



TO: Elizabeth Pauli, City Manager
FROM: Council Member Joe Bushnell and Senior Council Policy Analyst Lynda Foster
COPY: City Council and Clerk
SUBJECT: **Resolution – Directing the Planning Commission to identify appropriate zoning and development standards for siting Enhanced Service Facilities – December 5, 2023**
DATE: November 29, 2023

SUMMARY AND PURPOSE:

A Resolution directing the Planning Commission to identify appropriate zoning and development standards for siting Enhanced Service Facilities.
[Council Member Bushnell]

COUNCIL SPONSORS:

Council Members Joe Bushnell, Kiara Daniels, and Catherine Ushka

BACKGROUND:

The Council Member’s Recommendation is Based On:

RCW 70.97.010 defines Enhanced Service Facilities (ESF) as a facility that provides treatment and services to persons for whom acute in-patient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the patients’ complex needs. RCW 70.97.030 provides admission criteria for persons utilizing ESFs. Admission criteria include persons having a behavioral health disorder, an organic or traumatic brain injury, or a cognitive impairment that results in symptoms or behaviors requiring supervision and support services, and a history of or likelihood of unsuccessful placements in other licensed long-term care facilities or a history of rejected applications for admission to other licensed facilities based on the person's behaviors. Additionally, patients must be currently residing in a state mental hospital or psychiatric unit of a hospital and the hospital has found the person to be ready for discharge.

Title 13 – Land Use Regulatory Code, does not provide a specific description of an ESF use type and does not clearly indicate where and how such facilities should be allowed. In lieu of ESF-specific regulations, applications for ESFs would be permitted as Special Needs Housing, as defined in TMC 13.06.080.N. Specifically, they would be permitted similar to an Intermediate Care Facility.

This resolution directs the Planning Commission to identify appropriate zoning and development standards for ESFs to address the needs of the individuals living in these facilities. Specific considerations include:

- Residents of ESFs have access to opportunity, specifically by ensuring these facilities are not concentrated in low opportunity areas.
- These facilities are near amenities that offer a positive quality of life for residents,

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

The state legislature updated laws regarding ESFs in 2019. At that time, Pierce County adopted an emergency moratorium for ESFs to provide time to review and propose zoning and development standards. This resolution provides direction for a similar review to happen at the City of Tacoma.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: (Mandatory)

Public facilities refer to those essential facilities that need to be provided to everyone. ESFs include those facilities that “are typically difficult to site”, often due to competing community and political interests. In this instance, there is a need to promote



health equity to protect and promote the health of all people in all communities, without further perpetuating inequities in zoning. Planning practices have historically created and perpetuated discrimination through overt discriminatory practices, such as redlining, restrictive covenants, and urban renewal. On the other hand, planning and investments can also play key roles in making communities healthier and more equitable.

Livability: Equity Index Score: Moderate Opportunity

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

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

Examining the City’s regulation of ESFs through an equity lens will allow us to promote health equity while minimizing the negative impact of zoning decisions on marginalized communities.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Take no action	Preserve Planning Commission efforts for other Council priorities.	Specific needs of ESFs are not considered in our zoning regulations.
2. Emergency moratorium	Limit siting of ESFs until ESF-specific zoning regulations are adopted	Could prevent needed essential public facilities from being built; would displace other Council priorities on the Planning Commission workplan
2. Direct review of ESFs without an emergency moratorium	Preserve resources for other Council priorities, ensure eventual proposal for ESF specific regulations.	ESFs could be permitted before an ESF-specific analysis of regulations is complete.

EVALUATION AND FOLLOW UP:

The Planning Commission shall add to their work plan identifying appropriate zoning and development standards for siting Enhanced Service Facilities. The Planning Commission should return its findings and recommendations to Council when the work is complete.

SPONSOR RECOMMENDATION:

Sponsors recommend adoption of the resolution, and directing the Planning Commission to add to their work plan identifying appropriate zoning and development standards for siting Enhanced Service Facilities

FISCAL IMPACT:

This policy will require staff time to support the work of the Planning Commission. Impacts will be incorporated into ongoing workload. Any policy or code changes recommended by the Planning Commission will be evaluated for their fiscal impact when they are brought to Council for consideration.