



## **INFORMATIONAL MEMORANDUM**

**TO: Planning and Community Development Committee**

**FROM: Nora Gierloff, DCD Director**

**CC: Mayor Ekberg**

**DATE: August 25, 2022**

**SUBJECT: Zoning Code Update Streamlining Proposal**

### **ISSUE**

Staff is proposing to streamline the process for Zoning Code amendments by allowing the Council to tailor the review process to the scale and nature of the changes proposed.

### **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. DCD has taken a variety of steps to address these issues including hiring staff, instituting procedural improvements, and using consultants, however the Council has asked staff to identify additional opportunities for streamlining.

On June 21, 2022 Staff proposed code streamlining in three areas to the PCD committee: Zoning Code amendment process, administrative design review, and higher SEPA thresholds. The Committee supported further development of all three proposals, see Attachment A.

Staff briefed the Planning Commission about these items in June and they held a public hearing on the Zoning Code amendment streamlining ordinance in July. The PC expressed concerns about the ordinance reducing opportunities for input from the public and the Commission and continued their deliberations to their August meeting, see Attachment B. At their August meeting Commissioners discussed amending the ordinance to provide more guidance to the Council on what code changes would be appropriate for review only by the Council verses what should be forwarded to the PC for a recommendation. There were only four Commissioners available to vote on the recommendation, so consensus was required for a decision. Given the divergent opinions by the Commissioners they voted to recommend that the ordinance not be adopted at this time.

### **DISCUSSION**

Staff is proposing to streamline the process of amending the Zoning Code to reduce staff effort, cut down on paperwork, and limit the number of meetings and hearings required when in depth policy review is not needed. It is likely that these changes will not affect the substantive outcome of the review process but instead provide a faster and more responsive approach to resolve code inconsistencies or address emerging issues.

#### **Zoning Code Amendment 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 a minimum of 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, before making a recommendation;
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 many other cities allow the Council to decide whether to send a text amendment to the Planning Commission or address it themselves. In addition, some cities have an even more streamlined process without a public hearing to correct errors or make procedural changes.

Zoning Code Amendment Review Process Comparison				
City	Review Body	Hearings	Alternative Process for Minor Amendments	Code Citation
Tukwila	PC and CC	2		TMC 18.80
Auburn	CC, PC review optional	1	Administrative or procedural changes do not require a public hearing, CC review only	ACC 14.22
Bellevue	CC, PC review optional	1		20.30J
Burien	PC and CC	1		19.65.080
Des Moines	CC	1		18.30.100, 18.20.210
Federal Way	CC, PC review optional	1		19.80.190
Kent	PC and CC	1		15.09.050
Kirkland	PC and CC	1	Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies do not require a public hearing, CC review only	135.15, 160.30, 161.15
Medina	CC, PC review optional	1	Text amendments that correct typographical errors, correct cross-references, make address or name changes, or clarify language in a regulation without changing its effect do not require a public hearing.	16.81.040
Normandy Park	PC and CC	1		18.150.130
Renton	CC, PC review optional	1	The Community and Economic Development Administrator is hereby authorized to amend text of procedural or non-substantive provisions of this Title.	4-1-085, 2-10-3
SeaTac	PC and CC	1		16A.03.030

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 C. 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 18.82 staff is suggesting some housekeeping changes to Chapters 18.80 and 18.84. The changes to 18.80 would:

1. Remove references to Zoning Code text changes that do not involve a Comprehensive Plan amendment because these would now be covered in Chapter 18.82;
2. Remove references to application materials that are only relevant to site-specific Comprehensive Plan amendments because these are covered in Chapter 18.84; and
3. Provide additional clarity on the annual docketing process required for Comprehensive Plan amendments. While Tukwila follows State law requirements to collect (docket) any proposed amendments for a single annual review the additional language gives a fuller explanation of the purpose and procedures.

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

### **FINANCIAL IMPACT**

There is no revenue generated from City initiated code changes so streamlining the process would just result in a savings of staff time and notice publication fees.

### **RECOMMENDATION**

The PC recommended that the ordinance not move forward as currently written. Staff is recommending that Council forward the proposal to the September 12, 2022 Committee of the Whole for a public hearing and the September 19, 2022 Council meeting for adoption as proposed or amended.

### **ATTACHMENTS**

- A. 6/21/2022 PCD Minutes
- B. 6/23/2022 and 7/28/2022 PC Minutes
- C. Draft Ordinance in strikeout/underline format





### Meeting Minutes

*June 21, 2022 – 5:30 p.m. – Hybrid Meeting; Council Chamber & MS Teams*

*Councilmembers Present:* Cynthia Delostrinos Johnson, Chair; De’Sean Quinn

*Staff Present:* David Cline, Rachel Bianchi, Nora Gierloff, Nancy Eklund

*Guests:* Josh Castle, Bradford Gerber, George Scarola, Low Income Housing Institute.

Chair Delostrinos Johnson called the meeting to order at 5:30 p.m. and asked guests and public attendees to introduce themselves.

### **BUSINESS AGENDA**

#### **A. Tiny House Village Memoranda of Agreement**

Staff provided a status update and draft Memoranda of Agreement for each of the two tiny house village sites planned for Tukwila, one at 14925 Interurban Avenue South and one at 3118 S. 140<sup>th</sup> Street. Audience members were invited to provide brief public comment.

*Committee Recommendation*

Forward to June 27, 2022 Committee of the Whole.

#### **B. Development Code Streamlining**

Staff provided an overview of proposed code changes to streamline permit process related to SEPA environmental determinations, design review, and Zoning Code amendments.

Committee members were supportive of the proposals. Staff will prepare an ordinance relating to zoning code amendments as the next step.

*Item(s) requiring follow-up:*

Consider language emphasizing Council’s priority of customer service with regard to permitting matters.

*Committee Recommendation*

Discussion only. Return to Committee.

### **II. MISCELLANEOUS**

*The meeting adjourned at 6:39 p.m.*

\_\_\_\_\_ CDJ    Committee Chair Approval







**CITY OF TUKWILA  
PLANNING COMMISSION (PC)  
MINUTES**

Date: June 23, 2022  
Time: 6:30 PM  
Location: Virtual meeting via Microsoft Teams - public in-person attendance was an option at the Tukwila Justice Center, 15005 Tukwila International Blvd, Tukwila, WA 98188  
Protocol: Nancy Eklund, American Institute of Certified Planners (AICP), Long Range Planning Manager, Department of Community Development (DCD) explained the protocol for the virtual meeting as well as public hearing procedures.

The PC Secretary took roll call.

Present: Chair Karen Simmons; Vice Chair Apneet Sidhu; Commissioners Louise Strander, Sharon Mann, Dennis Martinez, and Alexandria Teague

Vice Chair Sidhu had to leave the meeting at 6:50 pm.

Staff: Director Nora Gierloff, AICP, DCD; Long Range Planning Manager Nancy Eklund, AICP, DCD; Finance Deputy Director Tony Cullerton; Community Engagement Manager Niesha Fort-Brooks; and PC Secretary Wynetta Bivens

**Chair Simmons** called the meeting to order.

Adopt Minutes: **Commissioner Mann** moved to adopt the 04/28/22 minutes. Vice Chair Sidhu seconded the motion. Motion passed.

**Commissioner Mann** moved to adopt the 5/26/22 minutes, as noted, that upon review of the recording the minutes were correct as submitted. Commissioner Martinez seconded the motion. Motion passed.

**Written Public Comments**

**Nancy Eklund**, AICP, Long Range Planning Manager, provided an update on the newly written general Public Comment requirement policy per HB1329 Section 13, that requires the City to provide the opportunity to the public to submit written comments to City Boards and Commissions. She noted the timeframe and protocol for submission to the PC.

No written general public comments were received for the June 23<sup>rd</sup> PC meeting.

**2023-2024 Biennial Budget Presentation**

**Niesha Fort-Brooks**, Community Engagement Manager, gave opening comments on the 2023-2024 Biennial Budget presentation. She expressed the City Council’s (CC) and the Mayor’s interest in hearing what the PC’s priorities are for the 2023-2024 Biennial Budget. She invited the PC to go to the on-line Balancing Act tool on the City’s website to participate and provide their input. She also showed the Biennial Budget Community Outreach 2023-2024 video.

**Tony Cullerton**, Finance Deputy Director, presented on the 2023-2024 Biennial Budget and provided a walkthrough of the Balancing Act tool. He showed how to navigate to the Balancing Act tool link. He noted that the 2023-2024 Biennial Budget will be challenging because revenues are not growing at the rate expenses are growing. Therefore, there is a shortfall between projected 2023-2024 revenues compared to the projected expenses. However, RCW statutes requires that the City present a balanced budget. He also addressed questions from the PC.

### **2024-2044 Comprehensive Plan Update Briefing**

**Nancy Eklund, AICP**, Long Range Planning Manager, DCD gave a briefing on the 2024-2044 Comprehensive Plan Update. She provided background on the Growth Management Act (GMA), which requires communities to plan for population growth in the next twenty years. Plans need to be updated every 10 years and be consistent with GMA, regional and county policy direction and adopted by December 31, 2024.

Following are the scope of the updates, which need to be consistent with policy guidance:

1. Tukwila’s vision for growth and development consistent with Puget Sound Regional Council Vision 2050 and King County Countywide Planning Policies.
2. Update housing element to address needs for more housing types and affordable options for all.
3. Address the impacts of the legacy of discrimination.
4. Address causes/impact of climate change and enhance the City’s resiliency.
5. Adopt implementation strategies to ensure accountability.
6. Update the Plan’s implementation strategies to ensure accountability.
7. Explore opportunities to improve the format and presentation of the plan to enhance the document’s accessibility and utility to the Tukwila community.
8. Employ consistent, equitable outreach to the full diversity of the City.

The amendments may require new mapping and potential update of land use maps and will require environmental review.

Biggest issues noted to address – the City has targets of 6,500 additional housing units, 15,890 new jobs, and providing affordable housing for all economic levels of the community, addressing how to incorporate “missing middle” housing into residential areas, and address the potential for displacement of residents and jobs, among others.

There will be Community engagement with elected officials, boards and commissions, coordination with other City divisions, and multiple opportunities for community input. The City will apply for grants and local funding to help with outreach.

### **Next Steps:**

Go to City Council on 7/11/22 for their direction, secure potential funding, and refine the schedule.

Questions were addressed from the PC.



**Director's Report**

★ Director Gierloff informed the PC that the CC would like to streamline processes and to come up with ideas on how to be more efficient. She said that she wanted the PC to hear from her that she took the following three ideas to the Planning and Community Development Committee, two of which might affect the PC:

1. Consider raising the State Environmental Policy Act (SEPA) threshold - The State now allows double the maximum threshold the City currently has. If approved, this change would make things easier on staff and the applicant.
2. Update the process to make amendments to the Zoning Code by allowing the CC the flexibility to determine whether to send a code change to the PC for a recommendation or review it themselves. This would streamline the process for housekeeping and other minor changes.
3. Have administrative design review approval instead of public hearing design review - the current process can add 1-2 months to the approval process. Tukwila is the only city that uses this hearing and approval process. The following neighboring cities, Shoreline, Bellevue, SeaTac, Kent, and Federal Way, all are exclusively Administrative Design Review. If approved, the PC would no longer serve as a Board of Architectural Review.

Staff will write up the processes and take these ideas through the hearing and approval process. Commissioner Mann said that she thinks it's great to look at these options and try to smooth out some of the bumps in the road. She thanked Director Gierloff for taking the time to try and figure out something that make life smoother for everyone.

**Commissioner Martinez** moved to adjourn. Commissioner Mann seconded the motion.

Adjourned: 8:02 PM

Submitted by: Wynetta Bivens  
PC Secretary





**CITY OF TUKWILA  
PLANNING COMMISSION (PC)  
AND  
PUBLIC HEARING  
MINUTES**

Date: July 28, 2022  
Time: 6:30 PM  
Location: Virtual meeting via Microsoft Teams - Public, in-person attendance was an option at the Tukwila Justice Center, 15005 Tukwila International Blvd, Tukwila, WA 98188

**Chair Simmons** called the meeting to order and asked staff to go over the meeting protocols.

Protocols: Nora Gierloff, American Institute of Certified Planners (AICP), Director of the Department of Community Development (DCD) explained the protocols for the virtual meeting and the public hearing.

The PC Secretary took roll call and stated for the record that Commissioners Mann, Martinez, as well as Vice Chair Sidhu would arrive late, and noted there was a quorum present.

Present: Chair Karen Simmons; Commissioners Louise Strander, Alexandria Teague, and Martin Probst. Commissioner Mann arrived at 6:59 pm.

Absent: Vice Chair Apneet Sidhu and Commissioner Dennis Martinez.

Staff: Director Nora Gierloff, AICP, DCD; Long Range Planning Manager Nancy Eklund, AICP, DCD; Economic Development Administrator Derek Speck; and PC Secretary Wynetta Bivens

**Chair Simmons** welcomed the new Planning Commissioner, Martin Probst. Commissioner Probst said he was excited and looking forward to serving the community.

Adopt Minutes: **Commissioner Teague** moved to adopt the 06/23/22 minutes. Commissioner Strander seconded the motion. Commissioner Probst voted in favor, but since it was his first meeting, he needed to abstain from voting. Therefore, his vote was not counted. [Since the required quorum for the Commission is the majority of the seated commissioners (i.e., 4 of the 7 commissioners), it will be necessary to conduct another vote on the minutes at an upcoming meeting.]

**Public Comments**

**Director Gierloff** noted that no general public comments were received.

**Derek Speck** gave an overview on the City’s Economic Development Plan (EDP). He said that the City has never had an EDP but have talked about it. He said this year, fortunately, there is funding in the budget for the plan. The City will enter into a contract with a consultant who will help with the

creation of the EDP. This engagement with the PC is one of the first community engagement activities. There will be a two-month long community engagement process and any time during that process, the PC and other community members may continue to provide additional input. Soon there will be a web page where information will be added and there will be a signup page to request information. Also, there will be the opportunity to add additional information to the EDP. An EDP survey may be completed and there will be a place to submit suggestions and comments. When the draft EDP is completed, a draft of the plan will be provided on the City's website and people can provide comments on the draft before it goes to the City Council (CC). The Comprehensive Plan is closely related to the EDP and will overlap. Derek stated he will work with the DCD Planning staff to connect the Comprehensive Plan amendments and the EDP.

Following is the Q & A facilitated by Derek with the PC to obtain their input on the City's EDP, He noted that the PC comments will be captured.

### Q & A

Question # 1: What do you feel are some of the strengths of Tukwila's economy?

PC Probst: Larger businesses, such as Prologist and Amazon bring a lot of people to Tukwila; diverse shops; several restaurants with a diversity of great food; parks and recreational areas; a wealth of present individuals whether they're from Tukwila or not; a captive audience close to the Tukwila businesses; and a lot of opportunities along International Blvd.

PC Teague: The number of different types of businesses; you can probably find what you are looking for in Tukwila; it's an entertainment center; lots to do.

PC Simmons: The opportunity to draw in more large businesses with 250 or more employees; with the shift in hybrid work, if Tukwila is going to draw in large businesses it should be a campus environment where employers and employees can drive in to work and have walkability to trails and nearby businesses where they might enjoy going during their lunch; small businesses to service larger businesses is key. Noted: Tukwila does a good job now, but campus environments need to be closer to the businesses.

PC Strander: Tukwila is in a really good location, near I-5, I-405, airport, and the major city of Seattle.

Question # 2: What are the weaknesses of the Tukwila economy?

PC Teague: Styles of development, one story businesses, lack of mixed use.

PC Probst: It is lacking points of interest, such as something like Green Lake; walkability.

PC Mann: Not enough public relations on the livability for families in Tukwila; a need to spruce up the community and improve the parks and make them more family friendly; and make the world more aware of the community.

Question # 3: Are there things changing in the world that might be challenges for Tukwila in the future, are there things for Tukwila to start adapting to?

PC Simmons: Find common ground between low income and high income such as safety, affordability, and access.

Questions #4: Are there things happening in the regional economy that Tukwila might want to be part of in the future?

PC Probst: Influx of electric vehicles.

Question # 5: What are some ideas to improve Tukwila’s economy and support the businesses?

PC Teague: Offering more experiences through events and activities is important.

PC Mann: Improve Tukwila’s negative reputation regarding the permitting process.

Question # 6: Is there a need to improve the work lives of Tukwila residents in the workforce?

PC Mann: Service businesses, such as grocery stores, dry cleaners, and family restaurants. Gathering places/businesses in the Southcenter area.

PC Probst: Survey residents on where they go in their off hours to figure out what services and activities people are going to outside their community and provide those services locally to strengthen the community.

PC Simmons: A neighborhood feel within walking distance in the community, good paying jobs, and affordable housing.

Question # 7: What type of businesses would you like to see more of in Tukwila?

PC Probst: Grocery stores, coffee shops; mixed use hotels or condos; businesses close to the greenbelt.

Question # 8: What type of businesses would you like to see less of in Tukwila.

PC Probst: Casinos.

Derek informed the PC that their input would be captured and that they will receive an email with a link to the City’s web page. He also told them about the Experience Tukwila website and said that they could sign up for the Experience Tukwila social media, such as Instagram, Facebook, and Twitter. The program is funded by the City with tourism resources to promote Tukwila in an effort to attract people and tourism to Tukwila. He said to let him or Brandon Miles, who manages the Experience Tukwila program, know if they have ideas to improve the program.



## Public Hearing

**Chair Simmons** opened the public hearing at 7:16 pm for:

CASE NUMBER: L22-0078 - Comprehensive Plan Zoning Code Amendments

PURPOSE: Consider amendments to streamline permit processes related to Zoning Code text amendments and make recommendations to the CC for review and adoption.

**Chair Simmons** swore in persons wishing to speak.

For the record, no public comments were received prior to, or at, the hearing.

**Director Gierloff** gave the presentation for staff. She stated at the June PC meeting she briefed the PC on streamlining measures that she had proposed to the CC. She said with limited staff hours and more work than they can do, a streamlined process would allow them to target their efforts where it would bring the most value to the community. The DCD has reviewed some of the processes and found areas where processes could be streamlined allowing projects to be approved with less paperwork and in a shorter timeframe. The proposal is to streamline the Zoning Code Amendment process for an old section of the code. She said there can be a wide range of processes to take a project forward, but the code prescribes a single process. Currently, it can be onerous and can take four to six months for a project to be approved, which is not required by state law. Many cities' council processes are more streamlined. With a streamlined process the Tukwila CC could decide whether items are a full policy amendment that needs to go through multiple hearings requiring a PC recommendation, versus a housekeeping amendment or a minor fix.

She is proposing to separate full zoning code amendments by following the state mandated process. For smaller Zoning Code Amendments, she is proposing to create a new zoning code chapter, 18.82, with a streamlined process. It would only affect the zoning code and follows the same outline of the other chapters. It would allow the CC to customize what process each set of amendments would need to go through. Additionally, she is proposing a housekeeping amendment to clarify code language changes in the re-zone chapter of the comprehensive plan. It would address the annual review of the docket, providing explanation of what the docket is and how it works. The proposal to streamline processes would provide a more efficient process, as well as shorten the approval process by two months

**Commissioner Probst** noted that the proposal is straightforward and it's a great proposal to streamline the processes. Commissioner Teague was in consensus.

**Director Gierloff** addressed clarifying questions for the PC.

**Commissioner Strander** asked if the point is that DCD is looking to streamline because DCD does not have adequate staff? Director Gierloff responded, we are looking for ways to be more efficient and given the budgetary constraints, we do not think we are going to get more staff in the foreseeable future. Further, the workload continues to increase, and we are looking at taking on the Comprehensive Plan Update. Staff time is being required, but not necessarily adding any more value, on a housekeeping zoning code.

**Director Gierloff** discussed the proposed changes to TMC 18.80, 18.82, 18.84 with the PC. Following are PC comments.

- 18.80.020 Comprehensive Plan Amendment Docket, Ltr. B, - Commissioner Mann was opposed to striking the language, “**either**” “**or**” from the code.
- 18.82.030 review procedure, Ltr. A. – Commissioner Mann is opposed to the PC not reviewing Zoning Code changes. She said PC being eliminated from completing thorough reviews and the lack of public input, is a mistake. She asked about reducing the number of PC public hearings to reduce time instead of eliminating the PC.
- 18.80.050, Ltr. B, Items 1-4 - Commissioner Teague said she wondered if it would be more streamlined if the amendments did not go to CC first. Instead, they would be evaluated by

Planning staff, then go to PC for review with a public hearing. Then PC would make a recommendation to CC and CC could hold a public hearing.

The public hearing was closed.

The PC deliberated.

**Commissioner Mann** said she was not in support of the proposed and requested some additional time to think it through. She said if she voted tonight, she would vote against everything being proposed.

**Commissioner Strander** said she does not support the proposed and one of the reasons is that the lack of staff is a short-term issue. She is opposed to the removal of the PC and the lack of extra steps for public involvement from the process because of staffing issues, which she said will change. She stated she would vote no.

**Commissioner Simmons** stated the proposal is categorized more of an efficiency and time management component and less of a staff component. Further, staffing issues are not a short-term issue. She said she is not opposed to the proposal as it was put together and when staff comes with an efficiency process to move the process along faster, they have to take note. She said she thinks it has changed and sometimes change can be difficult even in roles as Commissioners but thinks that staff can put together something better that will put the PC at ease.

**Commissioner Teague** said she is a professional Planner in a different jurisdiction, and they have a limited number of Planners. She said they do both current and long-range planning and to put together Zoning Code Amendments is very time intensive. Every time she has to work on one, it is hard to process permits. She said when you have efficiencies and a process that allows staff to do appropriate evaluations that allows public input, and it goes to the PC for their input, and goes to CC for their decision it is always a good thing. She reiterated it is very time sensitive to do both with the lean staff most cities our size operate with.

**Commissioner Mann** said she agrees with Commissioner Teague, she said she complains about inefficiencies and not just in Planning, and she would like to see some efficiencies, but she is not comfortable with the layout proposed. She would like to take tonight's information about the "why for" and "what happens now" and "what could happen then" and look at, maybe, fewer meetings. She is uneasy with the lack of opportunity for public input. In its current state, she cannot support this, She wants another opportunity to look at this with different eyes before she can support it. She said she may want some changes in timing or less meetings. She said citizens feel like it's no use in them saying anything because they are not going to be listened to and if we start eliminating their opportunities for input, we are just enhancing that thought process. But she wants to do something in the way of efficiency.

**Commissioner Probst** said he was quite comfortable with the proposed and that it appears to be a smart move toward accelerating reviews of administrative projects. Further, it seems to provide enough public review of the items that are more complex and allowed for individuals in DCD to bring issues before the CC if they felt like it did warrant an emergency review. But it should not be rushed if PC need more time. He said he wanted to offer his perspectives as an end user of the services from the DCD department, and he knows the processes Nora mentioned are intensive and they do take time. He

said he counted three or four initiatives that Nora's team currently or recently worked on and felt she was probably being conservative with the amount of time it takes. As an end user he knows the processes and the time involved. It is quite a bit of time for a planner to devote to the revisions. Moreover, as an end user who has quite a few projects in DCD, he would appreciate some streamlining and opportunities and thinks this is a creative and smart approach.

**Commissioner Simmons** said she is open to Commissioner Mann's request for additional review time.

**Director Gierloff** offered to return with some alternative draft language, or whatever she can do to support the PC deliberations and decision. The Commission did not provide Director Gierloff with specific direction on information desired.

**Commissioner Mann** moved to table the deliberations to a later date for additional review time. Commissioner Strander seconded the motion. The motion passed.

#### **Director's Report**

None.

**Commissioner Mann** moved to adjourn the meeting. Commissioner Strander seconded. All PC were in consensus.

Submitted by: Wynetta Bivens  
PC Secretary



## **DRAFT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON; REPEALING ORDINANCE NOS. 2368 §65, 2071, AND 1770 §53; AMENDING ORDINANCE NOS. 2368 §64, §66, AND §67; 2116 §1 (PART), 1856 §1, 1770 §52, §54 AND §55; AND 1758 §1 (PART), AS CODIFIED IN MULTIPLE SECTIONS OF TUKWILA MUNICIPAL CODE CHAPTERS 18.80 AND 18.84 AS DETAILED HEREIN, TO CREATE A NEW CHAPTER FOR ZONING CODE AMENDMENTS AND TO CLARIFY THE ANNUAL COMPREHENSIVE PLAN DOCKETING PROCESS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City is engaged in an ongoing effort to streamline code processes in order to reduce staff effort, cut down on paperwork, free up Planning Commission agendas, and limit the number of meetings and hearings required; and

**WHEREAS**, currently Tukwila's Tukwila Municipal Code (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; and

**WHEREAS**, State law does not require multiple hearings and a Planning Commission recommendation for all development regulation amendments; and

**WHEREAS**, allowing the City 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; and

**WHEREAS**, housekeeping changes to TMC Chapter 18.80 would remove outdated references and provide additional clarity on the annual docketing process for Comprehensive Plan amendments; and

**WHEREAS**, a new TMC Chapter 18.82 is proposed that would provide separate procedures for Zoning Code text changes not related to a Comprehensive Plan amendment; and

**WHEREAS**, housekeeping changes to TMC Chapter 18.84 would clarify that site-specific rezones may only be considered and adopted once a year in conformance with the Growth Management Act limitation on amendments to Comprehensive Plans; and

**WHEREAS**, on August 25, 2022, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and at that meeting adopted a motion recommending the proposed changes; and

**WHEREAS**, on August 29, 2022, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Chapter 18.80 Amended.** Tukwila Municipal Code (TMC) Chapter 18.80 is hereby retitled to read as follows:

## **CHAPTER 18.80**

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

**Section 2. TMC Section 18.80.010 Amended.** Ordinance Nos. 2368 §64, 1770 §52, and 1758 §1 (part), as codified at TMC Section 18.80.010, “Application,” are hereby amended to read as follows:

#### **18.80.010 Application**

Any interested person (including applicants, ~~citizens, Tukwila Planning Commission, residents,~~ City staff and officials, and staff of other agencies) may submit an application for an 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,~~ 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 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.~~

~~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.~~

**Section 3. TMC Section 18.80.020 Amended.** Ordinance Nos. 1770 §54 and 1758 §1 (part), as codified at TMC Section 18.80.020, "Docket," are hereby amended to read as follows:

## 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 ~~may be~~ is 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 well-being 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.

~~BC.~~ 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 ~~may be~~ is an emergency.

**Section 4. TMC Section 18.80.030 Amended.** Ordinance No. 1758 §1 (part), as codified at TMC Section 18.80.030, "Notice and Comment," is hereby amended to read as follows:

### 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 ~~four weeks~~ 28 days 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.

**Section 5. TMC Section 18.80.040 Amended.** Ordinance No. 1758 §1 (part), as codified at TMC Section 18.80.040, "Staff Report," is hereby amended to read as follows:

#### **18.80.040 Staff Report**

A. At least ~~two weeks~~ 14 days 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~~ that addresses the following:

1. ~~the issues set forth in this chapter~~ An evaluation of the application materials;
2. ~~i~~ impact upon the Tukwila Comprehensive Plan and zoning code;
3. ~~i~~ impact 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.

**Section 6. TMC Section 18.80.050 Amended.** Ordinance Nos. 2368 §66, 1856 §1, 1770 §55, and 1758 §1 (part), as codified at TMC Section 18.80.050, "Council Consideration," are hereby amended to read as follows:

#### **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 ~~public~~ Council 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 the proposed amendment it 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.

**Section 7. Regulations Established.** Tukwila Municipal Code (TMC) Chapter 18.82, “Amendments to Development Regulations,” is hereby established to read as follows:

#### CHAPTER 18.82

#### AMENDMENTS TO DEVELOPMENT REGULATIONS

Sections:

- |                  |                          |
|------------------|--------------------------|
| <u>18.82.010</u> | <u>Application</u>       |
| <u>18.82.020</u> | <u>Staff Report</u>      |
| <u>18.82.030</u> | <u>Review Procedures</u> |
| <u>18.82.040</u> | <u>Council Decision</u>  |

**Section 8. Regulations Established.** TMC Section 18.82.010, “Application,” is hereby established to read as follows:

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 Tukwila Municipal Code 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.

**Section 9. Regulations Established.** TMC Section 18.82.020, “Staff Report,” is hereby established to read as follows:

### **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 that 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.

**Section 10. Regulations Established.** TMC Section 18.82.030, “Review Procedures,” is hereby established to read as follows:

### **18.82.030 Review Procedures**

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

1. The City Council shall decide whether to review the amendment or direct the Planning Commission to review the amendment.

2. 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.

3. The Planning Commission's written recommendation shall be presented to the City Council unchanged and accompanied by an Informational Memorandum 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.



4. 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.

5. At least 14 days prior to the public hearing the City shall publish a notice in the City's newspaper of record 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.

**Section 11. Regulations Established.** TMC Section 18.82.040, "Council Decision," is hereby established to read as follows:

#### **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
4. Deny the proposed amendment.

**Section 12. TMC Section 18.84.010 Amended.** Ordinance Nos. 2368 §67 and 2116 §1 (part), as codified at TMC Section 18.84.010, "Application Submittal," are hereby amended to read as follows:

#### **18.84.010 Application Submittal**

Applications for rezone 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 Site specific rezone 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.

**Section 13. TMC Section 18.84.040 Amended.** Ordinance No. 2116 §1 (part), as codified at TMC Section 18.84.040, "Ordinance Required," is hereby amended to read as follows:

#### **18.84.040 ~~Ordinance Required~~ Council Decision**

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

1. Adopt the rezone and map amendment as proposed;
2. Modify or condition the proposed rezone and map amendment; or
3. Deny the proposed rezone 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 rezone ordinance must be adopted by the Council concurrently with action on the Annual Review Docket items.

**Section 14. Repealer.** Ordinance Nos. 2368 §65 and 1770 §53, as codified at TMC Section 18.80.015, “Documents to be Submitted with Application,” are hereby repealed, thereby eliminating TMC Section 18.80.015.

**Section 15. Repealer.** Ordinance No. 2071, as codified at TMC Section 18.80.020, “Documents to be Submitted with Application” is hereby repealed,

**Section 16. Corrections by City Clerk or Code Reviser Authorized.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 17. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 18. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Christy O’Flaherty, MMC, City Clerk

\_\_\_\_\_  
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney

Ordinance Number: \_\_\_\_\_