



City of Tacoma
Community & Economic Development Department

Agenda Item
GB-2

TO: Planning Commission
FROM: Lihuang Wung, Comprehensive Planning Division
SUBJECT: Annual Amendment Application #2013-07 Adoption and Amendment Procedures
DATE: September 27, 2012

At the next meeting on October 3, 2012, the Planning Commission will continue to review the proposed amendments to the *Tacoma Municipal Code Chapter 13.02 Planning Commission*. The proposed amendments are primarily intended to streamline the adoption and amendment procedures for the Comprehensive Plan, area-wide rezones, moratoria, and interim zoning.

Attached is the "10-3-12 draft" version of the proposed amendments in tracked changes, with yellow highlights indicating the differences between this version and the "9-19-12 draft" version that was reviewed by the Commission at the last meeting on September 19th. Also attached is a clean copy for easy viewing.

If you have any questions, please contact me at (253) 591-5682 or lwung@cityoftacoma.org.

c: Peter Huffman, Assistant Director

Attachments (2)



Proposed Amendments to the Tacoma Municipal Code Chapter 13.02

(Draft for the Planning Commission’s Review on October 3, 2012)

Proposed deletions are shown in red strikethroughs.
Proposed additions are shown in blue underlines.
Differences between this draft document and the September 19, 2012 draft are highlighted in yellow.

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Chapter 13.02
PLANNING COMMISSION

Sections:

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13.02.057 Notice for public hearings.

13.02.010 Creation – Appointment.

Pursuant to the authority conferred by Article II, Section 11, of the Constitution of the State of Washington, and Section 3.8 of the Tacoma City Charter, there is hereby created a City Planning Commission consisting of nine members, who shall be residents of Tacoma. The members shall be appointed and confirmed by a majority of the City Council. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation; and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design.

At the expiration of each respective three-year term, a successor shall be appointed by the City Council. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired terms. Members may be removed by a majority of the Council, after public hearing, for inefficiency, neglect of duty, or malfeasance in office. Upon an appointed member’s missing three unexcused, consecutive regular meetings, the Commission shall afford such member a hearing to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the question of whether the Commission shall recommend to the City Council that such member should be deemed to have forfeited the office and a new member be appointed to fill the unexpired term. The members shall be selected without respect to political affiliations and they shall serve without compensation.

13.02.015 Establishment of advisory committees.

In order to carry out its duties and functions prescribed by this chapter, the Planning Commission may establish advisory committees as it deems appropriate. Advisory committees shall serve at the discretion of the Commission and their duties and scope of responsibilities shall be established by the Planning Commission. The members of such advisory committees shall be appointed and confirmed by a majority of the City Council, except that the Planning Commission, in such instances as it deems appropriate, may designate that the chairperson of an advisory committee be a regular appointed member of the Planning Commission and shall be selected by a majority vote of the

Commission. Nothing in this section shall be construed to authorize members of such advisory committees to be members of the Planning Commission.

13.02.020 Meetings – Officers – Records.

The Commission shall elect its own chairperson and create and fill such other offices as it may determine it requires. All meetings of the Commission or its advisory committees shall be open to the public pursuant to the Open Public Meetings Act of 1971. The Commission shall adopt rules for transaction of business. Records of all official Commission proceedings shall be kept by the City Clerk and shall be open to public inspection. The City Manager shall assign to the Commission and its advisory committees a place of meeting in which to meet and transact business.

13.02.030 Expenditures – Budget.

The expenditures of the Commission shall be limited to appropriations made to the Community and Economic Development Department (“Department”) by the City Council for the planning function of the City. The services and facilities of the ~~Community and Economic Development~~ Department shall be utilized by the Commission in performing its duties. ~~The work program for the coming year will be prepared by the Community and Economic Development Department and submitted to the Commission for approval.~~

13.02.040 Duties and responsibilities.

The Planning Commission is hereby vested with the following duties and responsibilities:

A. To ~~prepare~~ develop and recommend to the City Council the Comprehensive Plan, pursuant to Revised Code of Washington Chapter 36.70A (the Growth Management Act), that is concerned with protecting the health, welfare, safety, and quality of life of City residents, ~~and to recommend such plan to the City Council. The Comprehensive Plan shall consist of plan elements consistent with the planning goals established by the State in RCW 36.70A, and shall contain descriptive text covering the objectives, principles, or standards used to develop the Plan, map(s), statements of goals, policies, and intents, and may include recommendations for the implementation thereof.~~

B. To review and ~~update~~ make recommendations on proposed amendments to the Comprehensive Plan and its elements ~~as necessary and appropriate, if appropriate, recommend new goals and policies and propose amendments to the City Council.~~

C. To develop and prepare ~~as necessary and appropriate~~ long- and short-range programs for implementation of the Comprehensive Plan.

~~D. To conduct periodic planning studies of homogeneous community units, distinctive geographic areas, or other types of districts having unified interests within the total area of the City which will amplify and augment the Comprehensive Plan.~~

~~ED.~~ To formulate effective and efficient land use and development regulations and processes, ~~as appropriate and necessary, that are~~ consistent with and that implement RCW 36.70A and the goals and policies of the Comprehensive Plan ~~and which provide for the implementation thereof.~~

~~FE.~~ To review and make recommendations on matters concerning land use and development, including area-wide zoning reclassifications, moratoria, and interim zoning.

~~G. To work with the Landmarks Preservation Commission, pursuant to TMC 13.07, to designate historic special review districts and conservation districts within the City, after public hearing, and to make recommendations to the City Council for establishment of such districts.~~

~~H. To ensure early and continuous public participation in the development, amendment, and implementation processes of the Comprehensive Plan, including all of its elements, and in the development of land use and development regulations and amendments thereto.~~

~~IF.~~ Through To review ~~of~~ the capital facilities program, to ensure that the capital budgets and expenditures for public facilities and services are in conformity with the Comprehensive Plan.

~~JG.~~ To review the six-year transportation program for consistency with the Comprehensive Plan.

H. To ensure early and continuous public participation in the development, amendment, and implementation processes of the Comprehensive Plan, including all of its elements, and in the development of land use and development regulations and amendments thereto.

~~KI. To provide for the inventory, collection, mapping, research, and analysis of data describing~~conduct periodic planning studies concerning land uses, demographics, infrastructure, critical areas, transportation corridors, housing, and other information useful in managing growth and augmenting the Comprehensive Plan, with an emphasis on doing this work through the use of land use and geographic information systems.

~~L. To provide an annual report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year.~~

~~M. Beginning on January 1, 1991, to provide a report to the State Department of Commerce on the progress made in implementing Chapter 36.70A RCW. This report shall be submitted annually until January 1, 1995, and shall be submitted every five years thereafter.~~

~~N. To initiate and review, or review, and make recommendations to the City Council for area-wide zoning reclassifications to implement the Comprehensive Plan and its elements; initiate and make recommendations on moratoria and interim zoning; and review and make recommendations on City Council initiated moratoria and interim zoning.~~

GJ. To work with the Landmarks Preservation Commission, pursuant to TMC 13.07, to designate historic special review districts and conservation districts within the City and to make recommendations to the City Council for establishment of such districts.

~~OK. To conduct pre-annexation planning for areas which are within the City's urban growth area and which may be reasonably expected to be annexed to the City. Planning for these areas may include, but not be limited to: land use; intensity designations~~transportation; public facilities and services; capital facility needs; parks and open space; and zoning classifications and regulations. Areas not included in the Comprehensive Plan and annexed to the City will necessitate a plan amendment.

L. To develop the work program for the coming year in consultation with the City Council and provide an annual report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year.

13.02.041 Quorum.

A quorum for the transaction of official business of the Planning Commission shall consist of a majority of the members of the Commission, ~~but a smaller number may adjourn, from time to time.~~

13.02.043 Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

A. An "area-wide zoning reclassification" is a legislative action to change the zoning classification(s) on an area-wide basis in order to implement and maintain the consistency of the Comprehensive Plan. It is comprehensive in nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City, including those associated with annexation and overlay special review zoning districts. Area-wide zoning reclassifications, unlike parcel zoning reclassifications, are generally of area-wide significance, usually involving many separate properties under various ownerships, and often utilize several of the City's zoning classifications to implement the City's Comprehensive Plan. An area-wide zoning reclassification consisting of a single ownership but having a broader impact of significance on the community may be considered to be an area-wide reclassification if it is being undertaken in order to maintain consistency of the City's Comprehensive Plan.

B. "Department," as used in this chapter, refers to the Community and Economic Development Department.

C. "Development regulations" are any regulations and regulatory procedures placed on or involving development or land use activities of the City, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances (RCW 36.70A).

D. An “emergency” situation is one in which human health or safety is jeopardized and/or public or private property is imminently endangered. For the purposes of this section, an “emergency” situation shall also include one demanding the immediate amendment of the Comprehensive Plan outside of the annual amendment cycle, without which capital facilities concurrency is likely to be compromised and/or levels of service are expected to drop below an acceptable level.

E. “Interim zoning” is an immediate change in existing zoning classifications or regulations where new zoning classifications or regulations are temporarily imposed. Such temporary zoning controls are designed to regulate specific types of development so that, when new plans and/or zoning are adopted, they will not have been rendered moot by intervening development; or are necessary to prevent harm or to preserve the status quo. Interim zoning can be an area-wide reclassification of a temporary nature or modification to specific requirements of a zoning classification.

F. “~~Land Use Intensity~~ Comprehensive Plan land use designation” is a designation for all property that indicates the future development influence based on factors such as size, scale, bulk, nuisance level, density, activity level, amount of open space, and traffic generation. ~~Intensities are classified as high, medium, and low, and~~ Such designations are depicted on the Generalized Land Use Plan map which illustrates the future land use pattern for the City.

G. “Moratorium” (or collectively, “moratoria”) is the ~~refusal~~ suspension of accepting or processing new applications for building, zoning, subdivision (platting), or other types of development in order to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.

H. “Plan amendment” is a proposed change to the Comprehensive Plan ~~and that~~ may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the Comprehensive Plan land use ~~intensity~~ designation as shown on the Generalized Land Use Plan map; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans.

13.02.044 Comprehensive Plan.

A. The Comprehensive Plan is the City’s official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, and quality of life of Tacoma’s residents. The Comprehensive Plan must be consistent with, and advance the goals of, the Growth Management Act (RCW 36.70A), the Multicounty Planning Policies for the Puget Sound Region (“VISION 2040”), the Regional Transportation Plan for the Puget Sound Region (“Transportation 2040”), the Countywide Planning Policies for Pierce County, and relevant Washington State statutes. The City shall carry out its programs, perform its activities, and make capital budget decisions in conformance with the Comprehensive Plan.

B. The Comprehensive Plan shall include the following planning elements:

1. A land use element, as required by RCW 36.70A.070, indicating the proposed generalized land use, including the suitability, capability, location, and number of acres of land devoted to such uses as residential, commercial, industrial, recreation, open space, and other uses. ~~The land use element shall include population densities and distribution, estimates of future population growth, building intensities, and areas for potential annexation. The land use element shall also provide for the protection of the quality and quantity of ground water used for public water supplies, as well as for the protection of the quality of water discharged into waters of the state, including Puget Sound.~~

~~2. A transportation element which implements and is consistent with the land use element, is regionally coordinated, and identifies the need for future transportation facilities and services, including system expansion and management needs. The transportation element shall include the following:~~

~~(a) Land use assumptions used in estimating travel.~~

~~(b) Estimated traffic impacts to state owned transportation facilities from land use assumptions.~~

~~(c) An inventory of existing air, water, and ground transportation facilities and services, including state owned facilities.~~

~~(d) Level of service standards for all locally owned arterials and transit routes that are regionally coordinated, to serve as a gauge to judge performance of transportation systems and specific actions for bringing into compliance the facilities and services which fall below these standards.~~

~~(e) Level of service standards for state owned transportation facilities as prescribed by RCW 47.06 and 47.80 to gauge the performance of the system.~~

~~(f) Identification of state and local system needs to meet current and future demands.~~

~~(g) At least a 10 year forecast of travel levels based upon the adopted Comprehensive Plan to provide information on the location, timing, and capacity needs of future growth.~~

~~(h) An assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions.~~

~~(i) Demand management strategies.~~

~~(j) Finance component including:~~

~~(1) An analysis of funding capability to judge needs against probable funding sources and a multi year financing plan for identified needs, the appropriate parts of which shall serve as the basis for the six year transportation program required by RCW 35.77.010 and which is coordinated with the six year improvement program developed by the State Department of Transportation as required by RCW 47.050.030.~~

~~(2) A discussion of how additional funding will be raised or how land use assumptions will be reassessed to ensure the level of services standards will be met if probable funding falls short.~~

~~(3)2. A housing element, as required by RCW 36.70A.070, which shall provide providing policies for the preservation, improvement, and development of housing, and shall include including an inventory and analysis of existing and projected housing needs. ~~The housing element shall identify sufficient land to meet housing needs, including, but not limited to, low income housing, multi family housing, group homes, and foster care facilities.~~~~

~~(4)3. A capital facilities element, as required by RCW 36.70A.070, including providing an inventory of the location and capacity of existing publicly-owned capital facilities, and a forecast of the future needs for such capital facilities, including the expansion of capital facilities, the construction of new facilities, and the maintenance requirements of existing facilities. ~~The capital facilities element shall include at least a six year financing plan identifying projected funding capacity and sources of public money for financing new or expanded capital facilities. The land use and capital facilities elements and the capital facilities financing plan shall be coordinated and consistent. The capital facilities element shall include a requirement to reassess the land use element if probable funding falls short of meeting existing needs.~~~~

~~(5)4. A utilities element, as required by RCW 36.70A.070, identifying the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.~~

~~25. A transportation element, as required by RCW 36.70A.070, which that implements and is consistent with the land use element, is regionally coordinated, and identifies the need for future transportation facilities and services, including system expansion and management needs.~~

~~26. An economic element, as required by RCW 36.70A.070, providing establishing goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. ~~The element shall include a summary of the local economy, utilizing standard employment categories and indicating employment levels and trends and other information, as appropriate; a summary of the strengths and weaknesses of the local economy and supporting factors such as land use, utilities, transportation, work force, housing, education, natural/cultural resources, and amenities; and an identification of policies, programs, projects, or strategies to foster economic growth.~~~~

~~47. A recreation and open space element, as required by RCW 36.70A.070, that implements and is consistent with the capital facilities element as it relates to park and recreation facilities. This element should indicating indicate the location and development of areas and public sites for recreation, natural conservations, parks, parkways, beaches, playgrounds, and other recreational and open space areas. ~~The element should include estimates of park and recreation demand, an evaluation of facilities and service needs and identification of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demands.~~~~

~~(6) A shoreline element setting forth policies concerning economic development; public access and circulation; recreation; urban design, conservation, restoration, and natural environment; and historical, cultural, scientific, and educational values.~~

~~(7)8. A process, pursuant to RCW 36.70A.200, for identifying and siting essential public facilities which are typically difficult to site.~~

~~(6)9. A shoreline element, pursuant to RCW 90.58, setting forth policies concerning economic development; public access and circulation; recreation; urban design, conservation, restoration, and natural environment; and historical, cultural, scientific, and educational values.~~

~~10. A container port element developed collaboratively with the Port of Tacoma, as required by RCW 36.70A.085, establishing policies and programs that (a) define and protect the core areas of port and port-related industrial uses; (b) provide reasonably efficient access to the core area through freight corridors within the city limits; and (c) identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.~~

~~B. The Comprehensive Plan must address the following two elements, but only if funds sufficient to cover local costs of including these elements have been appropriated and distributed by the state at least two years before the applicable review and update deadline in RCW 36.70A.130:~~

C. Subject to the provisions of Section 13.02.044, the Comprehensive Plan may include the following planning elements and any additional planning elements which the Commission or Council considers pertinent:

1. A community services and facilities element indicating the general location of all community services and facilities, and indicating the need and appropriate location for such services and facilities.
2. An environmental element indicating environmental conditions and natural processes, including climate, air quality, geology, hydrology, vegetation, wildlife, fisheries, critical areas, mineral resource lands, solar energy, and other natural factors and hazards that affect, or would be affected by, development.
3. A historic and conservation element identifying objects, areas, sites, or structures of historical, archaeological, architectural, or cultural significance.
4. An annexation element setting forth policies to guide orderly urban growth and designating areas for potential annexation for at least 20 years. The annexation element shall identify future land uses and consider development patterns, density, projected population growth, timing, and the provision of capital facilities and services, including capacity, financing, and expansion.
5. An urban design element addressing the design of development through the application of standards, guidelines, and recommendations for project review.
6. Sub-area elements setting forth policies concerning specific geographic areas of the City or concerning specific issues.

~~D. The Comprehensive Plan shall be coordinated and consistent with other entities and governmental jurisdictions sharing common borders or related regional issues and with county-wide and multi-county planning policies.~~

~~E. The City shall carry out its programs, perform its activities, and make capital budget decisions in conformance with the Comprehensive Plan.~~

~~F. The City shall continuously review and evaluate the Comprehensive Plan and development regulations that implement the Plan. At least every seven years the City shall take legislative action to review and, if needed, revise the Comprehensive Plan and development regulations to ensure that the Plan and regulations are complying with the requirements of RCW 36.70A. The first review shall be completed no later than December 1, 2004. The review, and any revisions that result from the review, may be conducted in concert with the procedures used to annually amend the Comprehensive Plan.~~

13.02.045 Adoption and amendment procedures.

A. Adoption and amendment. The Comprehensive Plan, including any of its elements, and development regulations shall be adopted and amended by ordinance of the City Council. The procedures identified in this section shall be followed to adopt and amend the City's Comprehensive Plan, including all elements, and to adopt and amend

development regulations and regulatory procedures that implement the Comprehensive Plan. Adoption and amendment of the Comprehensive Plan and development regulations must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

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

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

The All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, by the Planning Commission and City Council so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the annual amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.045.G and H, by the end of June of the following year.

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

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

D. Application for proposed Amendment ~~amendments~~ application. Items initiated by the City Council, the Planning Commission, or in the Department's ~~Work Program~~ do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations. Application fees shall be as established by City Council action. The deadline for submitting a complete application to the Planning Commission, and paying any applicable fee, ~~for amendment to the Comprehensive Plan~~ is 5:00 p.m. on the final business day in June of any given year to be considered in the following annual amendment cycle; however, applications will be accepted at any time. ~~Those a~~ Applications to for amending the Comprehensive Plan received after the above established deadline are less likely to be considered ~~by the Commission for possible consideration~~ in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission. Applications for ~~a change~~ changing to development regulations or ~~a proposal for an~~ area-wide zoning ~~reclassification~~ classifications which are consistent with the Comprehensive Plan and do not require an amendment to the Comprehensive Plan can be submitted at any time. The application shall include, but not be limited to, the following:

1. A description of the proposed amendment, including the existing and proposed amendatory language, if applicable;
2. The current and proposed Comprehensive Plan land use ~~intensity~~ designation ~~as shown on the Generalized Land Use Plan map,~~ and zoning classification for the affected area;
- ~~3. The desired land use intensity designation and/or zoning classification, if applicable;~~
- ~~4. The~~ A statement regarding the reason the amendment is needed ~~and being proposed;~~
- ~~5. A description of the affected area and the surrounding areas, with a map, if applicable, including identification of affected~~ identifying such information as parcels, ownership, current land uses, ~~and~~ site characteristics, ~~such as topography~~ and natural features;

~~6. A description of the land uses surrounding the proposed amendment area;~~

~~75. A description of how the proposed amendment enhances the applicable portion of the neighborhood element of the Comprehensive Plan;~~

~~86. A description of any community outreach and response to the proposed amendment;~~

~~97. A demonstration by the applicant of consistency with the applicable policies of the Comprehensive Plan, and the criteria for amending the Comprehensive Plan or development regulations;~~

~~10. Proposed amendatory language, if applicable;~~

~~11. A map of the affected area, if applicable; and~~

~~128. Additional application information may be requested by the Department, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.~~

The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

E. Assessment ~~procedure~~ of proposed amendments. The Department shall docket all amendment requests upon receipt to ensure that all requests receive due consideration and are available for review by the public. The Department will provide an assessment of all proposed amendment applications, based on, at a minimum, the following criteria:

1. Whether the amendment request is legislative and is properly subject to Planning Commission review (Quasi-judicial matters are not properly subject to Commission review);

2. Whether there have been recent studies of the same area or issue, or whether there are active or planned projects that the amendment request can be incorporated into; (If so, the Commission may decline further review of the request or incorporate it into other studies as appropriate); and

3. Whether the amount of analysis necessary is expected to be reasonably manageable given the workloads and resources of the Department and the Planning Commission; (If a large-scale study is required, an application may be scaled down, studied in phases, delayed until a future amendment cycle, or declined).

~~and forward proposed amendment applications to the Planning Commission. This assessment shall include, but not be limited to, the assessment criteria contained herein.~~ The Planning Commission will review this assessment and make its decision as to: (1) whether or not the application is complete, and if not, or what information is needed to make the application complete; (2) whether or not the scope of the application should be modified, and if so, what alternatives in scope(s) should be considered; which amendment application(s) will be considered and in which amendment cycle; and (3) whether or not the application will be considered and in which amendment cycle, whether or not to prepare alternative proposed amendment(s) that either expand or contract the scope of the original proposed amendment. The Planning Commission shall make determinations concerning proposed amendments within 120 days of receiving an application.

~~F. Assessment criteria. Criteria for assessing plan amendment applications will include:~~

~~1. Determining if the amendment request is legislative, and properly subject to Commission review, or quasi-judicial, and not properly subject to Commission review.~~

~~2. Determining if the request is site specific (i.e., a land use intensity or a zoning change for a specific parcel(s) likely to be under one ownership);~~

~~3. Receipt by the application deadline, if applicable (a large volume of requests before the deadline may necessitate that some requests be reviewed in a subsequent amendment cycle);~~

~~4. Order of receipt;~~

~~5. Recent study of the same area or issue (this may be cause for the Commission to decline further review);~~

~~6. Amount of analysis necessary (if a large scale study is required, an application may have to be delayed until a future amendment cycle due to work loads, staffing levels, etc.); and~~

~~7. Available incorporation into planned or active projects.~~

~~G. Amendment criteria. Beyond being consistent or achieving consistency with the Comprehensive Plan, proposed amendments must meet at least one of the following criteria to be considered by the Planning Commission:~~

- ~~1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions;~~
- ~~2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission~~
- ~~3. The needs of the City have changed, which support an amendment;~~
- ~~4. The amendment is compatible with existing or planned land uses and the surrounding development pattern.;~~
- ~~5. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize;~~
- ~~6. The capacity to provide adequate services is diminished or increased;~~
- ~~7. Plan objectives are not being met as specified, and/or the assumptions upon which the Plan is based are found to be invalid;~~
- ~~8. Transportation and/or other capital improvements are not being made as expected;~~
- ~~9. For proposed amendments to land use intensity or zoning classification; substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification; or~~
- ~~10. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.~~

F. Analysis of proposed amendments. Once accepted by the Planning Commission, the amendment application will be evaluated by the Department through appropriate analysis, which shall include the consideration of the following criteria:

1. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and

2. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

The analysis should include, as appropriate, how the proposed amendment addresses inconsistencies or errors in the Comprehensive Plan or development regulations; responds to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services; and/or maintains or enhances compatibility with existing or planned land uses and the surrounding development pattern. In addition, the analysis should document, as appropriate and necessary, public outreach and public comments, analytical data and research, economic impacts, sustainability impacts, an environmental determination, and other pertinent background information.

~~HG. Review of proposed amendments. Under the review and direction of the Planning Commission, the Department will evaluate the amendment application, collect necessary data, and conduct the appropriate analysis and make an environmental determination. The Department will present the proposed amendments along with analysis conducted pursuant to Subsection 13.02.045.F to the Planning Commission for review and direction. The Department will. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.;~~ ~~electronic mail will be routinely used to contact organizations, agencies, and jurisdictions.~~ For land use ~~intensity designation~~ changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a **special notice** of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

~~The Department will analyze, and make a recommendation on, each proposed amendment. Then, after~~ After a Public ~~public Hearing~~ hearing(s), the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration. ~~The Department will present the proposed amendments to the Planning Commission, which will conduct public meetings and hearings, and make recommendations to the City Council.~~

~~1. Adoption or amendment of the Comprehensive Plan or development regulations shall be enacted only after public notice and public hearings by both the Planning Commission and City Council.~~

~~2. Based on the analysis against the criteria as contained in Subsection 13.02.045.F and public comment received,~~ The Planning Commission may recommend, and the City Council may adopt, or adopt with modifications, the Comprehensive Plan, development regulations, regulatory procedures, and amendments thereto, ~~if:~~

~~a. The adoption or amendment merits approval because it will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and~~

~~b. The adoption or amendment conforms to state statutes, including RCW 36.70A.~~

II. Public hearing and action.

~~1. The Planning Commission may formulate and recommend to the City Council adoption or amendment of the Comprehensive Plan, or adoption or amendment of development regulations or regulatory procedures that implement the Comprehensive Plan.~~ In formulating its recommendations to the City Council concerning adoption or amendment of the Comprehensive Plan, or adoption or amendment of development regulations or regulatory procedures that implement the Comprehensive Plan, the Planning Commission shall provide public notice and conduct at least one public hearing. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission. Planning Commission public hearings for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.

2. At least one City Council public hearing on adoption or amendment of the Comprehensive Plan or development regulations shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.02.057.

3. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan or development regulations prior to adoption by the City Council, and must transmit copies of the adopted plan or development regulation and any amendment after City Council action.

II. Amendments considered under emergency situation. The Planning Commission and the City Council may consider amendments to the Comprehensive Plan at any time as a result of an emergency situation. Emergency situations include situations involving official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation, or address the absence of adequate and available public facilities or services as provided for in Chapter 13.16 of the Tacoma Municipal Code, decisions by the ~~Central Puget Sound~~ Growth Management Hearings Board or the State or Federal Courts, or actions of a State Agency or Office or the State Legislature, affecting Tacoma will be reviewed by the Planning Commission with advice from the City Attorney's Office to determine if an appropriate "emergency" exists, necessitating an emergency Comprehensive Plan amendment. ~~Capital projects which are fully funded by non-City revenue (i.e., an outside grant or other "windfall") are not considered emergencies and, therefore, amendment of the Comprehensive Plan is not necessary; however, such projects shall be added to the Capital Facilities Program at the next amendment cycle.~~

13.02.053 Area-wide zoning reclassifications.

The Planning Commission may also consider the need for area-wide zoning reclassifications, in association with or independently of Comprehensive Plan amendments, including those associated with an annexation or which are

necessary to maintain the zoning classification's consistency with the Comprehensive Plan. The procedures for consideration of area-wide zoning reclassifications shall be as follows:

1. ~~Who may request an area wide zoning reclassification, and how.~~—The means of submitting a request for an area-wide zoning reclassification and those empowered to submit such a request shall be the same as in Section 13.02.045.

2. ~~Process for area wide zoning reclassification.~~—An area-wide zoning reclassification implementing the goals and policies of the Comprehensive Plan will be conducted by the Planning Commission, consistent with RCW 42.36.010, with recommendation to the City Council. Area-wide zoning reclassifications which are inconsistent with the Comprehensive Plan shall be proposed for adoption at the same time as and in conjunction with the Plan's amendment. Area-wide zoning reclassifications which are consistent with the Comprehensive Plan and do not require plan modification may be considered at any time. Analysis of area-wide zoning reclassifications shall be based on the criteria as contained in Subsection 13.02.045.F.

3. ~~Public Hearing and Recommendation for an Area Wide Zoning Reclassification.~~—The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan. If a reclassification is recommended, it shall be based on, but not limited to, the following circumstances:

~~a. substantial evidence is presented demonstrating that growth and development is occurring in a different manner than presented in the Comprehensive Plan;~~

~~b. the proposed area wide reclassification is consistent with the Comprehensive Plan and the Generalized Land Use Plan map;~~

~~c. the reclassification is needed to further implement the Comprehensive Plan;~~

~~d. the proposed reclassification is needed to maintain consistency with proposed amendments to the Comprehensive Plan;~~

~~e. there is substantial evidence presented showing inconsistency between the designated land use intensity in the subject area and the existing zoning; or~~

~~f. the subject property is suitable for development in general conformance with the zoning standards under the recommended rezone classification.~~

4. At least one public hearing on a proposed area-wide zoning reclassification shall be held prior to final action by the City Council.

5. Area-wide reclassifications adopted by the City Council supersede any previous reclassifications and any conditions of approval associated with such previous reclassifications.

13.02.055 Moratoria and interim zoning.

A. Moratoria and/or interim zoning controls adopted by the City Council by ordinances may be considered either as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under existing zoning and development regulations. ~~Who may request moratoria or interim zoning, and how.~~—Those empowered to submit a request for a moratorium or interim zoning shall be the same as in ~~Section-Subsection~~ 13.02.045.C. Those empowered may petition the City Council or Planning Commission, in writing, to request moratoria or interim zoning, including the specific geographic location and describing what circumstances contribute to an emergency situation or the need for protective measures.

B. ~~Process for moratoria and interim zoning.~~—~~A moratorium and/or interim zoning controls may be considered either as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under existing zoning and development regulations.~~—Moratoria or interim zoning may be initiated by either the Planning Commission or the City Council by means of determination at a public meeting that such action may be warranted. Where an emergency exists, prior public notice may be limited to the information contained in the public meeting agenda. City Council-initiated moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to action; provided, that where an emergency is found to exist by the City

Council, it may act immediately and prior to the formulation of Planning Commission findings of fact and recommendation. ~~At its next available meeting immediately following the City Council's referral or action, the Planning Commission shall consider the measure and, if it finds evidence that an emergency exists necessitating the immediate imposition of a moratorium or interim zoning, or that temporary measures are needed to protect the status quo, it shall recommend adoption to the City Council. The Planning Commission shall respond with its findings of fact and recommendation to the Council within 30 days of the date of the Commission meeting at which it is first made aware of the Council's request. In emergency situations where the City Council has first enacted a moratorium or interim zoning, but where the Planning Commission's findings of fact and recommendation do not support the action, the City Council shall reconsider, but shall not be bound to reversing its action.~~

~~C. Public hearing and action. The Planning Commission will hold at least one public hearing prior to formulating its recommendation to the City Council. The public hearing may be, but it is not required to, be held at the same time and in conjunction with the amendment of the Comprehensive Plan. Where an emergency exists, public hearings regarding moratoria or interim zoning may be held after the Planning Commission forwards its findings of fact and recommendation to the City Council, and after action has been taken by the City Council.~~

~~In the case of moratoria or interim zoning, the~~ The City Council shall hold a public hearing within at least 60 days of adopting ~~any such~~ moratoria or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt, based on the Planning Commission's recommendations, findings of fact justifying ~~the adoption of moratoria~~ its action before, or immediately after, ~~it holds a~~ public hearing.

~~D. Duration of Moratorium or Interim Zoning.~~ C. As part of its findings of fact and recommendation, the Planning Commission shall ~~recommend to the City Council a~~ address the appropriate duration and scope for the moratorium or interim zoning controls and note if a study, either underway or proposed, is expected to develop a permanent solution and the time period by which that study would be concluded. Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period. Moratoria or interim zoning may be renewed for an unlimited number of six-month intervals following their imposition; provided, that prior to each renewal, a public hearing is held by the City Council and findings of fact are made which support the renewal.

13.02.057 Notice for public hearings.

A. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to City Ordinance No. 25966, and other individuals or organizations identified by the Department as either affected or likely to be interested. For Comprehensive Plan land use ~~intensity designation~~ changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a **special notice** of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area.

B. The Department shall require that for a Comprehensive Plan land use ~~intensity designation~~ change or an area-wide zoning classification change a public information sign(s), provided by the Department, is posted on the affected site or sites at least 14 calendar days prior to the Planning Commission public hearing.

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

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

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



Proposed Amendments to the Tacoma Municipal Code Chapter 13.02

(Draft for the Planning Commission’s Review on October 3, 2012)

Differences between this draft document and the September 19, 2012 draft are highlighted in yellow.

* * *

**Chapter 13.02
PLANNING COMMISSION**

Sections:

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

13.02.010 Creation – Appointment.

Pursuant to the authority conferred by Article II, Section 11, of the Constitution of the State of Washington, and Section 3.8 of the Tacoma City Charter, there is hereby created a City Planning Commission consisting of nine members, who shall be residents of Tacoma. The members shall be appointed and confirmed by a majority of the City Council. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation; and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design.

At the expiration of each respective three-year term, a successor shall be appointed by the City Council. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired terms. Members may be removed by a majority of the Council, after public hearing, for inefficiency, neglect of duty, or malfeasance in office. Upon an appointed member’s missing three unexcused, consecutive regular meetings, the Commission shall afford such member a hearing to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the question of whether the Commission shall recommend to the City Council that such member should be deemed to have forfeited the office and a new member be appointed to fill the unexpired term. The members shall be selected without respect to political affiliations and they shall serve without compensation.

13.02.015 Establishment of advisory committees.

In order to carry out its duties and functions prescribed by this chapter, the Planning Commission may establish advisory committees as it deems appropriate. Advisory committees shall serve at the discretion of the Commission and their duties and scope of responsibilities shall be established by the Planning Commission. The members of such advisory committees shall be appointed and confirmed by a majority of the City Council, except that the Planning Commission, in such instances as it deems appropriate, may designate that the chairperson of an advisory committee be a regular appointed member of the Planning Commission and shall be selected by a majority vote of the Commission. Nothing in this section shall be construed to authorize members of such advisory committees to be members of the Planning Commission.

13.02.020 Meetings – Officers – Records.

The Commission shall elect its own chairperson and create and fill such other offices as it may determine it requires. All meetings of the Commission or its advisory committees shall be open to the public pursuant to the Open Public Meetings Act of 1971. The Commission shall adopt rules for transaction of business. Records of all official Commission proceedings shall be kept by the City Clerk and shall be open to public inspection. The City Manager shall assign to the Commission and its advisory committees a place of meeting in which to meet and transact business.

13.02.030 Expenditures – Budget.

The expenditures of the Commission shall be limited to appropriations made to the Community and Economic Development Department (“Department”) by the City Council for the planning function of the City. The services and facilities of the Department shall be utilized by the Commission in performing its duties.

13.02.040 Duties and responsibilities.

The Planning Commission is hereby vested with the following duties and responsibilities:

- A. To develop and recommend to the City Council the Comprehensive Plan, pursuant to Revised Code of Washington Chapter 36.70A (the Growth Management Act), that is concerned with protecting the health, welfare, safety, and quality of life of City residents.
- B. To review and make recommendations on proposed amendments to the Comprehensive Plan and its elements.
- C. To develop and prepare long-and short-range programs for implementation of the Comprehensive Plan.
- D. To formulate effective and efficient land use and development regulations and processes, that are consistent with and that implement RCW 36.70A and the goals and policies of the Comprehensive Plan.
- E. To review and make recommendations on matters concerning land use and development, including area-wide zoning reclassifications, moratoria, and interim zoning.
- F. To review the capital facilities program to ensure that the capital budgets and expenditures for public facilities and services are in conformity with the Comprehensive Plan.
- G. To review the six-year transportation program for consistency with the Comprehensive Plan.
- H. To ensure early and continuous public participation in the development, amendment, and implementation processes of the Comprehensive Plan, including all of its elements, and in the development of land use and development regulations and amendments thereto.
- I. To conduct periodic planning studies concerning land uses, demographics, infrastructure, critical areas, transportation corridors, housing, and other information useful in managing growth and augmenting the Comprehensive Plan, with an emphasis on doing this work through the use of land use and geographic information systems.
- J. To work with the Landmarks Preservation Commission, pursuant to TMC 13.07, to designate historic special review districts and conservation districts within the City and to make recommendations to the City Council for establishment of such districts.
- K. To conduct pre-annexation planning for areas which are within the City’s urban growth area and which may be reasonably expected to be annexed to the City. Planning for these areas may include, but not be limited to: land use; transportation; public facilities and services; capital facility needs; parks and open space; and zoning classifications and regulations. Areas not included in the Comprehensive Plan and annexed to the City will necessitate a plan amendment.
- L. To develop the work program for the coming year in consultation with the City Council and provide an annual report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year.

13.02.041 Quorum.

A quorum for the transaction of official business of the Planning Commission shall consist of a majority of the members of the Commission.

13.02.043 Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

- A. An “area-wide zoning reclassification” is a legislative action to change the zoning classification(s) on an area-wide basis in order to implement and maintain the consistency of the Comprehensive Plan. It is comprehensive in nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City, including those associated with annexation and overlay special review zoning districts. Area-wide zoning reclassifications, unlike parcel zoning reclassifications, are generally of area-wide significance, usually involving many separate properties under various ownerships, and often utilize several of the City’s zoning classifications to implement the City’s Comprehensive Plan. An area-wide zoning reclassification consisting of a single ownership but having a broader impact of significance on the community may be considered to be an area-wide reclassification if it is being undertaken in order to maintain consistency of the City’s Comprehensive Plan.
- B. “Department,” as used in this chapter, refers to the Community and Economic Development Department.
- C. “Development regulations” are any regulations and regulatory procedures placed on or involving development or land use activities of the City, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances (RCW 36.70A).
- D. An “emergency” situation is one in which human health or safety is jeopardized and/or public or private property is imminently endangered. For the purposes of this section, an “emergency” situation shall also include one demanding the immediate amendment of the Comprehensive Plan outside of the annual amendment cycle, without which capital facilities concurrency is likely to be compromised and/or levels of service are expected to drop below an acceptable level.
- E. “Interim zoning” is an immediate change in existing zoning classifications or regulations where new zoning classifications or regulations are temporarily imposed. Such temporary zoning controls are designed to regulate specific types of development so that, when new plans and/or zoning are adopted, they will not have been rendered moot by intervening development; or are necessary to prevent harm or to preserve the status quo. Interim zoning can be an area-wide reclassification of a temporary nature or modification to specific requirements of a zoning classification.
- F. “Comprehensive Plan land use designation” is a designation for all property that indicates the future development influence based on factors such as size, scale, bulk, nuisance level, density, activity level, amount of open space, and traffic generation. Such designations are depicted on the Generalized Land Use Plan map which illustrates the future land use pattern for the City.
- G. “Moratorium” (or collectively, “moratoria”) is the **suspension of accepting or processing** new applications for building, zoning, subdivision (platting), or other types of development in order to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.
- H. “Plan amendment” is a proposed change to the Comprehensive Plan that may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the Comprehensive Plan land use designation as shown on the Generalized Land Use Plan map; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans.

13.02.044 Comprehensive Plan.

- A. The Comprehensive Plan is the City’s official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, and quality of life of Tacoma’s residents. The Comprehensive Plan must be consistent with, and advance the goals of, the Growth Management Act (RCW 36.70A), the Multicounty Planning Policies for the Puget Sound Region (“VISION 2040”), the Regional Transportation Plan for the Puget Sound Region (“Transportation 2040”), the Countywide Planning Policies for Pierce County, and relevant Washington State statutes. The City shall carry out its programs, perform its activities, and make capital budget decisions in conformance with the Comprehensive Plan.
- B. The Comprehensive Plan shall include the following planning elements:

1. A land use element, as required by RCW 36.70A.070, indicating the proposed generalized land use, including the suitability, capability, location, and number of acres of land devoted to such uses as residential, commercial, industrial, recreation, open space, and other uses.
 2. A housing element, as required by RCW 36.70A.070, providing policies for the preservation, improvement, and development of housing, including an inventory and analysis of existing and projected housing needs
 3. A capital facilities element, , as required by RCW 36.70A.070, providing an inventory of the location and capacity of existing publicly-owned capital facilities, and a forecast of the future needs for such capital facilities, including the expansion of capital facilities, the construction of new facilities, and the maintenance requirements of existing facilities.
 4. A utilities element, as required by RCW 36.70A.070, identifying the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.
 5. A transportation element, as required by RCW 36.70A.070, that implements and is consistent with the land use element, is regionally coordinated, and identifies the need for future transportation facilities and services, including system expansion and management needs.
 6. An economic element, as required by RCW 36.70A.070, establishing goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.
 7. A recreation and open space element, as required by RCW 36.70A.070, that implements and is consistent with the capital facilities element as it relates to park and recreation facilities. This element should indicate the location and development of areas and public sites for recreation, natural conservations, parks, parkways, beaches, playgrounds, and other recreational and open space areas. 8. A process, pursuant to RCW 36.70A.200, for identifying and siting essential public facilities which are typically difficult to site.
 9. A shoreline element, pursuant to RCW 90.58, setting forth policies concerning economic development; public access and circulation; recreation; urban design, conservation, restoration, and natural environment; and historical, cultural, scientific, and educational values.
 10. A container port element developed collaboratively with the Port of Tacoma, as required by RCW 36.70A.085, establishing policies and programs that (a) define and protect the core areas of port and port-related industrial uses; (b) provide reasonably efficient access to the core area through freight corridors within the city limits; and (c) identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.
- C. Subject to the provisions of Section 13.02.044, the Comprehensive Plan may include the following planning elements and any additional planning elements which the Commission or Council considers pertinent:
1. A community services and facilities element indicating the general location of all community services and facilities, and indicating the need and appropriate location for such services and facilities.
 2. An environmental element indicating environmental conditions and natural processes, including climate, air quality, geology, hydrology, vegetation, wildlife, fisheries, critical areas, mineral resource lands, solar energy, and other natural factors and hazards that affect, or would be affected by, development.
 3. A historic and conservation element identifying objects, areas, sites, or structures of historical, archaeological, architectural, or cultural significance.
 4. An annexation element setting forth policies to guide orderly urban growth and designating areas for potential annexation for at least 20 years. The annexation element shall identify future land uses and consider development patterns, density, projected population growth, timing, and the provision of capital facilities and services, including capacity, financing, and expansion.
 5. An urban design element addressing the design of development through the application of standards, guidelines, and recommendations for project review.
 6. Sub-area elements setting forth policies concerning specific geographic areas of the City or concerning specific issues.

13.02.045 Adoption and amendment procedures.

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

B. Timing for proposed amendments. Amendments to the Comprehensive Plan shall be considered no more frequently than once each year except that amendments may be considered more frequently under the following circumstances:

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

All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the annual amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.045.G and H, by the end of June of the following year. Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

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

D. Application for proposed amendments. Items initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations. Application fees shall be as established by City Council action. The deadline for submitting a complete application to the Planning Commission, and paying any applicable fee, is 5:00 p.m. on the final business day in June of any given year to be considered in the following annual amendment cycle; however, applications will be accepted at any time. Applications for amending the Comprehensive Plan received after the above established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission. Applications for changing development regulations or area-wide zoning classifications which are consistent with the Comprehensive Plan and do not require an amendment to the Comprehensive Plan can be submitted at any time. The application shall include, but not be limited to, the following:

1. A description of the proposed amendment, including the existing and proposed amendatory language, if applicable;
2. The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
3. A statement regarding the reason the amendment is needed;
4. A description of the affected area and the surrounding areas, with a map, if applicable, identifying such information as parcels, ownership, current land uses, site characteristics, and natural features;

5. A description of how the proposed amendment enhances the applicable neighborhood;
6. A description of any community outreach and response to the proposed amendment;
7. A demonstration of consistency with the applicable policies of the Comprehensive Plan, and the criteria for amending the Comprehensive Plan or development regulations;
8. Additional information as requested by the Department, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.

The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

E. Assessment of proposed amendments. The Department shall docket all amendment requests upon receipt to ensure that all requests receive due consideration and are available for review by the public. The Department will provide an assessment of all proposed amendment applications, based on, at a minimum, the following criteria:

1. Whether the amendment request is legislative and is properly subject to Planning Commission review (Quasi-judicial matters are not properly subject to Commission review);
2. Whether there have been recent studies of the same area or issue, or whether there are active or planned projects that the amendment request can be incorporated into; If so, the Commission may decline further review of the request or incorporate it into other studies as appropriate; and
3. Whether the amount of analysis necessary is expected to be reasonably manageable given the workloads and resources of the Department and the Planning Commission; If a large-scale study is required, an application may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

The Planning Commission will review this assessment and make its decision as to: (1) whether or not the application is complete, and if not, what information is needed to make it complete; (2) whether or not the scope of the application should be modified, and if so, what alternatives in scope should be considered; and (3) whether or not the application will be considered and in which amendment cycle. **The Planning Commission shall make determinations concerning proposed amendments within 120 days of receiving an application.**

F. Analysis of proposed amendments. Once accepted by the Planning Commission, the amendment application will be evaluated by the Department through appropriate analysis, which shall include the consideration of the following criteria:

1. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
2. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

The analysis should include, as appropriate, how the proposed amendment addresses inconsistencies or errors in the Comprehensive Plan or development regulations; responds to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services; and/or maintains or enhances compatibility with existing or planned land uses and the surrounding development pattern. In addition, the analysis should document, as appropriate and necessary, public outreach and public comments, analytical data and research, economic impacts, sustainability impacts, an environmental determination, and other pertinent background information.

G. Review of proposed amendments. The Department will present the proposed amendments along with analysis conducted pursuant to Subsection 13.02.045.F to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate. For land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a **special notice** of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in

general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

After a public hearing, the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration. Based on the analysis against the criteria as contained in Subsection 13.02.045.F and public comment received, the Planning Commission may recommend, and the City Council may adopt, or adopt with modifications, the Comprehensive Plan, development regulations, regulatory procedures, and amendments thereto.

H. Public hearing and action.

1. In formulating its recommendations to the City Council concerning adoption or amendment of the Comprehensive Plan, or adoption or amendment of development regulations or regulatory procedures that implement the Comprehensive Plan, the Planning Commission shall provide public notice and conduct at least one public hearing. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission. Planning Commission public hearings for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.

2. At least one City Council public hearing on adoption or amendment of the Comprehensive Plan or development regulations shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.02.057.

3. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan or development regulations prior to adoption by the City Council, and must transmit copies of the adopted plan or development regulation and any amendment after City Council action.

I. Amendments considered under emergency situation. The Planning Commission and the City Council may consider amendments to the Comprehensive Plan at any time as a result of an emergency situation. Emergency situations include situations involving official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation, or address the absence of adequate and available public facilities or services as provided for in Chapter 13.16 of the Tacoma Municipal Code, decisions by the Growth Management Hearings Board or the State or Federal Courts, or actions of a State Agency or Office or the State Legislature, affecting Tacoma will be reviewed by the Planning Commission with advice from the City Attorney's Office to determine if an appropriate "emergency" exists, necessitating an emergency Comprehensive Plan amendment.

13.02.053 Area-wide zoning reclassifications.

The Planning Commission may also consider the need for area-wide zoning reclassifications, in association with or independently of Comprehensive Plan amendments, including those associated with an annexation or which are necessary to maintain the zoning classification's consistency with the Comprehensive Plan. The procedures for consideration of area-wide zoning reclassifications shall be as follows:

1. The means of submitting a request for an area-wide zoning reclassification and those empowered to submit such a request shall be the same as in Section 13.02.045.

2. An area-wide zoning reclassification implementing the goals and policies of the Comprehensive Plan will be conducted by the Planning Commission, consistent with RCW 42.36.010, with recommendation to the City Council. Area-wide zoning reclassifications which are inconsistent with the Comprehensive Plan shall be proposed for adoption at the same time as and in conjunction with the Plan's amendment. Area-wide zoning reclassifications which are consistent with the Comprehensive Plan and do not require plan modification may be considered at any time. **Analysis of area-wide zoning reclassifications shall be based on the criteria as contained in Subsection 13.02.045.F.**

3. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan.

4. At least one public hearing on a proposed area-wide zoning reclassification shall be held prior to final action by the City Council.

5. Area-wide reclassifications adopted by the City Council supersede any previous reclassifications and any conditions of approval associated with such previous reclassifications.

13.02.055 Moratoria and interim zoning.

A. Moratoria and/or interim zoning controls adopted by the City Council by ordinance may be considered either as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under existing zoning and development regulations. Those empowered to submit a request for a moratorium or interim zoning shall be the same as in Subsection 13.02.045.C. Those empowered may petition the City Council or Planning Commission, in writing, to request moratoria or interim zoning, including the specific geographic location and describing what circumstances contribute to an emergency situation or the need for protective measures.

B. Moratoria or interim zoning may be initiated by either the Planning Commission or the City Council by means of determination at a public meeting that such action may be warranted. Where an emergency exists, prior public notice may be limited to the information contained in the public meeting agenda. City Council-initiated moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to action; provided, that where an emergency is found to exist by the City Council, it may act immediately and prior to the formulation of Planning Commission findings of fact and recommendation. The City Council shall hold a public hearing within at least 60 days of adopting such moratoria or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt, based on the Planning Commission's recommendations, findings of fact justifying its action before, or immediately after, this public hearing.

C. As part of its findings of fact and recommendation, the Planning Commission shall address the appropriate duration and scope for the moratorium or interim zoning controls and note if a study, either underway or proposed, is expected to develop a permanent solution and the time period by which that study would be concluded. Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period. Moratoria or interim zoning may be renewed for an unlimited number of six-month intervals following their imposition; provided, that prior to each renewal, a public hearing is held by the City Council and findings of fact are made which support the renewal.

13.02.057 Notice for public hearings.

A. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to City Ordinance No. 25966, and other individuals or organizations identified by the Department as either affected or likely to be interested. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a **special notice** of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within 400 feet of, the subject area.

B. The Department shall require that for a Comprehensive Plan land use designation change or an area-wide zoning classification change a public information sign(s), provided by the Department, is posted on the affected site or sites at least 14 calendar days prior to the Planning Commission public hearing.

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

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

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