

## Tacoma Permit Advisory Group

### Hybrid meeting

Meeting #48 – August 16th, 2023 2:00pm

Advisory Group Members in attendance: Layne Alfonso, Clinton Brink, Michael R. Fast, Ben Ferguson, Jason Gano, Justin Goroch, Ken Miller, Claude Remy, John Wolters

Excused: Robert Laing, Mandy McGill

Absent: Jim Dugan

**2:02 PM Welcome**

**2:02 PM Approval of Minutes**

Meeting #47 on July 19th, 2023

Justin Goroch moved. Layne Alfonso seconded. Unanimous, no further discussion or objection. Motion approved.

**2:03 PM Public Comment**

No comments were provided by the public at this time.

**2:03 PM Quick updates: City staff new items of interest**

- Administrative updates: No updates at this time.
- Recruitment – The leadership team reviewed three applications and all three advanced to interviews. Leadership will be holding interviews on August 23<sup>rd</sup>, 2023 and 2 out of 3 candidates have confirmed. After the interview process, the leadership group will make recommendations.
- Urban Design: Senior Planner Stephen Antupit with PDS Urban Design explains that urban design will be presenting to the planning commission tonight. His goal today is to get input from TPAG about coming back for a presentation in the future to figure out the rollout, effective dates, and how to make the new land use permit move smoothly.
  - Justin Goroch feels this would fit into our hot topic section to come back for a presentation. Ben Ferguson agrees with Justin and would like it to be added to the next leadership meeting to be discussed.
  - Stephen Antupit explains the process will include new tips, Accela, and process. We would ideally like to come back soon to present and maybe create a sub-committee group. This is expected to be adopted by the council early next year.
  - Ben Ferguson asks how the change will be communicated. Is this going to be required? A flag in Accela?
  - Stephen Antupit response is yes, we want it notated a month prior so the public is aware with no surprises. City staff is currently working on this with application services now.
  - Justin Goroch suggests making a note on the maps so people can see what areas are required. Stephen Antupit likes the idea of making it a layer in Dartmap.

- Ben Ferguson mentions from previous urban design meetings that major customers have seen this, and the developers like it, and they are not discouraged. He feels that is very reassuring.
- Stephen Antupit states that recommendations can be submitted by Friday in the form of a letter, email, or attend the meeting tonight to give input.
- Division Manager Jana Magoon with PDS Land Use explains that the city is starting to look at new law HB 1110 regarding unit lot subdivision. Working on how the city will comply with that new law and what needs to be done to make this happen. There is a planning commission meeting in October that will kick off the public process and then she plans to come back to TPAG for feedback. The expectation is for adoption possibly in April/May.
  - Stephen Antupit inquires if there will be a lot of cross-over with Home In Tacoma (HIT)?
  - Jana Magoon responds that yes, this is a branch of HIT
  - Clinton Brink is glad to hear Tacoma is starting with this. Wondering about a follow-up from last month's meeting with Sonja Hallum regarding HB 1110. During the discussion, she deferred to Corey Newton to come back with a follow-up. Corey Newton explains that he is still working with the staff on answers for Clinton.
  - Justin Goroch loves that this is a topic already being discussed in Tacoma and cannot wait to hear more details when it is appropriate.
  - Ben Ferguson explains that other districts are trying to skirt it without being illegal.

**2:15 PM Subcommittee reports**

- Outreach & recruitment – Jim Dugan
  - Jim Dugan is not in attendance today.
- Design review – Ben Ferguson
  - No update beyond earlier discussion.
- Home in Tacoma – Ben Ferguson & Claude Remy
  - No update currently.
- Impact Fees –Mandy McGill
  - No update currently.
- Sidewalk Policies & Recommendations – Justin Goroch and the committee
  - On agenda to be discussed today.

**2:16 PM Tree Preservation Ordinance (ROW tree ordinance update)**

The City of Tacoma's principal natural resources analysis, Mike Carey with Urban Forestry is presenting the context for proposing a municipal code update.

The current TMC Title 9 Right-of-Way Code 9.18: Trees and Shrubs – Trimming and Removal has not been updated since 1927. Code 9.19: Trees and Shrubs – Planting was updated in 1960 and 9.20: Trees and Shrubs – View Blockage was updated in 1990. These codes are specifically about Right of Way (ROW) public trees and city land. Not related to Home In Tacoma private

property tree regulations. In 1927 regulations and concerns were different than they are today, and the codes should be updated to reflect that. In 1927 the city cared about symmetry for ROW trees and with current knowledge on tree preservation the city cares about the health of trees and hazards to the public. One example of an outdated law is if a ROW tree is removed without approval there can be a \$300 fine and 30 days in jail. With the proposed update all three code sections are being combined into TMC 9.18 – Urban Forestry for less redundancy and more consistency.

Recommendation 1: To remove code 9.19.030 on food-producing trees. The goal is to regulate and develop standards for fruit and nut trees in the ROW.

Recommendation 2: Create thresholds for the street protection on adjacent trees during construction. Clarify the protection of trees and be specific.

Recommendation 3: Update ROW tree violations to have a more industry standard and have the fine match the tree that is removed while providing a maximum penalty amount.

Recommendation 4: Tree pruning on public property for view enhancement. Formal request to prune (not remove) trees with a cost for plan, permit, and tree pruning.

The current schedule for updates is IPS meetings in September then the recommendations will go to the council or back to the drawing board. The hope is to have this moving toward adoption prior to the end of the year. Mike Carey opens the conversation for discussion and questions.

Mike Fast asks if you need a permit every year to prune a tree. Mike Carey answers that there is a list of exceptions in the municipal code.

Mike Fast asks if you have a tree that's blocking a view do you need a permit? Mike Carey replies topping a tree is not an approved method of pruning. So, tree topping will have its own section. Jason Gano inquires if it is a mature tree then is it okay to top as it is mature enough to maintain its health? Mike Carey answers that there are specialized cells within a tree- young trees can callous over the wound when being topped but a mature tree is not able to compartmentalize and heal the wound. He reiterates that topping a tree is not an approved method of pruning.

Ben Ferguson comments that combining the policies seems reasonable. He adds that it appears like a lot of work to have the average person in Tacoma understand these policies especially when you bring up doing it wrong and the consequences are fees and jail time. Mike Carey reaffirms that jail time is in the current policy not the proposed new policy.

Ben Ferguson inquired about the maximum penalty cap amount. Mike Carey replies that there will be a system to evaluate the tree and then come up with the fee cost. Typically, between \$600-1500 for an individual tree.

Ben Ferguson explains that he hears two options, either no one touches their trees, and everything is overgrown and horrible, or tons and tons of tree permits. He questions if this will become so difficult that it will require an expert and be too expensive for a homeowner to follow through with.

Jana Magoon explains at this time the only permit cost would be for the removal of certain trees. We are not charging for planting or removal. There would not be a lot of cost recovery for the city's time. The goal is to make the permit process as easy as possible because of the staffing shortage. There is a requirement in some cases for an arborist to report in the new code in certain cases. The policy direction is to make it as easy as possible. Mike Carey clarified that arborist reports would be a requirement in response to violations.

Ken Miller questions if this could be an opportunity to use education and encouragement more than rules and punishment. Corey Newton comments that the city adopts an education-first approach. The city strives for voluntary compliance. Mike Carey explains that the tools are there is just how we apply the tools. If you are a property owner and you don't know then the city will work with you. If you do know the laws and move forward without the permit to see if the city will follow through, then they will move forward with the penalty. This is the direction from the city council to have mediation for these issues. Ken Miller recommends playing down the punishments and pushing the education aspect.

Layne Alfonso inquired about how much enforcement of the tree ordinance has the city had to do? Jana Magoon explains that the city is complaint-based so it is mostly private property, but this policy change is related to ROW-based.

Layne Alfonso follows up with a question about large trees that are unable to be maintained cost-wise. Mike Cary responds trees are living organisms and occasionally, they need some TLC. The city adopted a hazardous tree option to help homeowners. They can apply for this assistance program.

Mike Fast ask if there is somewhere that homeowners can look to for city help. Mike Carey explains that code TMC 9.20 is a request process for the city to maintain the trees. Individual property owners for the city to prune the tree for view enhancements.

Jason Gano inquired about allowing a private arborist to take care of a tree on a ROW. The city doesn't take care of all the trees now and they are going to add 30% more canopy, so he questions how the city can maintain it. Is there room for the discussion to allow private arborists? Mike Carey explains that the city does not have a maintenance program for trees. Ben Ferguson comments that the arborist would apply for a permit and state their objective. It is just like contractors applying for a building permit same with arborists doing the work.

Clinton Brink is concerned about a homeowner buying a property and if it already had illegal cuts – is the new homeowner responsible? Mike Carey responded that he would look into the new code to confirm but he is under the impression it will be the person doing the infraction not attached to the homeowner.

John Wolters asks if Mike Carey can address trees that damage the adjacent sidewalk or curb. Is there something in place to avoid this? Mike Carey explains that historically there was not a lot of knowledge on tree growth and standards for the area required for a tree species. There is a list known to provide this information. So, by having the right tree in the right place, this will be avoided and root barriers are also required.

John Wolters recaps that as we go forward knowing this information, we should be able to eliminate this issue, correct? Mike Carey responds, yes! With these standards being applied there will be consistency moving forward. Mike Carey explains currently we do not look at the species, there is just a recommended list of trees that shows the area needed. If the tree is not on the list they do get reviewed.

Ben Ferguson's recommendation is to make the new code accessible. People who do not read MLC or Accela will not be aware. To have it in Accela is great but for the homeowners to have the goals, options, and approach to package it in a way so the typical person will see it and apply. He explains that his clients can hardly get signed up for Accela so making the process accessible is important.

Mike Carey appreciates the discussion and feedback.

## **2:56 PM Sidewalk Policies & Recommendations**

Justin Goroch cultivated the discussion at the sidewalk policies subcommittee and recommendations meetings in February and March. The subcommittee is made up of Justin Goroch, Layne Alfonso, and Clinton Brink, also including city staff Christopher Johnson and Steve Victor. The main question discussed was "Can we do a fee-in-lieu on sidewalks that do not continue on."

Justin Goroch explains there are 3 or 4 municipalities that have adopted similar ideas with no problems. Steve Victor with legal is not opposed to looking into this as a recommendation.

The goal is to have sidewalks be built where it is in need. This encompasses three options

1. Sidewalks where they are not required
2. Sidewalk where they are required
3. Fee-in-lieu option (developer voluntary)

Justin Goroch clarifies the ask of this group is if this something we would like to vote on and take it to staff to see if a fee-in-lieu option is feasible and how might it be achievable. Then put the discussion to the staff to move forward with how and what hurdles to expect.

Ben Ferguson requested clarification on whether the cost for the fee-in-lieu option is the same cost for the developer as it would be to just build the sidewalk. Layne Alfonso explains that the subcommittee did not get into those details. The idea is that when it is a sidewalk with no connecting adjacent sidewalk then instead of putting a sidewalk that goes to nowhere it can be funded to provide a sidewalk where it is needed.

Ben Ferguson gives an example that if a developer has the option to build a sidewalk in front of their property or fund a sidewalk to the school for kids for the same amount of money then why wouldn't the developer choose to have that go toward the value of their property? Whereas if building it somewhere else provides a benefit or discount then people would be interested.

Justin Goroch explains that the specifics are in later details. This is just about asking if the group if we would like to vote on taking this to city staff.

Chris Johnson brings up general questions that need to be answered prior to going into these details. Such as what constitutes a sidewalk to nowhere, proximity, specifics, and the cost. As we have those conversations there will be more discussions and then compromises. Steve Victor felt like it was a topic that could be approached and acknowledged the clear goals.

Ken Miller mentions situations where a property owner is allowed to forgo sidewalks and then when the developer comes in, they are required to put in both. Justin Goroch explains that in some areas there are residents that do not have sidewalks so this could be a good option to put in sidewalks where it is not required but needed. Chris Johnson explains when you drive around the city you see plats without sidewalks as planned for the neighborhood. sidewalks and plats around the city. We don't necessarily want to not require a sidewalk where the neighborhood has decided it wasn't going to be there. Clinton Brink shares that he did research about how the city might approach charging and at the subcommittee meeting it was discussed that Puyallup enacted a good rule and an example of how this can be done. They charge \$200 per linear foot when no curb exists and \$100 when there is. This is not to say it is the right answer for Tacoma but that is a methodology, we see being used in another jurisdiction. Jason Gano explains that the goal is more options to connect the city together. There are no sidewalks in areas that need sidewalks. This system would help bring the city together and he feels Puyallup did this well.

John Wolters revisits Ben Ferguson's original question from a builder, developer, or homeowner standpoint "Why would they not want to install a sidewalk on there on land to improve their property value?" Ben Ferguson repeats what's the benefit. It will be a waste of TPAG's time if no one is going to take advantage of it. If it's cheap enough to where it's beneficial and saving, then it will get taken advantage of. Ben Ferguson goes into further detail that if the cost is just a blank dollar per linear foot sidewalk what will happen if there is a severe grade, and it costs way more to put in a sidewalk there? How to approach discrepancies in cost for a hard case vs. an easy area. Justin Goroch describes how Puyallup adopted this to the CPI. So, applicability to adjust for inflation and caps would take place. Ben Ferguson also adds that wider sidewalks cost more money.

Corey Newton replies if this is voted on it would be great to have this policy to address all these questions. Christopher Johnson shares that the creativity to use the fee-in-lieu to allow for bonuses doesn't just have to be for this item but could be applied for HIT. Public benefits beyond those required could be potential items to get more bonuses. Ben Ferguson questions if this is an incentive program associated with fee-in-lieu.

Mike Fast explains that this was brought up originally to not be the same cost. This was to have it applied to have fee-in-lieu to allow for a larger area that's cheaper than a single cost for the one sidewalk area. Ken Miller adds that it can help make allowance for building sidewalks in affordable housing areas.

Corey Newton explains that when Puyallup passed the ordinance 3 years ago the city of Tacoma did a cost evaluation and in Tacoma, our was going to be higher. There are challenges and lots of benefits.

Ben Ferguson's comments that sidewalks to nowhere are dumb but I can see that there will be challenges.

Justin Gorocho reiterates this is just to vote on starting the conversation. Corey Newton clarifies that even though legal was open to the discussion this is not a promise. If the group chooses to move forward, then the city can evaluate.

John Wolters mentioned the cost would be higher than Puyallup so is it that the goal is to match what the city would have to pay? Corey explains when we looked at this it would be that the cost would be equal to what the city would have to pay. City cost is more than private.

Ben Ferguson explains the benefit of having 50 feet of sidewalk in the right place vs. 50 feet in the wrong place is indispensable.

Corey Newton explains that the level of fee would be a council decision.

Layne Alfonso adds that the point is not to push the cost onto the city, it is to get sidewalks in the correct placements.

Ken Miller inquires if there are details on the percentage of city frontage that does not have sidewalks.

Justin Gorocho The proposition is to have the advisory group do a deeper dive on this to work out details on complications, benefits, and challenges. Clinton moved, Jason second. Motion approved. Unanimous, no further discussion or objection. Motion approved.

### **3:23 PM Future Agenda Topics (Prioritized List)**

- ~~Sidewalk Policies & Recommendations Subcommittee~~
- Process alignment: Commercial vs. Residential permit requirements
- TPAG Mission Statement
- E-permits
- Pedestrian/Emergency Access DADU's
- Long Range Planning – update from city staff
- Capital Bond Projects
- Solid Waste Collection & Development Projects

### **3:24 PM Final Comments**

Ben added a final comment for consideration in regard to C2 site zoning on dart map. He recently found out that the site had been spot-zoned 29 years ago and it was changed to C2 for a specific use which was never done. The whole point of dart map is to know what it is and be able to plan. He asks if there is some way to have a flag when there is something "special" with a site so that when a spot zone or anomaly is highlighted it is easy to view in dart maps. His

request is just to have staff consider not a topic to be added to the agenda. Jana and Corey Newton acknowledge.

**3:28 PM      Adjourn**