



MINUTES (Approved on 9-21-16)

TIME: Wednesday, August 17, 2016, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Meredith Neal, Brett Santhuff,
Dorian Waller, Scott Winship, Jeremy Woolley
ABSENT: Jeff McInnis, Anna Petersen

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 AND MINUTES OF JULY 20, 2016

The agenda was approved. The minutes of the regular meeting on July 20, 2016 were reviewed and approved as submitted. Commissioner Jeremy Woolley who had been appointed by the City Council on August 9, 2016, representing the "Architecture, Historic Preservation, and/or Urban Design" position, was sworn in by the City Clerk.

C. PUBLIC COMMENTS

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

- 1) Dr. Bruce Arneklev:
Dr. Arneklev reviewed that his property had been part of Study Area 4 in the area-wide rezone proposals as part of the 2016 Annual Amendment. He reviewed that he had made comments to the City Council regarding the opening of the street from Truman Middle School through Orchard. He asked if any Commissioners had been out to the site. He expressed concern that it was the highest point in the North End and that they wanted to develop it as though it was any place in town.

D. DISCUSSION ITEMS

1. Open Government Training

Martha Lantz, Deputy City Attorney, facilitated training on open meetings, open records, and ethics. Ms. Lantz reviewed that in recent years there had been additions made to the Open Public Meetings Act and the Open Public Records Act to require training designed to recognize the importance of these open government initiatives.

The Open Public Meetings Act was discussed. Ms. Lantz reviewed that the law was passed in 1971; that it applies citywide to all governing bodies including commissions with decision making or recommending authority; and that it requires that all meetings of the group be public meetings including retreats, workshops, and study sessions. Ms. Lantz reviewed that a meeting occurs when a quorum is present and an action occurs including discussion or receipt of testimony. Ms. Lantz noted that the act can also apply to a subcommittee or smaller group even if there is not a quorum. Ms. Lantz reviewed the requirements for meetings including notice to the public, a published agenda, that the public be permitted to attend without any conditions, that minutes are taken, and that topics are generally limited to the published agenda. Ms. Lantz reported that meetings could also include group emails, blogs, forums, or interactions in a social media environment. She noted that meetings were allowed by telephone, but they would have

to provide the public an opportunity to participate such as a speaker phone at a designated location. Ms. Lantz reported that for violations of the Open Public Meetings Act, members were individually liable with a \$1000 penalty for any knowing violation.

The Public Records Act was discussed. Ms. Lantz reviewed that the law was passed in 1972; that it applies citywide to committees, boards, commissions, and individual members; and that it creates a duty to retain, search for, and produce public records. The act defined a record as any type of information or communication relating to conduct of government; information that is owned, used, or retained by the Commission or individual members; information on paper and digital media; and also agency business on personal cellphones or recorders. Ms. Lantz reported that if a request was made by the public, records would need to be available for inspection and copying and requestors could not be limited or asked the reason for the request. Individuals would need to look for records in a timely search of all potential locations and provide any responsive records to staff. Penalties for violations of the act would go to the City and could accrue for not searching, for searching but not producing, for missing deadlines, and for not conducting an adequate search. Ms. Lantz recommended that Commissioners keep all records related to their work on the Commission in a central location.

Records management was discussed. Ms. Lantz reviewed that the law required the City to retain the records of committees, boards, and commissions. She noted that the owner of the record would generally be responsible for keeping the copy of the record and that in most cases City staff would be responsible for the records of the Commission. Ms. Lantz reported that retention periods for records were set by the State and City and that some records, like communications from staff, would be considered transitory records with no retention required beyond the needed period. She noted that transitory records that were not destroyed would have to be searched for on request. Ms. Lantz reported that blogging or use of social media in an official role was public record and that there was no general “privacy” exemption.

Ms. Lantz reviewed the requirements of the City’s Code of Ethics which applied both to city employees and members of committees, boards, and commissions. Conduct prohibited by the code of ethics included disclosure of confidential information, use of City position for personal gain, acceptance of gifts as a result of any work on the Commission, and financial conflicts of interest. Ms. Lantz noted that any complaint filed would generate a review by the Board of Ethics, which could make recommendations to the City Council including removal from the Commission.

Commissioners and staff provided the following questions:

- Lihuang Wung, Planning Services Division, asked if Commissioners attending a workshop would count as meeting if there were enough members present to constitute a quorum. Ms. Lantz responded that it would probably not provided that no action was being taken.
- Mr. Wung asked if a Commissioner noting that they were a member of the Planning Commission while attending a community meeting would constitute them being present in an official role. Ms. Lantz responded that there was no prohibition against being open about being a Commissioner and that it was not a violation to use one’s title so long as it was not to get special treatment.
- Commissioner Winship asked when an executive session would be permissible. Ms. Lantz responded that the Open Public Meetings Act had a list of scenarios where an executive session was allowable, including to get legal advice for imminent legal action and for evaluations of employees.
- Commissioner Winship asked if he would be barred from representing an individual party on an administrative proceeding. Ms. Lantz responded that it would not be an issue in general, but that it could depend on the circumstances.
- Commissioner Woolley asked if an interlocal agreement that results in exchange of finances between two agencies would be considered a conflict of interest. Ms. Lantz responded that it probably would not, but that those types of relationships are good to disclose.

2. Unified Development Code

Sue Coffman, Development Services Division, provided a briefing on the progress to develop a Unified Development Code (UDC) for the City. She reviewed that development codes regulate how, where, and what type of development may occur. Ms. Coffman noted that when the codes are out of date, in conflict,

or not lining up with the vision they can inhibit development. She reported that the purpose of the UDC was to make the development codes more accessible, effective, and predictable for customers, staff, and the community. Ms. Coffman reviewed that Planning and Development Services had been working on streamlining their permitting processes and providing a better customer experience for those seeking permits and approvals. She noted that development regulations that are easy to use, amend, and interpret are an important element of the streamlining process.

Ms. Coffman reviewed that in 2014, a consultant had been hired to research and benchmark jurisdictions that had created a unified development code. The research had indicated that there had been a lot of national focus on UDCs; that several Federal agencies had offered funding to cities to support this effort; and that the UDC was an important element in the success San Antonio experienced with enhancements to the delivery of development services to their community. Examples of UDCs from the benchmarking study indicated that the policy requirements should align with the design and development process rather than being kept under a specific code authority. The goals of the UDC were to consolidate code sections by the development process; clear delegation of authority for decision-making; clear references to standards and guidelines; and simplification of fees.

Ms. Coffman reviewed code sections that would be incorporated into the new Title 19, noting that codes like Fire and Utilities would be included only by reference. Codes to be incorporated included most of Title 2, portions of Titles 9 and 10, and all of Title 13. Shirley Schultz, Development Services Division, discussed the outline of the new Title 19 and noted that the Shoreline Code would be left as its own chapter. The Environmental Protection section would include SEPA and the Critical Areas protection ordinance. The Site Development section would include setbacks and access requirements. Ms. Schultz noted that it had been proposed to move the Planning Commission to Title 1 where other boards and commissions are currently located. Zoning and Land Use would be located in 19.02. Environmental Protection would be located in 19.03. Ms. Schultz noted that substantive changes were not being made to the code, but things were being moved into a different format so that conflicts and items needing clarification would become evident as they move forward with the code. She reviewed a chart listing items that would be moving from Chapters 13.04 and 13.06 to 19.04 and 19.05.

Commissioners provided the following questions:

- Commissioner Winship asked if the permit process would change to match the structure of the UDC. Ms. Schultz responded that in many ways it already does, with major projects often doing the environmental review first, then the site development permit, followed by the building permit.
- Vice-Chair Wamback asked if it would be possible after completion of the UDC to do a backwards search for appropriate locations for a specific type of land use. Ms. Schultz responded that it would be part of the next phase as it would necessitate some language changes for consistency. Ms. Coffman noted that there was a larger cleanup process being led by the legal department to reduce the size of the code and make it available in a web searchable format.
- Vice-Chair Wamback asked if the next phase would include correlating all of the definitions. Ms. Schultz responded that there are many context specific definitions, including some from State Law, which would make it difficult to merge them.

3. Future Land Use Map Implementation – Phase 2

Stephen Atkinson, Planning Services Division, provided a review of the scope of work for area-wide rezones, the commercial pattern areas project, and the open space corridors project that implement the One Tacoma Comprehensive Plan. He reviewed that it was a continuation of a process that had begun six years ago with the change in the classification system and that they were now in the implementation phase. The four overall components of the implementation phase were area-wide rezones, the Open Space Corridors Project, the Major Institutional Campus designation, and the Commercial Pattern Areas Project. Mr. Atkinson noted that the Commercial Pattern Areas Project was not a direct implementation of any individual category on the map, but it was something that would be considered in the next phase.

Mr. Atkinson reviewed the map showing the inconsistencies between the intensities and the zoning. He reviewed how they had examined the characteristics of a set of areas including Open Spaces, Planned Residential Developments, and Educational Facilities leading to changes in the Future Land Use Map. He

noted circled areas on the map denoting inconsistencies that had already been addressed during the last Annual Amendment process. He reported that the inconsistencies remaining were largely concentrated along the corridors, but they would also examine some of the districts, smaller nodes along corridors, and other minor cleanups scattered throughout the City. He reviewed that the intent was to evaluate remaining inconsistencies and propose recommendations for a citywide update. He commented that the implementation was necessary for many reasons including internal consistency in the Municipal Code; recognizing the need to follow through on the City's vision, goals, and policies; addressing cost and predictability issues that arise from not having the right zoning in place; getting things right the first time to avoid lost opportunities; and heightening public awareness.

Open space corridors were discussed. Mr. Atkinson noted that the project would be closely related to work already underway with Environmental Services including development of management plans for publicly owned open spaces, the action plan for street trees, and the urban forestry program. One of the changes that they were making long term was less of an emphasis on acquisition as a means to protect properties and less focus on utilizing regulatory approaches to preserve those areas. He noted that there were a number of different options to accommodate some growth while preserving the important features. Mr. Atkinson reviewed a map of open space in the City noting that the vast majority of the areas were single family zoned, but there were also some areas with industrial or multifamily zoning that would necessitate different approaches. He discussed a draft map of lands with buildable potential, noting the likelihood of development pressure on open space and slopes.

The major institutional campus designation was discussed. Mr. Atkinson reviewed that the designation included larger high schools, hospitals, and universities that service a broader population than their immediate neighborhood. He reviewed that one of the things that had come out of the discussion of the Cheney Stadium area was that single family zoning did not make sense there, but a general commercial zoning would open up many types of uses that can cause community concern.

Commercial Pattern Areas were discussed. Mr. Atkinson reported that the concept was to consider the characteristics of the City's commercial areas, create a typology based on the different patterns or concentrations, and consider how well existing commercial districts align with the typology. He added that they would also consider if changes were needed to the commercial zoning districts to move them towards the desired goals. The phases of the process would be research and assessment, concept development, code development, and the adoption/legislative process.

Commissioners provided the following questions and comments:

- Vice-Chair Wamback recommended that as they proceed with Commercial Pattern Areas that they consider how the areas can accommodate both people within the 20 minute area and the people who drive from somewhere else. He commented that for the districts to be viable they need to ensure that the parking doesn't simply overflow into residential neighborhoods. Mr. Atkinson responded that a big part of discussion would be detailing what the expectations are for the impacts of the rezones and making sure that they are not zoning parking out of existence for the commercial areas.
- Chair Beale commented that he might want to reevaluate the Future Land Use Map to reassess if there are areas that could be improved by reevaluating the map and the inconsistencies. Mr. Atkinson responded that he anticipated future refinements to the map including consideration for smaller districts with historic character that they would want to protect and areas where they would want to accommodate the larger shopping center development patterns.
- Chair Beale asked if the discussion would include consideration for other issues including prioritization of open space and updating the critical areas protection ordinance for steep slopes. Mr. Atkinson responded that the initial phase would be to identify specific issues, which could include discussion of regulatory updates needed for open space corridors. Critical areas updates including updates to the steep slopes code would likely also be a component.

E. COMMUNICATION ITEMS & OTHER BUSINESS

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

- Mr. Boudet introduced Lauren Flemister, the new Senior Planner.

- The City Council had adopted the 2016 Annual Amendment. Mr. Boudet reviewed that four amendments had been made: the postponement of two proposed rezones; tweaks to language in the multifamily design standards; a change to short term rentals; and a motion to add a policy related to the lack of connectivity in the area near TCC.
- The Federal Transit Administration 'Links to Opportunity' grant would provide funding for an upgrade to the streetscape in the Hilltop area that would take place when the light rail system is expanded. There would also be significant public outreach and engagement components.
- There had been a meeting between two Port Commissioners, two Council members and the Mayor to discuss a possible subarea plan in the port/Tideflats area, whether the zoning restrictions in the port area are working appropriately, and how communication and engagement can be improved.
- The Planning Commission Work Program would be discussed at an Infrastructure, Planning, and Sustainability meeting in September.

The Planning Commission meeting on September 7, 2016 was proposed for cancellation, subject to Commission approval. Vice-Chair Wamback motioned to cancel the September 7 meeting. Commissioner Waller seconded. The motion was approved unanimously.

Mr. Wung reported that according to their bylaws the Commission would nominate and elect officers for the next twelve months at the meeting on September 21.

F. ADJOURNMENT

At 6:19 p.m., the meeting of the Planning Commission was concluded.