or expanding work release center shall be located at least one-half mile from any other work release facility in the UCX, CIX, M-1, and M-2 Districts. No dispersion shall be required for work release centers located in the M-3 District. The City shall determine whether a proposed facility meets the dispersion requirement from maps which shall note the location of existing work release centers. Such maps shall be generated and maintained by the City as a reference document.

3. Siting. In addition to compliance with local siting and development requirements, the Department of Corrections (“DOC”), or a private or public entity under contract with the DOC, shall comply with a facility siting process found in RCW 72.65.220, or as later amended. Compliance with the siting process found in RCW 72.65.220 must be completed before local permits are issued. The applicant shall provide verifiable proof of compliance with the siting requirements found in RCW 72.65.220.