



TO: Elizabeth Pauli, Interim City Manager
FROM: Peter Huffman, Director, Planning and Development Services
 Brian Boudet, Planning Manager, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance – Enacting Interim Regulations on Public and Private Correctional Facilities
DATE: March 7, 2017

SUMMARY:

Immediately enacting Interim Regulations regarding public and private correctional facilities, effective for six-months or until the City’s zoning regulations for such facilities are permanently updated. The proposed Interim Regulations would amend the City zoning code as follows:

- Modify the use definition for “correctional facilities” to clearly differentiate between public and private facilities
- Remove correctional facilities as a permitted use in the City’s multifamily and light-industrial zoning districts
- Modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed
- Identify private correctional facilities as an unpermitted use in all zoning districts

COUNCIL SPONSORS:

Councilmember Campbell

STRATEGIC POLICY PRIORITY:

Enacting the proposed Interim Regulations would support the City’s Council’s strategic policy priorities related to Livability, Economy & Workforce, Civic Engagement, and Equity & Accessibility.

BACKGROUND:

Currently, correctional facilities are allowed in the following zoning districts:

Allowed “Outright” <i>(without any special land use permits)</i>	Allowed only with approval of a Conditional Use Permit
M-1 (Light Industrial)	R-4L (Low-density Multifamily)
M-2 (Heavy Industrial)	R-4 (Multifamily)
PMI (Port-Maritime and Industrial)	R-5 (Multifamily)

The Port/Tideflats area of Tacoma is regionally and locally designated as an important Manufacturing/Industrial Center (M/IC) – a location with unique characteristics that should serve as a long-term and growing employment center with a focus on manufacturing and industrial uses, and particularly within the Port Maritime & Industrial (“PMI) district, a focus on shoreline-related uses and support services. The area is also subject to numerous unique environmental constraints, some related to its past and ongoing industrial activities, such as noise, safety, and contamination issues, and some related to its physical location within a floodplain and potential liquefaction and volcanic hazard zones.

Recent proposals and community discussion have highlighted that the City’s existing industrial zoning allows for a wide variety of uses, some of which may no longer be compatible with the policies for this



area and the City as a whole, as well as the changing landscape around it. Additionally, the existing notification, outreach, and permitting process requirements for certain types of uses, such as correctional facilities, may not appropriately reflect the level of community interest in them and/or their potential scale of impact.

The Northwest Detention Center, which is a privately owned and operated federal immigration detention center, was opened in 2004, and then expanded in 2008. The facility, located at 1623 East J Street in the Port/Tideflats area and in the PMI zoning district, is currently permitted to accommodate up to 1,575 detainees. The use is classified as a “correctional facility,” however, the City’s existing correctional facility designation is generally tailored to public correctional facilities and not private facilities. The existing regulations do not clearly distinguish between public and private facilities, and also do little to ensure sufficient community engagement and discretionary review of any proposals to site such facilities in this heavy industrial area.

ISSUE:

These interim regulations will provide time for the City to conduct appropriate research, to analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for correctional facilities in Tacoma. Requiring conditional use permits for new or expanded facilities, in the interim, will better ensure that the review of any proposal includes significant community outreach and the opportunity for local discretionary review addressing applicable policies and standards, as well as potential impacts and compatibility issues associated with locating these types of facilities in a Manufacturing/Industrial Center.

ALTERNATIVES:

The City could choose to not adopt the interim regulations. However, it is possible that additional correctional facilities and/or expansions of existing facilities could be permitted prior to the conclusion of a comprehensive regulatory review and update process and any changes in local standards that result from that process, thus effectively being exempt from those updated standards.

RECOMMENDATION:

Enact Interim Regulations regarding public and private correctional facilities, as outlined above, effective for six-months or until the City’s zoning regulations for such facilities are permanently updated.

FISCAL IMPACT:

There is no fiscal impact.