



City of Tacoma  
Planning and Development Services

**To:** Planning Commission  
**From:** Lihuang Wung, Planning Services Division  
**Subject:** **Planning Commission Meeting and Retreat**  
**Date of Meeting:** February 4, 2015  
**Date of Memo:** January 29, 2015

The Planning Commission's regular meeting on February 4, 2015 will be a retreat, where refreshments and light dinners will be provided for the Commissioners. The Planning and Development Services (PDS) Department would like to take this opportunity to express our appreciation for your service and dedication.

The retreat will be structured with staff presentations and the Commission's review of the following issues that are closely related to each other:

**1. 2015 GMA Update and Comprehensive Plan:**

PDS staff and consultants will present the scope of work, outreach strategies, project schedule, and expected outcomes for the 2015 GMA Update and proposed revisions to the Comprehensive Plan.

**2. Transportation Master Plan:**

PDS and Public Works staff will clarify the process and timeline for the development and adoption of the Transportation Master Plan (TMP) and its integration with the Comprehensive Plan. Please refer to the draft minutes of January 21, 2015 as contained in this agenda packet for the Commission's comments on the draft Goals and Policies of the TMP.

**3. Capital Facilities Plan and Program:**

PDS and Finance staff will propose a revised approach and timeline for the development of the next Capital Facilities Program (CFP) in response to the Commission's concerns raised in September-October 2014 when reviewing the draft 2015-2020 CFP. Attached is an excerpt from the State's Growth Management Services' CFP Guidebook which provides pertinent background information about capital facilities planning.

**4. Planning Commission Responsibilities and Operating Procedures:**

PDS staff will review the Tacoma Municipal Code, *Chapter 13.02 Planning Commission* (attached), and the Commission's *Rules and Regulations, or Bylaws* (attached), and facilitate the Commission's consideration for potential amendments to certain provisions, such as the agenda and meeting procedures, the definition of quorum, the election of officers, the relationship with the Transportation Commission and other citizens groups, and the review responsibilities for Comprehensive Plan associated policies and implementation strategies.

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

Attachments:

- (1) CFP Guidebook – Introduction
- (2) Tacoma Municipal Code, Chapter 13.02 Planning Commission
- (3) Planning Commission Rules and Regulations

c: Peter Huffman, Director



## Introduction: Helping Communities Shape their Future

The Growth Management Act (GMA) provides statutory authority for local governments to plan in Washington State (see RCW 36.70A). The process of identifying current capital facility needs, future needs to serve the growth anticipated in the comprehensive plan, and how to fund them, is an important aspect of planning under the GMA.

The capital facilities plan (CFP) includes a six-year capital improvement plan (CIP) which should align with the jurisdiction's budget, and a longer-range (20-year) CFP of capital projects, with estimated costs and proposed methods of financing. The CFP provides for the full implementation of the land use plan by showing how public facilities and services will be provided for in the community, at the population and intensities of development envisioned in the plan, and at adopted levels of service.

This chapter of the guidebook provides an overview of the topic and explains:

- What are capital facilities?
- Why planning for capital facilities and public services is important
- Integrating capital facilities plans with land use, transportation and utilities
- Including public participation
- Dealing with existing services and infrastructure
- Planning for services and infrastructure to serve new growth
- Adopting plans prepared by others
- Fiscal considerations of capital facilities planning

### What are Capital Facilities?

Most people have a general idea about what capital facilities are. But the GMA does not specifically define them. The GMA defines public facilities as including “streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.” It defines public services as including “fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.” The GMA also defines rural governmental services (rural services) and urban governmental services (urban services):

"Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW [36.70A.110\(4\)](#).

"Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

While these definitions certainly prove useful, they do not define capital facilities specifically. Over the years, the Growth Management Hearings Board (GMHB) has provided additional guidance.

For purposes of conducting the inventory required by RCW 36.70A.070(3)(a), "public facilities" as defined in RCW 36.70A.030(13) are synonymous with "capital facilities owned by public entities." *West Seattle Defense Fund v. City of Seattle, CPSGMHB Case 94-3-0016, FDO April 4, 1995*, as cited in *EWGMHB Case 06-1-0009c, FDO March 12, 2007*.

The board further defined capital facilities as what is required to fulfill the GMA obligation:

"The Board holds that a Capital Facilities Element (CFE) must include all facilities that meet the definition of public facilities set forth in RCW 36.70A.030(12). All facilities included in the CFE must have a minimum standard [level of service] (LOS) clearly labeled as such (i.e., not "guidelines" or "criteria"), must include an inventory and needs assessment and include or reference the location and capacity of needed, expanded, or new facilities. (RCW 36.70A.070(3)(a), (b) and (c). In addition, a CFE must explicitly state which of the listed public facilities are determined to be "necessary for development" and each of the facilities so designated must have either a "concurrency mechanism" or an "adequacy mechanism" to trigger appropriate reassessment if service falls below the baseline minimum standard. Transportation standards are the only facilities required to have a concurrency mechanism, although a local government may choose to adopt a concurrency mechanism for other facilities." *Jody L. McVittie v. Snohomish County, CPSGMHB Case No. 01-3-0002, FDO, July 25, 2001*, as cited in *EWGMHB Case 06-1-0009c, FDO March 12, 2007*.

*And in Wilma et al v. Stevens County, EWGMHB Case 06-1-0009c, FDO March 12, 2007, the Eastern Board included "streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools... fire protections and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services. (WAC 365-195-200(12) and (13))."*

The Washington Administrative Code (WAC) was updated in 2010, after the cases above were determined. WAC 365-196-415 provides guidance as to which capital facilities should be included in the inventory. At a minimum, they should include water systems, sanitary

sewer systems, storm water facilities, reclaimed water facilities, schools, parks and recreational facilities, police and fire protection facilities.

Each jurisdiction should define capital facilities and identify which capital facilities and public services are included. Additionally, each jurisdiction should clearly identify which capital facilities and public services are necessary to support development.

### Why Plan for Capital Facilities

Capital Facilities Elements are required by state statute for jurisdictions fully planning under the GMA. The specific requirements for the Capital Facility Element are set forth in the GMA. (RCW 36.70A.070)

Even without a specific mandate, planning ahead for capital investments is good management. Capital facilities plans can help your jurisdiction use its limited funding wisely and most efficiently to maximize funding opportunities. By planning ahead to determine what the needs are, jurisdictions can prioritize projects, coordinate related projects, and be ready to apply for loan and grant opportunities. When the comprehensive plans, development regulations, and budgeting policy and decisions are made in a coordinated and consistent manner, the outcome can be better implementation of the adopted community vision.

*“One of the best ways to make a future land use plan come true is to use investments in public facilities to reinforce the plan. The community should invest in new roads, sewer and water lines and other facilities where it wants growth to occur. It should refuse to make investments in areas where it does not want growth to occur.” (Association of Washington Cities (AWC), 2011)*

Preparing the plan is an investment in the future. A complete and thorough CFP is easier to maintain once you’ve invested the time in creating it. Per statute, the CFP must include five key components (see box below).

## Capital Facilities Element – Requirements of the Growth Management Act

- (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
  - (b) A forecast of the future needs for such capital facilities;
  - (c) The proposed locations and capacities of expanded or new capital facilities;
  - (d) At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
  - (e) A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
- Park and recreation facilities shall be included in the capital facilities plan element.

[RCW 36.70A.070\(3\)](#)

### Capital Facilities and Fiscal Responsibility

Adequacy of urban services is defined as adequacy to meet adopted LOS standards. Providing adequate public facilities is part of the affirmative duty local governments have. For example, each expansion of an Urban Growth Area (UGA) incurs additional costs. Investment in services to these new UGA areas comes at the expense of investments needed to preserve and maintain existing infrastructure. When Counties and Cities consider adding any new land area to a UGA, changes to the county comprehensive plan must be accompanied by an update to the transportation and capital facilities elements to show how the County, Cities, and other service providers will provide the needed facilities. The update must include: the current inventory of urban services, what urban services will be needed to support the expansion of the UGA, what the costs for urban services are projected to be, and a statement of funding sources to underwrite the costs of providing urban services to the entire UGA and any amended areas, consistent with RCW 36.70A.070(3). The County and Cities' Comprehensive Plans would need to be updated to support changes in land use, housing, transportation, and utilities that would result from expanding the current UGA.

The fiscal analysis must show the generalized costs to meet adopted levels of service, as well as the detail necessary for roads, water, wastewater or storm water service. Without such analysis, there is no record to show how the local government will be able to meet its obligation to provide adequate public facilities consistent with RCW 36.70A.070(3) and RCW 36.70A.110(3).

### Capital Facilities and Economic Development

Key factors of economic recovery – good jobs, significant private investment, effective infrastructure and adequate public funding – have an interdependent relationship. Planning

for them in an integrated fashion is a powerful strategy for local vitality. Infrastructure planning leads to strategic infrastructure investments that help the community achieve its intended future.

### **Capital Facilities, Neighborhood Character and Livability**

Neighborhood character and livability can certainly be influenced by capital facilities planning. These are often of great importance in UGAs. For example, including street trees in public rights of way can boost neighborhood character, provide separation between motorized and pedestrian travel ways, and reduce urban heat island impacts. Providing for street and pedestrian connectivity, street lighting, crosswalks at key areas such as to schools and parks, providing safe pedestrian and bicycling routes to schools, adding new sidewalks or filling in sidewalk gaps, identifying needed neighborhood school and park sites, and coordinating transit stop distances and amenities with transit provider(s) can all influence character and livability of a community or neighborhood. The amenities affect quality of life as well as capital facilities planning.

### **Integration of Land Use and Capital Facilities, Connection to the Utilities Element**

You may hear the phrase “truth in planning” used when discussing capital facilities. This is because the CFE of the plan is meant to be the reality check in regard to how much it will cost and how it will be paid for in order to implement the vision of the comprehensive plan. The CFE must integrate the land use element with the transportation, utilities, and other plan elements. It is the local jurisdiction’s plan for the provision of public facilities and services needed to serve the community over the life of the planning period. To be a successful, integral part of the plan it must be based on projected needs to serve the anticipated growth at the levels of service adopted by the community.

Counties, cities, and towns can meet the capital facilities planning requirements of the GMA in the manner that best meets their needs. In this guidebook we will strive to include examples from jurisdictions of varying sizes, geography, and circumstance. For example, the City of Ellensburg operates its own natural gas and electric utility, therefore it has a combined Capital Facilities and Utilities Element. Ellensburg is one of only three municipalities in the state that provides natural gas service and one of only four that have an electric utility.

It is essential to integrate the CFP with all elements so that budgeting decisions are made consistent with the CFP and the comprehensive plan as required by RCW 36.70A.120. This includes components of other elements, such as the utilities element and facilities and services provided by others (e.g. school districts). Projects and maintenance needs identified in other elements (e.g. utilities, parks and open space) or more detailed functional plans (e.g. water system plans, sewer plans) should all be included in the CFP.

### **Public Participation**

It is important to involve the public in the review and update of the capital facilities plan. Each community may want to include a definition of capital facilities in its plan, provide an



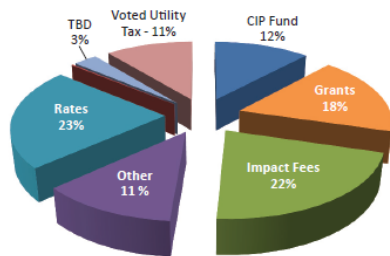
overview of the requirements under the GMA for the CFE, and detail the differences between the 6 year capital improvement plan (CIP) and the longer term planning involved as well (funding years 7-20 of the plan). Typically, the six-year capital improvement plan is project specific, while funding of the remaining years seven to twenty of the plan is more area defined.

Educating the public on the role and importance of the CFE will result in a better comprehensive plan overall. Graphics that show the revenue sources and amounts, as well as expenditures, can help inform citizens about the financial specifics of their community. It may serve to influence growth and infrastructure patterns of the community. For example, financial information could be used to compare the cost of providing facilities and services to different densities and intensities of development. Using a decision matrix can make a big difference and help the public see the rationale for decisions that have been made or are being considered.

Jurisdictions can use visual aids to help make funding requirements and decisions more understandable to the public. In the example below, a city shows how property taxes were allocated. Local governments may wish to visually depict how taxes, fees, and other resources are obtained and expended to help the public have a better sense of the obligations and any shortfalls.

The City of Olympia uses two graphics in its CFP introduction, designed to help people understand where the money comes from and how it is used.

**2014-2019 CAPITAL FACILITIES PLAN  
COST BY FUNDING SOURCE  
\$122,101,887**



	2014	2015-2019	TOTAL
CIP Fund	\$ 1,724,800	\$ 13,168,110	\$ 14,892,910
Grants	\$ 465,000	\$ 21,629,567	\$ 22,094,567
Impact Fees	\$ 666,213	\$ 26,174,459	\$ 26,840,672
Other	\$ 1,836,525	\$ 10,622,375	\$ 12,458,900
Rates	\$ 4,365,100	\$ 23,875,300	\$ 28,240,400
SEPA Mitigation	\$ 2,938	\$ 241,000	\$ 243,938
TBD	\$ 620,000	\$ 3,100,000	\$ 3,720,000
Voted Utility Tax	\$ 2,535,250	\$ 11,075,250	\$ 13,610,500
<b>Total</b>	<b>\$ 12,215,826</b>	<b>\$ 109,886,061</b>	<b>\$ 122,101,887</b>

**2014-2019 CAPITAL FACILITIES PLAN COST  
BY PROJECT CATEGORY  
\$122,101,887**

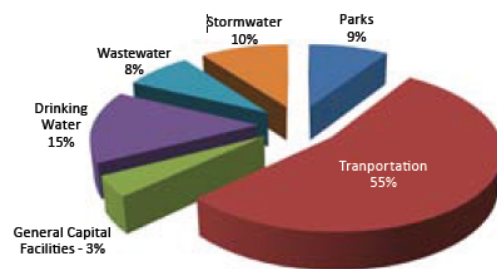


Table 1.1

	2014	2015-2019	TOTAL
Parks	\$ 1,908,250	\$ 9,610,250	\$ 11,518,500
Transportation	\$ 3,502,451	\$ 63,773,836	\$ 67,276,287
General Capital Facilities	\$ 411,525	\$ 2,069,575	\$ 2,481,100
Drinking Water	\$ 1,826,800	\$ 16,685,900	\$ 18,512,700
Wastewater	\$ 2,333,700	\$ 7,328,500	\$ 9,662,200
Stormwater	\$ 2,233,100	\$ 10,418,000	\$ 12,651,100
<b>Total</b>	<b>\$ 12,215,826</b>	<b>\$ 109,886,061</b>	<b>\$ 122,101,887</b>

Graphic 1: Visual aids used in the City of Olympia’s Preliminary 2014-2019 Capital Facilities Plan.



## Existing Services & Infrastructure

Local governments fully planning under the GMA must include an inventory of existing capital facilities owned by public entities (including those owned by special purpose districts), showing the location and capacities of them.

Some jurisdictions may choose to separate the inventory by category. For example, in its 2012 CFP update<sup>1</sup>, Kitsap County inventoried its capital facilities by type (i.e., Public Buildings, Law Enforcement, Fire Protection, Parks and Recreation, Sanitary Sewer, Schools, etc.).

The City of Shoreline<sup>2</sup> is an example of a local government that provides some facilities and services, and contracts with special purpose districts for others. They group facilities and services into those owned or managed by the city and those that are non-city managed facilities and services.

The inventory should include the extent to which facilities have capacity available for future growth. This will also help identify future need if there are gaps between available capacity and the capacity that will be needed to implement the growth anticipated in the comprehensive plan. It is also important to plan for the financial obligations of long term operation and maintenance of existing infrastructure.

## Services & Infrastructure to Serve New Growth

One of the requirements is to include a forecast of future need. Using the assumptions and growth targets in the land use plan, what are the anticipated changes in capital facilities and public services that will be needed? Which existing facilities and services will need to be replaced or enhanced? What new facilities or services will be needed? At the end of the planning period, based on the assumptions and growth targets, all capital facilities and public services should be provided at the adopted levels of service (LOS). For many jurisdictions this will require working closely with special purpose districts to ensure the facilities and services they provide can be expanded or enhanced as needed to implement the comprehensive plan. If the special purpose district cannot meet the new demand, the local government must work to determine how those needs will be met and how they will be financed.

Options to consider may include upsizing infrastructure to serve infill growth versus expansion of development into currently un-served areas. Even with new growth paying for the infrastructure to serve an undeveloped area, in the long term the operation and maintenance costs of the infrastructure may cost more than upsizing the existing infrastructure to serve infill. Local governments must carefully consider the costs, both initially and over the life of the investment, to make sound financial decisions.

---

<sup>1</sup> See [http://www.kitsapgov.com/dcd/community\\_plan/comp\\_plan/cfp/final%20cfp/CFP%20Final.pdf](http://www.kitsapgov.com/dcd/community_plan/comp_plan/cfp/final%20cfp/CFP%20Final.pdf)

<sup>2</sup> See <http://shorelinewa.gov/index.aspx?page=964>

The CFE should include the proposed location and capacities of expanded or new capital facilities. Local governments need to have a good idea about the land needed for future investments (e.g., water reservoirs, sewer lift stations, stormwater facilities, parks). Some uses are dependent upon certain geographic features, such as a higher or lower elevation than the surrounding area or in an area that serves as a critical junction between pressure zones. Knowing these needs and making appropriate investments and land use decisions years in advance is often necessary to ensure the facility or service can be provided. Making appropriate decisions in advance may provide a greater degree of property selection options or avoid costly and lengthy purchase or condemnation actions in later years.

Local governments must identify which capital facilities and public services are necessary to support new development. There are likely to be others that will be provided but are not necessary to support new growth. At least those that are necessary to support development need to have an adopted LOS standard, as well as a concurrency or adequacy mechanism. The concurrency or adequacy mechanism is what will be used to ensure the facilities and services necessary for new development are adequate to serve that development. If these facilities or services cannot be provided at the adopted level of service, the local government must reassess its land use element. This reassessment might result in amendments to the land use element, reducing the adopted level of service standards, or securing additional funding. Other options include – but are not limited to:

- reducing demand through demand management strategies,
- reallocating or redirecting planned growth within the jurisdiction or among jurisdictions within the urban growth area to make better use of existing capital facilities,
- phasing growth or adopting other measures to adjust the timing of development until the full range of capital facilities needed for new development are available, or
- revising county-wide population forecasts within the allowable range or revising the county-wide employment forecast.

A jurisdiction cannot determine what it will need in the future for public facilities and services without knowing what levels of service it is to meet.

### **Adopting other Plans by Reference**

All capital and public facilities needed for future growth must be included in the comprehensive plan. These needed facilities may be identified in other comprehensive plan elements, in the jurisdiction’s functional plans, or in the plans of other entities that provide services or facilities.

### **Functional Plans**

Often a city or county has a water system plan, sanitary sewer plan, or transportation plan that contains more detail than is needed in the comprehensive plan. However, the detail is necessary to show adequate provisions can be made to provide facilities and plan for long term expenses. Such functional plans are often adopted by reference. Jurisdictions should

use care to ensure plans adopted by reference are – and remain – consistent with the comprehensive plan over time. Some functional plans must be updated more frequently than comprehensive plans, so plans should be reviewed regularly for consistency.

### Special Purpose Districts or Other Service Providers

Jurisdictions should not rely solely on the assurances of availability from other service providers, whether they are public or private entities. Many jurisdictions have special purpose districts that provide at least some of the capital facilities or public services within their boundaries. When adopting system plans or master plans of special purpose districts, the local government should provide a summary of the information in the capital facilities plan, synthesize the information from each of the various providers, and verify/demonstrate that the actions included in the plans, when taken together, will provide adequate public facilities within the planning horizon. The local government should conclude that the capital facilities element shows that the area will be provided with adequate public facilities. In completing this, it is important to look at any assumptions used in the special purpose district's plan. For example, are their planning timeframes and anticipated population growth and demand consistent with what the city or county is planning for? If there are any gaps, how will they be addressed? Ultimately, it is the local government's responsibility to show that adequate capital facilities and public facilities will be provided.

### Fiscal considerations

The statute requires at least a 6-year plan that will finance capital facilities within projected funding capacities and that clearly identifies sources of public money. However, in reality, each jurisdiction must consider funding issues over the entire life of the plan. While the funding capacities and identification of public funding sources may not be as clear as those required for the six-year plan, a general idea of how capital facilities needed to serve the community - at adopted levels of service and for the anticipated degree of growth - is warranted. This longer term thinking will help communities take steps necessary to fund needed infrastructure. Sometimes the planning or steps needed to secure infrastructure must begin or take place years before development can occur. Knowing what is needed and identifying estimated costs will allow the city or county to appropriately set fees, address rate setting, allow for partnering with special purpose districts, and provide time to research funding options for various projects. It may allow additional time to work with property owners and other stakeholders on the formation of special taxing districts or provide opportunities to collect impact or mitigation fees to pay for a portion of the project.

The GMA requires coordination and consistency within the comprehensive plan. The Capital Facilities Element must be consistent with the land use, transportation, utilities, and other elements of the comprehensive plan. This includes the financing plan to implement the plan.

Potential for annexation should be factored into financial planning. Areas to be annexed may require significant investment for maintenance of roads, infrastructure, or both. Cities and towns should assess the condition of all existing or needed facilities, the timing and

need of any upgrades or major maintenance investments, and make provisions to fund them.

There is a direct connection between the expansion of UGAs and capital facilities planning. Whenever a UGA expansion is being considered, the jurisdiction must analyze the area and the ability to serve it with urban services and how that provision of services will be financed. Please see Commerce's, "Urban Growth Area Guidebook: Reviewing, Updating, and Implementing Your Urban Growth Area."

### **A Tour of the Guidebook**

This guidebook is intended to help local government planners complete the review and update of a capital facilities plan prepared under the Washington State GMA. The guidebook will cover requirements under the GMA and provide general information about conducting and updating the inventory, forecasting future needs, meeting current and future needs, developing a meaningful and realistic financing plan, provide tips for smaller jurisdictions, and identify additional considerations for county governments. The guide will also provide information to help implement the CFP by addressing consistency and coordination issues, implementation through decision-making, and reviewing and updating the Capital Facilities Element. The guidebook will include examples from local governments, resources, and summaries of key hearings board cases.

**Chapter 13.02**

**PLANNING COMMISSION**

Sections:

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

**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.

(Ord. 26386 § 28; passed Mar. 23, 1999: Ord. 25318 § 1; passed Jun. 8, 1993: Ord. 24942 § 1; passed Jul. 2, 1991: Ord. 20266 § 1; passed Dec. 17, 1974: Ord. 20183 § 1; passed Aug. 13, 1974: Ord. 18877 § 1; passed Jul. 15, 1969: Ord. 14983 § 1; passed Mar. 1, 1954)

**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.

(Ord. 25318 § 2; passed Jun. 8, 1993: Ord. 20266 § 2; passed Dec. 17, 1974)

**13.02.016 Definitions. *Repealed by Ord. 27172.***

(Ord. 27172 § 3; passed Dec. 16, 2003: Ord. 27079 § 8; passed Apr. 29, 2003: Ord. 25850 § 2; passed Mar. 12, 1996)

**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

## **Tacoma Municipal Code**

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.

(Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 24942 § 2; passed Jul. 2, 1991: Ord. 20266 § 3; passed Dec. 17, 1974: Ord. 14983 § 2; passed Mar. 1, 1954)

### **13.02.030 Expenditures – Budget.**

The expenditures of the Commission shall be limited to appropriations made to the Planning and Development Services 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27466 § 33; passed Jan. 17, 2006: Ord. 26386 § 29; passed Mar. 23, 1999: Ord. 24942 § 3; passed Jul. 2, 1991: Ord. 20266 § 4; passed Dec. 17, 1974: Ord. 14983 § 3; passed Mar. 1, 1954)

### **13.02.040 Duties and responsibilities.**

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

- A. To prepare the Comprehensive Plan and its elements, pursuant to Revised Code of Washington Chapter 36.70A , that are concerned with protecting the health, welfare, safety, and quality of life of City residents.
- B. To review and update the Comprehensive Plan and its elements, and recommend proposed amendments to the City Council.
- 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 and 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 4; passed Dec. 16, 2003: Ord. 27079 § 9; passed Apr. 29, 2003: Ord. 25850 § 3; passed Mar. 12, 1996: Ord. 25696 § 4; passed Apr. 25, 1995: Ord. 24942 § 4; passed Jul. 2, 1991: Ord. 20560 § 1; passed Sept. 30, 1975: Ord. 20266 § 5; passed Dec. 17, 1974: Ord. 14983 § 4; passed Mar. 1, 1954)

### **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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27172 § 5; passed Dec. 16, 2003)

### **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 Planning and Development Services 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 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27466 § 34; passed Jan. 17, 2006; Ord. 27172 § 6; passed Dec. 16, 2003)

### **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, safety, and quality of life of Tacoma’s residents. The Comprehensive Plan must be consistent with and advance the goals of RCW 36.70A (“Growth Management Act”), 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:



## Tacoma Municipal Code

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, and 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 7; passed Dec. 16, 2003)

### **13.02.045 Adoption and amendment procedures.**

A. Adoption and amendment. The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan shall be adopted and amended by ordinance of the City Council,

following the procedures identified in this section. 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 application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the 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, along with maps if applicable, of the affected area and the surrounding areas, including identification of affected 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:

## Tacoma Municipal Code

1. Determining if the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
2. Determining if there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
3. Determining if the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request 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 should be considered; and (3) whether or not the application will be considered, and if so, 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. Upon completing the assessment and receiving an affirmative determination from the Planning Commission to move forward, the proposed amendment will be analyzed by the Department against 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 amendment along with analysis conducted pursuant to Section 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.

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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 8; passed Dec. 16, 2003: Ord. 26899 § 1; passed Dec. 11, 2001: Ord. 26386 § 30; passed Mar. 23, 1999: Ord. 25850 § 4; passed Mar. 12, 1996: Ord. 25696 § 5; passed Apr. 25, 1995: Ord. 25360 § 1; passed Aug. 31, 1993: Ord. 24942 § 5; passed Jul. 2, 1991: Ord. 21883 § 1; passed Nov. 13, 1979: Ord. 20266 § 6; passed Dec. 17, 1974)

**13.02.050 Quorum. Repealed by Ord. 27172.**

(Ord. 27172 § 9; passed Dec. 16, 2003: Ord. 25318 § 3; passed Jun. 8, 1993: Ord. 20266 § 7; passed Dec. 17, 1974: Ord. 20183 § 2; passed Aug. 13, 1974: Ord. 14983 § 5; passed Mar. 1, 1954)

**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 Section 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27995 Ex. A; passed Jun. 14, 2011: Ord. 27172 § 10; passed Dec. 16, 2003)

**13.02.055 Moratoria and interim zoning.**

A. Moratoria and/or interim zoning controls adopted by ordinance of the City Council 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 Section 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.

## Tacoma Municipal Code

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 any moratorium or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt findings of fact justifying the adoption of any moratorium or interim zoning before, or immediately after, the 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 11; passed Dec. 16, 2003)

### **13.02.057 Notice for public hearings.**

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

B. For Comprehensive Plan land use 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.

C. For a proposed amendment to the Comprehensive Plan land use designations or area-wide zoning classifications within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted in the affected area at least 14 calendar days prior to the Planning Commission public hearing. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the proposed amendment. The applicant shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition. 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.

D. 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.

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 12; passed Dec. 16, 2003)

### **13.02.060 Reports. *Repealed by Ord. 24942.***

(Ord. 24942; passed Jul. 2, 1991; Ord. 20266 § 8; passed Dec. 17, 1974; Ord. 14983 § 6; passed Mar. 1, 1954)



## **TACOMA PLANNING COMMISSION**

### **RULES AND REGULATIONS**

The following Rules and Regulations of the Tacoma Planning Commission were originally adopted by the Commission on April 20, 1970, and subsequently amended on July 21, 1980, August 21, 1995, May 21, 1997, June 7, 2000, October 20, 2004, November 18, 2009, and December 1, 2010. These Rules and Regulations conform to the statutory authority of the City Charter (Article III, Section 3.8 – City Planning Commission) and the Tacoma Municipal Code (Title 13, Chapter 13.02 – Planning Commission).

The Rules and Regulations contain the following items:

- I. Election and Terms of Office
- II. Duties of Officers
- III. Establishment of Advisory Committees and Task Forces
- IV. Long-Range Planning Division Manager
- V. Meetings
- VI. Records
- VII. Annual Report to the City Council
- VIII. Miscellaneous
- IX. Rules and Regulations Amendments

#### **I. Election and Terms of Office**

A. The Commission shall elect its own Chair, Vice-Chair, and such other officers as from time to time it may determine it requires, all of whom shall be members of the Commission.

1. Nominations and Elections – Officers shall be nominated at the first meeting in June of each year. Elections shall be held at the following meeting. New officers will assume duties at the meeting following their election.
2. Officer Qualification Considerations – The Officers should:
  - a) be interested in holding the position(s);
  - b) be able to devote sufficient time to Commission business;
  - c) be committed to attending as many regular and special Commission meetings as possible;
  - d) be prepared to make presentations to the City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans and policies; and
  - e) have sufficient experience on the Commission to understand its role and functions and to have a basic understanding of the City's Comprehensive Plan policies and development regulations.

- B. The term of office shall be for one (1) year or until the next scheduled election. In case of any vacancy in office, the vacancy shall be filled by an election at the first regular meeting after the occurrence of such vacancy.

## II. Duties of Officers

- A. Chair – The Chair shall preside over all meetings of the Commission. All resolutions adopted by the Commission and Commission correspondence shall be signed in his/her name as Chair of the Commission.
- B. Vice-Chair – In the event of the absence of the Chair or his/her inability to act, the Vice-Chair shall take his/her place and perform his/her duties. In the event of the absences or inability to act of both the Chair and the Vice-Chair, the remaining members of the Commission shall appoint one of their members to temporarily act as Chair.

## III. Establishment of Advisory Committees and Task Forces

- A. Advisory Committees – The Commission may establish advisory committees as it deems appropriate, following the procedures as authorized in the Tacoma Municipal Code Section 13.02.015.
- B. Task Forces – The Commission may also establish task forces as it deems appropriate to conduct extended and supplemental analyses of issues identified and defined by the Commission. Task forces are ad-hoc and issue-oriented in nature and shall not be construed to have the same organization and operation as those of “advisory committees.” A task force shall be comprised of up to four (4) members of the Commission designated by the Commission by a majority vote. Chairpersons of task forces may be designated by the Chair of the Commission. There shall not be more than two task forces operating at any given time. Task forces shall serve at the discretion of the Commission and their duties and responsibilities shall be established by the Commission. All task force meetings shall be open to the public and pursuant to Sections V.F.1 & V.F.2 of these rules. Task forces may not conduct public hearings.

## IV. Long-Range Planning Division Manager

The Long-Range Planning Division Manager shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of records of meetings, hearings, official actions and all public records. The Long-Range Planning Division Manager shall be responsible for providing such other staff service as may be required by the Commission within the limits of the budget for the Community and Economic Development Department as approved by the City Council.

## V. Meetings

- A. Regular Meetings – Regular public meetings of the Commission shall be held on the first and third Wednesday of each month at 4:00 p.m. in Room 16 of the Tacoma Municipal Building North, or in another location designated by the Commission. If the regular meeting day falls on a legal holiday, the Chair of the Commission shall fix another day therefore and give notice of said meeting as hereinafter providing for



“special meetings.” The notice for any regular public meeting shall indicate the date, time, place and business to be transacted, and be distributed prior to the meeting to those individuals and organizations listed on the mailing list that shall be maintained by the Long-Range Planning Division Manager and may be subject to the Commission’s approval.

- B. Public Hearings – Public hearings conducted by the Commission shall be held in the Council Chambers of the Tacoma Municipal Building or another location designated by the Commission and indicated in the notice of hearing. The date and time of the hearing shall be determined by the Commission and indicated on the notice of hearing. Notices for public hearings shall be distributed in accordance with the Tacoma Municipal Code Section 13.02.057. Notices shall also be mailed, prior to the hearing, to those on the mailing list as hereinabove provided, to those individuals or organizations which have indicated in writing to the Community and Economic Development Department an interest in the subject(s) of the hearing, and to other interested parties as deemed appropriate by the Commission. An additional notice shall be required for matters continued for further hearing and continued to a time, date, and place certain.
- C. Special Meetings – Special meetings of the Commission set for a time different than regularly scheduled as hereinabove provided shall be held at such times as the Commission may determine, or may be called by the Chair for any time upon the written request of three members of the Commission. Special meetings shall be open to the public. Per RCW 42.30.080, special meetings require at least 24 hours' written notice. Such notice shall indicate the date, time, place and business to be transacted. Notices of special meetings shall be distributed to the same recipients of notices for regular public meetings, to the recipients on the special press mailing list on file with the City Clerk’s Office, and to other interested parties as deemed appropriate by the Commission.
- D. A quorum for the transaction of official business shall consist of a majority of the members of the Commission, but a smaller number may adjourn from time to time. Upon a member's missing three (3) 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 his/her office and a new member be appointed to fill the unexpired term. Requests by members to be excused shall be stated by the member at a Commission meeting or be submitted to the Commission or be directed through the Long-Range Planning Division Manager or his/her representative who shall then present the request to the Commission. The Commission shall then approve or deny the request.
- E. Every official act taken by the Commission shall be by resolution or by motion by an affirmative vote of a majority of the quorum. In the event that a member disqualifies themselves or passes, this is to be registered as "not voting". Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.
- F. Conduct of Meetings
  - 1. Order of business:

- a) Roll Call
  - b) Approval of minutes not previously approved
  - c) Consideration of business items in the order set forth in the meeting agenda. (Matters set for public hearing shall be considered at such time as determined by the Commission and set forth in the hearing notice.)
  - d) Other business
  - e) Communication
  - f) Comments by Long-Range Planning Division
  - g) Comments by Planning Commission
  - h) Adjournment
  - i) The preceding order of business may be modified for any meeting by a suspension of the rules, concurred in by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice.
2. Conduct of regular meetings:
- a) The Chair of the Commission shall preside over all regular meetings of the Commission except as provided for in Section II of these rules.
  - b) The Chair introduces the agenda items.
  - c) The Long-Range Planning Division Manager or his/her representative, if appropriate, summarizes the staff report or other information prepared or received by the staff on the agenda item.
  - d) The Commission considers requests and may ask questions of the staff or others in attendance at the direction of the Chair. Comments by the public may be permitted, but only at the discretion of the Chair.
  - e) The Commission takes appropriate action, if an action is required.
3. Conduct of public hearings:
- a) The Chair of the Commission shall preside over all public hearings conducted by the Commission except as provided for in Section II of these rules.
  - b) The Chair calls the public hearing to order and announces the procedure for the public hearing as established by the Commission.
  - c) The Long-Range Planning Division Manager or his/her representative, if appropriate, summarizes the staff report or other information prepared or received by the staff on the hearing item.
  - d) Communications, not contained in the Commission's report, received concerning the hearing item are presented to the Commission.
  - e) The Chair asks for reports from advisory committees or task forces, if appropriate.
  - f) The Commission hears those persons wishing to give testimony.

- g) The Chair either closes the hearing and announces the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date if there is a finding by the Chair that all interested parties have not been afforded an adequate opportunity to testify before the Commission or if new information is to be considered on which the Commission feels additional public testimony to be appropriate.
- h) At a meeting(s) subsequent to the public hearing, the Commission considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision-making until the completion of additional analyses.

#### G. Open Public Meetings Act and E-mail Exchanges

E-mail exchanges between members of the Commission can constitute a violation of the Washington State Open Public Meetings Act (OPMA), Chapter 42.30 RCW. Generally, if a majority of the members participate in an e-mail discussion of Commission business, the members are conducting a meeting in violation of the OPMA requirement that meetings must be “open to the public with prior notice.” It is suggested that Commission members observe the following guidelines to avoid OPMA problems with e-mail exchanges:

1. When possible, limit e-mail exchanges on issues related to Commission business to less than a majority of Commission members. Sending copies of an e-mail to less than a majority may not suffice if subsequent exchanges relay the content of the original exchange to a majority of members.
2. Never decide at an open meeting that a majority of the Commission will continue or complete discussion of an agenda item by e-mail.
3. One-sided (no response anticipated) informational e-mails to a majority or more of Commission members are probably consistent with the OPMA. In open meetings, the Commission members should verbally announce that they have sent this type of e-mail if it relates to the discussion at hand. Commission members are free to engage in e-mail exchanges with staff on one-sided e-mails, but not with each other.
4. E-mail exchanges on issues that the Commission will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the Commission, a majority of the Commission should not subject the issue to e-mail discussion.

#### VI. Records

- A. The Commission's adopted summary minutes of the public meetings shall be the official records. The actual recording of each hearing item shall be the official record for such item.
- B. Supplemental records pertaining to matters of public meetings and public hearings shall be kept on file in the Community and Economic Development Department as

required by law. These supplemental records may include but not be limited to the following:

1. Description of agenda items, including all submitted information therewith.
2. Report of the Community and Economic Development Department, Commission Advisory Committees and Task Forces on the matter as presented to the Commission at a meeting thereof, including such material submitted in writing and in map form.
3. Written communications concerning the matter.
4. Facts concerning the matter.
5. Records of all actions taken by the Commission in the matter (resolutions, motions, setting of dates for hearings, etc.).
6. Record of actions taken by the City Council in the matter (ordinances, resolutions, results of hearings, etc.).

C. Recorded transcripts or summary minutes of all official Commission proceedings shall be filed with the City Clerk and shall be opened to public inspection.

#### VII. Annual Report to the City Council

The Commission shall annually report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year, and if applicable, the outlook of planning issues for the coming year. Said report should, at the discretion of the Chair, take the form of a letter, a memorandum, a summary report or a copy of relevant minutes of the Commission's meetings, and may be posted on the City's website.

#### VIII. Miscellaneous

A. Code of Ethics – Members of the Commission shall comply with the City of Tacoma's Code of Ethics pursuant to the Tacoma Municipal Code Chapter 1.46 while conducting Commission business. The types of conduct that constitute violations of the Code of Ethics include 1) conflicts of interest, 2) financial interests and personal gain in contracts, 3) beneficial influence in contract selection, 4) representation of private person at City proceeding, 5) certain private employment, 6) beneficial interest in legislation, 7) disclosure of confidential information, 8) improper use of position, 9) improper use of City personnel, 10) improper use of City property, 11) acceptance of compensation, gifts, favors, rewards or gratuity, and 12) impermissible conduct after leaving City service.

B. Disclosure of Contacts – Individual members of the Commission may, but are not required to, participate in or initiate discussions with interested parties affected by issues under consideration by the Commission. Such meetings or contacts with citizens should be disclosed at the next scheduled meeting of the Commission. The intent of such disclosures in a public setting is to preserve the integrity of the Commission's process and provide a record and notice to other individuals who may also be affected or interested. If a Commissioner receives a request to meet/discuss

but prefers not to do so, he/she may suggest the requesting parties to express their comments and concerns through the normal procedures, i.e., providing testimony at public hearings and/or providing comments to staff.

- C. Contact Information – The generic contact information of members of the Commission should be considered public information and made available for public access.
- D. Conferences – Members of the Commission may attend, at their own expense, conferences, meetings and training courses closely related to Commission business.

#### IX. Rules and Regulations Amendments

The Rules and Regulations may be amended by the Commission by a majority of vote at any regular or special meeting.