



To: Planning Commission
From: Jana Magoon, Land Use Manager, Planning and Development Services
Subject: **2023 Amendment – Assessment of “Shipping Containers” Application**
Memo Date: August 10, 2022
Meeting Date: August 17, 2022

Action Requested:
Assessment and Determination.

Discussion:

At the next meeting on August 17, 2022, the Planning Commission will conduct an assessment of “Shipping Containers”, one of the applications for the 2023 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (“2023 Amendment”).

This application is a request by the City Council to evaluate code changes which would facilitate the use of shipping containers for storage and occupancy of other commercial uses in non-residential districts. Attached is an assessment report prepared in accordance with the [Tacoma Municipal Code](#) (TMC), Section 13.02.070.E. Upon completing the assessment, the Commission will be asked to consider making a determination to move the application forward for technical analysis during the 2023 Amendment cycle.

Project Summary:

The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan, shall be adopted and amended by ordinance of the City Council following the procedures identified in TMC 13.02.070. Proposed amendments may be considered annually, for which the amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council by the end of June of the following year. The process for the [2023 Amendment](#) began with accepting applications during January-March 2022 and is slated for completion in June 2023.

Prior Action:

- 01/19/22 – Reviewed the City Council’s initial request of “Shipping Containers”

Staff Contact:

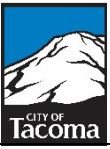
- Jana Magoon, jmagoon@cityoftacoma.org

Attachments:

1. Assessment Report – “Shipping Containers”
 - a. Substitute Resolution No. 40955, May 10, 2022
 - b. Resolution No. 40794, June 8, 2021

- c. Peter Huffman, Director





**2023 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Application: Shipping Containers

Assessment Report
August 17, 2022

This application is proposed to be a part of the 2023 Annual Amendment to the One Tacoma Comprehensive Plan and the Land Use Regulatory Code (“2023 Amendment”). The application seeks to amend appropriate sections of the Tacoma municipal Code (TMC) to allow accessory uses within shipping containers in commercial areas of the City.

This assessment report facilitates the Planning Commission’s initial review of the application, and determine, in accordance with TMC 13.02.070.E.3, whether the application will be considered in the 2023 Amendment cycle and if so whether its scope of work needs to be modified.

Project Summary	
Application ID:	Shipping Containers
Applicant:	
Staff Contact:	Jana Magoon, Manager, jmagoon@cityoftacoma.org
Location and Size of Area:	City Wide
Current Land Use and Zoning:	Commercial Areas
Neighborhood Council Area:	City Wide
Project Proposal:	Except as noted below, shipping containers in most districts are currently only allowed temporarily on property and in very limited circumstances. The exception is that shipping containers may be used for a primary structure in all districts provided the containers meet all land use and building codes. Pursuant to Resolution No. 40794 (June 8, 2021) and Substitute Resolution No. 40955 (May 10, 2022), the City Council has requested the Planning Commission to evaluate code changes which would facilitate the use of shipping containers for storage and occupancy of other commercial uses in non-residential districts.



Section A. Proposed Scope of Work

1. Area of Applicability

City Wide in commercial areas

2. Background

In 2012 alone, the US Department of Transportation statistics indicate more than five million shipping containers sat dormant. Further, the reprocessing or melting down of shipping containers require a minimum of 8,000 kWh of energy. Maybe for this reason, shipping containers have gained popularity as a construction material for various uses. Historically, shipping containers have been considered unsightly, but developers have started using creative techniques to help shipping containers blend with surrounding areas. On June 8, 2021, the City Council passed Resolution No. 40794, requesting that the Planning Commission review the use and allowed locations for shipping containers as a type of accessory structure. On May 10, 2022, the Council passed Substitute Resolution No. 40955, adjusting the timeline for the study from 2022 Amendment cycle to 2023 Amendment cycle and providing the following additional suggestions for the Commission's consideration:

- (a) The Commission should focus more on issues relating to using shipping containers as innovative housing solutions, and also shipping containers for storage and other uses specifically in commercial districts, and
- (b) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in.

It is noted that Substitute Resolution No. 40955 also acknowledges the Planning Commission's recommendation that "evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Project Phase 2." As set forth in the resolution, the focus of the Commission's work during the 2023 Amendment cycle should be on the "proposed land use code amendments pertaining to the use of shipping containers for storage and other uses."

3. Policy Framework

<i>One Tacoma Plan Chapter</i>	Goals and Policies Relevant to the Application
URBAN FORM Element	Policy UF-13.10 - Maintain and enhance the existing commercial areas while preserving the unique features of these neighborhoods.
DESIGN AND DEVELOPMENT Element	Policy DD-1.1 Encourage excellence in architecture, site design, and infrastructure and durability in building materials to enrich the appearance of a development's surroundings.
	Policy DD-4.1 Preserve and enhance the quality, character, and function of Tacoma's residential neighborhoods.
	Policy DD-5.14 Promote building design that is compatible with the existing and/or desired character of the area.
	Policy DD-7.1 Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.
	Policy DD-7.3 Encourage use of technologies, techniques, and materials in building design, construction, and removal that results in the least environmental impact over the life cycle of the structure.
	Policy DD-7.4 Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

4. Objectives

As outlined in TMC Section 13.02.070.D.5.d, the application must adequately respond to the following objectives to be considered in the Annual Amendment docket:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;

Staff Response: This requested code change does not address inconsistencies or errors in the Comprehensive Plan or development regulations

- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;

Staff Response: In 2012 alone, the US Department of Transportation statistics indicate more than five million shipping containers sat dormant. Further, the reprocessing or melting down of shipping containers require a minimum of 8,000 kWh of energy. Maybe for this reason, shipping containers have gained popularity as a construction material for various uses.

- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or

Staff Response: Historically, shipping containers have been considered unsightly, but developers have started using creative techniques to help shipping containers blend with surrounding areas. If the appropriate development standards are included in the scope of this project, allowing shipping containers will be compatible with existing and proposes land uses and the surrounding development pattern.

- Enhance the quality of the neighborhood.

Staff Response: The purpose of this change is not to enhance the quality of the neighborhood. However, if appropriate development standards are included, the addition of shipping containers will not be a detriment to the neighborhood.

5. Impacts Assessment

As part of the annual amendment cycle, staff conducts an environmental review, including a non-project action SEPA checklist, to consider the potential environmental impacts of the proposals. In addition, the City Council has adopted a policy to consider equity in all Council actions. As a result, potential impacts need to be assessed through an equity lens utilizing the Tacoma Equity Index and other tools, including the historical context of planning in the area.

Historically, shipping containers have been considered unsightly. However, as developers and jurisdictions have sought ways to reduce waste, the reuse of shipping containers is more appealing. In recent years, developers have applied creative techniques to give shipping containers a "hip" look. Recently, a business model has been brought to our attention that uses shipping containers to grow food, which could bring quick solutions to "food deserts" in Tacoma. However, Developers have also advised that meeting building and land use standards can be prohibitive. Specially, depending on use, energy code is very difficult to meet.

6. Proposed Outreach

This application will follow the public process for evaluating and adopting code changes. Appropriate community engagement will be conducted, focusing on the affected business and development community and the neighborhoods around the locations where shipping containers would be allowed.

7. Supplemental Information

Per TMC 13.02.070.D.f, supplemental information may be requested by the Department, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies. At this time, no other information is needed.

Section B. Assessment

Per TMC 13.02.070.E.2, the application was reviewed against the following assessment criteria:

- If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review.

Staff Response: The application request is a legislative change that would impact development throughout the City. The request is appropriately before the Planning Commission.

- If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into.

Staff Response: There has not been any recent study of this issue that would be cause for the Commission to decline further review.

- If the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

Staff Response: Staff have capacity to review this proposal with 2023 Amendments.

Section C. Recommendation

Per TMC 13.02.070.E.3, the Planning Commission will review this assessment and make its decision as to:

- Whether or not additional information is needed;
- Whether or not the scope should be modified, and if so, what alternatives should be considered; and
- Whether or not the Planning Commission will consider this topic.

Staff Recommendation:

- Staff concludes that the application is complete.
- Staff recommends that the scope of the application should be limited to Commercial Districts and limited/temporary use in Residential or Mixed-Use Districts. Scope should include screening, setbacks, and locational requirements. Scope should not include housing.
- Based on the review of the proposal against the assessment criteria, staff concludes that this application is ready for technical analysis. Staff recommends that the Planning Commission accept the application as part of the 2023 Annual Amendment docket.

Attachments:

- A. City Council Substitute Resolution No. 40955, May 10, 2022
- B. City Council Resolution No. 40794, June 8, 2021



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
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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 them into the 2022 Amendment process, which was already under way, and

WHEREAS the Commission felt it more feasible for these issues to be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023, and

WHEREAS the Infrastructure, Planning, and Sustainability ("IPS") Committee received a briefing from the Chair and Vice-Chair of the Commission on February 23, 2022, of the Commission's initial assessment of the issues, and, upon deliberation, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Project Phase II, and

WHEREAS the IPS Committee provided additional clarifications and suggestions concerning the scope of work for shipping containers: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions, and also shipping containers for storage and other uses specifically in commercial districts, and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in, and

WHEREAS the IPS Committee also provided additional clarification and suggestions concerning electric fences: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the



sense of urgency in the community for the regulatory review of this issue, (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed, and (3) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed, and

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

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



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

2 That the proper officers of the City are hereby authorized to modify the
3 timelines for the proposed land use code amendments pertaining to the use of
4 shipping containers for storage and other uses, and expanded allowances for the
5 use of electric fences, as previously directed by Resolution No. 40794 and
6 Resolution No. 40881, to be considered as part of the Planning Commission's
7 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket,
8 and providing additional guidance for Planning Commission consideration.
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11 Adopted May 10, 2022

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13 *M. Woodard*
14 Mayor

15 Attest:

16 *Doris Soum*
17 City Clerk

18 Approved as to form:

19 *Steve Vider*
20 Deputy City Attorney
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TO: Elizabeth Pauli, City Manager
FROM: Jana Magoon, Division Manager, Planning and Development Services
Brian Boudet, Division Manager, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Resolution – Scope and Timeline for Shipping Containers and Electric Fences – April 26, 2022
DATE: April 13, 2022

SUMMARY AND PURPOSE:

A resolution modifying the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage, and expanded allowances for the use of electric fences, as previously directed by Resolutions No. 40794 and 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.

COUNCIL SPONSORS:

Council Member Kristina Walker, Council Member John Hines, Deputy Mayor Catherine Ushka, and Council Member Conor McCarthy.

BACKGROUND:

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

At its meeting on January 19, 2022, the Planning Commission reviewed the City Council's requests and considered adding either or both issues to the 2022 Amendment process. Upon discussion, the Commission concluded that due to the complexity and significant impacts of both issues, as well as the extensive community engagement that would be needed, it would be difficult to incorporate them into the 2022 Amendment process, which was already well under way. The Commission felt it more feasible for these issues be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023.

The Infrastructure, Planning, and Sustainability (IPS) Committee received a briefing from the Chair and Vice-Chair of the Planning Commission on February 23, 2022 of the Commission's initial assessments of the issues and, upon deliberations, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers' use for storage be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Phase II.



In addition, concerning the scope of work for shipping containers, the IPS Committee provided these additional clarifications and suggestions: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions and also allowing shipping containers for storage specifically in commercial districts; and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in.

Concerning electric fences, the IPS Committee provided these additional clarifications and suggestions: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the sense of urgency in the community for the regulatory review of this issue; (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside of industrial zones that must be properly addressed; (3) the Commission's review should include, but not be limited to: compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed.

The IPS Committee's recommendations concerning the Planning Commission's scopes of review and timelines for the shipping container and electric fence issues as enunciated above require a resolution to amend Resolutions No. 40794 and No. 40881.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This resolution would amend the scopes of work and timelines as previously specified in Resolutions No. 40794 and No. 40881. As the Planning Commission proceeds with the requested code review, public comment and stakeholder input will be taken on any proposed changes. It is noted that, concerning code changes to allow for electric fences, the City Council have been contacted by Tacoma business owners who have already faced losses due to theft and are seeking alternative ways to reduce further losses that threaten their business.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

This is a modification to the initial requests for the Planning Commission's review of issues relating to shipping containers and electric fences. Considerations of any policy change should include a review of impacts on racial and other inequities, disparities, or discrimination to under-represented communities.

Economy/Workforce: *Equity Index Score:* Moderate Opportunity

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.

Decrease the number of vacant properties downtown and in the neighborhood business districts.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

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

Concerning the issue of shipping containers, reuse of the containers in an aesthetically acceptable way could



provide a sustainable, affordable solution to accessory building, storage, and/or housing needs. While this request does not specify any policy outcome, the review will consider how limited exceptions to the shipping container prohibition might impact public perception of overall quality of life.

Concerning the issue of electric fences, City Council Members have heard from local businesses that have been victims of theft and other crime that threaten their ability to maintain their businesses in the City. Expanding options for these business owners to secure resources their businesses rely on will increase the perception of safety and quality of life, and also will reduce the likelihood the businesses will shut down or leave the City. Small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increases in property crime, vandalism, and thefts targeting businesses threaten our local economy.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Take no action (i.e., no amendment to Resolutions No. 40794 or No. 40881)	The Planning Commission will fulfill the City Council's requests per the original resolutions, providing a recommendation in 2022.	The Planning Commission is currently considering four applications as part of the 2022 amendment process, three of which are private applications, including the NewCold Land Use Designation Request, South Sound Christian Land Use Designation Request, and the South Tacoma Groundwater Protection District Work Plan. As the public hearing and comment period have already been conducted for these applications, this alternative, incorporating the two topics, shipping containers and electric fences, would necessitate a significant delay in the consideration of these other applications and a need to conduct a new SEPA analysis and public comment process.

EVALUATION AND FOLLOW UP:

If this resolution is approved, the Planning Commission will proceed with the review of shipping containers and electric fences in accordance with the scope of work and timelines as specified.

STAFF/SPONSOR RECOMMENDATION:

The sponsors recommend approval of this resolution.



FISCAL IMPACT:

Adoption of the resolution would not result in a fiscal impact or any additional expenses. The Comprehensive Plan and Land Use Regulatory Code Amendment process is conducted annually for the purpose of considering these types of requests.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

YES

The resolution simply requests consideration of land use regulatory code amendments as part of the annual amendment process. This process is already planned and budgeted and this specific request does not result in any additional fiscal impacts.

Are there financial costs or other impacts of not implementing the legislation?

YES

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

Resolution No. 40955 Substitute

Adopted: MAY 10 2022

Maker of Motion: Ushka

Seconded: Blocker

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Blocker	X			
CM Bushnell	X			
CM Daniels	X			
CM Hines	X			
CM McCarthy	X			
CM Rumbaugh	X			
CM Ushka	X			
CM Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Blocker				
CM Bushnell				
CM Daniels				
CM Hines				
CM McCarthy				
CM Rumbaugh				
CM Ushka				
CM Walker				
Mayor Woodards				

**EVERYTHING BEHIND THIS
PAGE IS BACKUP INFORMATION**



RESOLUTION NO. 40955

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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
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8 Commission's 2023 Comprehensive Plan and Land Use Regulatory
9 Code Amendment docket, and providing additional guidance for
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12 and Resolution No. 40881 on November 30, 2021, directing the Planning
13 Commission ("Commission") to review and recommend potential amendments to
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15 shipping containers for storage and electric fences as part of the 2022
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17 WHEREAS at its meeting on January 19, 2022, the Commission reviewed
18 the City Council's requests and considered adding either or both issues to the 2022
19 Amendment process, and

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

24 WHEREAS the Commission felt it more feasible for these issues to be
25 addressed through the 2023 Amendment process, which has begun and is slated
26 for completion in June 2023, and



1 WHEREAS the Infrastructure, Planning, and Sustainability ("IPS")
2 Committee received a briefing from the Chair and Vice-Chair of the Commission
3 on February 23, 2022, of the Commission's initial assessment of the issues, and,
4 upon deliberation, concurred with the Commission's suggestions that the issues
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Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



SUBSTITUTE
RESOLUTION NO. 40955

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2 HINES, McCARTHY, AND WALKER

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sense of urgency in the community for the regulatory review of this issue, (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed, and (3) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed, and

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

WHEREAS the IPS Committee's recommendations concerning the Commission's scopes for review and timelines for the shipping container and electric fence issues require a resolution to amend Resolution No. 40794 and 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



RESOLUTION NO. 40794

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE AND
2 WALKER

3 A RESOLUTION relating to land use; requesting the Planning Commission to
4 review the prohibition of shipping containers for accessory building and/or
5 storage uses as well as explore how the city could allow shipping containers
6 to be adaptively reused for innovative housing solutions to address the
7 housing shortage and affordability crisis in the City of Tacoma.

8 WHEREAS, with the exception of temporary uses subject to the limitations
9 and standards set forth in Tacoma Municipal Code 13.06.080, Special Use
10 Standards, commercial shipping and/or storage containers, also known as cargo
11 containers or intermodal freight containers, are currently prohibited to be used as
12 an accessory building and/or for storage in the City in residential, commercial, and
13 mixed-use zoning districts, and

14 WHEREAS, unlike a number of other jurisdictions, this prohibition is outright
15 and does not allow for exceptions when specified conditions are met, such as
16 design standards, landscape buffers, sight-obscuring fences or walls, or the
17 container's location on the site, that either remove the containers from the sight of
18 neighbors or passersby or ensure that the containers are an aesthetically pleasing
19 part of their surroundings, and

20 WHEREAS thousands of shipping containers are left inactive and unutilized
21 in America each year because the nation's imports exceed exports and the cost to
22 return cargo containers to exporting countries can be high, and

23 WHEREAS, in 2012 alone, U.S. Department of Transportation statistics
24 indicated there were more than five million 20-foot containers sitting dormant, and
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WHEREAS reprocessing or melting down a used shipping container to
1 repurpose the steel requires at least 8,000 kWh of energy, and

2 WHEREAS, if it can be accomplished in a way that maintains the aesthetics
3 of the surrounding neighborhood, reuse of used containers as building materials or
4 as accessory buildings/storage uses in the City could be a sustainable, energy
5 efficient, and cost-effective way to repurpose them, and
6

7 WHEREAS the City Council recognizes the need for innovative housing
8 solutions to address the housing shortage and housing affordability, and
9

10 WHEREAS the City Council is requesting the Planning Commission to
11 review the outright prohibition of commercial shipping and/or storage containers
12 as accessory buildings and/or for storage in the City and determine if there are
13 design standards, siting requirements, or other conditions which may make these
14 uses appropriate in specified zoning districts, and, within subsequent phases of
15 Home in Tacoma, review how the City could allow shipping containers to be
16 adaptively reused for innovative housing solutions to address the housing
17 shortage and housing affordability in the City of Tacoma; Now, Therefore,
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19 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

20 That the City Council hereby requests the Planning Commission to review
21 the prohibition of shipping containers for accessory building and/or storage uses,
22 as well as explore how the City could allow shipping containers to be adaptively
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1 reused for innovative housing solutions, to address the housing shortage and
2 affordability crisis in the City of Tacoma.

3
4 Adopted June 8, 2021

5
6 *M Woodards*
Mayor

7 Attest:

8 *Doris Soum*
9 City Clerk

10
11 Approved as to form:

12 *[Signature]*
13 Deputy City Attorney



TO: Elizabeth Pauli, City Manager
FROM: Melanie Harding, Chief Policy Analyst to the Mayor, City Manager's Office
COPY: City Council and City Clerk
SUBJECT: Resolution – Directing the Planning Commission to review Tacoma Municipal Code Section 13.06 as it relates to the regulation of Shipping Containers – June 8, 2021
DATE: June 1, 2021

SUMMARY AND PURPOSE:

A resolution directing the Planning Commission to review the prohibition of shipping containers for accessory building and/or storage uses as well as explore how the city could allow shipping containers to be adaptively reused for innovative housing solutions to address the housing shortage and affordability crisis in the City of Tacoma.

COUNCIL SPONSORS:

Mayor Victoria Woodards, Councilmember Chris Beale, and Councilmember Kristina Walker

BACKGROUND:

With the exception of temporary uses subject to the limitations and standards in Tacoma Municipal Code Section 13.06.080.P, Commercial shipping and/or storage containers (also known as cargo containers or intermodal freight containers) are currently prohibited to be used as an accessory building and/or for storage in the City of Tacoma in residential, commercial, and mixed-use zoning districts.

Unlike a number of other jurisdictions, this prohibition is outright and does not allow for exceptions when specified conditions are met (such as design standards, landscape buffers, sight-obscuring fences or walls, the container's location on the site, etc.) that either remove the containers from the sight of neighbors or passersby or ensure the containers are an aesthetically pleasing part of their surroundings.

Each year, thousands of shipping containers are left inactive and unutilized in America because the nation's imports exceed exports and the cost to return cargo containers to exporting countries can be high. In 2012 alone, US Department of Transportation statistics indicated there were more than 5 million 20-foot containers sitting dormant. Reprocessing or melting down a used shipping container to repurpose the steel requires at least 8,000 kWh of energy. If it can be done in a way that maintains the aesthetics of the surrounding neighborhood, reuse of used containers as building materials or as accessory buildings/storage uses in Tacoma could be a sustainable, energy efficient, and cost-effective way to repurpose them.

Overall, this resolution would direct the Planning Commission to review the outright prohibition of commercial shipping and/or storage containers as accessory buildings and/or for storage in the City of Tacoma and determine if there design standards, siting requirements, or other conditions which may make these uses appropriate in specified zoning districts. Additionally, within subsequent phases of Home in Tacoma, the Planning Commission would look separately at how the City could allow shipping containers to be adaptively reused for innovative housing solutions to address the housing shortage and housing affordability in the City of Tacoma.



COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This is a request for an initial review of these policies. Public comment and stakeholder input could be taken on any proposed changes.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: (Mandatory)

This is a request for initial review of these policies. Considerations of any policy change should include a review of impacts on racial and other inequities, disparities, or discrimination to under-represented communities.

Livability: Equity Index Score: Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

How does your policy, program, or service help or harm the health of the natural environment?

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

Reuse of the containers in an aesthetically acceptable way could provide a sustainable, affordable solution to accessory building, storage, and/or housing needs. While this request does not specify any policy outcome, the review will consider how limited exceptions to the shipping container prohibition might impact public perception of overall quality of life.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
No change in policy	Planning Commission and staff time are directed toward other areas of interest.	Businesses and/or residents may be prohibited from pursuing environmentally-friendly, cost-effective solutions involving shipping containers even when there would be no aesthetic impact to the surrounding area.

EVALUATION AND FOLLOW UP:

If this resolution is approved, the Planning Commission will consider the review of the prohibition of storage containers for accessory buildings and/or storage needs as part of their annual work plan. The use of shipping containers as a potential innovative solution in housing affordability solutions would be considered as part of subsequent phases of the Home in Tacoma initiative.

STAFF/SPONSOR RECOMMENDATION:

The sponsors recommend approval of this resolution.



FISCAL IMPACT:

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1. N/A	N/A	N/A	N/A
2.			
TOTAL			

What Funding is being used to support the expense?

No additional expenses are anticipated.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

YES

This work is not anticipated to require additional costs, consultant services, or impacts to staff resources. The Planning Commission and the City Council Infrastructure, Planning, and Sustainability Committee will set priorities for existing staff resources by determining on how this review fits within the planning work program for the year ahead.

Are there financial costs or other impacts of not implementing the legislation?

YES

There may be costs to businesses or residents seeking the use of shipping containers as cost-effective solutions to accessory buildings, storage needs, and/or housing in a way that meets the aesthetic needs of the surrounding community.

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

This work is not anticipated to require additional costs, consultant services, or impacts to staff resources. The Planning Commission and the City Council Infrastructure, Planning, and Sustainability Committee will set priorities for existing staff resources by determining on how this review fits within the planning work program for the year ahead.

ATTACHMENTS:

Resolution

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**CITY OF TACOMA, WASHINGTON
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Deputy Mayor Blocker & Members of the City Council
FROM: Mayor Victoria Woodards and Chief Policy Analyst Melanie Harding
COPIES TO: Elizabeth Pauli, City Manager; Tadd Wille, Deputy City Mgr.; Bill Fosbre, City Attorney
SUBJECT: Commercial shipping and/or storage containers
DATE: May 24, 2021

I ask for your support for a resolution to request the Planning Commission to review the prohibition of shipping containers for accessory building and/or storage uses as well as explore how the city could allow shipping containers to be adaptively reused for innovative housing solutions to address the housing shortage and affordability crisis in the City of Tacoma.

LEGISLATIVE INTENT:

With the exception of temporary uses subject to the limitations and standards in Tacoma Municipal Code Section 13.06.080.P, Commercial shipping and/or storage containers (also known as cargo containers or intermodal freight containers) are currently prohibited to be used as an accessory building and/or for storage in the City of Tacoma in residential, commercial, and mixed-use zoning districts. Unlike a number of other jurisdictions¹, this prohibition is outright and does not allow for exceptions when conditions are met (such as design standards, landscape buffers, or sight-obscuring fences or walls) that either remove the containers from the sight of neighbors or passersby or ensure the containers are an aesthetically pleasing part of their surroundings.

Each year, thousands of shipping containers are left inactive and unutilized in America because the nation's imports exceed exports and the cost to return cargo containers to exporting countries can be high. In 2012 alone, US Department of Transportation statistics indicated there were more than 5 million 20-foot containers sitting dormant². Reprocessing or melting down a used shipping container to repurpose the steel requires at least 8,000 kWh of energy³. If it can be done in a way that maintains the aesthetics of the surrounding neighborhood, reuse of used containers as building materials or as accessory buildings/storage uses in Tacoma could be a sustainable, energy efficient, and cost-effective way to repurpose them.

Overall, this Council Consideration Request recommends moving forward a resolution to request the Planning Commission to review the outright prohibition of commercial shipping and/or storage containers as accessory buildings and/or for storage in the City of Tacoma and determine if there design standards, siting requirements, or other conditions which may make these uses appropriate in specified zoning districts. Additionally, within subsequent phases of Home in Tacoma, look at how the City could allow shipping containers to be adaptively reused for innovative housing solutions to address the housing shortage and housing affordability in the City of Tacoma

¹ <https://www.piercecountywa.gov/FAQ.aspx?TID=168>

² <https://www.smartcitiesdive.com/ex/sustainablecitiescollective/are-shipping-containers-sustainable-building-block-we-need/1068046/>

³ <https://www.worldsteel.org/en/dam/jcr:7e0dc90a-3efe-41bc-9fb4-85f9e873dfc7/Steel+-The+Permanent+Material+in+the+Circular+Economy.pdf>

DESIRED RESOLUTION DATE: June 8, 2021

ALIGNMENT WITH TACOMA 2025 KEY FOCUS AREAS:

This legislation, program, project, or event is best aligned with the following (Check all that apply):

Livability: Equity Index Score: Moderate Opportunity

Increase positive public perception of safety and overall quality of life.


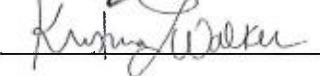
How does your policy, program, or service help or harm the health of the natural environment? Reuse of the containers is a sustainable solution to accessory building/storage needs.

In you have a question related to the Council Consideration Request, please contact Chief Policy Analyst to the Mayor Melanie Harding at 253-591-5156 or melanie.harding@cityoftacoma.org.

SUBMITTED FOR COUNCIL CONSIDERATION BY: 
Mayor

SUPPORTING COUNCIL MEMBERS SIGNATURES (2 SIGNATURES ONLY)

(Signatures demonstrate support to initiate discussion and consideration of the subject matter by City Council for potential policy development and staff guidance/direction.)

1.  POS# 5
2.  POS# 8

40794

Resolution No. _____

Adopted: JUN 08 2021

Maker of Motion: Blocker

Seconded: Thoms

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale	X			
Mr. Blocker	X			
Mr. Hines	X			
Ms. Hunter	X			
Mr. McCarthy	X			
Mr. Thoms	X			
Ms. Ushka	X			
Ms. Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				
Mr. Blocker				
Mr. Hines				
Ms. Hunter				
Mr. McCarthy				
Mr. Thoms				
Ms. Ushka				
Ms. Walker				
Mayor Woodards				