



City of Tacoma  
Planning Commission

Christopher Karnes, Chair  
Anthony Steele, Vice-Chair  
Morgan Dorner  
Robb Krehbiel  
Brett Marlo  
Matthew Martenson  
Jordan Rash  
Sandesh Sadalge  
Brett Santhuff

June 26, 2024

The Honorable Mayor and City Council  
City of Tacoma  
747 Market Street, Suite 1200  
Tacoma, WA 98402

RE: Permitting Level of Service and Public Notice Code Amendments

Honorable Mayor Woodards and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am forwarding our recommendations on the Permitting Level of Service and Public Notice Code Amendments.

Enclosed, please find the "Planning Commission's Findings of Fact and Recommendations Report for the Permitting Level of Service and Public Notice Code Amendments, June 26, 2024," which summarizes the proposed amendments, the public review and community engagement process, and the Planning Commission's deliberations.

**Permitting Level of Service and Public Notice Code Amendment**

The intent of this proposal is to bring the Tacoma Municipal Code into compliance with recent state legislation adopted under Substitute Senate Bill 5290 and Substitute House Bill 1105. Both Bills mandate that local jurisdictions change their codes to be consistent with the adopted state regulations.

Substitute Senate Bill 5290 requires the City to amend the level of service requirements specific to processing land use permits.

Substitute House Bill 1105 requires that the City's public notice be amended to include the start date of the public notice period.

The attached draft code reflects the required changes.

- Therefore, the Planning Commission recommends that the City Council APPROVE the application as proposed in Exhibit 1.

We respectfully request that the City Council accept our recommendations and adopt the Amendment package as presented.

Sincerely,

Christopher Karnes, Chair  
Tacoma Planning Commission

Anthony Steele, Vice-Chair  
Tacoma Planning Commission

Enclosure



**TACOMA PLANNING COMMISSION**  
**FINDINGS OF FACT AND RECOMMENDATIONS REPORT**  
**Permitting Level of Service and Public Notice**  
June 26, 2024

**A. SUBJECT:**

Permitting Level of Service and Public Notice Code Amendment (“Permit LOS/Public Notice”).

**B. SUMMARY OF PROPOSED AMENDMENTS:**

The Permit LOS/Public Notice Code Amendment consists of the following:

APPLICATION	AMENDMENT TYPE	COMMISSION’S RECOMMENDATION
<b>1. PERMITTING LEVEL OF SERVICE AND PUBLIC NOTICE CODE AMENDMENT</b>		
This proposal is to bring the Tacoma Municipal Code into compliance with State mandate specific to Land Use Permit level of service and public notice requirements.	Code	<b>Exhibit 1 Recommended for Adoption</b>

**C. FINDINGS OF FACT: BACKGROUND AND PLANNING MANDATES**

**1. Comprehensive Plan and Land Use Regulatory Code**

The One Tacoma Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma’s comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City’s official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies, and strategies for the health, welfare, and quality of life of Tacoma’s residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

**2. Amendment Process**

Pursuant to TMC 13.02.070 – Adoption and Amendment Procedures, applications are submitted to the Planning and Development Services Department, and subsequently forwarded to the Planning Commission for their assessment. The Planning Commission decides which applications should move forward as part of that Amendment package. Those applications then receive detailed review and analysis by staff and the Planning Commission and input is solicited from stakeholders and the community.

### 3. Planning Mandates

GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act, and that all proposed amendments, with certain limited exceptions, shall be considered concurrently so that the cumulative effect of the various changes can be ascertained. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional, and local planning mandates and guidelines:

- The State Growth Management Act (GMA);
- The State Environment Policy Act (SEPA);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2050* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*;
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County; and
- TMC 13.02.070 – Adoption and Amendment Procedures.

## D. FINDINGS OF FACT: POLICY REVIEW

### 1. Permitting Level of Service and Public Notice Code Amendment:

As documented in the Staff Analysis Report reviewed by the Planning Commission on May 1, 2024, the Commission reviewed the application for consistency with policies from the Economic Development element of the Comprehensive Plan. The proposal is supported by policies in the Economic Development chapters of the One Tacoma Comprehensive Plan.

## E. FINDINGS OF FACT: STAFF ANALYSIS

### 1. Permitting Level of Service and Public Notice Code Amendment:

Staff conducted analysis to understand potential impacts of proposed process changes. The Public Review Document contains the full record of analysis and was provided to the Commission on May 1, 2024. Key components of this staff analysis include:

The proposed amendments are in response to State mandates. The proposed amendments do not affect the City's standards for development, only the timelines and procedures for issuing permit decisions. The permit level of service standards would apply city-wide depending on the type of application.

Specific to the new levels of service, the code does put the burden on the City to issue decisions quicker and may result in budget impacts if the City has to hire additional staff and/or refund fees. In theory, by issuing decisions faster, development will get built faster and the developer will incur less cost.

Specific to the new public notice requirement, this is intended to provide clarity to the community when they can comment on a project. Clear communication during the permit process is key to building trust with the community.

## F. FINDINGS OF FACT: PLANNING COMMISSION REVIEW

The Planning Commission conducted reviews of the Permitting Level of Service and Public Notice Code Amendment at the following meetings, listed in reverse chronological order, with key decision points and milestones boldfaced:

- **06/26/24 – Debriefing of Public Hearing; Made recommendations to the City Council**
- 06/07/24 – Public Hearing Record closed; deadline for submittal of written comments

- **06/05/24 – Public Hearing on Permit LOS/Public Notice Code Amendment Package**
- 05/01/24 – Assessment of Permit LOS/Public Notice Code Amendment and release for public review

## **G. FINDINGS OF FACT: ENVIRONMENTAL REVIEW**

Pursuant to Washington Administrative Code (WAC) 197-11-800, this proposal is categorically exempt from the requirement to issue threshold determination under the State's Environmental Policy Act.

## **H. FINDINGS OF FACT: CONSULTATION WITH THE PUYALLUP TRIBE OF INDIANS**

There are no known proposals included in the Permit LOS/Public Notice Code Amendment Package that would impact the Puyallup Land Claims Settlement of 1990. A letter of consultation was sent to directors of planning and natural resources for the Puyallup Tribe of Indians, on May 22, 2024, seeking their feedback on the Permit LOS/Public Notice Code Amendment Package. No comments were received.

## **I. FINDINGS OF FACT: PUBLIC NOTIFICATION AND INVOLVEMENT**

### **1. Planning Commission Public Hearing:**

The Planning Commission conducted a public hearing on June 5, 2024 to receive oral testimony, and left the hearing record open through June 7, 2024 to accept additional written comments, concerning the Permit LOS/Public Notice Code Amendment Package.

The complete text of the proposed amendments and the associated staff analysis were compiled in a Public Review Document. The document was posted on the project's website at [www.cityoftacoma.org/CodeAmendments](http://www.cityoftacoma.org/CodeAmendments).

Notification for the public hearing was conducted to reach a broad-based audience, through the following efforts:

- Public Notices** – The notice for the public hearing was emailed during the week of May 20, 2024, to the Permit Advisory Board, the Pierce County Master Builders Association, and individuals on the Planning Commission's interested parties list that includes the City Council, Neighborhood Councils, Neighborhood Business Districts, the Puyallup Tribal Nation, adjacent jurisdictions, City and State departments, and others.
- News/Social Media** – A legal notice concerning the public hearing was placed in the Tacoma Daily Index on May 22, 2024. Notice of the public hearing was posted on the Code Amendments and City's Permitting websites starting the week of May 6, and on the City's social media accounts starting the week of May 27.
- 60-Day Notices** – A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was filed with the State Department of Commerce (per RCW 36.70A.106) on May 23, 2024. A similar notice was sent to the Joint Base Lewis-McChord (per RCW 36.70A.530(4)) on May 23, 2024, asking for comments within 60 days of receipt of the notice.
- Tribal Consultation** – A letter was sent to Planning staff of the Puyallup Tribe of Indians on May 23, 2024 to formally invite the Tribe's consultation on the Permit LOS/Public Notice Code Amendment.

### **2. Other Community Engagement:**

- 5/14/2024 – Meeting with the Pierce County Master Builders Association Legislative Committee
- 4/17/2024 – Briefed the Tacoma Permit Advisory Committee

**J. FINDINGS OF FACT: COMMENTS AND RESPONSES**

Shown in the table below are the numbers of comments the Planning Commission received on the Permit LOS/Public Notice Code Amendment during the public hearing process:

Application	Comments Received	
	Oral	Written
Permit LOS/Public Notice Code Amendment	1	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>

Provided below is a summary of the comment received and, where applicable, the Commission’s responses and amendments. More detailed information is documented in the “Public Comments and Staff Responses and Suggestions” exhibits reviewed by the Commission on June 26, 2024.

**Permitting Level of Service and Public Notices Summary of Comment:**

- (a) More responsibility should be put on developers in submitting good documents for review and adhering to timelines.
- (b) Written notice from local government to the applicant for additional information that is further required to process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days of delay in the application, This should be reversed and onus on applicant that any delay of 30 days will result in 60 days of additional time.
  - Staff will consult with Legal and will be prepared to respond at the June 26 meeting. It is expected that this proposed amendment would result in a code that is out of compliance with state mandate.
- (c) Encourage City staff to provide presentation to Planning Commission on land use permit process using Bridge Industrial as an example.

**K. CONCLUSIONS:**

In drawing its conclusions on the Permit LOS/Public Notice Code Amendment, the Planning Commission considered the criteria as set forth in TMC 13.02.070.H:

- (a) 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
- (b) Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

This amendment is in response to a state mandate. Therefore, the Planning Commission concludes that, generally, the proposed amendment is not detrimental to the City as a whole and is consistent with the health, welfare, and safety of the community.

**L. RECOMMENDATIONS:**

**1. Permit LOS/Public Notice Code Amendment:**

Recommended for Adoption as proposed in Exhibit 1.

The Planning Commission recommends approval of the amendment changing level of service specific to processing land use permits and information provided with public notice.

**M. RECORD OF DECISIONS:**

The voting records of the Planning Commission associated with the above-mentioned recommendations are displayed below:

Amendment Application	Commissioners									Vote Counts	Recommendation
	Morgan Dornier	Christopher Karnes	Robb Krehbiel	Brett Marlo	Matthew Martenson	Jordan Rash	Sandesh Sadalge	Brett Santhuff	Anthony Steele		
Permit LOS/Public Notice Code Amendment	Yes	Absent	Absent	Yes	Yes	Yes	Absent	Yes	Yes	6-0	<b>ADOPT Exhibit 1</b>

**N. EXHIBITS:**

- Exhibit 1: Permitting Level of Service and Public Notice Code Amendment

###

Exhibit "A"

CHAPTER 13.05  
LAND USE PERMITS AND PROCEDURES

\* \* \*

**13.05.020 Application requirements for land use permits**

\* \* \*

C. Application Requirements.

1. Predevelopment Conference. A predevelopment conference may be scheduled at the request of the Department or the applicant. The predevelopment conference is intended to define the project scope and identify regulatory requirements of Title 13, prior to preparing a land use proposal. A predevelopment conference is required prior to submittal of an application for an Urban Design Project Review permit.

2. Pre-Application Meeting

The pre-application meeting is a meeting between Department staff and an ~~potential~~ applicant for a land use permit to ~~discuss~~ review the application submittal ~~requirements and pertinent fees~~ documents. A pre-application meeting is required prior to submittal of an application for rezoning, platting, height variances, conditional use permit, shoreline management substantial development (including conditional use, variance, and revision), wetland/stream/Fish and Wildlife Habitat Conservation Area (FWHCA) development permits, wetland/stream/FWHCA minor development permits, and wetland/stream/FWHCA verifications. This requirement may be waived by the Department. The pre-application meeting is optional for other permits.

\* \* \*

F. Inactive Applications.

1. If, upon request for payment, an applicant fails to pay within 30 days, the application may be considered inactive and the file may be closed.

2. If an applicant fails to submit information identified in the notice of incomplete application or a request for additional information within 120 days from the Department's ~~notification~~ mailing date, or does not communicate the need for additional time to submit information, the Department may consider the application inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application.

\* \* \*

J. Time Periods for Decision on Application.

1. Upon issuance of Complete Application, a ~~A~~ final decision, as defined in subsection 5, on applications considered by the Director shall be made within the time specified below. ~~120 days of complete application.~~

a. Final decision on permits that do not require a public notice shall be made within 65 calendar days.

b. Final decision on permits that do require a public notice shall be made within 100 calendar days.

c. Final decision that requires a public hearing shall be made within 170 days.

d. Applications within the jurisdiction of the Hearing Examiner shall be processed within the time limits set forth in Chapter 1.23. ~~The notice of decision on a land use permit shall be issued (and postmarked) within the prescribed number of days after the Department notifies the applicant that the application is complete or is found complete as provided in Section 13.05.010.D.3.~~

e. The following time periods shall be exempt from the time period requirement:

(1)~~a.~~ Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information due to the applicant's misrepresentation or inaccurate or insufficient information.

(2)~~b.~~ Any period during which an environmental impact statement is being prepared; however, in no case shall the time period exceed one year, unless otherwise agreed to by the applicant and the City's responsible official for SEPA compliance.

(3) Any period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. A local government may set conditions for the temporary suspension of a permit application;

(4) Any period between the Notice of Public Meeting and the public meeting, when request for public meeting is filed during the public comment period.

(5)~~e.~~ Any period for administrative appeals of land use permits.

(6) Any period after Hearing Examiner Recommendation and before Final Reading at Council, when said Recommendation must be approved by the City Council.

(7)~~d.~~ Any extension for any reasonable period of time mutually agreed upon in writing between the applicant and the Department.

2. If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the county or city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local government action to issue a final decision for each type of project permit that is subject to this chapter. Any written notice from the local government to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

3. The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070.



24. The ~~120-day~~ time period established in Section 13.05.020.J.1 for applications to the Director shall not apply in the following situations:

a. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

~~b. If, at the applicant's request, there are substantial revisions to the project proposal, in which case the time period shall start from the date on which the revised project application is determined to be complete, per Section 13.05.020.E.3.~~

~~b.e.~~ Urban Design Project Review permit applications shall be processed within the time limits set forth in Chapter 13.19.

35. Decision when effective. A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to either Chapter 1.23 or Chapter 1.70. In the case of a zoning reclassification, the City Council's decision on final reading of the reclassification ordinance shall be considered the final decision.

46. If unable to issue a final decision ~~within the 120-day time period~~ within the specified timeframe, a written notice shall be made to the applicant, including findings for the reasons why the time limit has not been met and the specified amount of time needed for the issuance of the final decision.

57. Time Computation. In computing any time period set forth in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. Legal holidays are described in RCW 1.16.050.

\* \* \*

### **13.05.070 Notice process.**

#### A. Purpose.

The purpose of this section is to provide notice requirements for land use applications.

\* \* \*

#### F. Content of Public Notice and Notice of Application

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2. The notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal, per the requirements of RCW 36.70B.110. The notice shall be made available, at a minimum, in the project's online permit file, and by any other methods deemed appropriate:

\* \* \*

i. Public comment period (not less than 14 nor more than 30 days), to include start date and end date of public comment period, statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;

\* \* \*

**13.05.090 Decision of the Director.**

\* \* \*

C. Timing of Decision.

~~After examining all pertinent information and making any inspections deemed necessary by the Director~~ Upon issuance of a Complete Application, the Director shall issue a decision as set forth below, ~~within 120 days from the date of notice of a complete application~~, unless additional time has been agreed to by the applicant, or for other reasons as stated in Section 13.05.020.

Permits that do not require public notice - final decision shall be issued within 65 days

Permits that require a public notice - final decision shall be issued within 100 calendar days

In the event the Director cannot act upon a land use matter within the time limits set forth, the Director shall notify the applicant in writing, setting forth reasons the matter cannot be acted upon within the time limitations prescribed, and estimating additional time necessary for completing the recommendation or decision.