



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, January 6, 2016, 4:00 p.m.

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

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes of December 16, 2015

C. Public Comments

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

D. Discussion Items

1. 2016 Annual Amendment – Assessment Report

Review and consider approving of the assessment report that summarizes the scope of the work for proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for 2016. (See "Agenda Item D-1"; Stephen Atkinson, 591-5531, satkinson@cityoftacoma.org)

E. Communication Items & Other Business

- (1) Infrastructure, Planning and Sustainability Committee meeting, January 13, 2016, 4:340 p.m., Room 16; agenda items to be determined.
- (2) Planning Commission meeting, January 20, 2015, 4:00 p.m., Room 16; agenda items to be determined.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, December 16, 2015, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Donald Erickson, Meredith Neal,
Anna Petersen, Brett Santhuff, Scott Winship
ABSENT: Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:03 p.m. A quorum was declared.

B. APPROVAL OF AGENDA

The agenda was amended to move item E-2 ahead of E-1. The agenda was approved as amended.

C. APPROVAL OF MINUTES

The minutes of the regular meeting on December 2, 2015 were reviewed and approved as submitted.

D. PUBLIC COMMENTS

No members of the public came forward to provide comments.

E. DISCUSSION ITEMS

1. Marijuana Regulations

Molly Harris, Planning Services Division, facilitated a discussion on issues related to medical marijuana cooperatives and potential changes to the Land Use Regulatory Code to implement the new State laws. Ms. Harris reviewed that Cooperatives could have up to 4 qualifying patients and/or designated providers; may grow up to 60 plants; members must share responsibility for production and processing; must be in a domicile of one of the participants; must be registered with the Washington State Liquor and Cannabis Board (WSLCB); must be at least one mile from existing retailers and 1,000 feet from sensitive uses; must wait 60 days before a new member may fill a vacancy; may produce marijuana only for the medical use of members; and minors could not participate. Chair Beale asked if licensing would require proof of local permits. Ms. Harris responded that the State did require compliance with local regulations.

Medical Marijuana was discussed. Ms. Harris reported that according to new State laws qualifying patients or designated providers could obtain medicinal marijuana from retailers; qualifying patients or designated providers could grow 6 plants or up to 15 plants with the authorization of a health care professional; qualifying patients who chose not to register with the State medical database could have only 4 plants; and medical marijuana was exempt from State retail sales taxes.

Dan McConaughy, Code Compliance, reported that for over two years they had been enforcing the code on store front collective gardens and home collective gardens. He reported that there had been issues with unpermitted and substandard work especially in single family dwellings. Mr. McConaughy discussed health risks associated with collective gardens including mold and mildew from poor ventilation; the use of cooking products to extract oils; risks to children in the homes; smoke odor; improper discarding of materials; storage and handling of butane, hexane, propane and other chemicals and gases in a residential setting; and hazards to abutting property owners. Additional issues included increased foot

traffic in residential areas; 60 plants being too many for a residential setting; and smoke and odor complaints being difficult to enforce. Mr. McConaughy commented that enforcement of cooperatives would be difficult due to right of entry limitations and staff resources being limited. Commissioner Erickson asked if there were similar risks for individuals growing their own plants outside of a cooperative. Mr. McConaughy commented that the risks remained, but dropped with the number of plants.

Lieutenant Fred Scruggs, Tacoma Police Department, commented that grow operations often comprise a hazardous environment and tactics teams with special equipment including breathing apparatuses to investigate because grow operations are often in an enclosed oxygen deficient environment with mold and mildew present. He commented that grow operations can also be fire hazards, noting that in the last year at least three homes had caught fire due to efforts to extract oil using butane. Lieutenant Scruggs expressed concern that a home with 60 plants would not be livable and that homes would be rented solely to be used for grow operations. Lieutenant Scruggs added that individual grows of up to 15 plants would still comprise a hazardous environment and issues with ventilation would remain.

Commissioners provided the following comments and questions:

- Commissioner Winship asked if an average home's electrical service would be sufficient for 60 plants. Mr. McConaughay responded that the necessary equipment, including lighting and ventilators, would overload the system when combined.
- Chair Beale asked if there had been any outreach to encourage people to apply for permits. Brian Boudet, Planning Services Division Manager, responded that they provide information on permitting requirements during the licensing process. He commented that for the cooperatives it was unknown how much opportunity the registration at the State level would provide for outreach.
- Commissioner Petersen asked if individual grows would need to be a mile from retailers. Ms. Harris responded that there were no location restrictions for individuals growing their own plants.
- Commissioner Petersen asked if all production and processing for cooperatives would have to occur at the same site. Ms. Harris responded that to her knowledge it would have to occur at a single location. She added that the State had regulations on the kinds of processing allowed in single family homes, but they could add additional regulations at the City level.
- Commissioner Erickson asked if the state would share resources to cover some of the expenses of enforcement and inspection. Ms. Harris responded that the State had yet to do so, but it had been requested.
- Commissioner Neal asked if it would be possible to have the Tacoma Fire Department inspect cooperatives. Ms. Harris responded that the Fire Department had indicated that they do not routinely conduct inspections of people's homes and would not want to start doing that.

Key Issues were discussed. Ms. Harris reviewed that the Commission could consider restricting or banning Cooperatives. On the issue of limiting the total number of retailers, Ms. Harris reported that their allotment was going from 8 to 16 retail stores and that they were recommending a cap at the City level even if it was the same as the State cap. Vice-Chair Wamback asked why there were nine stores even though the cap was currently eight. Ms. Harris responded that we believe this was due to an appeal concerning the results of the lottery for new stores which resulted in the State issuing an additional license. Vice-Chair Wamback commented that the number of unlicensed medical marijuana store fronts operating in the City indicated that the market could support more than 16 stores. Chair Beale reviewed that the Commission had stated that it was inconsistent with other land uses in the city to have a cap on the number of retail marijuana stores. Commissioner Erickson concurred, expressing support for eliminating the cap.

Maps of potential retail marijuana locations were reviewed with 1,000 and 2,500 foot dispersion buffers discussed. Ms. Harris noted that both dispersion buffers resulted in limited available space where cooperatives could be allowed. Ms. Harris reviewed that they were recommending a larger public notice radius for new retail stores, based on the buffer from sensitive uses.

Vice-Chair Wamback requested that an alternative perspective be provided to balance out what had been presented so far and included in handouts. He commented that he would not be voting in favor of sending any proposal out for public review unless time for an alternative perspective was provided.

2. Environmental Action Plan

Kristin Lynett, Office of Environmental Policy and Sustainability, provided a presentation on the status of the Environmental Action Plan and Performance Measure Report. Ms. Lynett stated that the original Climate Action Plan from 2008 needed to be updated and expanded to include issues with a less direct connection to greenhouse gas reduction. She reported that they had hired consultants, created an inter-department and agency advisory committee, and held stakeholder meetings. The funding for the plan was coming from Environmental Services, Tacoma Public Utilities, and General Government.

Ms. Lynett discussed how the Environmental Action Plan (EAP) would fit within the context of other planning documents and existing policies. She noted that the EAP had two components, one oriented around actions and one focused on indicator metrics. The plan included six categories: Natural Systems, Transportation, Materials, Buildings and Energy, and the new Air and Food and Climate Resiliency categories. The framework would break actions into three categories: Serving Our Community, City Leading by Example, and Individual Choices Matter. The framework would also include baseline metric indicators and 5 year targets for those indicators.

Ms. Lynett reported that the actions included in the draft plan had been determined with prioritization criteria including whether the plan implements an existing goal or policy; the lifecycle costs including benefits per dollar; the scale of greenhouse gas reductions; and how much the actions would benefit the local economy, local environment, health, and help to advance equity. Ms. Lynett reviewed examples of how the plan's six categories would be broken into the three categories of actions, a baseline metric indicator, and a 5 year target. Comprehensive Plan synergy was discussed and actions were noted that had connection to or were directly from the Comprehensive Plan.

Chair Beale asked how they would address encouraging community participation in actions like restoring native open spaces. Ms. Lynett responded that one of the draft metric indicators for the Natural Systems category is the number of volunteers involved in stewardship activities. Chair Beale then asked how the Habitat Corridors program would be incorporated into the plan and if funding issues would be addressed. Stephen Atkinson, Planning Services Division, responded that they had transferred ownership of open spaces to Environmental Services and a rate increase had been passed to fund the management and enhancement of those open spaces. Chair Beale asked for clarification on whether there were new funding sources for open space acquisition and Mr. Atkinson suggested that staff could follow up with additional information on that topic.

F. COMMUNICATION ITEMS & OTHER BUSINESS

Brian Boudet, Planning Services Division Manager, provided updates on the following items:

- The January 6, 2016 Planning Commission meeting agenda tentatively included the Tacoma Mall Neighborhood Subarea Plan and the 2016 Annual Amendment.
- The recent meeting of the Infrastructure, Planning, and Sustainability Committee had included the annual report on Planning Commission accomplishments and the upcoming work program. Council Members provided some thoughts including concerns about consistency and quality of notifications; interest in TDRs and how it relates to LCLIP; concern about the outcome of the Narrowmoor Conservation District proposal; and interest in more subarea planning processes particularly for the 34th and Pacific Avenue mixed-use center. Public comments included design review, electronic onsite signage, public notification, and enforcement of infill proposals.
- Invitations had been sent out to Commissioners for individual lunch meetings.
- The Infrastructure, Planning, and Sustainability Committee had recommended a new Commissioner to fill the Planning Commission's current vacancy.

G. ADJOURNMENT

At 5:39 p.m., the meeting of the Planning Commission was concluded.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **2016 Annual Amendment – Assessment Report**
Date of Meeting: January 6, 2016
Date of Memo: December 29, 2015

At the next meeting on January 6, 2016 the Planning Commission will conduct an assessment of all applications for amending the Comprehensive Plan and/or the Land Use Regulatory Code for 2016 (“2016 Annual Amendment”), pursuant to the Tacoma Municipal Code, Section 13.02.045.

Six applications have been assembled by the Planning and Development Services Department based on state and regional mandates and requirements, City Council's requests and directives, Planning Commission's suggestions, community's input, and customers' feedback. As a result of the compressed timeframe for the 2016 Annual Amendment resulting from the extended Comprehensive Plan update in 2015, no private applications have been accepted.

The six applications are as follows:

1. Future Land Use Implementation – Phase 1
2. R-4L District Design Standards
3. Plan and Code Cleanup
4. Wireless facility Code
5. Short Term Rental and B&B
6. Sign Code

Attached is a draft Assessment Report summarizing the scope of the work for each application. Staff will facilitate the Commission's review and approval of the Assessment Report as well as decision-making as to whether these applications should be forwarded for technical analysis. A key focus for the discussion will be staff and Commission priorities for Phase 1 of the Future Land Use Implementation project and discussion of future phases. Staff will provide candidate sites for potential area-wide rezones for Commission feedback.

If you have any questions, please contact me at (253) 591-5531 or satkinson@cityoftacoma.org.

Attachment:

1. Assessment Report

c: Peter Huffman, Director



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

ASSESSMENT REPORT

(Draft for the Planning Commission's Review, January 6, 2016)

The analysis process for the Proposed Amendments to the Comprehensive Plan and the Land Use Regulatory Code for 2016 ("2016 Annual Amendment") has begun as of December 2, 2015.

The next step is for the Planning Commission to review and approve of the Assessment Report, pursuant to Tacoma Municipal Code (TMC), Section 13.02.045 Adoption and Amendment Procedures. This Assessment Report, prepared for the Commission's consideration on January 6, 2016, includes four parts:

- A. Summary of Applications
- B. Assessment
- C. Recommendation
- D. Attachments

A. Summary of Applications

The 2016 Annual Amendment package includes four applications submitted by the City's Planning and Development Services Department. A summary of the applications is as follows:

APPLICATION	APPLICANT	PLAN / CODE AMENDMENT	DESCRIPTION OF PROPOSED AMENDMENT
1. Future Land Use Implementation - Phase 1	Planning & Development Services Department (PDS)	Plan & Code Amendment	This will be phase 1 of a multi-year effort to implement the Future Land Use Map of the Comprehensive Plan by evaluating inconsistencies between the Comprehensive Plan and the Zoning map and to rectify the inconsistencies. The first phase will be limited in scope due to the compressed time frame for the 2016 amendments.
2. R-4L District Design Standards	PDS	Code Amendment	Review and amend the development standards for the R-4L Zoning Districts to ensure consistency with Comprehensive Plan policies pertaining to street and pedestrian orientation, connectivity, building design, site layout, and off-site transitions.
3. Plan and Code Cleanup	PDS	Plan & Code Amendment	The code cleanups include: <ul style="list-style-type: none"> • Amendments to TMC 13.06 to ensure consistency with the Comprehensive Plan; • Limited amendments to the Shoreline Master Program TMC 13.10; • Signature Trail connections; • Permit notification; • Nonconforming uses.

APPLICATION	APPLICANT	PLAN / CODE AMENDMENT	DESCRIPTION OF PROPOSED AMENDMENT
4. Wireless Facility Code	PDS	Code Amendment	Evaluate the code in response to recent Federal legislation that identified wireless facilities as an important basic infrastructure and to make sure local jurisdictions don't put these facilities through any unnecessary or punitive processes.
5. Short Term Rental and B&B	PDS	Code Amendment	Evaluate whether there should be limitations on what might be considered a commercial operation in residential zones.
6. Sign Code	PDS	Code Amendment	Evaluate the implications of a recent Supreme Court case from Arizona that might have some effects on how many distinctions can be made in the code. Conduct other clean up actions as necessary.

B. Assessment

The applications were reviewed against the following assessment criteria pursuant to TMC 13.02.045, and the review is summarized in the table that follows:

1. If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
2. 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. 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.

APPLICATION	REVIEW OF APPLICATION AGAINST ASSESSMENT CRITERIA
1. Future Land Use Implementation – Phase 1	<ul style="list-style-type: none"> • The amendment is legislative and properly subject to Planning Commission review. • The consistency between the Land Use Designations of the Comprehensive Plan and current zoning districts has been recently studied as part of the Comprehensive Plan update and reconciliation of these inconsistencies has been identified in the Comprehensive Plan as a high priority implementation action. • This proposal is the first of a multi-phase implementation action scaled to fit the current constrained annual amendment timeframe. Staff will work with the Commission to scale the project to ensure the amount of analysis is reasonably manageable.
2. R-4L Design Standards	<ul style="list-style-type: none"> • The amendment is legislative and properly subject to Planning Commission review. • This proposal is the first of a multi-phase implementation action scaled to fit the current constrained annual amendment timeframe. • The amount of analysis is reasonably manageable.

APPLICATION	REVIEW OF APPLICATION AGAINST ASSESSMENT CRITERIA
3. Code Cleanup	<ul style="list-style-type: none"> • The amendment is legislative and properly subject to Planning Commission review. • The code cleanups are addressing new issues and topics that have been identified as a result of the recently adopted Comprehensive Plan and as identified in recent permitting processes. • The amount of analysis is reasonably manageable.
4. Wireless Facility Code	<ul style="list-style-type: none"> • The amendment is legislative and properly subject to Planning Commission review. • While the wireless facilities code has been amended as recently as 2014, the proposed 2016 Amendment is in response to recent legislation and therefore, merits inclusion as a stand-alone application. • The amount of analysis is reasonably manageable.
5. Short Term Rental and B&B	<ul style="list-style-type: none"> • The amendment is legislative and properly subject to Planning Commission review. • Short term rentals have not recently been reviewed by the Planning Commission. Given recent technological changes that have facilitated a greater ease with which single-family residences may be informally rented on a temporary basis and the likely public interest in the topic, staff recommends treating the topic in a stand-alone application. • The amount of analysis is reasonably manageable.
6. Sign Code	<ul style="list-style-type: none"> • The amendment is legislative and properly subject to Planning Commission review. • The Sign Code was recently amended in 2013, however, the proposed 2016 Amendment is in response to a recent Supreme Court decision and merits review. The project may draw significant public interest and therefore, should be treated as a stand-alone application. • The amount of analysis is reasonably manageable.

C. Recommendation

According to TMC 13.02.045, the Planning Commission will review this assessment and make its decision within 120 days of receiving the applications, as to:

- (a) Whether or not the application is complete, and if not, what information is needed to make it complete;
- (b) Whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
- (c) Whether or not the application will be considered, and if so, in which amendment cycle. The Planning Commission shall make determinations concerning proposed amendments.

Based on the review of the proposals against the assessment criteria, staff concludes that they are ready for technical analysis without the need to modify the respective scopes of work. Staff recommends that the Planning Commission accept all applications, as submitted, for consideration during the 2016 Annual Amendment cycle.