



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Brian Boudet, Planning Manager, Planning and Development Services *BB*  
Peter Huffman, Director, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Adopting Correctional and Detention Facilities Permanent Regulations –  
February 13, 2018  
**DATE:** January 29, 2018

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**SUMMARY:**

An ordinance amending Title 13 of the Municipal Code, entitled Land Use Regulatory Code, to adopt correctional and detention facilities permanent regulations, as recommended by the Planning Commission.

**STRATEGIC POLICY PRIORITY:**

- Strengthen and support a safe city with healthy residents.

The proposed regulations address not only the land use concerns relating to the location and expansion of correctional and detention facilities but also the safety and health of residents and visitors of those facilities.

**BACKGROUND:**

The City Council adopted Ordinance No. 28417 on March 7, 2017, enacting emergency interim zoning regulations pertaining to public and private correctional facilities, effective for six months (to expire on September 6, 2017). The interim regulations amended Tacoma Municipal Code (TMC) Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700; and were intended to prohibit or require conditional use permits for new or expanded correctional facilities in the interim; and to allow time for the City Council and the Planning Commission to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for public and private correctional facilities in Tacoma.

Following a public hearing conducted on April 25, 2017, the City Council adopted Ordinance No. 28429 on May, 9, 2017, retaining and modifying the interim regulations and extending the effective duration to one year (to expire on March 6, 2018).

The Planning Commission has reviewed the interim regulations as modified on May 9, 2017; developed draft permanent regulations for the City Council's consideration for adoption upon the expiration of the interim regulations; conducted a public hearing on January 3, 2018, to receive public comment on the draft regulations; and put forward its recommendation on January 17, 2018, as documented on the Commission's Findings of Fact and Recommendations Report.

The proposed correctional and detention facilities permanent regulations, as recommended by the Planning Commission, would amend the TMC, Sections 13.05.020, 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.640, 13.06.700, and 13.06A.050, and would (1) modify the current definition of "correctional facility" and create a new and clearly distinct definition and use category for "detention facility"; (2) prohibit correctional and detention facilities in PMI (Port Maritime Industrial), M-2 (Heavy Industrial), and R-4L (Low Density Multi-family) zones; (3) allow correctional and detention facilities in the M-1 (Light Industrial), R-4 (Multi-family), and R-5 (Multi-family) zones; (4) require a Conditional Use Permit for new correctional and detention facilities (in zones where they are allowed) or significant modifications to existing ones; and (5) as part of the Conditional Use Permit process, require expanded public notice (to properties within 1,000-feet) and a pre-application community meeting.



The City Council conducted a public hearing on the proposed regulations on February 6, 2018, pursuant to TMC 13.02.045.

As the proposed permanent regulations become effective, the interim regulations as set forth in Ordinance No. 28429 would be rescinded.

**ISSUE:**

Some of the significant issues, concerns and challenges the Planning Commission and the City Council have faced during the deliberations of the interim and permanent regulations concerning correctional and detention facilities include:

- The legality and appropriateness of the City's use of our land use regulatory authority to potentially address this broad-reaching, politically charged, and largely national-level issue;
- The impact of the State's Growth Management Act and the provisions relative to Essential Public Facilities;
- Broader land use concerns about allowing non-typical "residential" uses in the areas zoned for "traditional" multifamily dwellings;
- Broader land use concerns, and the inconsistency with the Comprehensive Plan policies, about allowing non-typical "residential" uses in the Tideflats industrial area that is considered not appropriate for temporary or permanent housing; and
- The quality of life, health, safety, environmental, equity and liability concerns of people living in areas not appropriate for human living.

**ALTERNATIVES:**

The City Council may adopt the proposed regulations, with modifications as appropriate, or alternatively reject the proposed regulations. Upon rejecting the proposed regulations, the City Council could (1) allow the interim regulations to expire on March 6, 2018, and take no further action; (2) refer the proposed regulations back to the Planning Commission for further study and extend the interim regulations for six months, with a public hearing; or (3) extend the interim regulations for six months, with a public hearing, and contemplate other viable legislative actions before the six-month extension expires.

**RECOMMENDATION:**

The City Council is recommended to adopt the proposed correctional and detention facilities permanent regulations, as recommended by the Planning Commission.

**FISCAL IMPACT:**

There is no fiscal impact.