



STAFF REPORT TO THE PLANNING COMMISSION Prepared July 18, 2022

FILE NUMBERS:	L22-0078 Comprehensive Plan/Zoning Code Amendment Exempt from SEPA per WAC 197-11-800 (19)
REQUEST:	Consider amendments to streamline permit processes related to Zoning Code text amendments. The Planning Commission will hold a public hearing on the proposed amendments and make recommendations to the City Council for review and adoption.
PUBLIC HEARING:	Scheduled for July 28, 2022
LOCATION:	Citywide
STAFF:	Nora Gierloff, DCD Director
ATTACHMENT:	A. Proposed Zoning Code Changes in Strikeout/Underline Format

BACKGROUND

The Department of Community Development has been struggling over the past few years to keep up with permit volumes and return to historical permit processing timelines. A combination of factors led to the backlog in development permit processing and longer review cycles including pandemic disruptions, high permit volumes, transfer of staff positions from Public Works to DCD, and the transition to online permitting.

DCD has taken a variety of steps to address these issues including hiring staff, instituting procedural improvements, and using consultants, however there are additional opportunities for streamlining as we adjust to the new normal.

DISCUSSION

Staff is proposing code streamlining to reduce staff effort, cut down on paperwork, free up Planning Commission agendas, and limit the number of meetings and hearings required.

Zoning Code Update Process

Currently Tukwila's TMC Chapter 18.80 requires that all changes to development regulations in the Zoning Code follow the same standards as changes to the Comprehensive Plan. This is a lengthy process that requires review by the Planning Commission and at least five public meetings, including two hearings, for even minor amendments. This means that code changes take at least 4 months to process, and often longer if meetings are full or cancelled due to holidays.

Here is an outline of the existing code update process:

- 1) Propose code change to the relevant Council Committee to forward to the PC;
- 2) The PC holds a public hearing, and in some cases also a work session on the topic;
- 3) Present the PC recommendation to the Council Committee to forward to COW;
- 4) Present the PC and Committee recommendations to the COW and hold another public hearing;
and
- 5) Adoption of the ordinance at a regular Council meeting.

This process is not required by State law and other cities allow the Council to decide whether to send a text amendment to the Planning Commission or address it themselves. Staff's changes would make the procedures in Chapter 18.80 only apply to Comprehensive Plan amendments along with any of their associated Zoning Code changes.

A new Chapter 18.82 is proposed that would provide separate procedures for Zoning Code text changes not related to a Comprehensive Plan amendment, see Attachment A. It would include:

1. Application Requirements;
2. Staff Report Contents;
3. Review Procedures and Notice Requirements; and
4. Council Decision Options.

Allowing the Council the option to act directly on minor changes to the Zoning Code would allow greater flexibility and responsiveness as well as saving considerable staff time. For example, the Council could opt to act on straightforward housekeeping amendments without sending them to the Planning Commission for a recommendation. The Council would likely continue to send larger policy issues to the PC for a recommendation but might elect to only require one hearing on the changes instead of two. This would allow the Council to customize the review process for code changes to the scale and nature of the proposed change. As an agency action any changes to development regulations would continue to be subject to SEPA environmental review.

In addition to creating the new Chapter above staff is suggesting some housekeeping changes to Chapter 18.80. These would:

1. Remove references to Zoning Code text changes that do not involve a Comprehensive Plan amendment;
2. Remove references to application materials that are only relevant to site-specific Comprehensive Plan amendments (addressed in Chapter 18.84); and
3. Provide additional clarity on the annual docketing process required for Comprehensive Plan amendments.

Staff is also suggesting housekeeping changes to Chapter 18.84 which covers site-specific rezones that require an accompanying Comprehensive Plan map change. These would clarify that these changes may only be considered and adopted once a year in conformance with the Growth Management Act limitation on amendments to Comprehensive Plans.

REQUESTED ACTION

Hold the public hearing on the proposed code amendments, review the amendments, and forward the language as proposed or amended to the City Council for review and adoption.

Proposed Changes to TMC 18.80, 18.82, 18.84

CHAPTER 18.80

AMENDMENTS TO THE COMPREHENSIVE PLAN ~~AND DEVELOPMENT REGULATIONS~~

18.80.010 Application

Any interested person (including applicants, ~~residents, citizens, Tukwila Planning Commission,~~ City staff and officials, and staff of other agencies) may submit an application for ~~a~~ text amendment to ~~either the Comprehensive Plan or the development regulations~~ to the ~~Department of Community Development~~. Such applications, except site specific rezones along with the underlying Comprehensive Plan map change, are for legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. ~~In addition to the requirements of TMC Section 18.80.015, t~~he application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current Comprehensive Plan or development regulations are deficient or should not continue in effect;
4. A statement of how the proposed amendment complies with and promotes the goals and specific requirements of the Growth Management Act;
5. A statement of how the proposed amendment complies with applicable Countywide Planning Policies;
6. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, storm water or shoreline plans) if the proposed amendment is adopted;
7. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
8. A statement of what other changes, if any, are required in other City codes, plans or regulations to implement the proposed change.

~~18.80.015 Documents to be Submitted with Application~~

~~A. Applications for amendments to the Comprehensive Plan or development regulations shall provide the following documents in such quantities as are specified by the Department:~~

- ~~1. An application form provided by the Department.~~

ATTACHMENT A

2. King County Assessor's map(s) which show the location of each property within 300 feet of the property that is the subject of the proposed amendment.
3. Two sets of mailing labels for all property owners and occupants (businesses and residents), including tenants in multiple occupancy structures, within 300 feet of the subject property, or pay a fee to the City for generating mailing labels.
4. A vicinity map showing the location of the site.
5. A surrounding area map showing Comprehensive Plan designations, zoning designations, shoreline designations, if applicable, and existing land uses within a 1,000-foot radius from the site's property lines.
6. A site plan, including such details as may be required by the Department.
7. A landscaping plan, including such details as may be required by the Department.
8. Building elevations of proposed structures, including such details as may be required by the Department.
9. Such photomaterial transfer or photostat of the maps, site plan and building elevation, including such details as may be required by the Department.
10. Such other information as the applicant determines may be helpful in evaluating the proposal, including color renderings, economic analyses, photos, or material sample boards.

B. The Department shall have the authority to waive any of the requirements of this section for proposed amendments that are not site specific or when, in the Department's discretion, such information is not relevant or would not be useful to consideration of the proposed amendment.

18.80.020 Comprehensive Plan Amendment Docket

A. Purpose. The purpose of this section is to establish procedures, pursuant to RCW 36.70A, for the review and amendment of the Comprehensive Plan and implementing development regulations. The Department shall maintain a docket of all proposed changes to the Comprehensive Plan and development regulations that are submitted.

1. The Growth Management Act, RCW 36.70A, provides that Comprehensive Plan amendments be considered no more than once a year with limited exceptions. The Growth Management Act further provides that all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.

2. The Annual Comprehensive Amendment Review Docket ("Annual Review Docket") will establish the annual list of proposed Comprehensive Plan amendments and related development regulations that the City Council determines should be included for review and consideration for any given year.

3. Placement of an amendment request on the Annual Review Docket does not mean the amendment request will be approved by the City Council.

~~B.~~ If ~~either~~ the Department ~~or the Council~~ determines that a proposed change ~~is may be~~ an emergency, the Department shall prepare the staff report described below and forward the proposed change to the Council for immediate consideration, subject to the procedural requirements for consideration of amendments. An emergency amendment is a proposed change or revision that necessitates expeditious action to address one or more of the following criteria:

1. Preserve the health, safety, or welfare of the public.
2. Support the social, economic, or environmental wellbeing of the City.
3. Address the absence of adequate and available public facilities or services.
4. Respond to decisions by the Central Puget Sound Growth Management Hearings Board, the state or federal courts, or actions of a state agency or the legislature.

~~CB.~~ Non-emergency changes shall be compiled and submitted to the Council for review on an annual basis in March so that cumulative effects of the proposals can be determined. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review, unless ~~the Council or~~ the Department determines the proposed change ~~is may be~~ an emergency.

18.80.030 Notice and Comment

The docket of proposed changes shall be ~~posted in the offices of the Department and~~ made available to any interested person. At least ~~28 days~~~~four weeks~~ prior to the Council's annual consideration of the changes proposed on the docket, the City shall publish a notice in a newspaper of general circulation in the City, generally describing the proposed changes including areas affected, soliciting written public input to the Department ~~of Community Development~~ on the proposed changes, and identifying the date on which the Council will consider the proposed changes.

18.80.040 Staff Report

A. At least ~~14 days~~~~two weeks~~ prior to Council consideration of any proposed amendment to ~~either~~ the comprehensive plan ~~or development regulations~~, the Department shall prepare and submit to the Council a staff report which addresses the following:

1. ~~An evaluation of the application materials~~~~the issues set forth in this chapter~~;
2. ~~I~~mpact upon the Tukwila Comprehensive Plan and zoning code;
3. ~~I~~mpact upon surrounding properties, if applicable;
4. ~~A~~alternatives to the proposed amendment; and
5. ~~A~~appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall

contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

18.80.050 ~~Council Consideration~~ Review Procedures for Docket Requests

A. The City Council shall consider each request for an amendment to ~~either the Comprehensive Plan or development regulations, except site specific rezones along with the request for a Comprehensive Plan map change,~~ at a Council public meeting, at which ~~the applicant will be allowed to make a presentation.~~ Any person may submitting a written comment on the proposed change ~~or shall also be allowed an opportunity to~~ make an responsive oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the Council.

B. The Council will consider the following in deciding what action to take regarding any proposed amendment:

1. Is the issue already adequately addressed in the Comprehensive Plan?
2. If the issue is not addressed in the Comprehensive Plan, is there a public need for the proposed change?
3. Is the proposed change the best means for meeting the identified public need?
4. Will the proposed change result in a net benefit to the community?

C. Following Council consideration as provided by TMC Sections 18.80.050A and 18.80.050B, the City Council shall take action as follows:

1. Add the proposed amendment to the Annual Review Docket and Refer it ~~the proposed amendment~~ to the Planning Commission for further review and a recommendation to the City Council;
2. Defer further Council consideration for one or more years to allow the City further time to evaluate the application of the existing plan or regulations and consider it as part of a future Annual Review Docket; or
3. Reject the proposed amendment.

A new Chapter 18.82 is enacted to read as follows:

CHAPTER 18.82

AMENDMENTS TO DEVELOPMENT REGULATIONS

Sections:

18.82.010 Application

18.82.020 Staff Report

18.82.030 Review Procedures

18.82.040 Council Decision

18.82.010 Application

Any interested person (including applicants, residents, City staff and officials, and staff of other agencies) may submit an application for a text amendment to the TMC development regulations to the Department. Such applications are legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. The application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current regulations are deficient or should not continue in effect;
4. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, storm water or shoreline plans) if the proposed amendment is adopted;
5. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
6. A statement of what other changes, if any, are required in other City codes, plans or regulations to implement the proposed change.

18.82.020 Staff Report

A. Prior to consideration of any proposed amendment, the Department shall prepare and submit to the reviewing body a staff report which addresses the following:

1. An evaluation of the application materials;
2. Impact upon the Tukwila Comprehensive Plan and zoning code;

3. Impact upon surrounding properties, if applicable;
4. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

18.82.030 Review procedures.

The following shall apply to processing a text amendment to development regulations:

- A. The City Council shall decide whether to review the amendment or direct the planning commission to review the amendment.
- B. If the planning commission is directed to review the amendment, the planning commission shall, after considering the amendment at a public hearing, vote and forward a written recommendation to the city council.
- C. The Planning Commission's written recommendation shall be presented to the City Council unchanged and accompanied by an info memo that includes any staff proposed changes to the Planning Commission's recommendation. If any of staff's proposed changes are substantively different from the Planning Commission's recommendation, the City Council may remand the changes to the Planning Commission before proceeding further with action on the amendment.
- D. At least one public hearing shall be held prior to the City Council acting on an amendment. The public hearing may be held before the Planning Commission, the City Council, or both at the Council's discretion.
- E. At least 14 days prior to the public hearing the City shall publish a notice in a newspaper of general circulation in the City, generally describing the proposed changes including areas affected, soliciting written public input to the Department on the proposed changes, and identifying the date on which the proposed changes will be considered.

18.82.040 Council Decision.

Following receipt of the Planning Commission's recommendation on a proposed amendment referred to the Commission or of the Staff Report (if the amendment was not sent to the Planning Commission) the City Council may:

1. Adopt the amendment as proposed;
2. Modify and adopt the proposed amendment;
3. Remand to the Planning Commission for further proceedings; or
3. Deny the proposed amendment.

CHAPTER 18.84

REQUESTS FOR CHANGES IN ZONING

18.84.010 Application Submittal

Applications for rezoning of property, along with the request for a Comprehensive Plan map change, shall be submitted to the Department ~~of Community Development~~. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review. A ~~S~~ite specific rezoning and the accompanying Comprehensive Plan map change application shall be a Type 5 decision processed in accordance with the provisions of TMC Section 18.108.050.

18.84.040 Council Decision Ordinance Required

A. After holding a public hearing and evaluating the application against the criteria at 18.84.020 the City Council may:

1. Adopt the rezoning and map amendment as proposed;
2. Modify or condition the proposed rezoning and map amendment; or
3. Deny the proposed rezoning and map amendment.

B. Action under TMC Chapter 18.84, which amends the official Zoning Map, shall require the adoption of an ordinance by the City Council pursuant to the Tukwila Municipal Code and State law. Due to the Growth Management Act, RCW 36.70A, which provides that Comprehensive Plan amendments be considered no more frequently than once a year, any rezoning ordinance must be adopted by the Council concurrently with action on the Annual Review Docket items.