



## ORDINANCE NO. 28491

1 AN ORDINANCE relating to land use regulations; amending Title 13 of the Tacoma  
2 Municipal Code by amending Sections 13.05.020, 13.06.100, 13.06.200,  
3 13.06.300, 13.06.400, 13.06.640, 13.06.700, and 13.06A.050 thereof, to  
4 adopt correctional and detention facilities permanent regulations, as  
5 recommended by the Planning Commission.

6 WHEREAS, on March 7, 2017, the City Council passed Ordinance  
7 No. 28417, enacting emergency interim zoning regulations, pertaining to public and  
8 private correctional facilities, for a period of six months, to expire on September 6,  
9 2017, and

10 WHEREAS the interim regulations amended Sections 13.06.100, 13.06.200,  
11 13.06.300, 13.06.400, and 13.06.700 of the Tacoma Municipal Code (“TMC”), and  
12 were intended to (1) prohibit or require conditional use permits for new or  
13 expanded correctional facilities in the interim; and (2) allow time for the City  
14 Council and Planning Commission to conduct appropriate research; analyze  
15 potential impacts and applicable local, state and regional policies; and determine  
16 the appropriate permanent regulatory framework for public and private correctional  
17 facilities in Tacoma, and

18 WHEREAS some of the significant issues, concerns, and challenges the  
19 Planning Commission and City Council have faced during deliberation of the  
20 interim and permanent regulations concerning correctional and detention facilities  
21 include: (1) the legality and appropriateness of the City’s use of its land use  
22 regulatory authority to potentially address this broad-reaching, politically charged,  
23 and largely national-level issue; (2) the impact of the state’s Growth Management  
24 Act and provisions relative to Essential Public Facilities; (3) broader land use  
25 concerns about allowing non-typical “residential” uses in the areas zoned for  
26 “traditional” multi-family dwellings; (4) broader land use concerns, and the



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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 (5) the quality of life, health, safety, environmental, equity, and liability concerns of people living in areas not appropriate for human living, and

WHEREAS, following a public hearing conducted on April 25, 2017, the City Council passed 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, and

WHEREAS the Planning Commission has reviewed the interim regulations as modified on May 9, 2017; developed draft permanent regulations for City Council consideration for adoption upon 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 in the Commission’s Findings of Fact and Recommendations Report, and

WHEREAS the proposed correctional and detention facilities permanent regulations, ~~as~~ recommended by the Planning Commission, would amend 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 of the TMC, 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



1 Conditional Use Permit for new correctional and detention facilities (in zones where  
2 they are allowed) or significant modifications to existing ones; and (5) as part of the  
3 Conditional Use Permit process, require expanded public notice (to properties  
4 within 1,000 feet) and a pre-application community meeting, and

5 WHEREAS, on February 6, 2018, pursuant to TMC 13.02.045, the City  
6 Council conducted a public hearing on the proposed regulations, and

7 WHEREAS, based on the public hearing and Council deliberation the  
8 Council developed additional amendments to Sections 13.06.100 and 13.06.400  
9 which would (1) change the Commissions' recommendation and prohibit  
10 correctional and detention facilities in the R-4 (Multi-family), and R-5 (Multi-family)  
11 zones; (2) limit the availability of expansion for correctional and detention facilities  
12 by conditional use in the M-1 zone, to M-1 zones that in place as of January 1,  
13 2018; (3) expand the notification requirements for correctional and detention  
14 facility expansion by CUP in the M-1 zones to 2500 feet; and (4) allow correctional  
15 and detention facility expansion by CUP only where expansion does not increase  
16 inmate or detainee capacity, and

17  
18 WHEREAS, in formulation the additional amendments, the Council  
19 considered the testimony of residents and the weight of existing City, regional and  
20 State policies regarding the protection of scarce and dwindling port maritime  
21 industrial land from non-industrial uses, and

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23 \_\_\_\_\_WHEREAS, when the proposed permanent regulations become effective,  
24 the interim regulations as set forth in Ordinance No. 28429 will be rescinded, and

25 WHEREAS the City Council finds it in the best interest of public health,  
26 safety and welfare to enact ~~it is recommended that~~ the proposed correctional and



1 detention facilities permanent regulations, as recommended by the Planning  
2 Commission, and amended by the Council ~~be~~ adopted; Now, Therefore,

3 BE IT ORDAINED BY THE CITY OF TACOMA:

4 Section 1. Legislative Findings. The recitals set forth above, including the  
5 Findings of Fact and Recommendations of the Tacoma Planning Commission, are  
6 hereby adopted as the City Council's legislative findings.

7 Section 2. That Title 13 of the Tacoma Municipal Code is hereby amended by  
8 amending Sections 13.05.020, 13.06.100, 13.06.200, 13 .06.300, 13.06.400,  
9 13.06.640, 13.06.700, and 13 .06A.050 thereof, as set forth in the attached  
10 Exhibit "A."

11 Section 3. Severability. If any section, subsection, paragraph, sentence,  
12 clause, or phrase of this Ordinance or its application to any person or situation  
13 should be held to be invalid or unconstitutional for any reason by a court of  
14 competent jurisdiction, such invalidity or unconstitutionality shall not affect the  
15 validity or constitutionality of the remaining portions of this Ordinance or its  
16 application to any other person or situation.

17 Section 4. Effective Date. This Ordinance shall be effective ten days after its  
18 publication.

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21 Passed \_\_\_\_\_

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24 Mayor

25 Attest:

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City Clerk



Approved as to form:

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Deputy City Attorney