



TO: Elizabeth Pauli, City Manager
FROM: Jana Magoon, Division Manager, Planning and Development Services
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COPY: City Council and City Clerk
SUBJECT: Resolution – Scope and Timeline for Shipping Containers and Electric Fences – April 26, 2022
DATE: April 13, 2022

SUMMARY AND PURPOSE:

A resolution modifying the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage, and expanded allowances for the use of electric fences, as previously directed by Resolutions No. 40794 and No. 40881, to be considered as part of the Planning Commission's 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket; and providing additional guidance for Planning Commission consideration.

COUNCIL SPONSORS:

Council Member Kristina Walker, Council Member John Hines, Deputy Mayor Catherine Ushka, and Council Member Conor McCarthy.

BACKGROUND:

The City Council adopted Resolution No. 40794 on June 8, 2021, and Resolution No. 40881 on November 30, 2021, directing the Planning Commission to review and recommend potential amendments to the Land Use Regulatory Code pertaining to the respective issues of shipping containers for storage and electric fences as part of the 2022 Comprehensive Plan and Land Use Regulatory Code Amendment process.

At its meeting on January 19, 2022, the Planning Commission reviewed the City Council's requests and considered adding either or both issues to the 2022 Amendment process. Upon discussion, the Commission concluded that due to the complexity and significant impacts of both issues, as well as the extensive community engagement that would be needed, it would be difficult to incorporate them into the 2022 Amendment process, which was already well under way. The Commission felt it more feasible for these issues be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023.

The Infrastructure, Planning, and Sustainability (IPS) Committee received a briefing from the Chair and Vice-Chair of the Planning Commission on February 23, 2022 of the Commission's initial assessments of the issues and, upon deliberations, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers' use for storage be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Phase II.



In addition, concerning the scope of work for shipping containers, the IPS Committee provided these additional clarifications and suggestions: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions and also allowing shipping containers for storage specifically in commercial districts; and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in.

Concerning electric fences, the IPS Committee provided these additional clarifications and suggestions: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the sense of urgency in the community for the regulatory review of this issue; (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside of industrial zones that must be properly addressed; (3) the Commission's review should include, but not be limited to: compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed.

The IPS Committee's recommendations concerning the Planning Commission's scopes of review and timelines for the shipping container and electric fence issues as enunciated above require a resolution to amend Resolutions No. 40794 and No. 40881.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This resolution would amend the scopes of work and timelines as previously specified in Resolutions No. 40794 and No. 40881. As the Planning Commission proceeds with the requested code review, public comment and stakeholder input will be taken on any proposed changes. It is noted that, concerning code changes to allow for electric fences, the City Council have been contacted by Tacoma business owners who have already faced losses due to theft and are seeking alternative ways to reduce further losses that threaten their business.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

This is a modification to the initial requests for the Planning Commission's review of issues relating to shipping containers and electric fences. Considerations of any policy change should include a review of impacts on racial and other inequities, disparities, or discrimination to under-represented communities.

Economy/Workforce: *Equity Index Score:* Moderate Opportunity

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.
Decrease the number of vacant properties downtown and in the neighborhood business districts.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

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

Concerning the issue of shipping containers, reuse of the containers in an aesthetically acceptable way could



provide a sustainable, affordable solution to accessory building, storage, and/or housing needs. While this request does not specify any policy outcome, the review will consider how limited exceptions to the shipping container prohibition might impact public perception of overall quality of life.

Concerning the issue of electric fences, City Council Members have heard from local businesses that have been victims of theft and other crime that threaten their ability to maintain their businesses in the City. Expanding options for these business owners to secure resources their businesses rely on will increase the perception of safety and quality of life, and also will reduce the likelihood the businesses will shut down or leave the City. Small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increases in property crime, vandalism, and thefts targeting businesses threaten our local economy.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Take no action (i.e., no amendment to Resolutions No. 40794 or No. 40881)	The Planning Commission will fulfill the City Council's requests per the original resolutions, providing a recommendation in 2022.	The Planning Commission is currently considering four applications as part of the 2022 amendment process, three of which are private applications, including the NewCold Land Use Designation Request, South Sound Christian Land Use Designation Request, and the South Tacoma Groundwater Protection District Work Plan. As the public hearing and comment period have already been conducted for these applications, this alternative, incorporating the two topics, shipping containers and electric fences, would necessitate a significant delay in the consideration of these other applications and a need to conduct a new SEPA analysis and public comment process.

EVALUATION AND FOLLOW UP:

If this resolution is approved, the Planning Commission will proceed with the review of shipping containers and electric fences in accordance with the scope of work and timelines as specified.

STAFF/SPONSOR RECOMMENDATION:

The sponsors recommend approval of this resolution.



FISCAL IMPACT:

Adoption of the resolution would not result in a fiscal impact or any additional expenses. The Comprehensive Plan and Land Use Regulatory Code Amendment process is conducted annually for the purpose of considering these types of requests.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

YES

The resolution simply requests consideration of land use regulatory code amendments as part of the annual amendment process. This process is already planned and budgeted and this specific request does not result in any additional fiscal impacts.

Are there financial costs or other impacts of not implementing the legislation?

YES

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No