



SUBSTITUTE
RESOLUTION NO. 40955

1 BY REQUEST OF DEPUTY MAYOR USHKA, AND COUNCIL MEMBERS
2 HINES, McCARTHY, AND WALKER

3 A RESOLUTION relating to the Land Use Regulatory Code; modifying the
4 timelines for the proposed land use code amendments pertaining to the
5 use of shipping containers for storage, and expanded allowances for the
6 use of electric fences, as previously directed by Resolution No. 40794
7 and Resolution No. 40881, to be considered as part of the Planning
8 Commission's 2023 Comprehensive Plan and Land Use Regulatory
9 Code Amendment docket, and providing additional guidance for
10 Planning Commission consideration.

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

17 WHEREAS shipping containers are, per the Zoning Code, generally
18 allowed only in industrial districts or as temporary uses in other areas, and electric
19 fences are only currently allowed outright in industrial districts and through a
20 variance in other districts, and

21 WHEREAS at its meeting on January 19, 2022, the Commission reviewed
22 the City Council's requests and considered adding either or both issues to the 2022
23 Amendment process, and

24 WHEREAS upon discussion, the Commission concluded that due to the
25 complexity and significant impacts of both issues, as well as the extensive
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community engagement that would be needed, it would be difficult to incorporate
1 them into the 2022 Amendment process, which was already under way, and

2 WHEREAS the Commission felt it more feasible for these issues to be
3 addressed through the 2023 Amendment process, which has begun and is slated
4 for completion in June 2023, and
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6 WHEREAS the Infrastructure, Planning, and Sustainability (“IPS”)
7 Committee received a briefing from the Chair and Vice-Chair of the Commission
8 on February 23, 2022, of the Commission’s initial assessment of the issues, and,
9 upon deliberation, concurred with the Commission’s suggestions that the issues
10 relating to ~~the~~ electric fences and shipping containers ~~use for storage~~ be included
11 in the docket for review through the 2023 Amendment process, and that
12 evaluating shipping containers as innovative housing options be considered in
13 coordination with Home in Tacoma Project Phase II, and
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15 WHEREAS the IPS Committee provided additional clarifications and
16 suggestions concerning the scope of work for shipping containers: (1) the
17 Commission should focus more on issues relating to using shipping containers as
18 innovative housing solutions, and also ~~allow~~ shipping containers for storage ~~and~~
19 ~~other uses~~ specifically in commercial districts, and (2) the Commission’s review of
20 development standards should ensure that shipping containers for residential use
21 provide value-added accommodations and are safe to live in, and
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23 WHEREAS the IPS Committee also provided additional clarification and
24 suggestions concerning electric fences: (1) businesses have raised concerns of
25 increased theft and safety issues that have added severe expenses, hence the
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1 sense of urgency in the community for the regulatory review of this issue, (2) there
2 are great concerns about equity, health, and safety regarding expansion of
3 electric fences into areas outside the industrial zones that must be properly
4 addressed, and (3) the Commission's review should include, but not be limited to,
5 compatibility of the design and installation of electric fences with the surrounding
6 environment, costs to businesses of permitting and installation of electric fences,
7 site-by-site decisions or district-wide permissions, the applicability of conditional
8 use permits, and the applicability of areas where commercial uses are present or
9 allowed, and

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11 WHEREAS the Long-Range Planning Work Program is developed in
12 concert with the Planning Commission and City Council, through the
13 Infrastructure, Planning, and Sustainability Committee, based on project
14 prioritization, public input and available resources, and while the next annual work
15 program update is scheduled to occur in August 2022 the Committee has
16 expressed an interest in also receiving a semi-annual work program update each
17 year in the spring, and reviewing the capacity and process of review such that
18 requests might be considered on a more timely basis in quickly changing
19 environments, and

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22 WHEREAS the IPS Committee's recommendations concerning the
23 Commission's scopes for review and timelines for the shipping container and
24 electric fence issues require a resolution to amend Resolution No. 40794 and
25 Resolution No. 40881; Now, Therefore,

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

That the proper officers of the City are hereby authorized to modify the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage and other uses, and expanded allowances for the use of electric fences, as previously directed by Resolution No. 40794 and Resolution 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.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney