



City of Tacoma Planning Commission

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

AGENDA

MEETING: Regular Meeting (Hybrid)
DATE/TIME: Wednesday, December 20, 2023, 5:00 p.m.
LOCATION: Council Chambers, 1st Floor of the Tacoma Municipal Building
747 Market Street, Tacoma, WA 98402
ZOOM INFO: Link: <https://www.zoom.us/j/81358095104>
Dial-in: +1 253 215 8782
ID: 813 5809 5104

A. Call to Order

- Quorum Call
- Land Acknowledgement

B. Approval of Agenda

C. Approval of Minutes

There are no meeting minutes to approve.

D. Public Comments

This is the time set aside for public comment on Discussion Items on this agenda.

- Written comments on Discussion Items must be submitted to Planning@cityoftacoma.org by 12:00 noon prior to the meeting. Comments will be compiled, sent to the Commission, and posted on the Commission's webpage at www.cityoftacoma.org/PlanningCommissionAgendas.
- To comment virtually, join the meeting using Zoom. To comment in person, sign in at the back of the Council Chambers. Where necessary, the Chair may limit the allotted time for comment.

E. Disclosure of Contacts and Recusals

F. Discussion Items

1. One Tacoma Plan Update

- Description: Overview of scope and schedule for the periodic update to the Comprehensive Plan.
- Action: Review and direction.
- Staff Contact: Stephen Atkinson (SAtkinson@cityoftacoma.org)

2. South Tacoma Groundwater Protection District Code Update

- Description: Review and consider an update to the Work Plan and schedule for the South Tacoma Ground Water Protection District Code Amendment that outlines a more comprehensive approach to the code review.



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 905-4146 (voice) or 711 (TTY) before 5:00 p.m., on the Monday preceding the meeting.

¿Necesitas información en español? Cần thông tin bằng tiếng Việt? 한국어로 정보가 필요하십니까? ត្រូវការព័ត៌មានជាភាសាខ្មែរ?

Нужна информация на русском? Потрібна інформація українською мовою? ☎ Contact TacomaFIRST 311 at (253) 591-5000.

- Action: Review and concurrence.
- Staff Contact: Stephen Atkinson (SAtkinson@cityoftacoma.org)

G. Upcoming Meetings (Tentative Agendas)

- (1) January 3, 2024 – Cancelled
- (2) Agenda for the January 17, 2024, meeting includes:
 - Home In Tacoma – Phase 2
 - One Tacoma Comprehensive Plan Update – Scope and Budget
- (3) Agenda for the February 7, 2024, meeting includes:
 - Pacific Avenue Subarea Plan & EIS (“Picture Pac Ave”)

H. Communication Items

- (1) **Resolution No. 41311** – Adopted December 5, 2023 – Relating to zoning; directing the Planning Commission to identify appropriate zoning and development standards for siting Enhanced Service Facilities.
- (2) **Ordinance No. 28924** – Passed December 12, 2023 – Authorizing the annexation of the Manitou Potential Annexation Area, located near Lakewood Drive West and 66th Street West, to the City of Tacoma, effective April 1, 2024, as set forth in the Interlocal Agreement and Memorandum Understanding with Pierce County executed on December 15, 2021. ([FAQ](#))
- (3) **Ordinance No. 28926** – Passed December 12, 2023 – Amending Title 9 of the Municipal Code, relating to Public Ways, by repealing Chapters 9.18, 9.19, and 9.20 in their entirety and replacing Chapter 9.20 with a new chapter entitled “Urban Forestry”, to establish permit requirements and related regulations for pruning, removal, and planting of street trees, establish policies and procedures for discretionary review of requests to prune trees on public property, establish a heritage tree program, and provide for enforcement and penalties for violations.
- (4) **Status Reports by Commissioners** – Housing Equity Taskforce, Picture Pac Ave, Facility Advisory Committee, and the TOD Task Force.
- (1) **IPS Agenda** – The Infrastructure, Planning, and Sustainability Committee’s meeting on December 27, 2023, has been canceled, and the next hybrid meeting is scheduled for Wednesday, January 10, 2024, at 4:30 p.m.; the agenda (tentatively) includes presentations on the Proctor Neighborhood Plan and a decarbonization resolution. (Held at 747 Market Street, Tacoma, WA 98402, Conference Room 248 or virtually at <http://www.zoom.us/j/87829056704>, passcode 614650)

I. Adjournment



City of Tacoma
Planning and Development Services

Agenda Item
F1

To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **2024 Comprehensive Plan Update**
Memo Date: December 4, 2023
Meeting Date: December 20, 2023

Action Requested:

Informational – Presenting overall scope of work and timeline for 2024 Comprehensive Plan update in addition to Critical Areas Preservation Ordinance (CAPO) and Transportation Master Plan (TMP) update.

Discussion:

At the Planning Commission's meeting on December 20, 2023, staff will provide a general scope of work and timeline for the 2024 Comprehensive Plan, CAPO, and TMP update. Furthermore, a summary of the phased engagement approach will be provided. Lastly, staff will provide the Planning Commission with an update on the funding that is available for the Comprehensive Plan, CAPO and TMP updates.

Based on initial scoping and budget discussions, the overall project budget is insufficient to fully address the desired scope of work and would likely require a greater focus on required planning elements. Staff is proposing to structure a budget and scope prioritization discussion with the Commission in January, leading into a discussion with the City Council IPS Committee on February 14, 2024. At this time, staff is seeking initial guidance from the Commission on prioritization criteria that could be used to help support the Commission's scoping recommendation and budget priorities in January.

To support the Commission's discussion, a draft scope of work is attached. In addition, the following checklists are pertinent to describe the overall planning requirements under the Growth Management Act and Vision 2050:

- [Dept. of Commerce Checklist](#)
- [Vision 2050 Checklist](#)

Project Summary:

Tacoma's Comprehensive Plan, [One Tacoma](#), is the City's official statement concerning its vision for future growth and development. It identifies goals, policies, and strategies for maintaining the health, welfare, and quality of life of Tacoma's residents. The Comprehensive Plan is comprised of numerous individual elements, including elements addressing such important issues as urban form, design and development, environment and watershed health, parks and recreation, housing, economic development, and transportation and infrastructure.

The City of Tacoma amends its Comprehensive Plan on an annual basis as permitted by state law. In addition to these regular amendments, the [Growth Management Act](#) (GMA) requires counties and cities to periodically conduct a thorough review of their plans and regulations to bring them in line with any relevant changes in the GMA, and to accommodate updated growth targets. [RCW 36.70A.130](#) establishes the review procedures and schedule for Comprehensive Plan amendments and periodic review. Tacoma last completed such a "periodic update" in 2015 and is mandated to undertake and complete another "periodic update" by the end of 2024.



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In addition, the City of Tacoma is the designated “Metropolitan City” for Pierce County and is allocated, through [Vision 2050](#) and the [Countywide Planning Policies](#), to accommodate a significant share of the region’s population and employment growth. The Puget Sound Regional Council evaluates and certifies local comprehensive plans for consistency with the multi-county planning policies (see the [Plan Review Manual](#), page 27). The Comprehensive Plan update will include a review and update to ensure consistency with the goals and policies of Vision 2050.

Staff Contacts:

- Stephen Atkinson, Principal Planner, satkinson@cityoftacoma.org.
- Maryam Moeinian, Senior Planner, mmoeinian@cityoftacoma.org.

Attachments:

- Attachment 1: Tacoma Comprehensive Plan Scope of Work (DRAFT)

c. Peter Huffman, Director

Tacoma Comprehensive Plan

SCOPE OF WORK **DRAFT** | DECEMBER 19, 2023

Project Understanding

The City of Tacoma is updating its Comprehensive Plan, "One Tacoma," to provide City Council, Planning Commission, Transportation Commission, city staff, city residents, and the business and development community with a comprehensive, internally consistent and legally defensible tool to guide the City's decision making and development over the next 25 years, to the year 2050. The updated plan will help maintain collaborative and respectful relationships within the community and surrounding neighbors and establish or confirm existing policies and priorities for coordinated development/redevelopment and necessary infrastructure consistent with the State Growth Management Act, Puget Sound Regional Council's VISION 2050 and Transportation 2050, and the City of Tacoma's ongoing Strategic Plan process.

Focus Areas for the 2024 One Tacoma Plan Update

- **Sustainability:** This effort will support a transition to a green, sustainable economy by promoting and accelerating the decarbonization of industrial sectors and transportation systems to meet our adopted greenhouse gas reduction targets.
- **Equity:** This effort will evaluate current Comprehensive Plan and recommend actions the City can take to implement anti-racist systems transformation goals.
- **Public Health:** This effort will coordinate land use and transportation plans to ensure that they support an accessible and thriving city for all ages and abilities while, addressing the overall reduction of harmful air emissions, both greenhouse gas emissions and toxics, with a particular focus on our frontline and most vulnerable populations.
- **Opportunity:** This effort will better align capital plans and investments to create and expand opportunity in low-opportunity neighborhoods, and help to ensure city services are being delivered equitably.

- **Actionable Goals and Performance Measures:** This effort will give particular attention to identifying key metrics and performance measures to demonstrate progress toward meeting the goals and policies contained within the Comprehensive Plan.
- **Communications and Engagement:** This effort will communicate how the Comprehensive Plan goals and policies are expected to improve or otherwise affect the lives of community members and the way they experience the City; and ensure that plans and policies are developed with the community in a culturally appropriate and equitable manner.

Scope of Work

This Scope of Work (SOW) is divided into two phases. Phase 1 of the project is the initial scoping work. Phase 2 of the project is the plan development. The project budget included at the end of the SOW corresponds to the work of Phase 1 and 2.

Phase 1: Project Initiation, Assessment, and Visioning (Through 2nd Quarter of 2024)

Task A: Scoping

A.1 Interviews with Staff Element Leads

The project team will start by meeting with the Planning and Development Services department to discuss the comprehensive plan. After this, meetings with each element lead will refine needs and priorities for the update of each element. This includes:

- Urban Form
- Design and Development
- Environment and Watershed Health
- Climate
- Housing
- Economic Development
- Transportation
- Parks and Recreation
- Public Facilities and Services
- Historic Preservation

As needed, additional meetings with key staff such as leads for equity and climate will be conducted.

A.2 Create Draft Scope and Budget

Compiling notes from all conversations and understanding budget availability, the project team will develop a detailed draft scope of work and corresponding budget for the Comprehensive Plan. One round of revisions is anticipated.

A.3 Develop a Project Schedule

After approval of the scope of work, a corresponding project schedule will be developed

Task B: Project Initiation, Visioning, and Baseline Conditions

B.1 Project Kickoff

A kickoff meeting at the start of the project will clarify larger questions for project priorities; clarify roles, timelines, and expectations for project communications; and establish the key progress check-in moments to track across the Comprehensive Plan process. This will be held virtually and include all Consultant staff and City counterparts with key roles in the project. Seva will develop and maintain this schedule for project team reference. Key inter-departmental and inter-agency staff will be provided materials to summarize the key takeaways from this kickoff.

Deliverables:

- Internal project memo that identifies city and consultant team project contacts and communication protocol.
- Project schedule
- Kickoff meeting agenda and facilitation
- Summary of takeaways to distribute among inter-departmental and inter-agency partners

B.2 Update Best Available Science Review

The Consultant team will review and update the *Tacoma Critical Areas and Climate Change: Best Available Science and Practices* (June 2023 report) that will serve most of the requirements to cover the five types of critical areas defined in RCW 36.70A, wetlands, critical aquifer recharge areas (CARAs), fish and wildlife habitat conservation areas (FWHCA), frequently flooded areas, and geologic hazard areas. We will supplement this effort by preparing a BAS Summary Memo, as needed to ensure the CAO update references applicable BAS and summarizes how each critical area is defined, their functions and values, and BAS-based protection measures.

Deliverables

- BAS Summary Memo (Draft and Final)

B.3 Baseline Conditions and Data for each Plan element

Baseline conditions assessments will summarize existing analysis and reports relevant to the Plan element, and complete any new analysis and mapping needed to

support element updates. Where identified, additional topics of study will be included to support a robust policy development effort.

Anticipated elements included for baseline conditions report:

Task 1: Urban Form

Baseline conditions for this element will incorporate the process of population allocation across TAZs in Tacoma. It will also incorporate a detailed review of commercial districts for consideration in a revised set of commercial zone typologies.

Task 2: Design and Development

This report will summarize opportunities and constraints for commercial districts in Tacoma. This includes relevant planning policies, regulations, and guidance that impact Commercial Districts; the physical context and adjacent land uses for these districts; and documentation of existing commercial districts in terms of physical condition and present use. This will be supported by visuals such as figures and images.

Task 3: Environment and Watershed Health

This report will be a high-level summary of publicly documented critical areas within the City and a description of each of the five critical area types. Publicly available watershed-scale assessments will also be summarized. This effort assumes that the existing descriptions in the City's Comprehensive Plan are accurate and that limited updates will be needed.

Task 4: Housing

This report will summarize current datapoints on Tacoma's housing market, including all requirements to comply with WAC 365.196.410 and updates in HB 1220. The baseline conditions data will also compile the various planning efforts related to housing from recent years to synthesize themes and policy guidance.

Task 5: Transportation

Transportation analysis will be completed as part of the TMP development. Early work for the TMP includes developing a policy framework that can be used to determine priority uses of street space and integrate spatial needs for key modal and functional elements. In addition, background research will identify issues and opportunities for the TMP to address and network maps for up to 5 modal elements will be created.

Task 6: Parks and Recreation

Baseline conditions for Parks and Recreation will primarily reference the Metro Parks Strategic Plan, currently in development. Additional supportive efforts will include updated LOS metrics to incorporate City properties, a crosscheck of state-level guidance for parks planning, and collaboration on equity findings.

Task 7: Public Facilities and Services

This report will review and summarize existing policies related to the management of public facilities as well as capital improvement projects. The report will also provide a summary of identified goals and priorities for service delivery.

Task 8: Downtown

This report will review and summarize all relevant policy documents related to the land use framework for Downtown. It will identify policies from the existing comprehensive plan that should be carried forward into other elements of the updated comprehensive plan. It is not anticipated that a Downtown element will be part of this revised comprehensive plan.

Task 9: Historic Preservation

This report will summarize an assessment of existing plan language and regulations pertaining to historical resources. A comparative analysis will gather relevant best practices from other jurisdictions who have modified their historic resource regulations in efforts to satisfy goals for the update, as identified by staff.

Deliverables

- Baseline Conditions Report, Internal Draft, Public Draft, and Final

B.4 Equity Assessment

Task 1: Research

Seva Workshop will conduct a series of interviews and desk research to assemble existing resources and understand the current equity priorities within the City of Tacoma. This research is also intended to create understanding of what equity measures and data are available, and how they are used.¹

Task 2: Draft Equity Framework

Seva Workshop will create a broad equity framework that identifies equity outcomes and indicators thematically (and their current state, targets, data sources and methods). These themes will include at minimum comprehensive plan chapters and Seva may create an evaluation rubric based on the requirements of HB 1220 that aligns with the broader framework. Staff will review this framework and provide one round of review and comment.

Task 3: Assess Existing Comprehensive Plan

Seva will assess the existing Comprehensive Plan according to the finalized framework. This assessment is intended to identify where and how the Plan can better contribute to equitable outcomes. This assessment will include a completed rubric to meet 1220 requirements. Elements will be assessed at the goal level, with

¹ Anticipated Sources include: Equity and Empowerment Framework, Equity Index, TPCHD and City of Tacoma Health and Equity in All Policies, Home in Tacoma, Black Home Initiative; Housing Disparity in Tacoma, Graduate Tacoma, Office of Strategy - Strategic Plan monitoring, Pacific Avenue Subarea Plan, Climate Action Plan Implementation, Tacoma Subarea Plans, Transit Agency long-range plans, Watershed Planning, South Tacoma Groundwater Protection District Code Update, Metro Parks Strategic Plan and Comprehensive Plan, and Puyallup Tribe Comprehensive Plan

the exception of the housing element. Seva will then provide feedback to staff leads for each element for policy-level assessment.

Seva will deliver a draft summary Equity Analysis and Actions document that includes recommendations, example language, and other resources to guide staff in an update of the Comprehensive Plan.

Deliverables

- Equity Evaluative Framework, Draft and Final
- Equity Assessment

B.5 Policy Audit for GMA Compliance

This will include a policy audit for plan policies that need to be updated for consistency with GMA and to ensure consistency with PSRC checklist and Pierce County CWPPs. Seva will set a structure for this review, and each department's staff will complete the assessment of existing policies under the compliance framework. Results will be cross-checked with the findings from the Equity Assessment in Task B.5.

Deliverables

- Policy audit framework for each existing element
- Policy audit memo of findings

B.6 Project Visioning

Task 1: Early Outreach and Gap Analysis

Early outreach will feature early calls with key stakeholders to discuss upcoming planning work and understand how they would like to be involved in community engagement and planning. This may include: the Puyallup Tribe of Indians, Tacoma Office of Equity, Trust for Public Land, Pierce Transit, Port of Tacoma, TPS, Office of Strategy, Metro Parks Tacoma, Early Action Collaborative of Pierce County, Tacoma-Pierce County Health Department, and the Tacoma Housing Authority.

The gap analysis effort will include a review of engagement reports and raw notes from recent years in the City of Tacoma. The review will summarize key themes heard and document groups in the City that have been reached, as well as those who have not yet contributed to key conversation threads relevant to the comprehensive plan.

In addition to this review of written materials, Seva will develop a community profile for Tacoma. Using publicly available data, this will explore demographic topics for the city's population such as race, ethnicity, income, language, immigration, education, disability, and age.

Task 2: Develop a Public Engagement Plan

In partnership with the City, Seva will discuss gaps to prioritize themes/planning questions and community groups for further engagement. Seva will develop targeted

engagement strategies for each group, customized to their most relevant planning questions, and create a comprehensive public engagement plan (PEP). This will be developed in consultation with the City Office of Equity and City community engagement group.

The final plan will depend on the findings of Task 2 above. Given the likely scope of engagement, these could include:

- Focused listening sessions (can be led by community ambassadors)
- Interviews
- Broad Community Survey
- Community partner hosted events (in partnership with CBOs), with opportunities for community capacity building
- Social Pinpoint engagement and other online activities
- Pop-up/tabling engagements at existing community and neighborhood events
- Targeted mailings
- Partnering with existing advisory committees, such as the Housing Equity taskforce and a TOD committee

The plan will be supported by communications strategies implemented by Team Soapbox. It is envisioned that Seva's role for implementation of this plan will be focused on analysis of results, while City staff will lead the execution and implementation of activities consistent with the PEP.

Task 3: Develop a Communications Plan

Strategies outlined in the PEP (see above) will be implemented to complete the community visioning process. City of Tacoma staff will lead meetings and events as established in the PEP and consultant team will lead preparation of supporting materials and communications content.

Deliverables

- Summary of community engagement efforts (gap analysis)
- Community profile
- Public Engagement Plan, Draft and Final
- Communications Plan, Draft and Final (may be integrated into PEP)

Phase 2: Draft Plan and Code (3rd and 4th Quarters of 2024)

Task C: Draft Plan and Code

This task includes the update of each plan element, regulatory updates, engagement, communications, and legislative support for the planning process. It also includes overall project management and coordination.

Each element of the updated comprehensive plan will address the following topics:

- Climate Resilience and Greenhouse Gas Reduction
- Tribal Coordination and Impacts on Tribal Lands and Treaty Rights
- Equity and Anti-racist Transformation
- Community and Environmental Health
- Relationship to Other Plans and Programs

C.1 Project Management

Ongoing project management will include up to 5 key progress check-ins at various stages in the project (to be confirmed at the kick-off). A regular meeting series of the core project team will be established throughout the project, to be conducted on a bi-weekly basis (adjusted as-needed).

Deliverables

- Up to 5 internal project meetings/workshops at key milestones to review and address outstanding issues and ensure continued project progress
- Agendas and notes from biweekly project check-ins with core PM team

C.2 Element Update - Introduction and Vision

Update this element with a refreshed vision that reflects themes from community engagement, captured during the gap analysis exercise and the first phase of engagement for the project. Introductory content to be reviewed and revised, as appropriate. It is anticipated that this element will not incorporate major changes from its existing structure.

Deliverables

- Updated Introduction and Vision element: Internal Draft, Public Draft, and Final

C.3 Element Update – Urban Form

Update Tacoma's Urban Form element to incorporate a new Future Land Use Map. It is anticipated that this update will center a 20-minute neighborhood framework and integrate a refreshed set of commercial area typologies. Goals and policies will be updated for designated Corridors, and goals, policies, actions, and opportunities will be incorporated for each Mixed-Use Center.

Deliverables

- Updated Urban Form element: Internal Draft, Public Draft, and Final

C.4 Element Update – Design and Development

Update this element to incorporate findings from the baseline conditions analysis and to ensure broader consistency of design goals across City geographies.

Deliverables

- Updated Design & Development element: Internal Draft, Public Draft, and Final

C.5 Element Update – Environment and Watershed Health

Update the element goals and policies as necessary for consistency with BAS and to include consideration of climate change. This includes review of policies for planning for environmental protection, managing environmental hazards, protecting Tacoma's environmental assets, improving environmental quality, and watershed health.

Deliverables

- Updated Environment & Watershed Health element: Internal Draft, Public Draft, and Final

C.6 Element Creation – Climate

Establish a new policy element to house the City's goals and policies on climate adaptation, resilience, and greenhouse gas reduction. Goals and policies developed for this element will draw from existing research and reports, such as Tacoma's Climate Action Plan.

Deliverables

- New Climate element: Internal Draft, Public Draft, and Final

C.7 Element Update – Housing

Update the existing element goals and policies to implement new state planning requirements as well as recommendations and policy direction established in recent planning efforts, such as Home in Tacoma.

Deliverables

- Updated Housing element: Internal Draft, Public Draft, and Final

C.8 Element Update – Economic Development

Enhance goals and policies specific to Manufacturing and Industrial Centers (MIC) with a focus on the South Tacoma MIC; incorporate "Green Economy" goals, policies, and strategies; and understand how principles of a 20-minute neighborhood framework can be applied to commercial zoning in the land use code. City staff will draft the element update and Seva will provide review and comment.

Deliverables

- Updated Economic Development element: Internal Draft, Public Draft, and Final

C.9 Element Update – Transportation

Assess transportation policies, goals, programs, and projects to align with the City's Comprehensive Plan. This element will largely reference the TMP (Task D) but will adapt a set of goals and policies to the comprehensive planning context and framework. The TMP will establish multimodal LOS and concurrency standards, as well as ongoing performance measures.

Deliverables

- Updated Transportation element: Internal Draft, Public Draft, and Final

C.10 Element Update – Parks and Recreation

Update existing element to align goal/policy framework, park typologies, and level of service standards with Metro Parks Tacoma Strategic Plan and Comprehensive Plan.

Deliverables

- Updated Parks and Recreation element: Internal Draft, Public Draft, and Final

C.11 Element Update – Public Facilities and Services

Update existing element including level of service standards, project prioritization criteria, and project lists. Coordinate with Impact Fee Policy and Program development.

Deliverables

- Updated Public Facilities and Services element: Internal Draft, Public Draft, and Final

C.12 Downtown

Remove Downtown as an element and instead, integrate policies into the broader Comprehensive Plan as appropriate.

Deliverables

- Existing downtown elements integrated into applicable updated Comprehensive Plan elements and removal of existing Downtown Element from the Comprehensive Plan

C.13 Historic Preservation

Remove Historic Preservation Plan as a stand-alone program element and integrate as a chapter of the Comprehensive Plan. Remove “program” elements and focus the chapter on the program goals and policies. Depopulate policies that are redundant in other elements. Amend policies for consistency with City housing and growth goals. Add goals and/or policies for greater consistency with climate and equity goals.

Deliverables

- Internal memo describing policies that will be integrated into the Plan and code changes
- Historic Preservation element: Internal Draft, Public Draft, and Final

C.14 Plan Production and Graphic Development

This task covers all graphic and branding work related to the comprehensive plan. This will include tasks such as creating an initial look and feel for the project, developing an InDesign template based on this look and feel, and taking all policy development documents to be transformed into the final Comprehensive Plan. It is

anticipated that the look and feel of the Plan will build on the existing structure and graphic elements. There will also be work for plan photography, developing a mapping template, and creating a simpler Word template for baseline conditions reports and other plan appendices.

Deliverables

- Project templates for Word, InDesign, and ArcGIS
- Fully produced comprehensive plan

C.16 Communications

Implement the communications plan consistent with the PEP. This assumes a significant staff role. Specific consultant roles, responsibilities, and budget will be determined through the development of the PEP and Communications Plan.

Deliverables

- Communication materials, as outlined in the Communications Plan and PEP

C.17 Public Outreach and Engagement

Analyze findings from engagement and create a summary of themes that can be used to inform plan and policy development.

Deliverables

- Implementation of activities, as outlined in the PEP
- Phase I and Phase II engagement summaries

C.18 Legislative Support

Consultant will support staff at up to 5 Planning Commission and/or City Council meetings and hearings to review the updated Comprehensive Plan.

Deliverables

- Technical support and/or physical or virtual presence for legislative meetings, up to total hours allocated in budget.

Task D: Transportation Master Plan (TMP)

The TMP update will respond to transformations that are occurring through zoning changes, such as Home in Tacoma and Sub-Area Planning efforts. The update will also seek to better align the TMP with Vision Zero and the Safe Systems approach, Tacoma's anti-racist transformation and equity focus, as well as address emerging policy and technology trends. Technical consulting services will be used to assist the City with:

- Updating performance measures for evaluating the TMP progress toward its goals
- Updating the City's travel demand forecast model using regional and city-specific data to understand growth impacts to travel citywide.

- With this model, evaluate and update the City's transportation level of service (LOS) standards. LOS evaluation should include consideration of people trips (pedestrians, bicyclists, and transit riders) as well as general purpose vehicle delay.
- Updating the transportation modal plans in GIS
- Identify system deficiencies and mitigation opportunities
- Develop a 6-year TIP prioritization approach and implementation plan

Deliverables:

- MMLOS Metrics and Standards Table with description of measurement approaches
- System deficiency analysis
- Draft 6-year TIP project list
- Draft and Final TMP, including 6 modal elements and network maps
- TMP summary report (highly graphic) and summary slide deck

Phase 3: Planning Commission and City Council Legislative Process (1st and 2nd Quarters of 2024)

Task E: City Council Adoption

E.1 Support adoption process

Consultant will support staff at up to 3 City Council meetings and hearings to review the draft updated Comprehensive Plan as requested by staff and permitted by budget allocated to this task.

Budget

Task	Task / Description	Seva Workshop	Sub-consultant	Subtotal
A	Scoping			
	Subtotal	\$ 25,465	\$ 9,882	\$ 35,347
	Project Initiation and Baseline			
B	Conditions			
B.1	Project Kickoff	4,450	-	4,450
B.3	Baseline conditions	47,225	46,345	93,570
B.4	Equity Assessment	33,000	-	33,000
B.5	Policy Audit	10,600	-	10,600
B.6	Community visioning	32,125	2,450	34,575
	Subtotal	\$ 130,580	\$ 48,795	\$ 176,195
C	Draft Plan and Code			
C.1	Project management	36,000	9,606	45,606
C.2	Introduction and Vision	7,000	-	7,000
C.3	Urban Form	10,050	-	10,050
C.4	Design and Development	5,000	-	5,000
	Environment and Watershed			
C.5	Health	2,625	9,414	12,039
C.6	Climate	10,000	-	10,000
C.7	Housing	6,200	-	6,200
C.8	Economic Development	3,500	-	3,500
C.9	Transportation	3,000	20,240	23,240
C.10	Parks and Recreation	5,625	-	5,625
C.11	Public Facilities and Services	8,250	-	8,250
C.12	Downtown	2,000	-	2,000
C.13	Historic Preservation	5,500	6,200	11,700
	Plan Production and Graphic			
C.15	Development	17,750	11,895	29,645
C.16	Communications	3,500	55,400	58,900
	Public Outreach and			
C.17	Engagement	62,000	-	62,000
C.18	Legislative support	8,100	-	8,100
	Subtotal	\$ 196,100	\$ 113,875	\$ 308,855
D	Transportation Master Plan			
D.1	TMP		303,735	303,735
	Subtotal		\$ 303,735	\$ 303,735
E	City Council Adoption			
E.1	Support adoption process	2,200		2,200
	Subtotal	\$ 2,200		\$ 2,200
	Expenses			
	Photography	3,000		
	Other, such as travel and printing (<2% of budget)	9,500		
	Subtotal			\$ 12,500
Totals		354,345	476,287	\$ 838,832



City of Tacoma
Planning and Development Services

**Agenda Item
F2**

To: Planning Commission
From: Planning Services Division
Subject: **South Tacoma Groundwater Protection District**
Memo Date: December 13, 2023
Meeting Date: December 20, 2023

Action Requested:
Review and Concurrence

Discussion:

The South Tacoma Groundwater Protection District Work Plan adopted by the City Council was based on assumptions that the work would be carried out primarily by staff based on staff availability and that the proposed code amendments would therefore be narrow in scope and applicability. In October, staff presented an initial proposal to expand the scope of the Work Plan to address standards for impervious surfaces and landscaping in industrial districts. As part of this discussion, staff received feedback from the Commission to consider a more comprehensive approach to the review and update and to develop a more rigorous community engagement plan.

At the Planning Commission's meeting on December 20, 2023, the Planning Commission will review and consider an update to the Work Plan for the South Tacoma Ground Water Protection District Code Amendment that outlines a more comprehensive approach. This proposal is based on the following assumptions and resources that have changed since the initial Work Plan was developed.

1. Tacoma Water has allocated funding to secure an external consultant to update the Integrated Resource Plan. The scope of work for this consultant will include a review and recommendations regarding the South Tacoma Groundwater District Standards as well as developing new information on groundwater supply and demand forecasts with consideration of climate change.
2. Planning and Development Services has received funding to support a Health Impact Assessment associated with the South Tacoma Groundwater Protection District code amendments and is in discussions with the Tacoma Pierce County Health Department to partner on that work.
3. The City is finalizing a scope and contract for the Comprehensive Plan update that will include a review and update to the City's Critical Areas Preservation Ordinance, of which Critical Aquifer Recharge Areas are included.
4. The City and partners are currently engaged in a number of programmatic and regulatory updates that relate to and support the goals of the Groundwater Protection District, including the Wellhead Protection Plan, Urban Waters Protection Plan, and Stormwater Comprehensive Plan. Staff proposes to coordinate the STGPD amendment with these ongoing efforts.

Staff will be seeking concurrence from the Commission more fully integrate the STGPD amendment as part of the One Tacoma Comprehensive Plan and Regulatory Code Update and that engagement process, and for initial thoughts from the Commission on areas of potential focus for the Health Impact Assessment.



Project Summary:

The Growth Management Act (GMA) requires the designation and protection of “Critical Areas” to prevent harm to the community from natural hazards and to protect natural resources. The GMA defines Critical Aquifer Recharge Areas as those with a critical recharging effect on aquifers used for potable water.

The goal of establishing Critical Aquifer Recharge Areas is to protect the functions and values of a community’s drinking water by preventing pollution and maintaining supply. Critical Aquifer Recharge Areas are defined as “areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water or is susceptible to reduced recharge.”

This project will review and update Tacoma Municipal Code Section 13.06.070 South Tacoma Groundwater Protection District and Tacoma Municipal Code Section 13.11.800 Aquifer Recharge Areas, in accordance with the Work Plan as adopted by Substitute Resolution No. 40985 and as modified by Ordinance No. 28872 enacting a moratorium on underground storage tanks and metal recycling/auto wrecking facilities within the South Tacoma Groundwater Protection District.

Prior Commission Review:

- 2021-2022: The Commission reviewed and recommended an overall work plan for the South Tacoma Groundwater Protection District.
- 2022-2023: The Commission and then City Council considered and adopted a moratorium on certain uses within the South Tacoma Groundwater Protection District.
- June 21, 2023: Staff provided an update to the Commission on the overall scope of work, as amended following the adoption of the moratorium.
- October 4, 2023: Staff presented an initial comparison of critical aquifer recharge standards for Pierce County jurisdictions that have jurisdiction within the South Tacoma Aquifer with a focus Impervious Surface Standards, Landscaping Standards, and High Risk/High Impact Uses.

Staff Contacts:

- Stephen Atkinson, Principal Planner, satkinson@cityoftacoma.org
- Maryam Moeinian, Senior Planner, mmoeinian@cityoftacoma.org

Attachments:

- Attachment 1: South Tacoma Groundwater Protection District Work Plan Update

c. Peter Huffman, Director



**2023 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

South Tacoma Groundwater Protection District Proposed Work Plan Update

December 20, 2023

Project Summary	
Staff Contact:	Stephen Atkinson, Principal Planner: satkinson@cityoftacoma.org
Location and Size of Area:	The South Tacoma Groundwater Protect District is approximately 7,658 acres of land area between S. 19 th Street to the North and City Limits to the South, and Orchard Street to the West and an Eastern boundary that generally follows S. Yakima and S. Alaska Streets, encompassing the South Tacoma Aquifer.
Current Land Use and Zoning:	The area includes a mix of land uses and zoning, including a Regional Growth Center, a Manufacturing and Industrial Center, Major Institutional Campuses, two Mixed-Use Centers and other residential and commercial districts.
Neighborhood Council Area:	While the South Tacoma Groundwater Protection District is primarily located within the South Tacoma Neighborhood Council Area, it also includes portions of the Central and South End Neighborhood Council Areas as well.
Project Proposal:	<p>The project will evaluate review the South Tacoma Groundwater District Zoning and Development Standards and consider amendments to the following:</p> <ul style="list-style-type: none">• Enforcement and monitoring• Frequency and timing of future code review and updates• Consideration of additional incompatible land uses• Development standards for underground storage tanks and metal recycling/auto wrecking facilities• Code implementation and code location (including potential relocation)• Infiltration Policy Review and Stormwater Treatment BMPs• Development permit application submittal requirements• Impervious surface standards• Inter-departmental coordination on permits and land use amendments

chapter 13.06.070 of Tacoma Municipal Code, to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, properties that have stormwater infiltration facilities and properties that store hazardous substances meet appropriate performance standards, and those properties are properly maintained, inspected, and tested when necessary. The following map illustrates the current boundaries of the South Tacoma Groundwater Protection District.

Section B. Policy Framework and Planning Requirements

In accordance with Tacoma Municipal Code (TMC) 13.02.070 Comprehensive Plan Amendment Procedures and TMC 13.05.030 Zoning and Land Use Regulatory Code Amendment Procedures, the Planning Commission must make a determination as to whether proposed policy and regulatory amendments are consistent with the following criteria:

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

To support the Commission's review and determination, staff have identified the following regional and local goals and policies for the Commission's consideration:

Growth Management Act - Planning Goals

The Growth Management Act (GMA) is a set of state statutes that were initially enacted in 1990 and require rapidly growing cities and counties to develop a comprehensive plan for managing their population growth. Under [RCW 36.70A.020](#), the GMA establishes a series of 15 goals that should act as the basis of all comprehensive plans. These goals are adopted to guide the development and implementation of comprehensive plans and development regulations. The following four goals, out of the fifteen stated above, pertain to this code change:

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(14) Climate change and resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under [RCW 36.70A.210](#) and chapter [47.80 RCW](#) adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts

and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

Growth Management Act - Critical Areas Preservation

The Growth Management Act (GMA) requires the designation and protection of "Critical Areas" to prevent harm to the community from natural hazards and to protect the natural environment, wildlife habitats, and sources of fresh drinking water. [RCW 36.70A.030\(11\)](#) defines five types of critical areas:

- 1) Wetlands.
- 2) Areas with a critical recharging effect on aquifers used for potable water.
- 3) Fish and wildlife habitat conservation areas.
- 4) Frequently flooded areas.
- 5) Geologically hazardous areas.

The functions and values of the Critical Areas must be protected using the best available scientific information, also known as **best available science (BAS)**. The best available science (BAS) or valid science can be defined as research conducted by qualified individuals utilizing documented methodologies that results in verifiable outcomes and conclusions. In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions. When possible, counties and cities should engage with a certified scientific expert or team of experts to assist in identifying and determining the best available scientific information, as well as assessing its applicability to the relevant critical areas.

Critical Aquifer Recharge Areas (CARA)

Critical Aquifer Recharge Areas (CARA) are defined under the GMA as "areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water or is susceptible to reduced recharge."

The goal of establishing Critical Aquifer Recharge Areas is to protect the functions and values of a community's drinking water by preventing pollution and maintaining supply. The Washington Administrative Code (WAC) Chapter [WAC 165-190-100](#) outlines additional requirements for local governments to determine Critical Aquifer Recharge Area classification and designation.

[WAC 165-190-100](#) Critical Aquifer Recharge Area:

- 1) Potable water is an essential life sustaining element for people and many other species. Much of Washington's drinking water comes from groundwater. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people and ecosystems.
- 2) The quality and quantity of groundwater in an aquifer is inextricably linked to its recharge area. Where aquifers and their recharge areas have been studied, affected counties and cities should use this information as the basis for classifying and designating these areas. Where no specific studies

have been done, counties and cities may use existing soil and surficial geologic information to determine where recharge areas exist. To determine the threat to groundwater quality, existing land use activities and their potential to lead to contamination should be evaluated.

- 3) Counties and cities must classify recharge areas for aquifers according to the aquifer vulnerability. Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential. High vulnerability may be indicated by hydrogeological conditions that facilitate degradation, particularly where combined with land uses that contribute, or may potentially contribute, directly or indirectly to contamination that may degrade groundwater. Low vulnerability may be indicated by the combination of hydrogeological conditions that do not facilitate degradation and land uses that do not contribute, or are not likely to contribute, contaminants that will degrade groundwater. Hydrological conditions may include those induced by limited recharge of an aquifer. Reduced aquifer recharge from effective impervious surfaces may result in higher concentrations of contaminants than would otherwise occur.

The Critical Areas Ordinances must be evaluated and revised as needed every eight years.

Puget Sound Regional Council (PSRC) - Vision 2050 Growth Strategy

PSRC is a regional planning agency consisting of Pierce, King, Snohomish, and Kitsap counties that assists in the coordination of regional and local planning initiatives. The region's population is anticipated to reach 5.8 million people by 2050. PSRC has collaborated with the region's cities, counties, Tribes, ports, agencies, businesses, and communities to develop VISION 2050, the region's growth strategy, to prepare for this growth and serve as a guide for sustaining a healthy environment, thriving communities, and a strong economy.

VISION 2050's multicounty planning policies are adopted under the state's Growth Management Act. Multicounty planning policies address regionwide issues within a collaborative planning framework. Counties and cities look to multicounty planning policies to inform updates to countywide planning policies and local comprehensive plan updates.

PSRC Vision 2050 Chapter	Table 1: PSRC VISION 2050 Relevant Policies
ENVIRONMENT	Goal: The region cares for the natural environment by protecting and restoring natural systems, conserving habitat, improving water quality, and reducing air pollutants. The health of all residents and the economy is connected to the health of the environment. Planning at all levels considers the impacts of land use, development, and transportation on the ecosystem.
	MPP-En-2 Use integrated and interdisciplinary approaches for environmental planning and assessment at regional, countywide, and local levels.
	MPP-En-3 Maintain and, where possible, improve air and water quality, soils, and natural systems to ensure the health and well-being of people, animals, and plants. Reduce the impacts of transportation on air and water quality and climate change.

	MPP-En-4 Ensure that all residents of the region, regardless of race, social, or economic status, have clean air, clean water, and other elements of a healthy environment.
	MPP-En-6 Use the best information available at all levels of planning, especially scientific information, when establishing and implementing environmental standards established by any level of government.
	MPP-En-8 Reduce impacts to vulnerable populations and areas that have been disproportionately affected by noise, air pollution, or other environmental impacts.
	MPP-En-9 Enhance urban tree canopy to support community resilience, mitigate urban heat, manage stormwater, conserve energy, improve mental and physical health, and strengthen economic prosperity.
	MPP-En-10 Support and incentivize environmental stewardship on private and public lands to protect and enhance habitat, water quality, and other ecosystem services, including protection of watersheds and wellhead areas that are sources of the region's drinking water supplies.
	MPP-En-11 Designate, protect, and enhance significant open spaces, natural resources, and critical areas through mechanisms, such as the review and comment of countywide planning policies and local plans and provisions.
	MPP-En-17 Maintain and restore natural hydrological functions and water quality within the region's ecosystems and watersheds to recover the health of Puget Sound.
	MPP-En-18 Reduce stormwater impacts from transportation and development through watershed planning, redevelopment and retrofit projects, and low-impact development.
CLIMATE CHANGE	Goal: The region substantially reduces emissions of greenhouse gases that contribute to climate change in accordance with the goals of the Puget Sound Clean Air Agency (50% below 1990 levels by 2030 and 80% below 1990 levels by 2050) and prepares for climate change impacts.
	MPP-CC-7 Advance state, regional, and local actions that support resilience and adaptation to climate change impacts.
	MPP-CC-8 Increase resilience by identifying and addressing the impacts of climate change and natural hazards on water, land, infrastructure, health, and the economy. Prioritize actions to protect the most vulnerable populations.
	MPP-CC-9 Identify and address the impacts of climate change on the region's hydrological systems.
PUBLIC SERVICES	Goal: The region supports development with adequate public facilities and services in a timely, coordinated, efficient, and cost-effective manner that supports local and regional growth planning objectives.
	MPP-PS-22 Provide residents of the region with access to high quality drinking water that meets or is better than federal and state requirements.

	MPP-PS-23 Promote coordination among local and tribal governments and water providers and suppliers to meet long-term water needs in the region in a manner that supports the region's growth strategy.
	MPP-PS-25 Protect the source of the water supply to meet the needs for both human consumption and for environmental balance.

One Tacoma Comprehensive Plan

One Tacoma is the City's Comprehensive Plan which guides our community's development over the long term and describes how our community's vision for the future is to be achieved. In short, it is a blueprint for the future character of our city. The Plan guides decisions on land use, transportation, housing, capital facilities, parks and the environment. It also sets standards for roads and other infrastructure, identifies how they will be paid for, and establishes the basis for zoning and development regulations. The *One Tacoma* Comprehensive Plan contains eleven chapters, or elements, with goals and policies identified for each element.

As part of the Planning Commission's review and recommendations, the Commission must determine if a proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

<i>One Tacoma</i> Plan Chapter	TABLE 2: <i>One Tacoma</i> Plan Relevant Goals and Policies
ENVIRONMENT and WATERSHED HEALTH	Policy EN-3.23 Encourage infiltration of stormwater to promote aquifer recharge and assure continuous and adequate groundwater supply.
	Policy EN-3.26 Prevent groundwater contamination through performance criteria and guidelines for siting, design, construction and operation of commercial and industrial structures and activities.
	Policy EN-3.27 Support an ongoing effort to monitor groundwater quality in order to determine the effectiveness of the groundwater program over time.
	Policy EN-3.28 Protect the quality of groundwater used for public water supplies to ensure adequate sources of potable water for Tacoma and the region.
	Policy EN-3.6 Limit impervious surfaces within open Space Corridors, shorelines and designated critical areas to reduce impacts on hydrologic function, air and water quality, habitat connectivity and tree canopy.
	Policy EN-3.8 Manage the quality and quantity of stormwater runoff entering Tacoma waterbodies, so as to protect public health and safety, surface and groundwater quality and the ecological functions of natural drainage systems.

	Policy EN–1.17 Assess and periodically review the best available science for managing critical areas and natural resources and utilize the development of plans and regulations while also taking into consideration Tacoma’s obligation to meet urban-level densities under the Growth Management Act.
	Policy EN–1.18 Evaluate climate data and consider climate risks in the development of regulations, plans and programs.
	Policy EN–1.19 Evaluate trends in watershed and environmental health using current and historical data and information to guide improvements in the effectiveness of City plans, regulations and infrastructure investments
	Policy EN–1.12 Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil conservation organizations and community organizations and groups to maximize the benefits and cost-effectiveness of watershed environmental efforts and investments.
DESIGN and DEVELOPMENT	Policy DD–4.7 Emphasize the natural physical qualities of the neighborhood (for example, trees, marine view, and natural features) and the site in locating and developing residential areas, provided such development can be built without adversely impacting the natural areas. Where possible, development should be configured to utilize existing natural features as an amenity to the development.
	Policy DD–5.9 Integrate natural and green infrastructure, such as street trees, native landscaping, green spaces, green roofs, gardens, and vegetated stormwater management systems, into centers and corridors.
	Policy DD–7.5 Encourage site and building designs that make efficient use of water and manage stormwater as a resource.
	Policy DD–12.1 Ensure that new building and site development practices promote environmental health and ecosystem services, such as pollutant reduction, carbon sequestration, air cooling, water filtration, or reduction of stormwater runoff.
ENGAGEMENT, ADMINISTRATION IMPLEMENTATION Element	Goal AD–6: Maintain Tacoma’s Comprehensive Plan in order to ensure that it remains relevant and is consistent with current regulatory and policy frameworks.
	Policy AD–1.9 Utilize community members’ knowledge and input on policy priorities to update the Comprehensive Plan and ensure that it remains relevant and consistent with community needs.
	Policy AD–5.1 Engage in regular interdepartmental communications to share information about City functional plans and to ensure that they are consistent with one another.

	Policy AD-5.2 Collaborate with City partners to address local and regional policy issues and to ensure that planning efforts are mutually supportive. City partners include city, county, state, federal and tribal governments; regional entities; the private sector; non-profit organizations; research institutions and community groups.
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The Critical Areas Ordinance in Relation to the Comprehensive Plan

Per [RCW 36.70.330](#), the Comprehensive Plan must provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

Under WAC [365-196-485](#):

- Jurisdictions are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas.
- Counties and cities are required to identify open space corridors within and between urban growth areas for multiple purposes, including those areas needed as critical habitat by wildlife.
- Because the critical areas regulations must be consistent with the comprehensive plan, each comprehensive plan should set forth the underlying policies for the jurisdiction's critical areas program.

Section C. Recent Legislative Background

2022 Annual Amendment to the Comprehensive Plan

The South Tacoma Neighborhood Council (STNC) submitted an application to the Planning Commission in March 2021 for consideration during the 2022 Annual Amendment process. The application sought to (a) update the One Tacoma Plan and the TMC applicable to the South Tacoma Groundwater Protection District (STGPD) and the aquifer recharge areas to address environmental and health risks and further prioritize protection of the STGPD; and (b) transform the South Tacoma Manufacturing/Industrial Center into an Economic Green Zone that fosters environmentally sustainable industry specifically within South Tacoma, above and near this water source.

The Planning Commission conducted an assessment of the STNC's application, pursuant to TMC 13.02.070.E, and considered public comments received through a public scoping hearing in June 2021, and made a determination in July 2021 to move the application forward for technical analysis following a two-phased approach:

- **Phase 1: STGPD Code Amendments** – Update TMC 13.06.070.D pertaining to STGPD, to be done in the future 2023 Amendment Cycle, with creation of a work plan to occur during the 2022 Amendment cycle, developed in collaboration with the City of Tacoma Environmental Services Department, Tacoma Public Utilities – Tacoma Water, and the Tacoma-Pierce County Health Department. The work plan may include review of allowed land uses, review of the One Tacoma Comprehensive Plan, refinement of allowed uses and boundaries, and periodic update of the STGPD to ensure the regulations fulfill the intent of protecting the district.

- **Phase 2: Creation of an Economic Green Zone** – Evaluate the establishment of an Economic Green Zone (EGZ) to attract green industry to the City’s manufacturing/industrial centers, taking into account the recently adopted 2030 Climate Action Plan and Climate Adaptation Strategy (Resolution No. 40878, November 30, 2021). At this time, this phase has not been budgeted or resourced by the City Council.

Upon completing technical analyses and factoring in public comments, the Planning Commission forwarded its recommendations on the 2022 Amendment Package to the City Council in May 2022. With respect to the STNC’s application, the Commission recommended that the City Council:

- a) Approve the Work Plan for STGPD Code Amendments.
- b) Consider the merits of a moratorium on future development projects, given that significant permit activity and development during the phased process could pre-empt the broader planning efforts.

The City Council and its Infrastructure, Planning and Sustainability Committee conducted reviews of the 2022 Amendment Package in May-June 2022, including holding a public hearing on June 7, 2022, and adopted the package on June 28, 2022. The Work Plan for STGPD Code Amendments was approved with Amended Substitute Resolution No. 40985, which also initiated the consideration of a moratorium for the STGPD.

Establishment of a South Tacoma Groundwater Protection District Moratorium

The City Council’s initiation of the STGPD moratorium was in response to public comments received by the Planning Commission and the City Council during the review and adoption processes for the 2022 Annual Amendment to the Comprehensive Plan. The Planning Commission conducted four meetings, on July 6, July 20, August 3, and August 17, 2022, in response to public comments regarding the moratorium. Planning and Development Services staff also conducted a community informational meeting on July 27, 2022. The Planning Commission completed its review and deliberations of the matter through a public process, and forwarded its Findings of Fact and Recommendations Report, along with a letter of recommendations, to the City Council for consideration on August 17, 2022.

On March 7, 2023 the City Council adopted Ordinance No. 28872 enacting a moratorium within the South Tacoma Groundwater Protection District as recommended by the IPS Committee. The moratorium in Ord. 28872 became effective March 20, 2023 and were enacted for an initial period of up to one year, to expire on March 20, 2024.

The City Council ordinance amending Chapter 13.06 of the Tacoma Municipal Code enacted interim land use regulations temporarily prohibiting the establishment of new, or expansion of, existing underground storage tanks, metal recycling, and auto wrecking facilities within the South Tacoma Groundwater Protection District, for an initial period of up to one year, to maintain the current level of those activities and uses until the South Tacoma Groundwater Protection District periodic code review and amendment process initiated by Amended Substitute Resolution No. 40985 is completed.

Per State law and Tacoma Municipal Code, the South Tacoma Work Plan must address any issues or uses affected by the moratorium.

Section D. Related Planning Efforts

The City of Tacoma and Tacoma Public Utilities are currently engaged in multiple planning efforts to address long-term water quality and supply consistent with the goals of the GMA and One Tacoma Plan. The South Tacoma Groundwater Protection District is a key aspect of the City's approach to protection of this resource but is also one piece of a broader programmatic and regulatory framework. Coordinating the South Tacoma Protection District update as a companion to these efforts allows the City to both leverage the resources of these efforts and to ensure greater consistency and compatibility of these efforts. The following is a brief description of these related plans and programs.

1. South Tacoma Groundwater Protection District Moratorium

- **Lead Department/staff:** Planning and Development Services, Tacoma Water, Tacoma Pierce County Health Department, Environmental Services
- **Purpose:** A moratorium was established in the South Tacoma Groundwater Protection District to prevent the vesting of new underground storage tanks and metal recycling/auto wrecking facilities until such time as the STGPD code amendment is complete. A moratorium may only be enacted for up to 1-year initially. 6-month extensions may be considered through a City Council process.
- **Key tasks/elements:** City Council public hearing; First Reading of Ordinance to extend the moratorium for 6-months and to consider modifications; Final Reading of Ordinance.
- **Current Status:** Moratorium is currently in effect. The City Council is expected to consider an extension in the first quarter of 2024.
- **Timeline:** The current moratorium expires on March 20, 2024.
- **Engagement:** Public comments will be considered through a public hearing as part of the consideration of an extension.

2. Tacoma Water Integrated Resource Plan, 2023-2024

- **Lead Department/staff:** Tacoma Water, Glen George (Civil Engineer PE, Principal)
- **Purpose:** An Integrated Resource Plan (IRP) is comprised of an assessment of the future water needs and a plan to meet those future needs. It is "integrated" in that it looks at both demand side (conservation, water efficiency, etc.) resources as well as the more traditional supply side (new sources, maximizing existing sources, etc.) resources in making its recommendations on how best to meet future water energy needs for the Utility.
- **Key tasks/elements:** Update climate change information, Update demand forecast, Groundwater questions and concerns including PFAS in sources, Groundwater Protection District Code Review
- **Status/Timeline:**
 - Under contract with consultant and finalizing workplan in December 2023.
 - Complete work plan actions in Quarter 1 and 2 of 2024
 - Final report by August 2024.
- **Engagement:** Convening a Public Advisory Committee that will hold 4 meetings

3. Health Impact Assessment

- **Lead Department/staff:** Tacoma Pierce County Health Department; Planning and Development Services
- **Purpose:** Health Impact Assessments (HIA) serve as a tool to inform decision-makers, and the public, of the potentially significant impacts – both beneficial and harmful – of a proposed project, policy, or program.
- **Key tasks/elements:** There are generally six iterative phases of an HIA:
 - Screening
 - Scoping
 - Assessment
 - Recommendations
 - Reporting and dissemination
 - Monitoring and evaluation
- **Current Status:** The City of Tacoma has currently funded a Health Impact Assessment associated with the South Tacoma Groundwater Protection District code update and is in discussions with the Tacoma Pierce County Health Department to develop a Memorandum of Understanding to establish a partnership program to conduct HIAs as part of long-range planning initiatives.
- **Timeline:** Anticipated to begin 1st quarter of 2024 for completion in 3rd quarter. However, the specific timeline will depend on the results of the screening and scoping phases.
- **Engagement:** Specific engagement approaches have not yet been determined but an HIA typically includes extensive community participation throughout the six phases.

4. Tacoma Water Wellhead Protection Program

- **Lead Department/Staff:** Tacoma Water, Scott Hallenberg (Operations Manager) is Program Manager and Alex White (Water Quality Specialist) is staff lead.
- **Purpose:** The purpose of the wellhead protection program is to prevent contamination of groundwater used for drinking water, thus protecting the health of people using groundwater for drinking water.
- **Key tasks/elements:** Comprehensive review of current approved plan. This includes: updating contaminant inventories, and regulatory and impacted customer contact lists; correcting Dept. of Health Source Water Assessment Program (DOH SWAP) information; and review time of travel data (TOT) and begin comparison of existing flow information with new USGS data (when available).
- **Status/Timeline:** Review in progress, contaminant inventories to be completed by end of 2024 and future work scoped for 2025.
- **Engagement:** Process involves direct engagement with customers in the affected areas and coordination with/assistance from TPCPD, Environmental Services, and Planning and Development Services.
- **Project link:** <https://www.mytpu.org/about-tpu/services/water/water-source/water-system-plan/>

5. Tacoma Urban Waters Protection Plan (Watershed Plan)

- **Lead Department/staff:** Environmental Services, Environmental Programs Group. Laura Nokes (Engineering Project Manager) and Shauna Hansen (Civil Engineer PE)
- **Purpose:** The purpose of Tacoma's Urban Waters Protection Plan is to implement strategic stormwater management actions to protect our streams, lakes, wetlands, bays and Puget Sound from polluted runoff. The plan uses a data-based approach to prioritize the most effective stormwater actions and projects, at the most important locations, to build a more healthy and resilient Tacoma and a thriving Puget Sound while taking into account city planning priorities, partnership opportunities, neighborhood needs, critical habitat protection, and anticipated climate change impacts. The locations of these actions will be selected to provide more equitable stormwater services throughout Tacoma.
- **Key tasks/elements:**
 - Phase 1: Research (January 2020 to June 2021). Gathered information needed to feed into the watershed prioritization model to make meaningful recommendations and decisions on stormwater management actions throughout the City. Included review of regulatory drivers and city and regional policies and plan, receiving water conditions assessment, and stakeholder engagement.
 - Phase 2: Watershed Prioritization Model (July 2021 to May 2023). Identify Solutions based on watershed characterization assessment and community needs. Develop, build and test Prioritization Modeling Tool
 - Phase 3: Stormwater Priority Action List (June 2023 to December 2024). Develop Action Plan with prioritized stormwater management actions and projects with tasks, goals, and partners based on tool outputs. List includes regional stormwater capital projects and system retrofits as well as program activities such as source control, education and outreach, stormwater inspections, and enhanced system maintenance. Review draft list with partners and stakeholder to finalize list of recommended actions. Coordinate with Stormwater Comprehensive Plan development and budget planning for 2025-26 biennial budget.
 - Phase 4: Plan Implementation (Begins January 2025). Work on implementation of funded actions including timing, resources, partnerships, and collaboration opportunities. Identify and pursue future funding opportunities for unfunded actions.
- **Current Status:** Scoping, adoption - This plan is independent of the Comprehensive Planning process but will be referenced as a functional plan supporting the One Tacoma Plan Ch. 4 Environment and Watershed Health. No Council Adoption process is currently being proposed.
- **Timeline:** The Urban Waters Protection Plan draft list of actions is scheduled to be released in Q1 2024, with review by partner organization and community members in Q2 2024 and finalized in Q3 2024. Implementation of funded actions will begin in 2025.
- **Engagement:** Cross-departmental engagement with other City departments, Watershed Councils, Neighborhood Councils and Safe Streets groups, follow up with individuals who provided feedback at initial community workshops, City Commissions and Council IPS Sub-committee.

6. Stormwater Comprehensive Plan

- **Lead Department/staff:** Environmental Services, Environmental Programs Group. Dana de Leon (Assistant Division Manager)
- **Purpose:** The City of Tacoma is developing its first ever Stormwater Comprehensive Plan (SWCP) that will describe how the City will manage, operate, and finance stormwater-related activities within Tacoma City Limits. The purpose of the SWCP is to guide how the City will address surface water and stormwater management needs and requirements, including program management, operation and maintenance (O&M), climate change, capital facilities, and financial elements, while also balancing rates and the financial resources available to the City.
- **Key tasks/elements:**
 - Review of previous studies, plans, and other information associated with current and proposed stormwater systems;
 - Develop a prioritized list of projects from the current capital facilities implementation plan (CIP) with Conceptual design and cost estimate (5%) for up to 5 CIP projects;
 - Develop a Stormwater Management Plan template consistent with anticipated NPDES permit requirements;
 - Evaluate City resources relating to current and future needs for NPDES compliance, including staffing, equipment, and funding; and
 - Develop actions for anticipated sea level rise, increased storm intensities and other issues related to climate change.
- **Current Status:** Scoping, adoption - This plan will be developed in 2024 and will be referenced as a functional plan supporting the One Tacoma Plan Chapter 4 - Environment and Watershed Health. No Council Adoption process is currently being proposed.
- **Timeline:** The SWCP will be developed in 2024, with input by partner organization and community members in 2024, and review by partner organization and community members in 2025. SWCP will be finalized in 2025.
- **Engagement:** Cross-departmental engagement with other City departments, Neighborhood Councils, City Commissions and Council IPS Sub-committee.

7. One Tacoma Comprehensive Plan

- **Lead Department/staff:** Planning and Development Services and Public Works
- **Purpose:** Tacoma's Comprehensive Plan is an important tool that establishes the City's future vision and policy direction, as well as guiding growth and development over the next 25 years. Concurrently, the City's Transportation Master Plan is being updated, which will respond to transformations that are occurring through zoning changes, such as Home in Tacoma and Sub-Area Planning efforts. The update will also seek to better align the TMP with Vision Zero and the Safe Systems approach, Tacoma's anti-racist transformation and equity focus, as well as address emerging policy and technology trends.
- **Key tasks/elements:** The updated plan will help maintain collaborative relationships within the community and surrounding jurisdictions and establish or confirm existing policies and priorities for coordinated development/redevelopment and necessary infrastructure consistent with the State

Growth Management Act, Puget Sound Regional Council's VISION 2050 and Transportation 2050, and the City of Tacoma's ongoing Strategic Plan process.

- **Current Status** - Scoping, adoption. The initial review, gap analysis and scoping started in the third quarter of 2023. This process is expected to last about two years and will be completed by mid-2025.
- **Timeline:**
 - Engagement and Communications: Q4 2023 – Q3 2025
 - Plan Development: Q3 2023 – Q1 2025
 - Legislative Process: Q4 2023 – Q3 2025
- **Engagement:** A community involvement plan is being drafted by the Planning and Development Services department as of the fourth quarter of 2023. The public engagement will be conducted in three phases.
 - Phase 1: Priority Setting (Winter/Spring 2024) The intent is to meet with our residents and establish priorities for the Comprehensive Plan update.
 - Phase 2: Community Check in (Summer 2024) Connect with communities engaged in the winter and spring to update on progress and initial policy ideas based on their priorities.
 - Phase 3: Draft Plan (Spring 2025) Gather broad input on draft policies.
- **Project and document links:**
https://www.cityoftacoma.org/government/city_departments/planning_and_development_services/planning_services/one_tacoma_comprehensive_plan

Coordinated Project Schedules

The following is a tentative outlook for the schedule for each of the related projects and overall timing. The work that will be completed through each of these efforts may result in further recommendations for amendments to the One Tacoma Plan or Critical Areas Preservation Ordinance. The general schedules currently align to support a broad integration of findings and recommendations into the One Tacoma Comprehensive Plan update. The schedule below for the STGPD Code Development anticipates deliverables completed from the IRP, HIA, and Urban Waters Protection Plan in mid-2024 to support code development. Further, the proposed schedule would incorporate the STGPD code into the adoption process for the Comprehensive Plan in 2025.

	2023	2024				2025	
Project	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Moratorium							
Integrated Resource Plan							
Health Impact Assessment							
Wellhead Protection Plan							
Urban Waters Protection Plan							
Stormwater Comprehensive Plan							
STGPD Code Development							
Comprehensive Plan Update							

Section E. Available or Upcoming Data and Best Available Science

The following data and information will be used to support the development of code amendment recommendations. Additional code review will include benchmarking analysis to consider best management practices adopted by peer jurisdictions.

- Department of Ecology Critical Aquifer Recharge Areas Guidance
<https://apps.ecology.wa.gov/publications/documents/0510028.pdf>
- Pierce County Best Available Science Review
<https://www.piercecountywa.gov/DocumentCenter/View/121377/CAO-BAS-and-Gap-Analysis-report-23?bidId=>
- City of Tacoma Best Available Science Review (Part of 2024 Comprehensive Plan update – to be posted online)
- Tacoma Water Groundwater Modeling Assessment (Tacoma Water – IRP)
 - Objective: Assess how the newly-produced USGS Southeast Sound groundwater model may be utilized by Tacoma Water in the future to analyze it groundwater supplies.
- Climate Change Assessment (Tacoma Water – IRP)
 - Review and Assess Climate Change Models/Assumptions used by Others
 - Develop Approach for Integration into Water Yield Supply/Demand Model (WYSMD)
 - Water Quality Effects: Assessment of impacts related to fires, algae, milfoil, curly pond leaf, pine beetles, and other climate change related challenges to water supply and quality, based on a literature review.

- Climate Migration: Assessment of the possibility of impacts of population shifts due to climate change and regional trends in post-pandemic work arrangements on the water demand forecast, based on a literature review.

F. South Tacoma Groundwater Protection District - Scope of Work

Initial Work Plan - Resolution 40985 (Adopted June 2022)

The Work Plan adopted by the City Council in Resolution 40985 identified the following major issues to be addressed:

- a) General program awareness
- b) Enforcement and monitoring
- c) Define “periodic update”
- d) Review proposal for prohibited uses from [application](#)
 - Metal Recycling/auto wrecking facilities*
 - Above ground storage tanks
 - Below ground storage tanks*

*These uses were subject to the adopted moratorium and must be addressed as part of the Work Plan
- e) Code implementation and code location (including potential relocation)
- f) Infiltration Policy
- g) Program Funding

Assumed Resources: Work to be performed with existing and available staff.

Proposed Additions to Scope of Work

Based on community input, Planning Commission direction, and assessment of related projects, staff proposes to expand the scope of work to include these additional elements. The scope of the amendments may also change in response to the findings and recommendations associated with the review of the best available science and related projects:

- Landscaping and Tree Canopy Standards for Industrial Zones, Commercial Zones, and Tacoma Mall Regional Growth Center in the South Tacoma Groundwater Protection District
- Impervious surface standards (geographic and land use scope still to be determined)
- Broader consideration of High Impact Uses and potential contaminant sources
- Health Impact Assessment: The specific scope and policy/regulatory focus has not yet been determined. However, the HIA could potentially expand the scope of policy and regulatory amendments that are considered as part of this review.
- Improve integration of STGPD Overlay Zone with Critical Areas Ordinance (TMC 13.11) and address applicability of TMC 13.11 to the STGPD.
- Map refinements for the South Tacoma Aquifer and Critical Aquifer Recharge Areas
- Recommendations or issues identified from related projects
- Recommended policy amendments, project lists, proposed investments, and prioritization recommendations for the One Tacoma Comprehensive Plan relating.

Updated Resource Assumptions

- Tacoma Water has allocated funding to support the retention of external consultant services to support the development of the IRP.
- Planning and Development Services has been allocated funding from the City Council to support the retention of external consultant services for the Health Impact Assessment as well as additional funding for general consultant services to support the STGPD Code Amendments.

Community Engagement

The adopted Work Plan included a general identification of stakeholder groups and engagement strategies, including the following:

- Staff Team (representing TPCHD, Tacoma Water, ES and PDS)
- Permitted and Non-permitted Businesses o Homeowners and Taxpayers
- Neighborhood Councils (South Tacoma, Central, and South End)
- Planning Commission and City Council
- Additional local, regional, state and federal agencies and organizations, as may be identified
- Methods: Community Meetings; Surveys; Targeted Ads.
- Dissemination of information, data, maps and publicity materials that are user-friendly
- Focus on Equity

Engagement Next Steps

1. Coordinate an engagement strategy for the South Tacoma Groundwater Protection District as part of the broader Comprehensive Plan Update and to support engagement coordination among the related projects to leverage planned engagement.
 - a. Including establishment of a Critical Areas Review Team with both internal and external SMEs and community-based participants.
2. Initial outreach efforts for 1st quarter 2024:
 - a. Late January: South Tacoma Community Kick-off Meeting
 - b. Late February: South Tacoma Plan-a-Thon
 - c. Mid-March: South Tacoma Report Out



Req. #23-1181

RESOLUTION NO. 41311

1 BY REQUEST OF COUNCIL MEMBERS BUSHNELL, DANIELS, AND USHKA

2 A RESOLUTION relating to zoning; directing the Planning Commission to
3 identify appropriate zoning and development standards for siting
4 Enhanced Service Facilities.

5 WHEREAS Revised Code of Washington ("RCW") 70.97.010 defines an
6 Enhanced Services Facility ("ESF") as a facility that provides support and services
7 to persons for whom acute in-patient treatment is not medically necessary, and

8 WHEREAS RCW 70.97.030 provides admission criteria for persons utilizing
9 ESFs, which includes persons having a behavioral health disorder, an organic or
10 traumatic brain injury, or a cognitive impairment that results in symptoms or
11 behaviors requiring supervision and support services, and a history of or likelihood
12 of unsuccessful placements in other licensed long-term care facilities or a history of
13 rejected applications for admission to other licensed facilities based on the person's
14 behaviors, and
15

16 WHEREAS additionally, patients must be currently residing in a state mental
17 hospital or psychiatric unit of a hospital with the hospital having found that the
18 patient is ready for discharge, and
19

20 WHEREAS Tacoma Municipal Code ("TMC") Title 13 – Land Use
21 Regulatory Code, does not provide a specific description of an ESF use type and
22 does not clearly indicate where and how such facilities should be allowed, and
23
24
25
26



1 WHEREAS this resolution directs the Planning Commission to identify
2 appropriate zoning and development standards for ESFs to address the needs of
3 the individuals living in these facilities, and
4

5 WHEREAS specific considerations include: (1) that residents of ESFs
6 have access to opportunity, specifically by ensuring these facilities are not
7 concentrated in low opportunity areas, and (2) these facilities are near amenities
8 that offer a positive quality of life for residents, and
9

10 WHEREAS the state legislature updated laws regarding ESFs in 2019, and
11 at that time, Pierce County adopted an emergency moratorium for ESFs to provide
12 time to review and propose zoning and development standards, and this resolution
13 provides direction for a similar review to happen in the City; Now, Therefore,
14

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 That the Planning Commission is hereby directed to identify appropriate
17 zoning and development standards for siting Enhanced Services Facilities.

18 Adopted December 5, 2023

19 *M. Woodard*
20 Mayor

21 Attest:

22 *[Signature]*
23 City Clerk

24 Approved as to form:

25 *[Signature]*
26 Deputy City Attorney



City of Tacoma

City Council Action Memorandum

TO: Elizabeth Pauli, City Manager
FROM: Council Member Joe Bushnell and Senior Council Policy Analyst Lynda Foster
COPY: City Council and Clerk
SUBJECT: **Resolution – Directing the Planning Commission to identify appropriate zoning and development standards for siting Enhanced Service Facilities – December 5, 2023**
DATE: November 29, 2023

SUMMARY AND PURPOSE:

A Resolution directing the Planning Commission to identify appropriate zoning and development standards for siting Enhanced Service Facilities.
 [Council Member Bushnell]

COUNCIL SPONSORS:

Council Members Joe Bushnell, Kiara Daniels, and Catherine Ushka

BACKGROUND:**The Council Member's Recommendation is Based On:**

RCW 70.97.010 defines Enhanced Service Facilities (ESF) as a facility that provides treatment and services to persons for whom acute in-patient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the patients' complex needs. RCW 70.97.030 provides admission criteria for persons utilizing ESFs. Admission criteria include persons having a behavioral health disorder, an organic or traumatic brain injury, or a cognitive impairment that results in symptoms or behaviors requiring supervision and support services, and a history of or likelihood of unsuccessful placements in other licensed long-term care facilities or a history of rejected applications for admission to other licensed facilities based on the person's behaviors. Additionally, patients must be currently residing in a state mental hospital or psychiatric unit of a hospital and the hospital has found the person to be ready for discharge.

Title 13 – Land Use Regulatory Code, does not provide a specific description of an ESF use type and does not clearly indicate where and how such facilities should be allowed. In lieu of ESF-specific regulations, applications for ESFs would be permitted as Special Needs Housing, as defined in TMC 13.06.080.N. Specifically, they would be permitted similar to an Intermediate Care Facility.

This resolution directs the Planning Commission to identify appropriate zoning and development standards for ESFs to address the needs of the individuals living in these facilities. Specific considerations include:

- Residents of ESFs have access to opportunity, specifically by ensuring these facilities are not concentrated in low opportunity areas.
- These facilities are near amenities that offer a positive quality of life for residents,

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

The state legislature updated laws regarding ESFs in 2019. At that time, Pierce County adopted an emergency moratorium for ESFs to provide time to review and propose zoning and development standards. This resolution provides direction for a similar review to happen at the City of Tacoma.

2025 STRATEGIC PRIORITIES:**Equity and Accessibility: (Mandatory)**

Public facilities refer to those essential facilities that need to be provided to everyone. ESFs include those facilities that "are typically difficult to site", often due to competing community and political interests. In this instance, there is a need to promote



City of Tacoma

City Council Action Memorandum

health equity to protect and promote the health of all people in all communities, without further perpetuating inequities in zoning. Planning practices have historically created and perpetuated discrimination through overt discriminatory practices, such as redlining, restrictive covenants, and urban renewal. On the other hand, planning and investments can also play key roles in making communities healthier and more equitable.

Livability: Equity Index Score: Moderate Opportunity

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Explain how your legislation will affect the selected indicator(s).

Examining the City's regulation of ESFs through an equity lens will allow us to promote health equity while minimizing the negative impact of zoning decisions on marginalized communities.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Take no action	Preserve Planning Commission efforts for other Council priorities.	Specific needs of ESFs are not considered in our zoning regulations.
2. Emergency moratorium	Limit siting of ESFs until ESF-specific zoning regulations are adopted	Could prevent needed essential public facilities from being built; would displace other Council priorities on the Planning Commission workplan
2. Direct review of ESFs without an emergency moratorium	Preserve resources for other Council priorities, ensure eventual proposal for ESF specific regulations.	ESFs could be permitted before an ESF-specific analysis of regulations is complete.

EVALUATION AND FOLLOW UP:

The Planning Commission shall add to their work plan identifying appropriate zoning and development standards for siting Enhanced Service Facilities. The Planning Commission should return its findings and recommendations to Council when the work is complete.

SPONSOR RECOMMENDATION:

Sponsors recommend adoption of the resolution, and directing the Planning Commission to add to their work plan identifying appropriate zoning and development standards for siting Enhanced Service Facilities

FISCAL IMPACT:

This policy will require staff time to support the work of the Planning Commission. Impacts will be incorporated into ongoing workload. Any policy or code changes recommended by the Planning Commission will be evaluated for their fiscal impact when they are brought to Council for consideration.



ORDINANCE NO. 28924

1 AN ORDINANCE authorizing the annexation of the Manitou Potential Annexation
2 Area, located near Lakewood Drive West and 66th Street West, to the City
3 of Tacoma, effective April 1, 2024, as set forth in the Interlocal Agreement
4 and Memorandum of Understanding with Pierce County executed on
5 December 15, 2021.

6 WHEREAS the 37-acre Manitou Potential Annexation Area ("Manitou") is
7 bounded by Lakewood Drive West, 65th Street West, 70th Street West, and the
8 Pierce County-City of Tacoma Boundaries to the east of 52nd Avenue West,
9 abutting the southwest corner of the City of Tacoma, and is one of the City's Urban
10 Growth Areas ("UGAs") and Potential Annexation Areas ("PAAs"), as designated in
11 the City's One Tacoma Comprehensive Plan and Pierce County's ("County")
12 Comprehensive Plan, pursuant to the State Growth Management Act ("Act"), and

13 WHEREAS as a designated UGA and PAA, Manitou's annexation to the
14 City is expected by the Act, to ensure the urban growth in the area is properly and
15 effectively supported by urban governmental services, and being surrounded by
16 the cities of Tacoma and University Place on all sides, Manitou is also an
17 unincorporated "island" of the County where future annexation to the City is
18 considered a high priority in regional and countywide planning policies, and

19 WHEREAS as a designated UGA and with more than 60 percent of its
20 boundaries contiguous with the City, Manitou should be annexed to the City
21 through the Interlocal Agreement ("ILA") method, pursuant to the Revised Code
22 of Washington ("RCW") 35.13.470, and
23
24
25
26



1 WHEREAS RCW 35.13.470 allows either the legislative body of a county
2 or city to initiate an annexation process by adopting a resolution commencing
3 negotiations for an ILA, and

4
5 WHEREAS the County Council adopted Resolution No. R2018-97 on
6 September 4, 2018, and the City Council adopted Resolution No. 40150 on
7 October 30, 2018, to initiate the annexation process and commence the
8 negotiations for said ILA, and

9
10 WHEREAS as directed by the City Council, per Resolution No. 40150, the
11 Tacoma Planning Commission conducted land use and zoning analysis for
12 Manitou and developed the proposed land use designations and zoning districts
13 for the area to be effective upon its annexation to the City; the proposal was
14 passed by the City Council on September 24, 2019, per Ordinance No. 28609,
15 and has been incorporated into the Memorandum of Understanding ("MOU"), and

16
17 WHEREAS negotiations of the ILA, as well as an associated MOU, were
18 completed in June 2021, and

19
20 WHEREAS the ILA governs the proceeding of the annexation of Manitou
21 and the MOU sets forth the transition of governmental services from the County to
22 the City, and

23
24 WHEREAS it is expected that residents and businesses in Manitou, upon its
25 annexation to the City, will benefit from the same services, facilities, infrastructure,
26 employment opportunities, and government representation as current City residents,
and



1 WHEREAS as required by RCW 35.13.470, the City Council conducted a
2 public hearing on the ILA and the MOU on August 31, 2021, and the public hearing
3 notice along with the ILA were published twice during the period of August 19, 2021,
4 and August 26, 2021, both in the Tacoma Daily Index and The News Tribune, and
5

6 WHEREAS on October 12, 2021, the City Council adopted Resolution
7 No. 40848, authorizing the execution of the ILA and the MOU with the County, and
8

9 WHEREAS the County also published the ILA twice during the period of
10 September 8, 2021, and September 15, 2021, in The News Tribune, and the
11 County Council conducted a public hearing on September 28, 2021, and approved
12 Ordinance No. 2021-81s, authorizing the Pierce County Executive to execute the
13 ILA and the MOU with the City, and
14

15 WHEREAS the ILA and the MOU were signed and officially executed on
16 December 15, 2021, and with the ILA and the MOU, the County and the City are
17 committed to completing the annexation and ensuring an effective transition of
18 appropriate governmental services, and
19

20 WHEREAS, subsequently, the City and the County have executed two
21 additional ILAs regarding the transition of stormwater and wastewater infrastructure
22 from the County to the City, and
23

24 WHEREAS the City sent letters to Manitou stakeholders three times in 2022,
25 and a postcard notification was mailed in mid-November 2023, to occupants and
26 owners within and near the affected area to advise on the remaining timeline and
the anticipated effective date of April 1, 2024, and



1 WHEREAS additional outreach and communications are planned for early
2 2024 from the City as well as utility and service providers to ensure a smooth
3 transition, including an in-person "Welcome to Tacoma" community information
4 session planned for February 2024, and
5

6 WHEREAS the City must now pass an ordinance to set the annexation
7 effective date, which staff recommends being set as April 1, 2024, and
8

9 WHEREAS it is in the best interest of the City to pass an ordinance to set an
10 annexation effective date and proceed to accomplish the proposed annexation of
11 Manitou in accordance with RCW 35.13.470; Now, Therefore,

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Recitals of this
14 Ordinance as its formal legislative findings.
15

16 Section 2. That the annexation of the Manitou Potential Annexation Area,
17 located near Lakewood Drive West and 66th Street West, to the City of Tacoma, is
18 hereby authorized, as set forth in the Interlocal Agreement and Memorandum of
19 Understanding with Pierce County executed on December 15, 2021, with an
20 effective date of April 1, 2024.
21
22
23
24
25
26



1 Section 3. That the City Clerk, in consultation with the City Attorney, is
2 authorized to make necessary corrections to this ordinance, including, but not
3 limited to, the correction of scrivener's/clerical errors, references, ordinance
4 numbering, section/subsection numbers, and any references thereto.
5

6 Passed _____

8 _____
9 Mayor

10 Attest:

11 _____
12 City Clerk

13 Approved as to form:

14 _____
15 Deputy City Attorney
16
17
18
19
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21
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23
24
25
26



ORDINANCE NO. 28926

1 BY REQUEST OF MAYOR WOODARDS AND DEPUTY MAYOR WALKER

2 AN ORDINANCE relating to urban forestry; amending Title 9 of the Municipal
3 Code, relating to Public Ways, by repealing Chapters 9.18, 9.19, and
4 9.20 in their entirety and replacing Chapter 9.20 with an new chapter
5 entitled "Urban Forestry", to establish permit requirements and related
6 regulations for pruning, removal, and planting of street trees, establish
7 policies and procedures for discretionary review of requests to prune
8 trees on public property, establish a heritage tree program, and provide
9 for enforcement and penalties for violations; amending Title 1 of the
10 Municipal Code, relating to Administration and Personnel, by amending
11 Chapter 1.23 of the Municipal Code, entitled "Hearing Examiner", to
12 provide for administrative appeals; and establishing effective dates.

13 WHEREAS the City Council has adopted numerous policies supporting
14 improved urban forestry outcomes through better tree protections, increased tree
15 planting, fixing operational workflows, increasing local food access, and removing
16 conflicting policies and provisions within the Tacoma Municipal Code ("TMC"), and

17 WHEREAS relevant policies adopted by the City Council include the Urban
18 Forest Policy Element adopted in 2010 pursuant to Ordinance No. 27892, the
19 Environmental Action Plan adopted in 2016 pursuant to Resolution No. 39427, the
20 Urban Forest Management Plan adopted in 2019 pursuant to Resolution No. 40492,
21 the Climate Emergency Resolution adopted in 2019 pursuant to Resolution
22 No. 40509, and the Climate Action Plan adopted in 2021 pursuant to Resolution
23 No. 40878, and

24 WHEREAS these adopted policies include the following pertinent objectives:

25 (1) One Tacoma Comprehensive Plan ("Comprehensive Plan"): establishment of
26 Best Management Practices in the siting, design, planting, maintenance and



removal of trees and vegetation in public right-of-way; and retention of as many mature trees as practicable and appropriate during development of City-owned land and street right-of-way,

(2) Environmental Action Plan: improved tree regulations for the right-of-way and private property, and

(3) Urban Forest Management Plan: update the TMC to align with the Comprehensive Plan urban forest policy; improve regulations and procedures to encourage tree preservation and protection on private property and in the City right-of-way; adopt a heritage tree ordinance, and

WHEREAS in in furtherance of these policies, the Infrastructure, Planning, and Sustainability Committee has studied the following categories of updates to the TMC related to trees in the right-of-way issues:

(1) remove the prohibition on food producing trees in the right-of-way;

(2) clarify protections and update language to industry standards for right-of-way trees, to reduce illegal removal and damage leading to poor tree health and potential public hazard;

(3) update the antiquated penalties and fines structure to recover costs of enforcement and replacement of illegally damaged trees in the right-of-way; and

(4) establish a heritage tree program, and

WHEREAS the Infrastructure, Planning, and Sustainability Committee and the City Council have met seven times since December 3, 2019, to study and develop proposed amendments to the tree code, and



1 WHEREAS in recognition that healthy trees are essential to the local
2 ecosystems by, among other things, helping sustain wildlife, supplying oxygen and
3 cleaning the air, supporting regulation of temperature, and storing atmospheric
4 carbon, the Infrastructure, Planning, and Sustainability Committee has also
5 considered the negative impacts of unauthorized and illegal disturbance of trees in
6 the City of Tacoma, and

8 WHEREAS across the Puget Sound, urban tree canopy is declining at a
9 rapid rate, with the City of Tacoma having the lowest assessed tree canopy in the
10 region when compared to other Puget Sound cities, and

12 WHEREAS the unauthorized and illegal disturbance (e.g., pruning, topping)
13 and removal of healthy trees on City-owned open space and public right-of-way has
14 resulted in environmental and other harms through the reduction of tree canopy,
15 destabilization and erosion of steep slopes, disturbance of habitat, critical areas and
16 natural drainage systems, degradation of groundwater recharge and water quality,
17 and reduction of capacity for temperature regulation, cleaning the air and supplying
18 oxygen, and

20 WHEREAS such unauthorized and illegal activities have increased the
21 potential for slope failure and landslides that endanger persons and property
22 located above and below steep slopes, and

24 WHEREAS such unauthorized and illegal activities have caused economic
25 harm to the City through the loss of valuable healthy trees, damage to public
26



1 property, and the expenditure of public funds to remediate and restore impacted
2 property and vegetation, and

3 WHEREAS City-owned open space and public right-of-way have been
4 the frequent subject of unauthorized disturbance and removal of healthy trees
5 for the primary purpose of improving views over City-owned property and public
6 right-of-way, and
7

8 WHEREAS such known unauthorized and illegal activities include the
9 following:
10

11 (1) In 2009, the unauthorized and illegal removal of three trees located on
12 steep slopes, wetlands, shoreline and urban forest habitat on property owned by
13 the City of Tacoma and located near North Sunset Drive;

14 (2) In 2010, the unauthorized and illegal disturbance and removal of 190
15 trees located on steep slopes, wetlands, shoreline and urban forest habitat on
16 property owned by the City of Tacoma and located near North Sunset Drive;
17

18 (3) In 2016, the disturbance of seven large mature trees located on steep
19 slopes on property owned by the City of Tacoma and located near Lighthouse
20 Drive Northeast; and

21 (4) In 2022, the unauthorized and illegal removal of 22 large mature trees
22 located on steep slopes on property owned by the City of Tacoma located near
23 Cliffside Drive Northeast, and
24

25 WHEREAS the appraised value of the trees disturbed or removed in the
26 above-described incidents exceeds \$543,000, not including the public funds that



1 will be expended to restore the damage to the City's property and to mitigate the
2 impact to the ecosystem and critical areas, and

3 WHEREAS since January 2020, the City of Tacoma Planning and
4 Development Services Department has investigated 30 reported violations involving
5 unauthorized and illegal disturbance and removal of trees within critical areas and
6 public right-of-way located throughout the City, including eight reports of violations
7 impacting the Schuster Slope, nine reports of violations in the vicinity of Stadium
8 Way, and three reports of violations at the McKinley Slope, and

9 WHEREAS there have been few, if any, reports or discovery of unauthorized
10 and illegal disturbance or removal of trees within areas of City-owned open space
11 that did not materially enhance private views from adjacent property, and

12 WHEREAS the City Council finds that:

13 (1) the primary benefit of such unauthorized and illegal disturbance and
14 removal of trees on City-owned open space is the enhancement of private views
15 from adjacent property;

16 (2) enhancement of such private views increases the value of such property
17 with little, if any, benefit to the general public;

18 (3) in most instances the individuals responsible for the unauthorized and
19 illegal disturbance and removal of trees on City open space and public right-of-way,
20 have not taken responsibility for these actions and have not sought advance
21 authorization from the City;



1 (4) the existing enforcement and remedial provisions of Chapters 9.18, 9.19,
2 and 9.20 are inadequate to deter such unauthorized and illegal acts and inadequate
3 to remediate the harm caused; and
4

5 (5) additional public education about the negative impacts of disturbance and
6 removal of trees and the municipal code amendments proposed in this ordinance
7 allowing adjacent property owners desiring to enhance their scenic views on City-
8 owned open space and public right-of-way, to request that the City prune trees, will
9 help to reduce the occurrence of such unauthorized and illegal activities, but will be
10 inadequate alone to address the problem, and
11

12 WHEREAS the City Council finds that based upon the foregoing, more
13 robust and effective civil enforcement and remedial provisions, including monetary
14 penalties based upon valuation of the disturbed or removed trees and a burden
15 shifting rebuttable presumption, as set forth in the proposed ordinance, are
16 reasonable and necessary to deter such unauthorized and illegal activities, and
17

18 WHEREAS the City Council further finds that the proposed ordinance would
19 adopt protections to improve the health and longevity of our community's trees,
20 which when coupled with the City's programs to increase tree canopy in historically
21 underserved communities, would help to ensure the health benefits of trees are
22 shared equitably across Tacoma, and
23

24 WHEREAS based upon the foregoing, it would be in the best interest of
25 the public health, safety and welfare to enact the ordinance as set forth below;

26 Now, Therefore,



1 BE IT ORDAINED BY THE VOTERS OF THE CITY OF TACOMA:

2 Section 1. That, except as provided in Section 2 of this Ordinance, Chapter
3 9.20 of the Tacoma Municipal Code ("TMC") shall be and is hereby repealed in its
4 entirety and replaced with a new Chapter 9.20 of the TMC to be known and
5 designated as Chapter 9.20, "Urban Forestry", consisting of six sections to read as
6 set forth in Exhibit "A," attached hereto and incorporated by this reference as though
7 fully set forth herein, effective at 12:01 a.m. on the 1st day of January, 2024.
8

9 Section 2. That Sections 9.20.130 (References in TMC), 9.20.200 (General
10 purpose and intent), 9.20.210 (Street tree permit – pruning), 9.20.220 (Street tree
11 permit – removal), 9.20.230 (Street tree permit – planting), 9.20.240 (Exemptions
12 and modifications from street tree permit requirements - pruning and removal), and
13 9.20.330 (Protection of street trees – development) of Chapter 9.20 of the TMC as
14 set forth in Exhibit "A," shall have an effective date of 12:01 a.m. on the 1st day of
15 June, 2024, and shall have no force or effect until such effective date.
16
17

18 Section 3. Chapters 9.18 (Trees and Shrubs - Trimming and Removal)
19 and 9.19 (Trees and Shrubs – Planting) of the TMC shall be and are hereby
20 repealed in their entirety, effective at 12:01 a.m. on the 1st day of June, 2024.
21

22 Section 4. Chapter 1.23 of the TMC shall be amended at Subsection
23 1.23.050.B.3 to read as set forth in Exhibit "B," attached hereto and incorporated
24 by this reference as though fully set forth herein, effective at 12:01 a.m. on the 1st
25 day of January, 2024.
26



1 Section 5. That the City Attorney and City Clerk are hereby authorized to
2 make any alterations, changes or additions to this Ordinance, including Exhibits "A"
3 and "B" herein, which may be necessary to correct errors or omissions therein.
4

5 Section 6. That the proper officials of the City of Tacoma are authorized
6 and directed to take whatever action as may be necessary or desirable to carry
7 out the provisions of this Ordinance and to carry out and perform the duties and
8 responsibilities set forth herein.
9

10 Section 7. If any section, subsection, sentence, clause, or phrase of this
11 ordinance is for any reason held to be invalid or unconstitutional by a decision of
12 any court of competent jurisdiction, such decision shall not affect the validity of the
13 remaining portions of this ordinance. The City Council hereby declares that it
14 would have passed this ordinance and each and every section, subsection,
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1 sentence, clause, or phrase not declared invalid or unconstitutional without regard
2 to whether any portion of the ordinance would be subsequently declared invalid or
3 unconstitutional.
4

5 Passed _____

6 _____
7 Mayor

8 Attest:

9 _____
10 City Clerk
11

12 Approved as to form:

13 _____
14 Interim City Attorney
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EXHIBIT "A"

**CHAPTER 9.20
URBAN FORESTRY****SECTIONS:****I. ADMINISTRATION**

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9.20.110 Liability – duty.
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9.20.130 References in Tacoma Municipal Code.
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I. ADMINISTRATION

9.20.100 Administration – general authority.

The Director is authorized to administer, implement, and enforce the provisions of this chapter and delegate authority to enforce the provisions of this chapter to such person(s) as the Director may designate from time to time. The Director is authorized to promulgate, implement, amend, supplement and enforce such policies, procedures, requirements, and manuals, and to issue such guidance, as are reasonable and necessary to implement and ensure compliance with this chapter. Any such policy, procedure, guidance, requirement, or manual promulgated by the Director, and any amendments or supplements made thereto, shall be made available to the public.

Discretionary authority granted pursuant to the provisions of this chapter shall be exercised in a reasonable manner and consistent with applicable law, the purpose, scope, and intent of this chapter, and applicable policies and standards adopted by the City, including the City of Tacoma Comprehensive Plan, the Urban Forest Manual, the Design Manual, the Urban Forest Management Plan, and the Climate Action Plan.

9.20.110 Liability – duty.

While this chapter authorizes the City of Tacoma and its officials, officers, employees and agents to administer this chapter, such authorization shall not be construed as placing responsibility for compliance, or as creating any duty, on the part of the City or any City official, officer, employee or agent to any particular case or to any particular person or class of persons. This chapter shall be enforced for the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. Nothing contained in this chapter is intended, nor shall be construed, to create or form the basis of any liability on the part of the City, its officials, officers, employees or agents, for any injury or damage resulting from any act or omission on the part of the City, its officials, officers, employees or agents.

9.20.120 Compliance with other laws; conflict of laws.

A. Compliance with laws.

In addition to the requirements of this chapter, the removal, pruning and planting of street trees, and the removal, pruning and planting of trees and other vegetation on public real property, must comply with all applicable federal, state and local laws, rules and regulations as now or may hereafter be amended or adopted including, without limitation, the Critical Areas Preservation code (Tacoma Municipal Code (TMC) 13.11), the Shoreline Master Program (TMC Title 19), the Land Use Permits and Procedures code (TMC Chapter 13.05), the Right-Of-Way Development Code (TMC 2.22), and the Rights-of-Way code (TMC 10.22). A permit authorized under this chapter may be incorporated into and as part of a permit issued pursuant to TMC 2.22, TMC 10.22, TMC 13.05 and TMC 13.11.

B. Conflict of laws.

A permit, or permit condition, issued under authority of this chapter that conflicts with an applicable provision of a federal, state or local law, rule or regulation shall have no force or effect to the extent of the conflict; provided that the permit, or permit condition may be more restrictive. For example, TMC 13.11 may prohibit complete removal of trees within critical areas.



9.20.130 References in Tacoma Municipal Code.

Any reference in the Tacoma Municipal Code to TMC Chapter 9.18, 9.19, or 9.20, or any subsection thereof, shall as applicable, mean and refer to this chapter or the applicable subsection or subsections of this chapter.

9.20.140 Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein unless a different meaning is otherwise plainly required. Words not defined herein shall have the meaning given in TMC 1.82. Words not defined herein or in TMC 1.82 shall have the meaning given in the Urban Forest Manual. Words not defined in this chapter, TMC 1.82, or the Urban Forest Manual shall have the meaning given in ANSI A300. Words not defined in this chapter, TMC 1.82, the Urban Forest Manual, or ANSI A300 shall have their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words “shall” and “will” are always mandatory and not merely directory and the word “may” is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority.

“AASHTO Green Book” shall mean and refer to the most recent edition of the American Association of State Highway and Transportation Officials’ policy on geometric design of highways and streets more commonly referred to as the “green book”.

“Abutting” shall mean having boundary lines in common.

“Abutting owner” shall mean and refer to the owner of the property abutting that portion of the planting strip where fifty percent (50%) or more of the trunk of a street tree is located or proposed to be located.

“ANSI A300” shall mean and refer to the most current version of the tree, shrub and other woody plant maintenance and standard practices standard A300 as accredited by the American National Standards Institute (ANSI) or its successor organization.

“Applicant” shall mean and refer to the person applying for a permit or heritage tree designation or submitting a request to prune trees on public property.

“Arborist” or “Certified Arborist” shall mean and refer to an individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the competence to provide for or supervise the management of trees and other woody plants, and shall have the credential of Certified Arborist as granted by the International Society of Arboriculture (ISA). Certified Arborists must maintain their certification and be in good standing with the International Society of Arboriculture.

“Authorized agent” shall as applicable mean and refer to a person retained and authorized by the City or an applicant to prune, remove or plant a street tree, or to prune, remove or plant a tree on City property.

“Best management practices” or “BMPs” shall mean and refer to the standard practices for tree pruning and removal approved or recommended under ANSI A300.

“City” is the City of Tacoma.

“City property” shall mean and refer to all real property and real property interests owned or controlled by the City, with the exception of public rights-of-way.

“Conflict tree” shall have the meaning as that term is given at TMC 9.20.220.

“DBH”, “DSH”, or “caliper inches” shall mean diameter at breast height, or diameter at standard height, which refers to the tree trunk diameter measured at four feet six inches (4’-6”) above the ground of a standing tree, measured in inches and tenths of an inch. If the tree is measured at less than four inches (4”) of DBH or DSH, as is typical for newly planted trees, caliper inches shall be used, and is measured at six inches (6”) above the soil level.

“Design manual” shall mean and refer to the manual applicable to construction of all street and right-of-way improvements as adopted by the City Director of Public Works, and effective on or about January 7,



2016, and any amendments, updates, or revisions made thereto, and on file with the Public Works Department.

“Development” means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any building or land; any extension of any use of land, or any land alteration.

“Director” shall mean and refer to the Director of the City of Tacoma Public Works Department, or successor department or division, and any designee of the Director with respect to the authority delegated to the designee by the Director.

“Drip line” shall mean and refer to the area on the ground below the tree in which the boundary is designated by the edge of the tree’s crown.

“Electric facilities” shall have the same meaning as that term is given pursuant to RCW 64.12.035, as now or hereafter amended.

“Electric utility” shall have the same meaning as that term is given pursuant to RCW 64.12.035, as now or hereafter amended.

“Emergency” shall mean and refer to an urgent, sudden, and serious event or an unforeseen change in circumstances or discovered condition that necessitates immediate action to remedy harm or avert imminent danger to life, health, or property.

“Emergency response costs” shall mean and refer to those costs incurred by the City in response to an emergency.

“Fruit Tree” shall mean and refer to a tree that is grown for its edible fruit, consumed by humans. Ornamental varieties of fruiting trees, such as ornamental pear or cherry trees, are exempt from the definition of a fruit tree.

“Hazardous tree” and “hazard tree” shall mean and refer to a tree(s) that is found to be likely to fail and has an extreme or high risk to cause property damage, personal injury or fatality in the event of a failure. Trees designated as hazards shall be designated as such by a Certified Arborist who has achieved a Tree Risk Assessment Qualification.

“Heritage tree(s)” shall mean and refer to a tree, or collection of trees, located in the City limits of Tacoma that, because of exemplary size, age, cultural/historical significance, ecological value, or rarity, is considered irreplaceable.

“Improved right-of-way” shall mean and refer to the public rights-of-way within the City that are paved, graded, or otherwise altered in any way for the purpose of vehicle, pedestrian, or bicycle travel.

“Invasive tree” is a species that was introduced by humans to locations outside of the tree’s native range that spread and persist over large areas. Invasive species negatively impact natural ecosystems by displacing native species, reducing biological diversity, and interfering with natural succession.

“Land alteration” shall mean and refer to activities pertaining to the clearing or moving of land and earthwork, including compaction, excavation, grading, filling, stockpiling, striping and/or scarification of a site.

“Mailing” or “service by mail” shall mean sending the document by regular, first-class mail, postage prepaid and properly addressed, to the last known address of the person subject to the document. The last known address shall be an address provided to the City by the person to whom the document is directed; if an address has not been provided to the City, the last known address shall be any of the following as they appear at the time the document is mailed: the address of the property where the violation is occurring, or the taxpayer address appearing for the property on the official property tax information website for Pierce County; the address used for the payment of utilities for the property at which the violations are occurring; or the address appearing on the project permit application. Where service of notice is by mail, service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday, or federal legal holiday, in



which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day.

“Natural resource damage” and “damaged natural resources” shall mean and refer to any and all injury, damage or degradation of or to, trees, ground cover and other vegetation, animal habitat, wetlands, natural drainage courses, slope stability, soils condition, wind protection, ground water retention, and other natural resources located on public property.

“Nuisance tree” shall have the meaning as that term is given at TMC 9.20.220.

“Permit” and “street tree permit” shall, unless the context plainly means otherwise, mean and refer to a permit issued in accordance with the provisions of this chapter, and shall, for purposes of the design manual, mean and refer to a “Tree Work in the ROW Permit”.

“Prohibited tree” shall have the meaning as that term is given at TMC 9.20.220.

“Project permit” shall have the meaning as that term is given at RCW 36.70B.020.

“Permitted street tree” shall mean and refer to a tree that meets the requirements of TMC 9.20.230 (F).

“Person” shall mean and refer to any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, and their legal representatives, agents, or assigns. The definition includes all federal, state, and local government entities.

“Planting strip” shall mean and refer to that portion of an improved right-of-way between the street curb or edge of the traveled portion of roadway and the property line of the abutting property available and used for the purpose of planting and maintaining street trees and other vegetation.

“Private property” shall mean and refer to real property, other than public property and real property owned, managed or controlled by a governmental entity.

“Prune” or “pruning” shall mean and refer to the removal of plant parts, dead or alive. In no circumstance does tree topping qualify as appropriate tree pruning.

“Public property” shall mean and refer to public rights-of-way and public real property.

“Public real property” shall mean and refer to unimproved real property, and interests in real property (easements), within the City of Tacoma limits, owned or controlled by the City; this term shall exclude public rights-of-way, and real property, and interests in real property, managed and operated as public parks.

“Public right-of-way” or “public rights-of-way” shall mean and refer to the public streets, roadways, courts, alleys and any other public passages, whether developed or undeveloped, over which the City has a possessory interest or right of use either by easement, license, permit or other such authority, or by fee simple ownership. For purposes of this definition public rights-of-way may contain items such as pavement, parking or loading areas, retaining walls or other structures, landscape or planting strips, sidewalks, curbs, vehicle, bicycle or pedestrian traffic lanes, traffic circles and other such development. This definition is intended to be construed so as to be consistent with other definitions of the term right-of-way or rights-of-way as may be found in Tacoma Municipal Code or Washington State statutory and case law.

“Public Transportation Agency” shall mean and refer to the Pierce County Public Transportation Benefit Area Corporation d/b/a Pierce Transit and the Central Puget Sound Regional Transit Authority d/b/a Sound Transit.

“Remove” or “removal” shall mean the act of cutting down or removing any tree by digging up or cutting down.

“Responsible person” shall have the meaning as set forth in TMC 1.82, the Uniform Enforcement Code.



1 “Scenic view” and “scenic views” shall mean and refer to the view over public property of natural
2 scenery such as mountains and mountain ranges, waterways and waterbodies, islands, hills, valleys,
3 canyons, landscapes, urban forests, and other scenic vistas.

4 “Service provider” shall have the same meaning as that term is given pursuant to RCW 35.99.010, as now
5 or hereafter amended.

6 “Significantly damaged tree” shall have the meaning as that term is given at TMC 9.20.220.

7 “Street tree(s)” shall mean and refer to a planted tree(s), or tree(s) that is intended to be planted, whose
8 trunk is wholly or partially located within the public right-of-way. Street trees may be owned by the City
9 or by an abutting property owner.

10 “TMC” shall mean and refer to the Tacoma Municipal Code.

11 “Topping” or “Tree Topping” shall mean and refer to an unacceptable pruning practice, injuring trees
12 through the reduction of a tree's size by pruning live branches and leaders to stubs, without regard to
13 long-term tree health or structural integrity. Topping can lead to unacceptable risk, tree stress, and decay.

14 “Traffic control device” means a sign, signal, marking or other device placed or erected for the purpose of
15 regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

16 “Tree” shall, in addition to its common and ordinary meaning, mean any self-supporting woody plant
17 which reaches a typical mature height of fifteen (15) feet or more at maturity, generally has a minimum
18 mature canopy width of ten feet and greater, and is capable of being pruned to develop a branch-free
19 trunk to at least eight feet in height at maturity.

20 “Unimproved right-of-way” shall mean and refer to public rights-of-way that are not paved, graded, or
21 otherwise altered for the purpose of vehicle, pedestrian, or bicycle travel.

22 “Urban forest manual” (UFM) or “City of Tacoma urban forest manual” shall mean and refer to the
23 manual adopted by the Director under authority of this chapter that provides best management practices
24 for plant selection, design, installation, care, and other specifications for street trees.

25 “Utility” shall mean and refer to an electric utility, a service provider, and an operator of a natural gas,
26 water, or sewer system located in the public right-of-way.

“Vegetation management plan” shall mean and refer to a plan for the pruning, removal, maintenance, or
management of trees and other vegetation or the management or prevention of vegetative growth that has
been adopted, authorized, or applied by the City, including any department or division of the City, to
manage vegetation on public property.

27 **II. PERMIT REQUIREMENTS**

28 **9.20.200 General purpose and intent.**

29 It is the intent of this section of Chapter 9.20 to establish regulations and procedures to designate street
30 trees as essential infrastructure and to preserve them in a healthy and safe manner, to ensure that the
31 City’s built and natural environments function in complementary ways and are resilient to climate change
32 and natural hazards, so that all persons who live, work or pass through the City have access to clean air
33 and water, can experience nature in their daily lives, and benefit from public right-of-way amenities that
34 are designed to lessen the impacts of natural hazards and environmental degradation, now and in the
35 future. Trees are a living organism, and pruning and proactive management of street trees is essential to
36 manage potentially hazardous conditions and improve public safety. A balance between preservation of
37 trees and managing public safety can be partially accomplished by controlling how and when pruning or
38 tree removal can occur and, in specific instances, by allowing individuals to provide for the pruning or
39 removal of trees in accordance with the conditions of this Chapter.

40 Unless an exemption under this chapter applies, requests to prune street trees shall be governed by TMC
41 9.20.210; requests to remove street trees shall be governed by TMC 9.20.220; requests to plant street



trees shall be governed by TMC 9.20.230; and, requests to prune trees located on public real property for the purpose of scenic view enhancement shall be governed by TMC 9.20.250.

9.20.210 Street tree permit – pruning.

A. Applicability - pruning.

Unless an exemption under this chapter applies, TMC 9.20.210 shall govern requests to prune street trees.

B. Prohibition – street tree permit required - pruning.

1. Permit required. Unless an exemption under this chapter applies, it shall be unlawful for any person to, in any manner, prune any street tree without having first obtained a street tree permit from the Director as provided in this chapter; provided that, an authorized agent may prune a street tree in conformance with a valid street tree permit issued to the abutting owner, a utility, a public transportation agency or the City.

2. Compliance. Unless an exemption under this chapter applies, it shall be unlawful for any person, or authorized agent on behalf of a person, issued a street tree permit to, in any manner, prune any street tree except in conformance with the terms and conditions of such street tree permit and this chapter.

C. Street tree permit application – pruning.

The abutting owner, and any authorized agent of the abutting owner, the City and its authorized agents, and with respect to above-ground facilities, utilities and public transportation agencies, and their authorized agents, may apply for a street tree permit to prune a street tree if the pruning is intended to meet one or more pruning objectives set forth in ANSI A300, e.g., manage risk, manage health, develop structure, provide clearance, manage size or shape, improve aesthetics, and manage wildlife habitat. A permit may authorize pruning of one or more street trees. Before any street tree permit may be issued, the applicant shall file a complete application with the Director containing the information and declaration as set forth at TMC 9.20.210 (D) below, together with such other information as may be requested by the Director that is reasonably related to the application and approval requirements.

D. Contents of application – pruning.

Each application submitted pursuant to TMC 9.20.210 (C) for a street tree permit for pruning of a street tree shall include the following:

1. Name, address and telephone number of the applicant where applicant agrees to receive communications from the City;
2. If applicant is an authorized agent for the abutting owner, the name, address and telephone number of the abutting owner. If applicant is an authorized agent of a utility, a public transportation agency, or the City, the name, address and contact information for the electric utility, service provider, public transportation agency, or applicable department or division of the City;
3. Description of the public right-of-way within which each street tree that is the subject of the application is located;
4. Description of each street tree to be pruned with sufficient detail to accurately identify each street tree that is the subject of the application;
5. A photograph or digital image clearly delineating each street tree proposed to be pruned;
6. A street tree pruning plan that sets forth in detail the proposed plan and purpose for pruning each street tree that is the subject of the proposed permit, certified by applicant or a certified arborist on behalf of the applicant, that the plan meets ANSI A300 Standards, and demonstrating that implementing the pruning described in the proposed pruning plan will not result in a significant negative impact to each street tree's continued health. Such street tree pruning plan shall also be



certified by the applicant to meet requirements of all necessary traffic control measures of the City of Tacoma Traffic Control Handbook, as applicable;

7. If applicant is the abutting owner, or an authorized agent of the owner, a declaration of the applicant meeting the requirements of Ch. 5.50 RCW that the applicant is the owner of the abutting property, or that the authorized agent is authorized to file the application on behalf of the owner of the abutting property;

8. Name, address and telephone number of the person to perform the street tree pruning work;

9. Such other information as may be requested by the Director that is reasonably related to the application and approval requirements; and,

10. Payment of a permit application fee, when established pursuant to Chapter 2.09 of the Tacoma Municipal Code.

E. Review of application – pruning.

1. Process for review. An application meeting the requirements of TMC 9.20.210 (D) for a street tree permit will be reviewed by the Director within a reasonable period-of-time for compliance with the requirements in subsection 2 below. The Director may utilize the services of a consulting arborist or forester as needed. The Director may consider any information provided in the application and any relevant information provided by City staff and the consulting arborist or forester.

2. Requirements for approval. The Director shall review the application and issue a permit if the applicant has demonstrated to the reasonable satisfaction of the Director that the following requirements are met:

a. The proposed pruning plan set forth in the application meets one or more of the pruning objectives set forth in ANSI A300;

b. The pruning plan sets forth in adequate detail the proposed plan for pruning each street tree that is the subject of the proposed permit together with any other relevant information;

c. The proposed pruning plan meets BMPs;

d. The proposed pruning plan is consistent with the purpose and intent of this chapter and standards adopted by the City; and,

e. That implementing the pruning described in the proposed pruning plan will not result in a significant negative impact to each street tree's continued health.

F. Permit fee – expiration – multiple street trees - pruning.

The application for a Permit, if applicable, is subject to the fees established pursuant to Chapter 2.09 of the Tacoma Municipal Code. If applicable, the street tree permit fee shall be paid at the time of submittal of the application. The Permit may apply to one or more street trees and shall specify the date upon which the street tree permit shall expire; provided that, no permit to prune a street tree shall be effective for longer than 180 days unless an extension is granted by the Director.



9.20.220 Street tree permit – removal.

A. Applicability - removal.

Unless an exemption is demonstrated to apply, TMC 9.20.220 shall govern requests to remove street trees.

B. Prohibition – street tree permit required - removal.

1. Permit required. Unless an exemption under this chapter applies, it shall be unlawful for any person to, in any manner, remove any street tree without having first obtained a street tree permit from the Director as provided in this chapter; provided that, an authorized agent may remove a street tree in conformance with a street tree permit issued to the abutting owner, a utility, a public transportation agency, or the City.

2. Compliance. Unless an exemption under this chapter applies, it shall be unlawful for any person issued a street tree permit for tree removal, or an authorized agent of a person issued a street tree permit, to in any manner remove any street tree except in conformance with the terms and conditions of such street tree permit and this chapter.

C. Street tree permit application – removal.

The abutting owner and any authorized agent of the abutting owner, the City and any authorized agent of the City, a public transportation agency, and with respect to conflict trees, a utility and its authorized agent, and a property owner who is not an abutting owner and is required under a project permit to make off-site improvements, may apply for a street tree permit to remove a street tree if the proposed removal meets one or more of the requirements set forth below in subsection TMC 9.20.220 (E) below. A permit may authorize removal of one or more street trees. Before any street tree permit may be issued, the applicant shall submit a complete application to the Director containing the information and declaration set forth in TMC 9.20.220 (D) below, together with such other information as may be requested by the Director that is reasonably related to the application and approval requirements.

D. Contents of application –removal.

Each application submitted pursuant to TMC 9.20.220 (C) for a street tree permit for removal of a street tree shall include the following:

1. Name, address and telephone number of the applicant where applicant agrees to receive communications from the City;
2. If the applicant is the abutting owner or authorized agent, a declaration of the applicant meeting the requirements of Ch. 5.50 RCW that the applicant is the owner of the abutting property, or an authorized agent, and has authority to submit the application;
3. If applicant is an authorized agent for the abutting owner, the name, address and telephone number of the abutting owner. If applicant is an authorized agent of a utility, a public transportation agency, or the City, the name, address and contact information for the utility, public transportation agency, or applicable department or division of the City;
4. If applicant is not an abutting owner and is required under a project permit to make off-site improvements adjacent to property in which they do not own, a description of the attempt to communicate with the property owner as set forth in TMC 9.20.220 (H);
5. Description of the public right-of-way within which each street tree that is the subject of the application is located;
6. Description of each street tree to be removed with sufficient detail to accurately identify each street tree that is the subject of the application;



7. A photograph or digital image clearly delineating each street tree proposed to be removed;
8. A detailed statement demonstrating that each street tree proposed to be removed meets one or more of the categories set forth in TMC 9.20.220 (E) below and why each street tree should be removed, together with any other relevant information;
9. A street tree removal plan that sets forth in detail the proposed plan for removing each street tree that is proposed to be removed, certified by the applicant or authorized agent to meet requirements of the Design Manual, and all necessary traffic control measures of the City of Tacoma Traffic Control Handbook, as applicable;
10. The application shall include an application complying with the street tree planting permit requirements of TMC 9.20.230 for planting of a street tree;
11. Name, address and telephone number of the person(s) to perform the street tree removal work;
12. Such other information as may be requested by the Director that is reasonably related to the application and approval requirements; and,
13. Payment of a permit application fee when established pursuant to TMC Chapter 2.09.

E. Categories of street trees subject to removal.

Unless an exemption applies as provided in this chapter, an application for a street tree permit for removal of one or more street trees must demonstrate that each street tree proposed to be removed meets one or more of the following categories:

1. Hazard trees. A tree shall be designated as a hazard tree by an International Society of Arboriculture (ISA) Certified Arborist who has obtained an ISA Tree Risk Assessor Course and Exam certification or Tree Risk Assessment Qualification.
2. Conflict trees. A conflict tree is a tree that by its presence in the public right-of-way directly conflicts or interferes with (a) construction or installation of a utility or public right-of-way improvement; (b) activities performed in the public right-of-way to repair or maintain a utility or public right-of-way improvement; (c) development of real property nearest to and directly abutting that portion of the public right-of-way upon which the street tree is located; or that, (d) damages existing improvements within the right-of-way or abutting property. A tree conflicts or interferes when it is demonstrated that there are no reasonable alternatives available to removal of the conflict tree.
3. Sidewalk damaged by trees. When it can be demonstrated that damage to a sidewalk has been created by the roots of an existing street tree in a manner that creates a public hazard. It must be demonstrated that there are no reasonable alternatives available to removal of the street tree.
4. Prohibited trees. A species of tree that is unlawful to plant in the public right-of-way pursuant to the adopted Prohibited Tree List of the Urban Forest Manual.
5. Nuisance trees. A tree that constitutes a public nuisance pursuant to Chapter 8.30 TMC.
6. Significantly damaged trees. A tree that has been previously topped or significantly damaged to an extent that, if left unmanaged through extensive pruning and maintenance, could become a future Hazard Tree.
7. Fruit trees. A fruit tree that the abutting owner desires to remove.

F. Review of application –removal.

An application meeting the requirements of TMC 9.20.220 (D) for a street tree permit for removal of a street tree will be reviewed by the Director within a reasonable period of time for compliance with the requirements in subsection G below. The Director may utilize the services of a consulting arborist or



forester as needed. The Director may consider any information provided in the application and any relevant information provided by City staff, including the Light Division, and the consulting arborist or forester.

G. Approval requirements - removal.

The Director shall review the application and issue a permit if the applicant has demonstrated to the reasonable satisfaction of the Director that the following requirements are met:

1. Each street tree proposed to be removed meets one or more of the following categories in accordance with TMC 9.20.220(E): hazard tree, conflict tree, tree damaging the sidewalk, prohibited tree, nuisance tree, significantly damaged tree, or fruit tree.
2. The street tree removal plan sets forth in detail the proposed plan for removing each street tree and meets the requirements of the Design Manual, and all necessary traffic control measures of the City of Tacoma Traffic Control Handbook, as applicable;
3. The proposed street tree removal is consistent with the purpose and intent of this chapter and standards adopted by the City; and,
4. Each street tree proposed to be removed will be replaced with a permitted tree in accordance with a permit issued pursuant to TMC 9.20.230, and applicable provisions of the landscaping standards of the zoning code TMC 13.06.

H. Posting of public notice – removal.

1. Posting required. Upon issuance of a permit under this section, unless an exemption for posting of public notice is approved by the Director, a notice of street tree removal shall be posted by the applicant, or authorized agent, in a conspicuous location on or next to each street tree proposed to be removed for a minimum of 14 consecutive days prior to the commencement of work. The size of the font on the notice shall be large enough and the notice oriented in such a way as to be legible by pedestrians passing the street trees proposed to be removed and shall include the following:
 - a. The proposed action (removal of street tree) and permit number;
 - b. The date of posting of the notice and the date the proposed action is anticipated to commence;
 - c. The purpose or objective to be accomplished by the proposed action, e.g. tree is hazard tree, conflict tree, etc.; and,
 - d. Contact information for both the applicant or authorized agent as well as the City of Tacoma Permit Center.
2. Written notice. If the permittee is a property owner who is not an abutting owner and is required under a project permit to make off-site improvements, the following additional notice requirements shall apply when a street tree is proposed to be removed as a required off-site improvement: permittee shall provide written notice by mail to the last known address of record of the owner of the abutting property for a street tree proposed to be removed indicating the intent to remove the street tree. Such notice shall include a brief statement of the need and nature of the work intended and the location of the street tree proposed to be removed, a good faith estimate of the time frame in which such work will occur, and how the Permittee can be contacted regarding the street tree removal work.
3. Compliance. Unless an exemption is approved by the Director, it shall be unlawful, and a violation of this chapter, for any person issued a permit, or an authorized agent, to remove a street tree less than 14 days prior to the date of posting of the notice required pursuant to TMC 9.20.220 (H)(1) and, when applicable, mailing of notice required pursuant to TMC 9.20.220(H)(2).

I. Permit and canopy loss fee – expiration – multiple street trees - removal.



All applications for removal of conflict trees shall include payment of a permit fee and a canopy loss fee for each street tree requested to be removed. The permit fee shall be established pursuant to TMC 2.09 and are intended to recover administrative costs of processing the application. A street tree permit may apply to one or more street trees and shall specify the date upon which the street tree permit shall expire; provided that, no permit shall be effective for longer than 180 days unless an extension is granted by the Director.

Conflict tree - canopy loss fee. Removal of conflict trees shall include a tree valuation fee known as a canopy loss fee, which is determined to recoup a portion of the value the street tree had to the community, prior to its removal. The canopy loss fee shall be placed in an account established to support the urban forestry program in planting, maintenance, and replacement of trees on public property or the right-of-way. The canopy loss fee is determined by a cost per inch of DBH removed. The total DBH in inches of a removed tree is subtracted by the total caliper inches of replacement street trees in the associated tree planting permit, to calculate the total inches to be mitigated by a canopy loss fee. The total inches required to be mitigated is multiplied by the fee per caliper inch as established by TMC 2.09. The canopy loss fee formula shall be as follows: $[DBH \text{ in inches of removed trees} - \text{caliper inches of planted trees}] \times [\text{cost per caliper inch}] = \text{Total canopy loss fee}$. By way of example, if one twelve-inch (12") DBH conflict tree will be removed, and three two-inch (2") caliper trees will be planted back, the applicant would get six inches of credit towards the canopy loss fee (3x2"). The assessed canopy loss fee would be for the remaining six inches of canopy loss: 12" tree removed – 6" planting credit = 6" canopy loss, to be paid by the fee per caliper inch as established by TMC 2.09.

The permit fee and canopy loss fee may include a senior or disabled person reduction established in the same manner as provided for permits set forth in TMC 2.09.030.B. Permit fees and canopy loss fees are not required for applications for a permit to remove qualifying hazard trees, trees damaging the sidewalk, prohibited trees, nuisance trees, fruit trees, significantly damaged trees in accordance with TMC 9.20.220(E).

9.20.230 Street tree permit – Planting.

A. Intent.

It is the intent of this section to regulate and allow the planting of street trees in a way that maximizes the benefits of street trees while minimizing potential future impacts to infrastructure and private property. Additionally, effective street tree planting regulations will help to achieve the greatest possible gain in environmental health city-wide, improve street tree species diversity and age diversity, and increase awareness and use of urban forest best practices, including proper street tree selection, planting practices and maintenance, invasive species avoidance, protection from adverse pests and diseases, and appropriate use of native and/or climate adapted species.

B. Applicability.

TMC 9.20.230 shall govern requests to plant street trees in the public right-of-way.

C. Prohibition - permit required - planting.

1. Permit required. Unless an exemption under this chapter applies, it shall be unlawful for any person to, in any manner, plant any street tree without having first obtained a street tree permit from the Director as provided in this chapter.

2. Compliance. Unless an exemption under this chapter applies, it shall be unlawful for any person issued a street tree permit for the purpose of planting a street tree, or an authorized agent on behalf of a person issued such a street tree permit, to in any manner plant any street tree except in conformance with the terms and conditions of such street tree permit and this chapter.

D. Street tree permit application –planting.

The abutting owner, and any authorized agent of the abutting owner, a utility, a public transportation agency, a property owner who is not an abutting owner and required under a project permit to make off-



1 site improvements, and the City, or their authorized agents, may apply for a street tree permit to plant a
2 permitted street tree. A street tree permit may authorize planting of one or more permitted street trees.
3 Before any street tree permit may be issued, the applicant shall submit an application containing the
4 information and declaration set forth in TMC 9.20.230 (E) below, together with such other information as
5 may be requested by the Director that is reasonably related to the application and approval requirements.

6 E. Contents of application – planting.

7 Each application submitted pursuant to TMC 9.20.230 (D) for a street tree permit for planting of a
8 permitted street tree shall include the following:

- 9 1. Name, address and telephone number of the applicant where applicant agrees to receive
10 communications from the City;
- 11 2. If applicant is an authorized agent for the abutting owner, the name, address and telephone
12 number of the abutting owner. If applicant is an authorized agent of a utility, a public
13 transportation agency, or the City, the name, address and contact information for the utility,
14 public transportation agency, or applicable department or division of the City;
- 15 3. If applicant is not an abutting owner and is required under a project permit to make off-site
16 improvements adjacent to property in which they do not own, a description of the attempt to
17 communicate with the property owner as set forth in TMC 9.20.230 (I);
- 18 4. Aerial image (site plan) of the public right-of-way within which each street tree is proposed to be
19 planted showing existing site features including the location(s) of adjacent buildings, streets,
20 sidewalks and/or other paved surfaces, and dimensions of available planting space, such as the
21 width of the tree pit or planting strip;
- 22 5. Tree planting plan describing the quantity of street trees proposed to be planted, planting
23 location(s), species including the common and scientific name(s), and the method and manner of
24 planting each proposed street tree;
- 25 6. If the applicant is an authorized agent of the abutting owner, an original declaration of the
26 abutting owner meeting the requirements of Ch. 5.50 RCW, providing the name, address and
27 telephone number of the authorized agent, declaring that the authorized agent is authorized by
28 the abutting owner to plant permitted street trees within that portion of the public right-of-way
29 abutting the declarant's real property and that the declarant, and declarant's successors and
30 assigns in and to the abutting real property, shall own and be responsible for each such street
31 tree, and that the declarant is the legal owner of the abutting property;
- 32 7. If the proposed street tree(s) species is not selected from the preapproved street tree lists
33 established in the Urban Forest Manual, a detailed statement demonstrating why the selected
34 street tree species meets the criteria set forth in TMC 9.20.230 (F) (2) below, including objective
35 authoritative sources, or from the nursery providing the tree growth information, often called
36 "cut sheets", describing the proposed street tree's mature height, crown spread and growth rate
37 supporting the tree or alternatives as approved through the permit review process. Objective
38 information must come from published sources;
- 39 8. Such other information as may be requested by the Director that is reasonably related to the
40 application and approval requirements; and,
- 41 9. Payment of a permit application fee established pursuant to TMC Chapter 2.09.

42 F. Permitted street trees – type - planting.

- 43 1. Pre-approved tree species. Tree species approved for planting in the public right-of-way
44 pursuant to the Urban Forest Manual, or a pre-approved tree list established by the Director, are
45 pre-approved and permitted trees.
- 46 2. Approval of other tree species. Tree species that are not pre-approved and that are not prohibited
47 pursuant to this chapter or the Urban Forest Manual, may be permitted trees if they are



demonstrated to the reasonable satisfaction of the Director to meet all of the following conditions:

- a. Climate adapted to the Pacific Northwest region. The use of natives and climate adapted species is encouraged, and all tree species should be adapted to live in the region and specific conditions of the planting location.
- b. Visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers or to enhance natural conditions, trees shall be selected to maximize visibility at eye level for safety. To meet this requirement, trees shall be selected to maximize views below 7 feet in height at maturity, such that the lower branches should be able to be pruned/removed to allow for views under the tree's crown.
- c. Species selection. Species shall be selected to avoid or minimize potential conflicts with infrastructure and utilities. Street tree species under power lines shall have a maximum mature height (at 25 years of age) not greater than 25 feet.

G. Distance requirements - planting.

The trunk of new street tree plantings from pavement, structures, utilities, and other infrastructure shall conform to the Design Manual. Distances may be reduced, with approval of the Director, upon a demonstration that the species selected will not cause infrastructure conflicts and conforms to the guidance in the Urban Forest Manual and Design Manual.

H. Requirements for approval – planting.

The Director shall review the application and issue a permit if the applicant has demonstrated to the reasonable satisfaction of the Director that the following requirements are met:

1. The species of each proposed tree is pre-approved, and if not pre-approved, meets the conditions set forth in TMC 9.20.230 (F) (2) (a-c) above;
2. The planting of each proposed tree meets the purpose and intent of this chapter and the requirements set forth in the Design Manual and the Urban Forest Manual; and,
3. If an existing street tree is proposed to be removed and replaced with a new street tree, that a street tree permit has been issued for removal of such existing street tree.

I. Notice Requirements.

1. If the permittee is a property owner who is not an abutting owner and is required under a project permit to make off-site improvements, the following additional notice requirements shall apply when a street tree is proposed to be planted as a required off-site improvement: permittee shall provide written notice by mail to the last known address of record of the owner of the abutting property for a street tree proposed to be planted indicating the intent to plant the street tree. Such notice shall include a brief statement of the need and nature of the work intended, the proposed location and species of the street tree to be planted, a good faith estimate of the time frame in which such work will occur, and how the permittee can be contacted regarding the street tree planting work.
2. Compliance. Unless an exemption is approved by the Director, it shall be unlawful, and a violation of this chapter, for any person required to provide notice pursuant to TMC 9.20.230 (I) (1) above, to plant a street tree less than 14 days prior to the date of mailing of notice required pursuant to TMC 9.20.230 (I) (1).

9.20.240. Exemptions and modifications from street tree permit requirements – pruning and removal.

A. Exemptions.



The following street tree pruning and street tree removal activities are exempt from the requirements of this chapter to obtain a street tree permit; provided that, pruning shall utilize BMPs to protect the health of the tree, and in no instances is tree topping permissible:

1. Small trees. Pruning by an abutting owner, or authorized agent, of street trees which are less than 15 feet in height, provided that the pruning shall be performed in compliance with BMPs.
2. Fruit trees. Harvesting of fruit and pruning of fruit bearing street trees.
3. Protection of public travel. Pruning or removal of street trees by the City of Tacoma Department of Public Works, or its successor agency, or the Washington State Department of Transportation, or its successor agency, to abate a condition that poses a threat to public health, safety or welfare, to maintain visibility to traffic devices and signage, or to abate a public nuisance.
4. Public Works Department. Pruning of street trees by the City Public Works Department for the purpose of providing adequate clearances for construction equipment, to abate a hazard, or to perform general maintenance to support the continued growth, health, structure, and longevity of the tree. Planting of street trees by the City Public Works Department for the purpose of replacing trees that have died or have been removed and is done so in accordance with the requirements of this chapter.
5. Restoration of utility services and emergency communications. Pruning of street trees to the extent reasonably necessary to allow for restoration of an unplanned interruption of utility services or emergency communications.
6. Power Utility Service Providers. Pruning of street trees by a power utility service provider to the clearance standards under the National Electric Safety Code.

B. Modifications for Emergency.

Street tree pruning or removal activities necessary to manage an immediate threat to public health, safety, or welfare that require remedial or preventative action in a timeframe too short to allow for normal processing is allowed without first obtaining a street tree permit; provided that, the person performing the work to prune or remove the street tree(s) shall, as soon as practical but no later than 30 days following completion of the emergency pruning or street tree removal work, apply for a street tree permit, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions taken in response to the emergency. Prior to pruning or removal of street trees in response to an emergency, the person performing the work shall document, including photographs, the conditions of the street tree and note why the situation constitutes an emergency. Documentation shall be provided with the application of the street tree permit. Emergency actions shall use best management practices to address the emergency and, in addition, the action must have the least possible impact to the street tree. The Director may waive or modify permit application requirements of this chapter made impractical as a result of the emergency.

9.20.250 Tree pruning on public real property – scenic view enhancement.

A. Intent –view enhancement.

The City of Tacoma is located on a steep-cliffed peninsula with spectacular scenic views. There are many trees on public real property which add to the natural beauty of the area, and there are many scenic views throughout the City. The City recognizes that trees located on public real property as defined herein can restrict scenic views from public and private property and that scenic views can be enhanced through proper pruning managed by the City consistent with BMPs.

It is the purpose of TMC 9.20.250 to establish a process for any person to request the City to prune trees on public real property as defined herein to enhance scenic views and to ensure that pruning is compatible with the purpose, use, and function of the public real property and the trees and vegetation located thereon and that pruning is consistent with BMPs. This purpose can be accomplished by pruning trees on public real property in response to a request only when the Director is satisfied that the proposed pruning



can be done in a manner that will: (1) minimize potential liability and risk of harm to persons or property; (2) preserve and protect trees and vegetation on public real property, and in particular native remnant forests; (3) protect the investment in public real property; (4) not negatively impact wildlife habitat, soil conditions, and slope stability; and, (5) will have de-minimis impact on noise and air pollution reduction, water quality, stormwater management, and climate control functions of the trees and other vegetation proposed to be pruned.

At the Director's discretion, the City may or may not issue an approval. It is not the purpose of TMC 9.20.250 to create a vested right or property interest in a particular outcome or decision by the Director in response to a request filed under this section. The City retains sole discretion and authority over the decision to undertake or not undertake tree pruning on public real property in response to a request.

B. Applicability – scenic view enhancement.

TMC 9.20.250 applies to requests to prune trees located on public real property as defined herein to enhance scenic views. Requests to prune street trees shall be governed by the requirements of TMC 9.20.210.

C. Request – scenic view enhancement.

Any person may submit a request to the Director for the City to prune one or more trees located on public real property as defined herein for purposes of scenic view enhancement. The request should be in writing and contain the information set forth below in TMC 9.20.250 (E), together with such other information as may be requested by the Director that is reasonably related to the request. Under no circumstances will tree topping be permitted. All pruning shall be consistent with industry BMPs.

D. Allocation of Costs.

It is the intent of TMC 9.20.250 to place the burden of the cost associated with the Director's review of a request and, if approved, the associated costs of the pruning work upon the person making the request. These costs include the City's administrative costs to review the request and to manage, administer and inspect the work, together with the costs of preparing a tree pruning plan, applying for and obtaining required permits, and planning for and performing the tree pruning work. Some, or all, of the work may be performed by consultants and contractors retained by the City for this purpose, the costs of which shall be borne by the person requesting the pruning through a work order and deposit process. The Director may require a work order and deposit from the applicant which the City may draw upon to pay for the foregoing costs as incurred by the City. If the balance of funds on deposit with the City falls below \$100.00, applicant shall, within ten (10) days of receipt of written request from the City, deposit such additional funds as the Director determines are reasonably necessary for the continuing reimbursement of the City's costs expended in response to the request. In the event that Applicant fails to timely deposit additional funds as requested by the Director, the Director may cease all work and close the applicant's request. Applicant shall be entitled to a refund of any unencumbered amounts remaining on deposit at the conclusion of the work or upon closure of the request. The submittal of a work order deposit does not entitle the applicant to a particular outcome and is intended solely to reimburse the City for its costs.

E. Contents of request – scenic view enhancement.

Each request submitted pursuant to TMC 9.20.250 (C) for scenic view enhancement should include the following:

1. Name, address and telephone number of the applicant where person submitting request agrees to receive communications from the City;
2. Description of the public real property within which the person submitting request has requested the pruning of one or more trees;
3. A description of each tree the person submitting request proposes to be pruned with sufficient detail to accurately identify each such tree;



4. A photograph or digital image clearly delineating each tree proposed to be pruned;
5. A description of the scenic view that is proposed to be enhanced by the pruning;
6. A statement demonstrating why and how the pruning is necessary to enhance scenic views; and,
7. Such other information as may be requested by the Director.

F. Director's Decision – view enhancement.

The Director retains sole discretion to grant or deny the applicant's request. The Director, at a minimum shall consider the following:

1. Consistency and compatibility with, and will not be adverse to or unreasonably interfere with, the purpose, function and use of the public real property and the trees and vegetation located thereon;
2. Public health, safety and welfare;
3. Consistency with the City of Tacoma Comprehensive Plan;
4. Consistency with BMPs;
5. Consistency with a vegetation management plan, if any, applicable to the public real property where the pruning or removal is proposed; and,
6. Compliance with this chapter and applicable laws, rules and regulations, including by way of example and not limitation, the critical areas preservation code (TMC Ch. 13.11), the shoreline master program (TMC Title 19), the land use permits and procedures code (TMC Ch. 13.05), the right-of-way code (TMC Ch. 10.22), the Endangered Species Act, and the Bald Eagle Protection Act and the Migratory Bird Treaty Act.

G. Consultation – scenic view enhancement.

As part of the process for review of the request, the Director shall:

1. Consult with other departments. Shall consult with the director, or designee, of the department of the City responsible for management of the public real property that is the subject of the request and shall give deference to the recommendation of such directors, or designees, with respect to the applicant's request.
2. Consult with arborist or forester. Shall consult with and utilize the services of the City Arborist or City Forester, or a consulting arborist or forester as needed.

H. Director's Decision – scenic view enhancement.

The Director shall upon completion of review of the request, notify the applicant of the Director's determination and, if the Director determines that the pruning work should be undertaken, the additional deposit required from the applicant to complete the pruning work.

9.20.260 Permit display – violation.

It shall be unlawful for any person issued a street tree permit, or any authorized agent, to fail to display at all times at the location where tree pruning, tree removal or tree planting activities are actively being conducted that require a permit under this chapter, a current and valid street tree permit, or complete copy or digital image thereof, authorizing the street tree pruning, removal or planting. It shall further be unlawful for any such persons, or authorized agent, to fail to make the street tree permit available for display to any City public official for inspection upon request.

III. GENERALLY APPLICABLE REQUIREMENTS

9.20.300 Removal of trees and tree parts.



Any remaining roots or stumps of street trees removed pursuant to a permit issued under this chapter shall be cut out at least eight inches below the surface of the ground, unless the removal of such will have a negative impact on erosion, slope stability, or natural areas on which they are located or the permit provides otherwise. All large woody material from removed or pruned street trees including the trunk, stump, branches, and large roots, shall be removed from improved right-of-way sites so as to not cause impairments to safe passage.

9.20.310 Topping.

Topping of trees on public property is unlawful.

9.20.320 Types of trees prohibited.

It shall be unlawful to plant in any part of the public right-of-way, including the planting strip, a tree species that is not a permitted street tree.

9.20.330 Protection of street trees - development.

A. Protection of street trees.

Any person engaged in development activities in the public right-of-way not governed by a permit issued pursuant to TMC 13.06 shall, prior to the commencement of such activities, comply with the Design Manual and the tree protection requirements of the UFM applicable to any development that may impact a street tree or street trees. This development may occur on site or in the right-of-way.

Any person conducting construction activities such as excavation, filling, tunneling, trenching, compacting, demolition, utility work or other land disturbing activity in the Critical Root Zone or Drip Line of any street tree, must submit a Tree Protection Plan to be approved by the City prior to commencement of work. Tree Protection Plans shall be in accordance with the UFM.

Non-compliance with the requirements of this section is unlawful and a violation of this chapter.

B. Notice.

A notice of tree protection shall be posted by the person engaged in development activities subject to the requirements of TMC 9.20.330 (A) above, in a conspicuous place on the tree protection fencing, or on the tree in such a manner as to not damage the tree, or adjacent to each street tree for a 14-day period prior to and throughout the performance of work that is subject to the requirements of TMC 9.20.330 (A). The notice shall be large enough and oriented in such a way as to be legible by pedestrians and vehicles passing each such street tree, and shall include the following:

1. The text "This tree is to be retained and protected from development impacts";
2. The date(s) the proposed development activities will occur; and,
3. Contact information for the applicant, on-site construction contact, and/or project manager as well as the City of Tacoma Permit Center.

Non-compliance with the notice requirements of this section is unlawful.

9.20.340 Right-of-way obstruction – trees.

A. Public Nuisance - vegetation on private property and within the public right-of-way.

All vegetation, including trees, shrubs, grass, other plants, or any parts thereof, located on real property abutting the public right-of-way and located within the right-of-way that meet any one or more of the following conditions, shall constitute a public nuisance:

1. Vegetation overhanging any sidewalk at less than eight (8) feet above grade or street at less than fourteen (14) feet above grade, or that is otherwise situated, in such manner as to, limit, obstruct or impair the free and full use of the sidewalk or street;



2. Vegetation that is situated in such a manner as to limit, obstruct, impair or obscure the clear view of a pedestrian or a driver of a motor vehicle in oncoming traffic while approaching an intersection, or any traffic control device while approaching such traffic control device;

3. Vegetation that is situated in such a manner as to interfere with, or create a hazardous condition with respect to, electric facilities, utility lines and infrastructure, underground utility lines, or fixtures situate in the public right-of-way; and,

4. Vegetation that is situated in such a manner as to create or contribute to a fire hazard or a threat of harm to public health, safety, or welfare.

B. Abatement of nuisance.

It shall be unlawful for any responsible person to cause, allow, suffer or permit such a public nuisance to exist, and any such nuisance shall be abated by the responsible person in a manner that conforms with this chapter, the City of Tacoma Right-of-Way Design Manual and Chapter 8.30 TMC (Public Nuisances).

9.20.350 No Interference.

It shall be unlawful for any person without lawful authority to interfere with or cause or permit any person to interfere with employees or agents of the City who are engaged in the planting, pruning, maintaining, treating or removing of any tree or other vegetation on public property. Violation of this section is unlawful.

9.20.360 Damage to trees on public property.

Except to the extent authorized or required under this chapter, it shall be unlawful for any person to:

A. In any manner, prune, remove, or top any tree or other vegetation located on public property;

B. Abuse, destroy, damage or mutilate any tree, or part of a tree, located on public property;

C. Attach or place any rope or wire (other than one used to support the tree), sign, poster, handbill, or other thing to, or on any tree, or part of a tree, located on public property, cause or permit any wire charged with electricity, with the exception of decorative lights in a manner that does not impact the health of the tree, to come into contact with any tree located on public property;

D. Allow any chemical, gaseous liquid, or solid substance which is harmful to trees located on public property to come into contact with the trees including their roots or leaves; or,

E. Engage in any act which causes a tree on public property to die, including, but not limited to:

1. damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree root system;

2. damage inflicted on the tree permitting infections or infestation;

3. excessive pruning or topping; and,

4. any other action which is deemed harmful to the tree.

9.20.370 Gleaning of fruit.

It is the responsibility of the abutting owner to glean fruit and nuts from street trees to prevent fallen fruit and nuts from interfering with safe passage upon the public right-of-way.

9.20.380 Appeal of denial of Permit.

Any applicant denied a street tree permit may, pursuant to TMC Chapter 1.23, file a written notice of appeal of the denial with the Office of the Hearing Examiner within 21 days of issuance of the denial.



IV. HERITAGE TREES

9.20.400 Intent.

It is the intent of this chapter to establish a Heritage Tree Program to provide protection, recognition, foster appreciation, and inspire awareness for the contribution that Tacoma's mature trees make to the community. Heritage tree designation helps the City achieve a greater overall tree canopy to preserve the scenic beauty and natural environment of Tacoma, prevent erosion and sedimentation in waterways, encourage quality development, provide shade and wildlife habitat, counteract pollutants in the air, reduce heat island effects, and decrease wind velocities and noise. Designation of heritage trees connects the past to the present by preserving historic trees for the enjoyment of future generations.

9.20.410 Applicability.

This chapter shall apply to the nomination, designation and management of trees located within the corporate boundaries of the City that qualify for nomination for heritage tree designation.

9.20.420 Qualifications.

A. Minimum qualifications.

To qualify for nomination for heritage tree designation, the tree(s) must:

1. Healthy condition. Be in apparently healthy growing condition;
2. Minimum trunk diameter. Meet the minimum threshold trunk diameter;
3. Location. Be located within the corporate boundaries of the City; and,
4. Irreplaceable status. Be a tree, or collection of trees, that, because of exemplary size, age, cultural or historical significance, ecological value, or rarity, is considered irreplaceable.

B. Minimum trunk diameter.

To qualify as a heritage tree, the minimum trunk diameter (DBH) must be a minimum of the lesser of 30 inches or 65 percent of the largest documented diameter for a tree of that species in Washington as established in the most recent edition of the publication "Champion Trees of Washington State" by author Robert Van Pelt, published by University of Washington Press.

9.20.430 Nomination.

A. Who may nominate a heritage tree.

1. Property owner. Any owner of property upon which a tree or collection of trees subject to nomination is located may apply for nomination of such tree(s) for heritage tree designation.
2. Consent of property owner. Any resident of the City of Tacoma, any City official (elected or appointed), any City employee, any member of a City of Tacoma committee, board or commission, with the signed written consent of the owner of property upon which the nominated tree, or collection of trees, is located, may apply for nomination of such tree(s) for heritage tree designation.

B. City Consent.

A nomination for heritage tree designation for a tree, or collection of trees, located on public property must be consented to in writing by the Director of the Department responsible for the management of the public property upon which the Tree is located, or by the City Manager.

C. Consent of other public entity.



A nomination for heritage tree designation located on property owned or controlled by a public entity, other than the City, must be consented to in writing by a public official with authority to grant such consent on behalf of such public entity.

9.20.440 Application.

A. Application.

Any person seeking to nominate a tree, or collection of trees, for heritage tree designation shall file a written application with the City's Urban Forestry Program Section of the Environmental Services Department, utilizing the nomination forms approved by the Urban Forestry Program.

B. Contents of application.

At a minimum, the nomination application form shall contain the following:

1. A narrative statement demonstrating that the nominated tree, or collection of trees, because of exemplary size, age, cultural or historical significance, ecological value, or rarity, is considered irreplaceable;
2. A narrative statement describing the physical condition and health of the nominated tree, or collection of trees;
3. A narrative statement, including the species and size (diameter of the tree trunk in inches, tree crown spread in feet, and tree height in feet), demonstrating that the nominated tree, or each tree in a nominated collection of trees, meets the minimum threshold diameter;
4. Photos of the tree, or collection of trees, including at least one aerial photo demarcating the location with enough description so that the tree, or collection of trees, can be positively identified;
5. Documentation, records or other information demonstrating ownership of the property upon which the tree is located;
6. If the applicant is the owner of the property upon which the nominated tree, or collection of trees, is located, a signed written statement attesting to the applicant's ownership of the property; and,
7. If the applicant is not the owner of the property upon which the tree, or collection of trees, is located, a signed written statement of the owner of the property upon which the nominated tree, or collection of trees, is located consenting to the application for nomination for heritage tree designation and describing the tree, or collection of trees, that is subject to the nomination.

9.20.450 Designation.

A. Review of application.

All heritage tree nomination applications shall be reviewed by the City's Urban Forestry Program Section of the Environmental Services Department to determine if the nominated tree, or collection of trees, meets the minimum qualifications set forth at TMC 9.20.420 for heritage tree designation. All applications for trees located on public property must be reviewed and approved or denied by the City's Urban Forestry Program; provided that, if the nominated tree or collection of trees is located on public property, the nomination must also be approved by the Department Director or his/her/their designee who has management authority over the property, or by a public official with authority to grant such consent on behalf of such public entity, where the tree, or collection of trees, is located.

B. Additional information; site inspection.

The City's Urban Forestry Program Section of the Environmental Services Department may request the applicant to provide any additional information reasonably necessary to determine if a nominated tree, or collection of trees, meets the minimum qualifications for designation as a heritage tree, and may



condition approval upon receipt of such information and upon consent to a physical inspection of the nominated tree or collection of trees.

C. Approval.

If it is determined that the nominated tree, or collection of trees, meets the minimum qualifications and is approved for heritage tree designation, such heritage tree designation shall remain in place until removal as provided in TMC 9.20.460. Such approval shall be made in writing.

D. List and Plaques.

The City of Tacoma Urban Forestry Section of the Environmental Services Department shall maintain the list of designated heritage trees, which shall be made publicly available. In the case of public property, the Urban Forestry Section may place a plaque, or other such identification, on or near heritage trees.

9.20.460 Maintenance, care and protection.

A. Maintenance and protection.

The City is responsible for the maintenance of designated heritage trees located on public real property owned by the City. For all other designated heritage trees, the owner of the property, including the abutting property in the case of heritage street trees, upon which the tree is located shall be responsible for maintenance of the designated heritage tree. All heritage trees located within the public right-of-way shall be protected during development as provided in TMC 9.20.330.

B. Heritage tree retention - public property.

1. Removal. A designated heritage tree on public property shall be retained and protected, and shall not be removed unless the designated heritage tree constitutes a hazard tree or nuisance tree and, when applicable, a permit for removal is authorized pursuant to TMC 9.20.220.
2. Emergency. A designated heritage tree located on public property may also be removed pursuant to the emergency exemption provisions of TMC 9.20.240.

C. Heritage tree retention – private property.

Ownership and responsibility for a designated heritage tree, or collection of trees, located on private property or on property owned or controlled by a public entity other than the City, shall remain with the property owner and does not become the property or responsibility of the City. A heritage tree designation does not prohibit a property owner from developing the property or removing a designated heritage tree or trees subject to compliance with the City of Tacoma's land use regulations applicable to the development of the owner's property. The property owner is encouraged to notify the City of Tacoma Urban Forestry Section of the Environmental Services Department prior to or upon removal of a designated heritage tree, so that the heritage tree registry can be updated.

V. ENFORCEMENT AND REMEDIES

9.20.500 Enforcement - delegation.

A. Enforcement.

The provisions of this chapter and all terms and conditions of any permit, directive, corrective action notice, or compliance order issued under authority of this chapter, are subject to enforcement pursuant to and under authority of TMC Chapter 1.82, the Uniform Enforcement Code. The Director is authorized to exercise all powers and authority granted pursuant to TMC Chapter 1.82, including by way of example and not limitation, the power to issue compliance orders, corrective action notices, and notices of violation, assess monetary penalties, approve voluntary correction agreements, and develop, promulgate, revise, and implement policies and procedures governing enforcement actions under TMC Chapter 1.82;



provided that, the maximum monetary penalties set forth at TMC 1.82.050.F that may be assessed pursuant to a notice of civil violation are replaced and superseded with the provisions of TMC 9.20.520.

B. Delegation of authority.

The Director is empowered to delegate enforcement authority under this chapter and TMC 1.82 to such other departments, divisions, or persons as may be determined by the Director.

9.20.510 Violations.

Except as otherwise provided herein, any act or omission by a responsible person that is made unlawful under this chapter or that is in noncompliance with any duty, requirement, or obligation set forth in this chapter, or in a term or condition of any permit, directive, or compliance order issued under authority of this chapter, shall constitute a violation of this chapter and is subject to enforcement by the Director.

9.20.520 Monetary penalties.

A. Maximum monetary penalty.

The maximum monetary penalty that may be assessed pursuant to a notice of civil violation for each violation of this chapter shall not exceed \$10,000 per day or portion thereof, and each continuing day or portion thereof.

B. Minimum monetary penalty – removed tree.

The minimum monetary penalty assessed for each tree removed in violation of this chapter and for each tree that dies within a three year period as a result of the damage to the tree in violation of this chapter, shall be a sum of three times the fee for tree removal as set forth in TMC 9.20.220 (I) (1), or \$500 dollars, whichever amount is greater. If the DBH cannot be measured, the monetary penalty may be assessed per inch based on the diameter of the remaining tree stump. If the stump has been removed, a monetary penalty in the amount of \$10,000 may be assessed, unless the violator can demonstrate through competent evidence the DBH of the illegally removed tree.

C. Monetary penalty - damaged tree.

Each tree that is topped or severely pruned in violation of this chapter will be considered a removed tree and shall be subject to the penalties defined in TMC 9.20.520 (B) herein.

D. Duty to abate, correct or remedy.

Payment of a monetary penalty pursuant to this chapter does not relieve the person(s) responsible for the violation(s) of the duty to abate, correct or remedy the violation or preclude the city from taking action to assess the costs for preparation of a natural damages assessment and the costs of abatement.

E. Urban forest penalty collection.

Any monetary penalty assessed and collected under this chapter shall be placed in an account established to support the urban forestry program in planting, maintenance, and replacement of trees on public property or the right-of-way, or as determined by the Department Director under whose authority the public property is managed.

F. Separate violations.

Each tree that is removed, pruned, topped or otherwise damaged in violation of this chapter shall constitute a separate violation.

G. Choice of action.

The choice of enforcement action to be taken under this chapter and the severity of any monetary penalty to be imposed for each violation of this chapter should be guided by the factors set forth at TMC 1.82.020 (E), and shall additionally be guided by consideration of the following:

1. the scope of each violation;



2. the quality of trees and other vegetation damaged or removed;
3. the impact to the health of the trees and other vegetation that was damaged and the potential for long-term damage or death of the tree and other vegetation;
4. the extent to which the removal or damage benefitted scenic views;
5. the scope and extent of natural resource damage;
6. whether heritage trees were damaged or removed;
7. whether the trees and other vegetation damaged or removed were native or invasive species;
8. the health of the trees and other vegetation removed (it shall be presumed that any tree removed or damaged was in good health and condition, unless it can be proven otherwise);
9. the age, aesthetic value, and cultural or historic significance of the trees removed or damaged;
10. the scope and extent of any impact to a vegetation management plan in place for the public property where the violation occurred;
11. whether damaged natural resources can practicably be restored to an equivalent condition prior to the violation occurring;
12. The monetary value of the tree damaged or removed based upon the plant valuation methodology published in the most current edition of the International Society of Arboriculture, Guide for Plant Appraisal;
13. any other factors related to the harm caused; and,
14. any mitigating factors, including by way of example, good faith efforts to timely report and correct the violation, errors made in good faith with respect to the true property boundaries, good faith errors in implementing the tree removal or pruning plan, and the relative fault of agents acting on behalf of the responsible person.

9.20.530 Natural resource damage assessment.

A. Responsibility for natural resource damages.

A person found to be in violation of this chapter or a permit issued hereunder shall be responsible for the costs of abatement, remediation and mitigation of natural resource damages arising from activities conducted in violation of this chapter.

B. Requirement for natural resource damage assessment.

If the Director determines that activities in violation of this chapter have resulted in natural resource damages, the Director may require preparation of a natural resource damage assessment that includes a plan for abatement, remediation and mitigation. The Director may issue a compliance order requiring the natural resource damage assessment to be prepared by the person responsible for the violation(s) resulting in natural resource damages or assessing the costs of preparation of the natural resource damage assessment to the person responsible for the violation(s) resulting in natural resource damages. The natural resource damage assessment shall be prepared in accordance with this section and shall be subject to approval by the Director for completeness and compliance with this chapter. In the event that a violation of this chapter also constitutes a violation of Chapter 13.11 TMC (Critical Areas Preservation), the Director may require the person responsible for the violation to prepare the natural resource damage assessment in compliance with Chapter 13.11 TMC.

C. Preparation of natural resource damage assessment.

A natural resource damage assessment that may be required under this chapter, shall be prepared by persons qualified by training and experience to determine the extent to which activities upon public property have caused unauthorized natural resource damages in violation of this chapter. Qualified



persons may include certified arborists, wetland scientists, soils scientists, hydrogeologists and other professionals.

The natural resource damages assessment shall include a comprehensive abatement, remediation and mitigation plan with a proposed schedule, and an estimate of the costs of abatement, remediation, and mitigation of the damaged natural resources, to the greatest extent practicable, to restore their condition and function as existed prior to the violation, together with a determination of the monetary value of the trees damaged or removed. The assessment shall include, by way of example and not limitation, a cost estimate and comprehensive plan for the repair or replacement of any trees removed or damaged, an assessment of the biological and habitat values to be replaced, an analysis of the impact to slope stability and soil erosion and plan for restoration, a cost estimate and plan for the installation and maintenance of interim and emergency erosion control measures until such time as the restored groundcover and vegetation reach sufficient maturation to function in compliance with the performance standards adopted by the City, and the estimated costs for obtaining permits necessary to implement the plan of abatement, remediation and mitigation.

Studies by the qualified persons may be required to determine the conditions which were likely to exist on the public property prior to the unlawful activities that resulted in the natural resource damage.

The natural resource damage assessment shall include analysis of the best-case growing capability of the site, taking into consideration the soil conditions, the health of surrounding tree stands and the type of species believed to have been removed or damaged, or whatever resources are available to determine natural resource damage.

D. Valuation of damaged or removed trees.

The Director may order that the natural damage assessment include an assessment of the monetary value of the trees removed or damaged in violation of this chapter. The monetary value of the trees shall be determined based upon the plant valuation methodology published in the most current edition of the International Society of Arboriculture, Guide for Plant Appraisal. This valuation will be a factor considered by the Director in assessing monetary penalties and may be included on a one-for-one basis. It shall be presumed that any tree that was removed or damaged was in good health and condition prior to removal or damage.

E. Costs of abatement.

Upon completion of the natural resource damage assessment and approval by the Director, the Director may issue a compliance order to the person responsible for the violation(s) resulting in natural resource damages, assessing the costs of the natural resource damage assessment and the City's emergency response costs, if not already paid at the expense of the responsible person, together with the estimated cost of abatement. If more than one person is responsible for the natural resource damages and emergency response costs, each person shall be jointly and severally liable for the costs of preparation of the natural resources damage assessment and the costs of abatement.

F. Implementation of plan of abatement, remediation and mitigation.

The City shall be responsible for implementing the comprehensive plan of abatement, remediation and mitigation. If the costs of implementing the plan of abatement, remediation and mitigation exceed the cost estimate prepared as part of the natural resource damage assessment, the Director may issue a compliance order requiring the person(s) responsible for the violation(s) to pay the additional costs. If more than one person is responsible for natural resource damages, each person shall be jointly and severally liable for the costs of abatement, remediation and mitigation.

9.20.540 Suspension or revocation of permit.

The Director may suspend work or revoke a permit, as appropriate, if the Director has reasonable cause to believe:

A. Inaccurate information was used to obtain a permit;



B. The permittee is not complying with any terms of the permit or approved plans;

C. The work being performed may create an imminent danger to property or public safety;

D. The work is adversely affecting or may adversely affect adjacent public property, utility infrastructure, a drainage way, watercourse, critical area, wetland or stormwater facility;

E. The work is otherwise adversely affecting public health, safety, or welfare;

F. That due to adverse weather, the work poses a danger to public property or to neighboring properties;

G. That any work is being performed prior to issuance of required permits or in violation of applicable laws or regulations; or,

H. A required project surety (e.g., bond, cash deposit, letter of credit) has been expended to the point that the surety no longer provides assurance of the completion of the project in compliance with the terms of the permit.

9.20.550 Presumption –removal and pruning on public property.

There is a rebuttable presumption that the owners, occupants and persons in control of real property abutting any portion of public property upon which a tree(s) or other vegetation has been pruned, removed, topped or otherwise damaged in violation of this chapter, are the persons whose acts or omissions caused or aided in causing the violation, when the pruning, removal, topping or damage of such tree(s) or other vegetation has enhanced the scenic view from such abutting property. This presumption may be rebutted by clear evidence that:

A. Such person's acts or omissions did not cause, and did not aid in causing, the violation;

B. Such person made reasonable efforts to prevent such violation from occurring;

C. Such person had no knowledge of the acts or omissions causing or aiding in the violation;

D. The violation did not enhance the scenic view from such abutting property;

E. The violation resulted only in incidental enhancement of the scenic view from such abutting property when compared to the enhancement of the scenic views from other abutting private properties; or,

F. The location where the violation occurred is so distant in proximity to such abutting property that it would afford no more than an incidental enhancement of the scenic view from such abutting property.

The presumption set forth in this section shall not presumptively establish the intent required for a criminal violation of this chapter.

9.20.560 Written instruments.

Any person who shall knowingly and falsely make, complete, or alter a written instrument required to be submitted to the Director pursuant to this chapter or pursuant to a term or condition of any permit, directive, or compliance order issued under authority of this chapter, shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not more than \$5,000 or by imprisonment in jail for up to three hundred sixty-five (365) days, or both, for each separate violation. Proof of intent to defraud or injure is not required.

9.20.570 Criminal violation.

Any person who willfully violates TMC 9.20.210 (B) (1), 9.20.220 (B) (1), 9.20.230 (C) (1) or 9.20.360 shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not more than \$5,000 or by imprisonment in jail for up to three hundred sixty-five (365) days, or both, for each such violation.

9.20.580 Remedies not exclusive.



The enforcement actions and authority authorized in this chapter are not exclusive and are supplemental to the enforcement actions and authority that may be available at law or in equity, including without limitation, TMC 8.30 (Public Nuisances), and TMC 13.11 (Critical Areas Preservation).

VI. MISCELLANEOUS PROVISIONS

9.20.600 Chapter cumulative.

The provisions of this chapter shall not be exclusive and are supplemental and additional to other ordinances covering the same or similar subject matter.

9.20.610 Severability.

If any portion of this chapter, as now or hereafter amended, or its application to any person or circumstances, is held invalid, unenforceable or unconstitutional, such adjudication shall not affect the validity of this chapter, as now or hereafter amended, or any section, provision or part hereof or thereof not adjudicated to be invalid, unenforceable or unconstitutional, and its application to other persons or circumstances shall not be affected.

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EXHIBIT "B"

**CHAPTER 1.23
HEARING EXAMINER**

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1.23.050 Areas of jurisdiction.

A. The Examiner shall receive and examine relevant information, conduct public hearings, maintain a record thereof, and enter findings of fact, conclusions of law, and recommendations to the City Council or other order, as appropriate, in the following matters:

1. Applications for rezoning of property (Chapter 13.05; Section 13.06.03027F);
2. Formation of Local Improvement Districts (Chapter 10.04);
3. Approval of Local Improvement District assessments (Chapter 10.04);
4. Dangerous sidewalks proceedings (Chapter 10.18);
5. Petitions for street and alley vacations (Chapter 9.22);
6. Appeals of administrative determinations to the City Council if delegated under TMC 1.06.820; and
7. Appeals arising under the City's Code of Ethics as set forth in TMC 1.46.025.F, and 1.46.040.F and G. Hearing Examiner recommendations under this subsection shall be to the person(s) or body responsible for acting on the Hearing Examiner's order or recommendation.

B. In regard to the matters set forth below, the Examiner shall conduct adjudicative proceedings, maintain a record thereof, and enter findings of fact, conclusions of law, and a final decision or other order, as appropriate:

1. Applications for preliminary plat approval for subdivisions exceeding nine lots (Chapter 13.04);
2. Appeals from decisions of the Director of Planning and Development Services (Chapters 13.05 and 13.06);
3. Appeals from decisions ~~of the City Engineer regarding removal of or pruning trees on City-owned property denying a street tree permit pursuant to (Chapter 9.20);~~ TMC;
4. Appeals from the decisions or order of the Health Officer regarding violations of the Infectious Waste Management Code (Section 5.04.170);

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