

# **Correctional Facilities Interim Regulations**

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Planning and Development Services

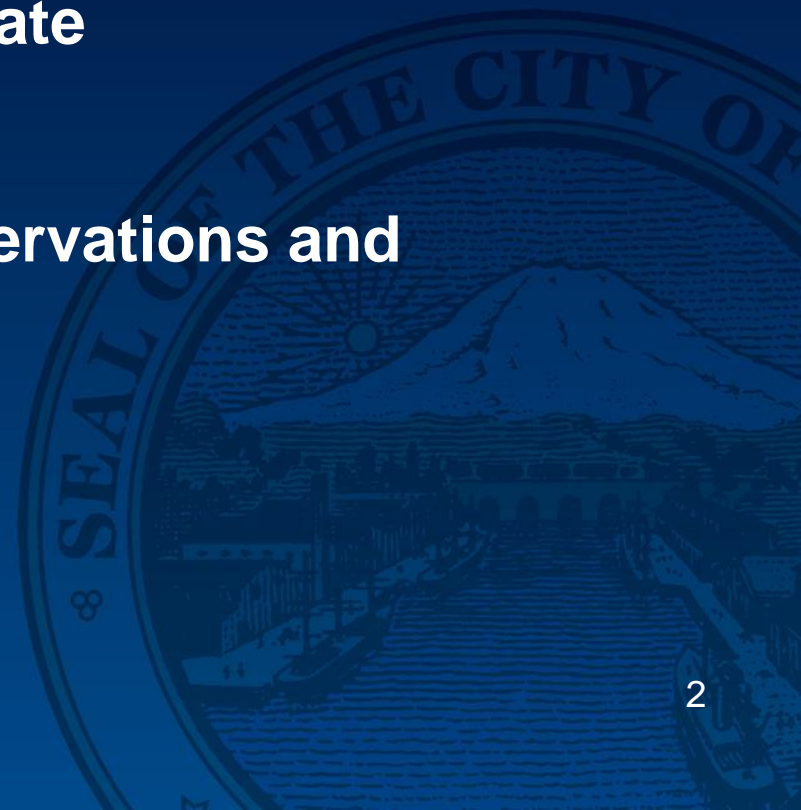
**City Council Study Session**

April 25, 2017



# Presentation Outline

- **Project Overview**
- **Legal Guidance**
- **Commission Progress to Date**
- **Staff Recommendation**
- **Planning Commission Observations and Concerns**
- **Next Steps**



# Actions to Date

- March 7      Emergency, Interim Regulations Enacted (Ordinance No. 28417)
- April 5      Planning Commission Review
- April 18     Legal Opinion concerning Essential Public Facilities
- April 19     Planning Commission's Findings of Fact & Recommendations (*Draft*)
- April 25     Study Session; Public Hearing

# Interim Regulations – Summary

- **Modify definition of “correctional facility” to differentiate public and private ones**
- **Prohibit private correctional facilities**
- **Prohibit public correctional facilities in multifamily and light-industrial zones**
- **Require CUP for public correctional facilities**
- **Notes:**
  - Effective for 6 months (through September 6, 2017)
  - Amending TMC 13.06, Sec. 100, 200, 300, 400 & 700

# Legal Guidance

## Essential Public Facilities

- **What are they:**

- Providing public services
- Difficult to site
- Such as airports, highways, mental health facilities, state or local correctional facilities, etc.

- **How they can be regulated:**

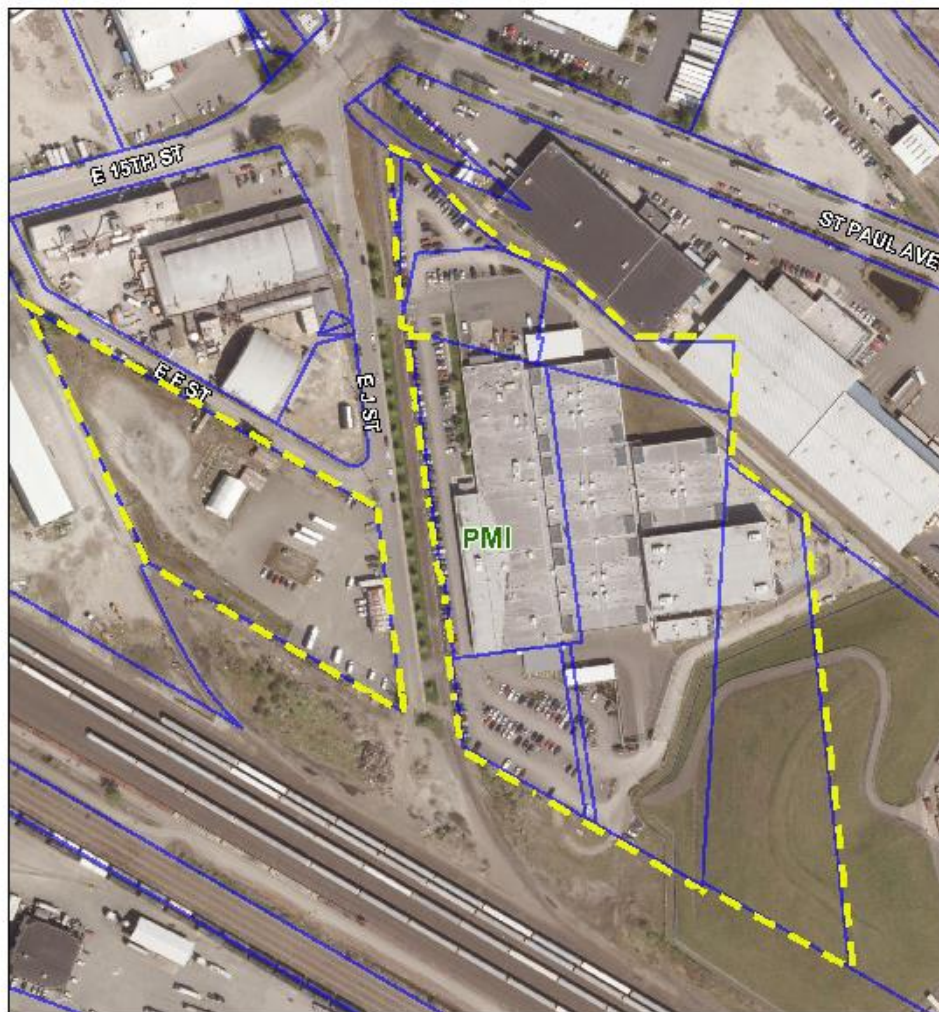
- Cannot be prohibited through Comprehensive Plan or development regulations
- Siting and permitting can be regulated and conditioned

# Commission's Review

- Council's legislative intent
- 3 facilities affected (maps on next page)
- Nonconforming use
- Expansion of existing facilities
- Incompatible land uses
- CUP allows broader notification
- Public vs. private correctional facilities
- Essential public facilities
- Affecting other high priority projects

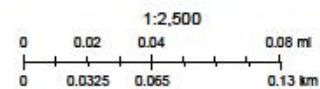


# Northwest Detention Center Parcels



March 10, 2017

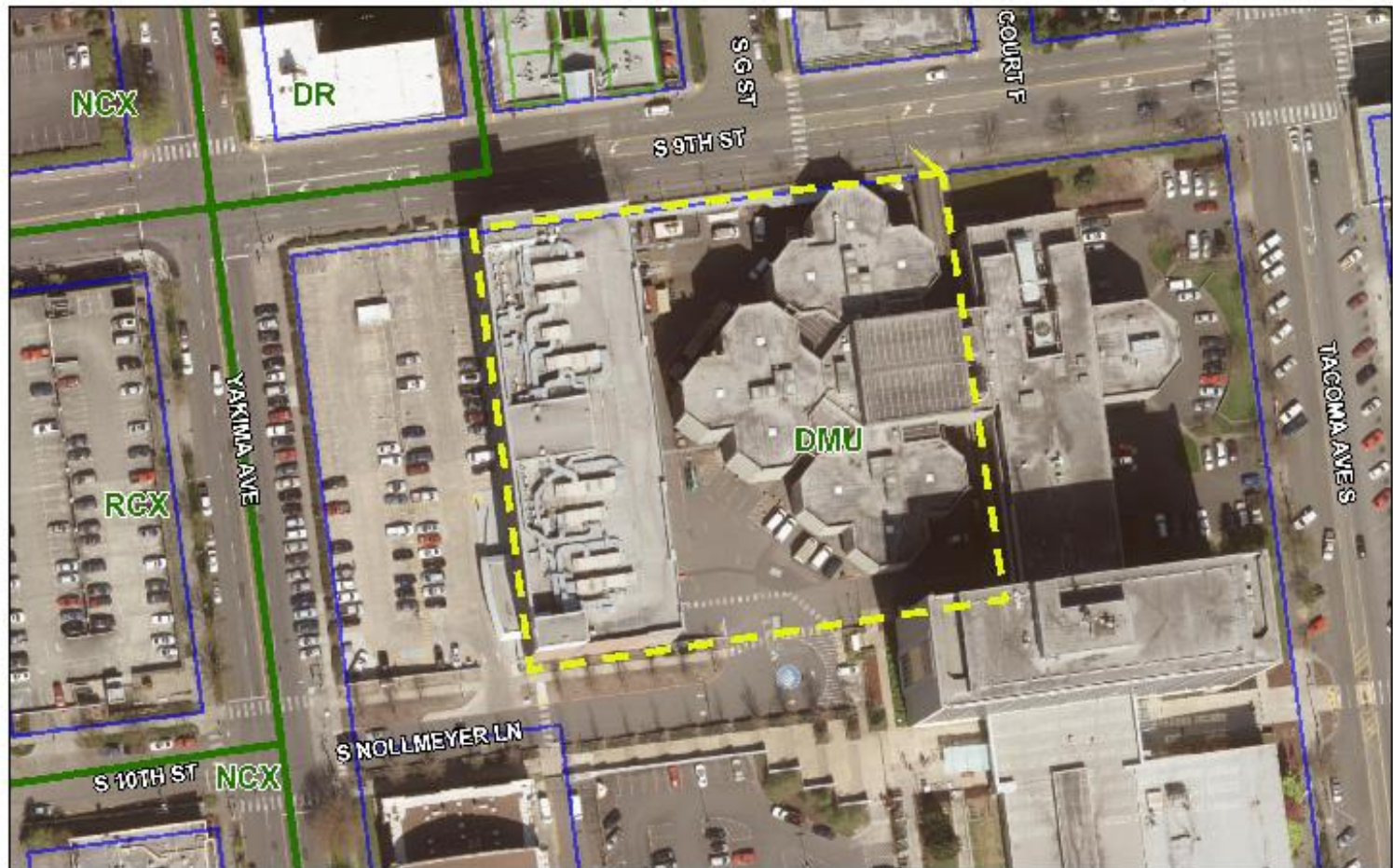
- |                                 |                    |
|---------------------------------|--------------------|
| Tacoma City Boundary            | Building Only      |
| Street Names                    | Condominium        |
| Zoning                          | Lease Hold         |
| <b>Parcels (All categories)</b> | Tax Purpose Only   |
| Airspace Condominium            | Undivided Interest |
| Base Parcel                     |                    |



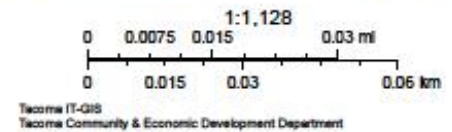
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# Pierce County Jail



March 23, 2017



CEDD  
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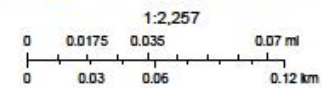


# Remann Hall



March 10, 2017

- |   |   |
|---|---|
| <span style="border: 1px solid blue; padding: 2px;"> </span> Tacoma City Boundary | <span style="border: 1px solid gray; padding: 2px;"> </span> Building Only        |
| <span style="color: blue;">Text</span> Street Names                               | <span style="border: 1px solid green; padding: 2px;"> </span> Condominium         |
| <span style="border: 1px solid green; padding: 2px;"> </span> Zoning              | <span style="border: 1px solid cyan; padding: 2px;"> </span> Lease Hold           |
| <b>Parcels (All categories)</b>   | <span style="border: 1px solid magenta; padding: 2px;"> </span> Tax Purpose Only  |
| <span style="border: 1px solid cyan; padding: 2px;"> </span> Airspace Condominium | <span style="border: 1px solid yellow; padding: 2px;"> </span> Undivided Interest |
| <span style="border: 1px solid purple; padding: 2px;"> </span> Base Parcel        |   |



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Tacoma Community & Economic Development Department

# Staff Recommendations

- 1. Modify the interim regulations to regulate private and public correctional facilities in the same manner**
  - Siting allowed only in M-2 and PMI, with Conditional Use Permit (CUP)
  - Modifications subject to CUP if significant in size or results in increase in inmate capacity
- 2. Develop permanent regulations by September 6, 2017**

# Commission's Recommendations

*(Draft, Unapproved)*

## A. Work Plan – Issues

- Nonconforming Use
- Essential Public Facilities
- Conditional Use Permit
- Public vs. Private Facilities
- Code Clarifications
- Land Use on Tideflats



# Commission's Recommendations

*(Draft, Unapproved)*

## B. Work Plan – Timeline (6-month)

| Date      | Event  |
|-----------|--|
| Apr 25    | Council public hearing                                       |
| May 2 & 9 | Council retains, removes or modifies the interim regulations |
| May/June  | Commission drafts permanent regulations                      |
| Jul 19    | Commission public hearing                                    |
| Aug 2     | Commission recommendation                                    |
| August    | Council public hearing and adoption of permanent regulations |
| Sep 6     | Interim regulations expire                                   |



# Commission's Recommendations

*(Draft, Unapproved)*

## C. 3-Phased Action Strategy

- **Immediate Action:**
  - Evaluate the legal issues associated with the interim regulations, particularly as they relate to private correctional facilities
- **Short-Term Action:**
  - Development permanent regulations by September 6, 2017
- **Long-Term Action:**
  - Evaluate broader Tideflats land use issues through the Subarea Plan

# Next Steps *(tentative)*

| Date      | Event  |
|-----------|--|
| Apr 25    | Council public hearing                                       |
| May 2 & 9 | Council retains, removes or modifies the interim regulations |