



City of Tacoma  
Planning and Development Services

**Agenda Item  
D-1**

**To:** Planning Commission  
**From:** Lihuang Wung, Planning Services Division  
**Subject:** **Correctional Facilities Interim Regulations**  
**Meeting Date:** April 5, 2017  
**Memo Date:** March 30, 2017

The City Council adopted Ordinance No. 28417 on March 7, 2017, enacting emergency interim zoning regulations pertaining to public and private correctional facilities, setting April 25<sup>th</sup> as the date for a public hearing, and referring the matter to the Planning Commission.

Pursuant to the Tacoma Municipal Code, Section 13.02.055, the Commission is required to formulate findings of fact and a recommendation regarding the adoption of the interim regulations and prepare a work plan for the development of permanent regulations before the six-month interim regulations expire in September.

At the next meeting on April 5<sup>th</sup>, the Commission will review the interim regulations and deliberate the path forward. At the following meeting on April 19<sup>th</sup>, the Commission is expected to complete its findings of fact and recommendation report, in time for the Council's consideration at, or immediately after, the public hearing on April 25<sup>th</sup>. It is anticipated that the Commission will then proceed with the development of permanent regulations during May-July.

Attached to facilitate the Commission's review of the matter is a discussion outline, which provides a summary of the interim regulations, pertinent background information, a framework for compiling the findings of fact and recommendation report, and a draft work plan for the development of permanent regulations.

If you have any questions, please contact me at (253) 591-5682 or [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org).

Attachments:

- Correctional Facilities Interim Regulations Discussion Outline, with the following exhibits:
  1. Ordinance No. 28417, March 7, 2017
  2. City Council Public Hearing Notice (for April 25, 2017)
  3. Location and Parcel Maps for Correctional Facilities
  4. TMC 13.06.630 – Nonconforming Parcels/Uses/Structures
  5. Council Action Memorandum regarding Interim Regulations (March 7, 2017)

c. Peter Huffman, Director





# Correctional Facilities Interim Regulations

## (Revisions to TMC 13.06 Zoning)

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### Discussion Outline

*(Planning Commission Meeting, April 5, 2017)*

#### A. Introduction:

The City Council adopted Ordinance No. 28417 (see Exhibit 1) on March 7, 2017, enacting emergency interim zoning regulations pertaining to public and private correctional facilities, setting April 25<sup>th</sup> as the date for a public hearing (see Exhibit 2), and referring the matter to the Planning Commission.

Pursuant to the Tacoma Municipal Code, Section 13.02.055, the Commission is required to formulate findings of fact and a recommendation regarding the adoption of the interim regulations and develop a work plan for the development of permanent regulations before the six-month interim regulations expire in September.

This discussion outline is prepared to facilitate the Commission's review of the matter at its meeting on April 5<sup>th</sup>, and assist the Commission in preparing the findings of fact and recommendation report at the subsequent meeting on April 19, 2017.

#### B. Summary of the Interim Regulations:

The interim regulations are effective for six months (through September 6, 2017) or until the City's zoning regulations for correctional facilities are permanently updated. The interim regulations amend the Tacoma Municipal Code, Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, as follows:

- Modify the use definition of "correctional facility" to clearly differentiate between public and private correctional facilities;
- Prohibit the siting of private correctional facilities in all zoning districts;
- Remove public correctional facilities as a permitted use in multi-family and light-industrial zoning districts (i.e., R-4-L, R-4, R-5, and M-1); and
- Modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (currently, M-2 Heavy Industrial and PMI Port Maritime & Industrial).

#### C. Proposed Findings of Fact:

##### Council's Legislative Intent:

The Planning Commission acknowledges the following recitals in Ordinance No. 28417 that enunciate the City Council's legislative intents and rationales for imposing the interim regulations:

1. The Port/Tideflats area of Tacoma is regionally and locally designated as (a) an important Manufacturing/Industrial Center ("M/IC"), (b) 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 (c) particularly within the Port Maritime & Industrial (“PMI”) District, an area where uses are intended to focus on shoreline-related uses and support services.

2. The PMI 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.
3. 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 others where correctional facilities are currently allowed, and the City as a whole, as well as the changing landscape around it.
4. 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.
5. The Northwest Detention Center (“NDC”), which is a privately owned and operated federal immigration detention center, was opened in 2004 and expanded in 2008, and 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.
6. Recent changes in the national political climate have contributed to uncertainty as to the need for, and potential expansion of correctional facilities in communities such as Tacoma.
7. The federal Department of Homeland Security is on record stating its desire to increase and secure additional detention facilities such as the privately owned and operated NDC.
8. The use currently engaged in by the NDC has been referred to as a “correctional facility,” however, the City’s existing correctional facility designation is generally tailored to public correctional facilities and not private facilities.
9. The City’s 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, or any other areas where correctional facilities are currently allowed.
10. The adoption of the interim zoning regulations regarding public and private correctional facilities, effective for a six-month period, or until the City’s zoning regulations for such facilities are permanently updated, would allow time for the City Council to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for correctional facilities in Tacoma.
11. Requiring conditional use permits for new or expanded facilities (as part of the interim regulations) 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 siting these types of facilities.
12. The potential adverse impacts on the public health, public safety, public property, and public peace justify the passage of the interim emergency ordinance.

#### Potential Additional Findings of Fact:

13. There are three facilities that are affected by the interim regulations, i.e., the Northwest Detention Center, the Pierce County Jail, and the Pierce County Juvenile Detention Center (Remann Hall). See Exhibit 3 for the location and parcel maps for these facilities.
14. The Northwest Detention Center is a privately-run federal immigration detention center that is located in the PMI zoning district. It is currently permitted to accommodate up to 1,575 detainees. The interim regulations make this a nonconforming use. As a nonconforming use, the existing facility is limited in its ability to expand.
15. The Pierce County Jail, located at 910 Tacoma Avenue S., is a public correctional facility run by the Pierce County Sheriff's Department – Corrections Bureau. The jail is made of two facilities, i.e., the Main Jail that was built in 1985 and the New Jail that was built in 2003. It has an operational capacity for 1,700 inmates and currently employs approximately 300 correctional staff. The jail is located in the Downtown Mixed-Use (DMU) zoning district, where "jails and correctional facilities" are a prohibited use (per TMC 13.06A.050). The jail was a nonconforming use before the imposition of the interim regulations and is not significantly impacted by the interim regulations.
16. The Pierce County Juvenile Detention Center (Remann Hall), located at 5501 6th Avenue, is a public correctional facility run by the Pierce County Juvenile Court. Located in the R2 – Single Family Dwelling District, the facility was a nonconforming use before the imposition of the interim regulations and is not significantly impacted by the interim regulations.
17. As nonconforming uses, the three facilities mentioned above are limited in their ability to expand. Proposed expansions of nonconforming use, subject to the City's review and approval, generally shall not result in an increase in vehicular trips (more than 10%), parking spaces (more than 10%), noise, light or glare, outdoors storage of goods or materials, and hours of operation. (See Exhibit 4, TMC 13.06.630 – Nonconforming Parcels/Uses/Structures.)

#### Key Questions:

- (a) Does the Commission find any additional factual information that also supports the imposition of the interim regulations?
- (b) Does the allowance for minor additions, based on the nonconforming provisions of the code, comport with the Commission's understanding of the Council's intent? The Council's intent is to prohibit new or expanded correctional facilities, as depicted in the City Council Action Memorandum (see Exhibit 5) that initiated the adoption of Ordinance No. 28417.
- (c) Does the Commission have any comments or suggested modifications to the interim regulations that need to be addressed immediately?

#### **D. Scope of Work for Permanent Regulations:**

The following are some of the potential issues that need to be addressed when developing permanent regulations:

1. Essential Public Facilities:

- Essential public facilities are subject to additional, specific provisions in State law. How do these regulations, which address both public and private correctional facilities, relate to those standards?
- Correctional facilities are part of essential public facilities, by definition of the Revised Code of Washington:

“RCW 36.70A.200 Siting of essential public facilities—Limitation on liability.  
(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.”
- “Essential public facilities” is currently referenced throughout the code, such as “juvenile community facilities are essential public facilities” (TMC 13.06.530.A), “special needs housing facilities are essential public facilities” (TMC 13.06.535.A), and “work release centers are essential public facilities” (TMC 13.06.550.A).
- “Essential Public Facilities” is currently defined in the shoreline management code (TMC 13.10, Chapter 10, Item 49), but not in the zoning code (TMC 13.06). The definition includes “correctional facilities.”

2. Clarification:

- In the residential district use table (Section 13.02.100.C), the note of “side yards shall be provided as specified in Section 13.06.602” is no longer applicable to “correctional facility, public or private” since such use is not permitted in any residential district. The note has become obsolete and should be removed, unless the permanent regulations provide that correctional facilities would be permitted in some residential districts.
3. If correctional facilities continue to be allowed through a Conditional Use Permit in some zoning districts, is the existing administrative and public process for Conditional Use Permits appropriate based on the significance of these types of projects or should it be modified?

Key Question:

- (a) Are there any other significant issues that should be considered as part of the proposed scope regarding the evaluation of permanent regulations?

**E. Duration of the Interim Regulations:**

As illustrated in the tentative timeline on the next page, the City Council’s intent to have permanent regulations in place within six-months can be accomplished, but the work is expected to be done on a relatively fast track:

Date	Event
March 7, 2017	City Council – Enacted interim regulations (Ordinance No. 28417)
April 5	Planning Commission – Review interim regulations.
April 19	Planning Commission – Develop findings of fact and a recommendation and the work plan for permanent regulations.
April 25	City Council – Study Session to review the Commission’s recommendation
April 25	City Council – Public Hearing on the interim regulations
May 3, May 17, and June 7	Planning Commission – Develop draft permanent regulations.
June 13	City Council – Study Session to review the draft permanent regulations.
June 21	Planning Commission – Release draft permanent regulations for public review and set July 19 for a public hearing. (SEPA determination is issued.)
July 19	Planning Commission – Public Hearing on the draft permanent regulations
August 2	Planning Commission – Recommend permanent regulations to the Council.
August 8	City Council – Resolution to set public hearing date for August 22.
August 15	City Council – Study Session to review the recommended permanent regulations.
August 22	City Council – Public Hearing on the recommended permanent regulations.
August 22	City Council – First reading of ordinance adopting permanent regulations.
August 29, 2017	City Council – Final reading of ordinance adopting permanent regulations, effective immediately. Interim regulations expire (scheduled expiration: September 6, 2017).

**Key Questions:**

- (a) Is the 6-month duration of the interim regulations appropriate? Should it be more than six months initially (i.e., up to one year)?
- (b) Does the Commission foresee the need for extending the interim regulations (with six-month intervals) upon expiration?

**F. Exhibits:**

1. Ordinance No. 28417, March 7, 2017
2. City Council Public Hearing Notice (for April 25, 2017)
3. Location and Parcel Maps:
  - a. Northwest Detention Center
  - b. Pierce County Jail
  - c. Pierce County Juvenile Detention Center (Remann Hall)
4. Tacoma Municipal Code, Section 13.06.630 – Nonconforming Parcels/Uses/Structures
5. Council Action Memorandum regarding Interim Regulations (March 7, 2017)







## ORDINANCE NO. 28417

1 BY REQUEST OF COUNCIL MEMBER CAMPBELL

2 AN INTERIM EMERGENCY ORDINANCE relating to land use regulations,  
3 enacting interim zoning regulations; amending Chapter 13.06 of the  
4 Tacoma Municipal Code ("TMC") at Sections 13.06.100, 13.06.200,  
5 13.06.300, 13.06.400, and 13.06.700, pertaining to the definition and siting  
6 of public correctional facilities; establishing a work plan for review and  
7 development of permanent regulations relating to siting public correctional  
8 facilities, and setting April 25, 2017 as the date for a public hearing on the  
9 subject matter hereof.

10 WHEREAS, pursuant to RCW 36.70A.390 and TMC 13.02.055, the City  
11 Council has the authority to enact interim zoning ordinances on an emergency  
12 basis, and

13 WHEREAS Section 2.12 of the Tacoma City Charter provides for the  
14 emergency passage of ordinances when the Council declares that a public  
15 emergency exists and states the facts constituting such an emergency, and

16 WHEREAS the Port/Tideflats area of Tacoma is regionally and locally  
17 designated as (a) an important Manufacturing/Industrial Center ("M/IC"), (b) a  
18 location with unique characteristics that should serve as a long-term and growing  
19 employment center with a focus on manufacturing and industrial uses, and (c)  
20 particularly within the Port Maritime & Industrial ("PMI") District, an area where  
21 uses are intended to focus on shoreline-related uses and support services, and

22 WHEREAS this area (the PMI) is also subject to numerous unique  
23 environmental constraints, some related to its past and ongoing industrial activities,  
24 such as noise, safety, and contamination issues, and some related to its physical  
25  
26



location within a floodplain and potential liquefaction and volcanic hazard zones,  
and

WHEREAS 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 others where correctional facilities are currently allowed, and the City as a whole, as well as the changing landscape around it, and

WHEREAS 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, and

WHEREAS the Northwest Detention Center ("NDC"), which is a privately owned and operated federal immigration detention center, was opened in 2004 and expanded in 2008, and 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, and

WHEREAS recent changes in the national political climate have contributed to uncertainty as to the need for, and potential expansion of correctional facilities in communities such as Tacoma, and

WHEREAS, the federal Department of Homeland Security is on record stating its desire to increase and secure additional detention facilities such as the privately owned and operated NDC, and



WHEREAS the use currently engaged in by the NDC has been referred to as a “correctional facility,” however, the City’s existing correctional facility designation is generally tailored to public correctional facilities and not private facilities, and

WHEREAS the City’s 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, or any other areas where correctional facilities are currently allowed, and

WHEREAS the City desires to enact interim zoning regulations regarding public and private correctional facilities, effective for a six-month period, or until the City’s zoning regulations for such facilities are permanently updated, to allow time for the City Council to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for correctional facilities in Tacoma, and to hold a public hearing on the interim, emergency zoning ordinance within 60 days of the enactment of the same, and

WHEREAS the proposed Interim regulations would, on an interim basis, amend the City’s zoning code, Chapter 13.06 of the Tacoma Municipal Code, as follows: (1) Modify the use definition of “correctional facilities” to clearly differentiate between public and private facilities; (2) remove correctional facilities as a permitted use in the City’s multi-family and light-industrial zoning districts; (3) modify how public correctional facilities are permitted by requiring approval of a



Conditional Use Permit in all districts in which they are allowed; and (4) identify private correctional facilities as an unpermitted use in all zoning districts, and

WHEREAS 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 siting these types of facilities, and

WHEREAS the potential adverse impacts on the public health, public safety, public property, and public peace justify the passage of an Interim emergency ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Tacoma Municipal Code ("TMC") is hereby amended at Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, pertaining to the definition and siting of public (and private) correctional facilities, as set forth in the attached Exhibit "A."

Section 2. Duration. That the Interim zoning regulations enacted by this ordinance shall be in effect for six (6) months following the effective date of this ordinance, and may be renewed as provided by law.

Section 3. Public Hearing Required. That, as required by RCW 36.70A.390 and TMC 13.02.055 B., a public hearing is hereby set for April 25, 2017, at approximately 5:15 p.m., in the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, during which



the City Council will take public comment on the interim zoning regulations and will  
adopt the necessary findings required by law.

Section 4. Work Plan. That a work plan shall be established for the review  
and development of permanent regulations relating to siting public correctional  
facilities.

Section 5. Emergency Declared - Immediate Effect. For the reasons set  
forth above, and to promote the objectives stated above, the City Council finds that  
a public emergency exists, necessitating that this ordinance take effect  
immediately upon its passage by at least six (6) Tacoma City Council Members in  
order to protect the public health, safety, property, and general welfare.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## **EXHIBIT “A**

### **Chapter 13.06**

#### **ZONING**

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#### **13.06.100 Residential Districts.**

The 100 series will contain regulations for all residential classifications, including the following:

R-1	Single-Family Dwelling District
R-2	Single-Family Dwelling District
R-2SRD	Residential Special Review District
HMR-SRD	Historic Mixed Residential Special Review District
R-3	Two-Family Dwelling District
R-4	Multiple-Family Dwelling District
R-4-L	Low-Density Multiple-Family Dwelling District
R-5	Multiple-Family Dwelling District
PRD	Planned Residential Development District (see Section 13.06.140)

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C. Land use requirements.

5. District use table. (see next page for table)

**Tacoma Municipal Code**

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535
Adult retail and entertainment	N	N	N	N	N	N	N	N	
Agricultural uses	CU	CU	CU	CU	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Buildings shall not be permitted in connection with such use, except greenhouses having total floor area not in excess of 600 square feet. Livestock is not allowed.
Airports	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	N	N	N	N	N	N	N	
Animal sales and service	N	N	N	N	N	N	N	N	
Assembly facility	N	N	N	N	N	CU	CU	CU	
Brewpub	N	N	N	N	N	N	N	N	
Building materials and services	N	N	N	N	N	N	N	N	
Business support services	N	N	N	N	N	N	N	N	
Carnival	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.635.
Cemetery/internment services	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.510.
Commercial recreation and entertainment	N	N	N	N	N	N	N	N	
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.545.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Confidential Shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Correctional facility, <a href="#">public or private</a>	N	N	N	N	N	<del>CU-N</del>	<del>CU-N</del>	<del>CU-N</del>	Side yards shall be provided as specified in Section 13.06.602.

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**13.06.200 Commercial Districts.**

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**C. Land use requirements.**

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

3. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]



## 5. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
Agricultural uses	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Livestock is not allowed.
Airport	CU	CU	CU	CU	
Ambulance services	N	P	P	P	
Animal sales and service	N	P	P	N	Must be conducted entirely within an enclosed building. See Table 13.06.200.D for setback requirements specific to animal sales and service.
Assembly facility	CU	P	P	P	
Brewpub	N	N	P	N	2,400 barrel annual brewpub production maximum, equivalent volume wine limit.
Building materials and services	N	N	P	N	
Business support services	N	P	P	P	
Carnival	TU	TU	TU	TU	Subject to Section 13.06.635.
Cemetery/internment services	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	P	
Commercial recreation and entertainment	N	N	P	P	
Communication facility	N	N	P	P	
Confidential shelter	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	See Section 13.06.535.
Correctional facility, <a href="#">public or private</a>	N	N	N	N	

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### 13.06.300 Mixed-Use Center Districts.

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#### 3. District use table.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
Agricultural uses	N	N	N	N	N	N	N	N	
Airport	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	CU	CU	N	P	P	N	N	
Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup>
Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Building materials and services	N	P	P	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Customer service offices must be located at building fronts on designated pedestrian streets in NCX.
Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.635.
Cemetery/ internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup>
Correctional facility, <a href="#">public</a> or <a href="#">private</a>	N	N	N	N	N	N	N	N	

\* \* \*

### 13.06.400 Industrial Districts.

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#### 5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Adult family home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District See Section 13.06.535.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Agricultural uses	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.
Airport	CU	CU	CU	
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
Assembly facility	P	P	N	
Brewpub	P	P	P	
Building material and services	P	P	P	
Business support services	P	P	P	
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District
Cemetery/internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	
Commercial recreation and entertainment	P/CU*	P/CU*	N	*Within the South Tacoma M/IC Overlay District, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district.
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility, <a href="#">public</a>	<a href="#">P N</a>	<a href="#">P CU</a>	<a href="#">P CU</a>	<a href="#">Correctional facility, private is not allowed in M-1, M-2 and PMI</a>

\* \* \*

### **13.06.700 Definitions and illustrations.**

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

\* \* \*

#### **13.06.700.C**

Caliper: Diameter of a tree’s trunk or stem measured at a point 6 inches above finish grade if the resulting measurement is up to and including 4 inches. If the resulting measurement is more than 4 inches the point of measurement shall be relocated to 12 inches above finish grade.

Camouflaged (wireless communication facility). A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or screened from view.

Canopy (or marquee). An ornamental roof-like structure unenclosed on one or more sides and normally used for pedestrian protection and convenience and/or signage.

Car washing facility. A building or portion thereof containing facilities for washing automobiles, either manually or using a fully automatic washing process, requiring no personnel for the conduct of the operation except as is necessary for the collection of money and the maintenance of the facility.

Carnival. A temporary and often traveling establishment at which a combination of attractions or exhibitions, such as rides, shows, displays, eating concessions, and gaming booths, are provided for the purpose of amusement and entertainment.

Catering services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Cell site. A tract or parcel or land that contains wireless communication facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless communication facilities.

Cemetery and internment services. Property used for the interring of the dead. This property may include support facilities, such as funeral homes and/or chapels.

Clean construction/demolition/land-clearing (CDL) wastes. CDL wastes are solid wastes produced from construction, remodeling, demolition, or land-clearing operations that have been source separated so that the material is principally composed of asphalt, concrete, brick, or other forms of masonry; non-chemically treated wood (i.e., creosote, paint, preservatives); land-clearing wastes; or other materials approved by the Tacoma-Pierce County Health Department. Yard wastes (i.e., leaves, grass, prunings, and sod), plaster (sheet rock or plasterboard), or any materials other than wood that are likely to produce gases or a leachate during the decomposition process and asbestos wastes are specifically excluded from this definition of clean CDL wastes, unless otherwise approved by the Tacoma-Pierce County Health Department.

Climate-adapted Plant Species. Climate adapted plants include both native and non-native plant species which are able to thrive in the local climate and soil conditions of the City of Tacoma. The two most authoritative references on climate adaptation for plants are the USDA Plant Hardiness Zones and the Sunset Climate Zones.

Collocation. The use of a wireless communication facility or cell site by more than one wireless communication provider.

Commercial parking facility. Lots offering parking to the public, which are not designed for or directly associated with another use. This is distinguished from parking that is provided as part of and accessory to another use, which shall be considered part of the use it serves. This classification includes commuter parking facilities (park & rides), general public parking lots, and similar facilities.

Commercial recreation and entertainment. Private provision of participant or spectator recreation or entertainment. This classification includes uses such as privately operated sports stadiums and arenas, amusement parks, bingo parlors, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, miniature golf courses, golf driving ranges, archery ranges, scale-model courses, shooting galleries, tennis/racquetball courts, croquet courts, swim clubs, health/fitness clubs, and pinball arcades or electronic gaming centers having more than five coin-operated game machines. This use does not include public or quasi-public parks, recreation or open space, theaters or golf courses. Communication facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major

utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices. This classification does not include wireless communication facilities.

Comprehensive Plan. The official statement of the Tacoma City Council which sets forth its major policies concerning desirable future physical development.

Condominium. A multiple-family dwelling, and its accessory uses and grounds, in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses, and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

Confidential shelter. Shelters for victims of domestic violence, as defined and regulated in RCW 70.123 and WAC 388-61A. Such facilities are characterized by a need for confidentiality.

Construction/demolition/land-clearing (CDL) waste recycling. CDL waste recycling is the storage, processing and/or sale of clean CDL wastes to recover usable products or to regenerate the material where the following activities are further defined:

1. Storage includes the holding of CDL wastes prior to processing and stockpiling of the recycled product and by-products.
2. Processing includes the sorting of clean CDL wastes and the mechanical reduction of these materials by means of an initial mechanical processing operation which results in a raw product to be shipped to secondary processors, but does not include composting.
3. Product sales, including retail and wholesale sales of recycled materials.

Container, shipping/storage. A large, prefabricated box or container made of metal, wood, or similar material utilized for the shipping/storage and distribution of various products or commodities.

Continuing care retirement community. An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care. Due to the wide range of services provided, such facilities generally operate under multiple state-licensing programs.

Convalescent home. See "extended care facility."

Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet.

Correctional facility, private. A privately owned facility under contract with a government agency to provide incarceration or detention services for the incarceration or detention of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities.

Correctional facility, public. A publicly owned and operated facility for the incarceration of persons under state or local warrant, awaiting trial on state or local felony or misdemeanor charges, convicted of state or local charges, but not yet sentenced, or serving a state or local sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities, nor does it include privately owned, or privately operated facilities regardless of whether any such facility has a contract with any government agency.

\* \* \*



City of Tacoma

# Notice of Public Hearing

March 16, 2017

On Tuesday, April 25, 2017, at approximately 5:15 p.m., the City Council will conduct a public hearing pertaining to the interim zoning regulations for correctional facilities enacted on March 7, 2017, per Ordinance No. 28417. **For additional details, please see the reverse side of this notice.**

This hearing will take place in the City Council Chambers on the first floor of the Tacoma Municipal Building, located at 747 Market Street, Tacoma, Washington. All persons will have an opportunity to present their oral comments at the meeting. Those wishing to submit written comments may do so at the public hearing, or may submit them to the City Clerk's Office at [cityclerk@cityoftacoma.org](mailto:cityclerk@cityoftacoma.org) or 733 Market Street, Room 11, Tacoma, WA 98402, by 4:00 p.m., on Tuesday, April 25, 2017.

Ordinance No. 28417, which enacted the emergency interim regulations and set the public hearing date, can be viewed in its entirety on the City's website at [www.cityoftacoma.org/recentlegis](http://www.cityoftacoma.org/recentlegis) by clicking on the link for March 7, 2017, or by requesting a copy from the City Clerk's Office at (253) 591-5505.

For more information, please contact Mr. Brian Boudet, Planning & Development Services at (253) 573-2389.

Doris Sorum  
City Clerk



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.





City of Tacoma  
Planning and Development Services

**CITY COUNCIL PUBLIC HEARING**

April 25, 2017

**SUBJECT**

The subject of the public hearing includes the following components:

- (1) The emergency interim zoning regulations pertaining to public and private correctional facilities, enacted by the City Council on March 7, 2017, per Ordinance No. 28417; and
- (2) The findings of fact justifying the adoption of the interim regulations, proposed revisions to the interim regulations, and the proposed work plan for the development of permanent regulations, as recommended by the Planning Commission.

**SUMMARY**

The interim regulations are effective for six months (through September 6, 2017) or until the City's zoning regulations for correctional facilities are permanently updated. The interim regulations amend the Tacoma Municipal Code, Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, as follows:

- Modify the use definition of "correctional facility" to clearly differentiate between public and private correctional facilities;
- Prohibit the siting of private correctional facilities in all zoning districts;
- Remove public correctional facilities as a permitted use in multi-family and light-industrial zoning districts (i.e., R-4L, R-4, R-5, and M-1); and
- Modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (currently, M-2 Heavy Industrial and PMI Port Maritime & Industrial).

**LEGISLATIVE INTENT**

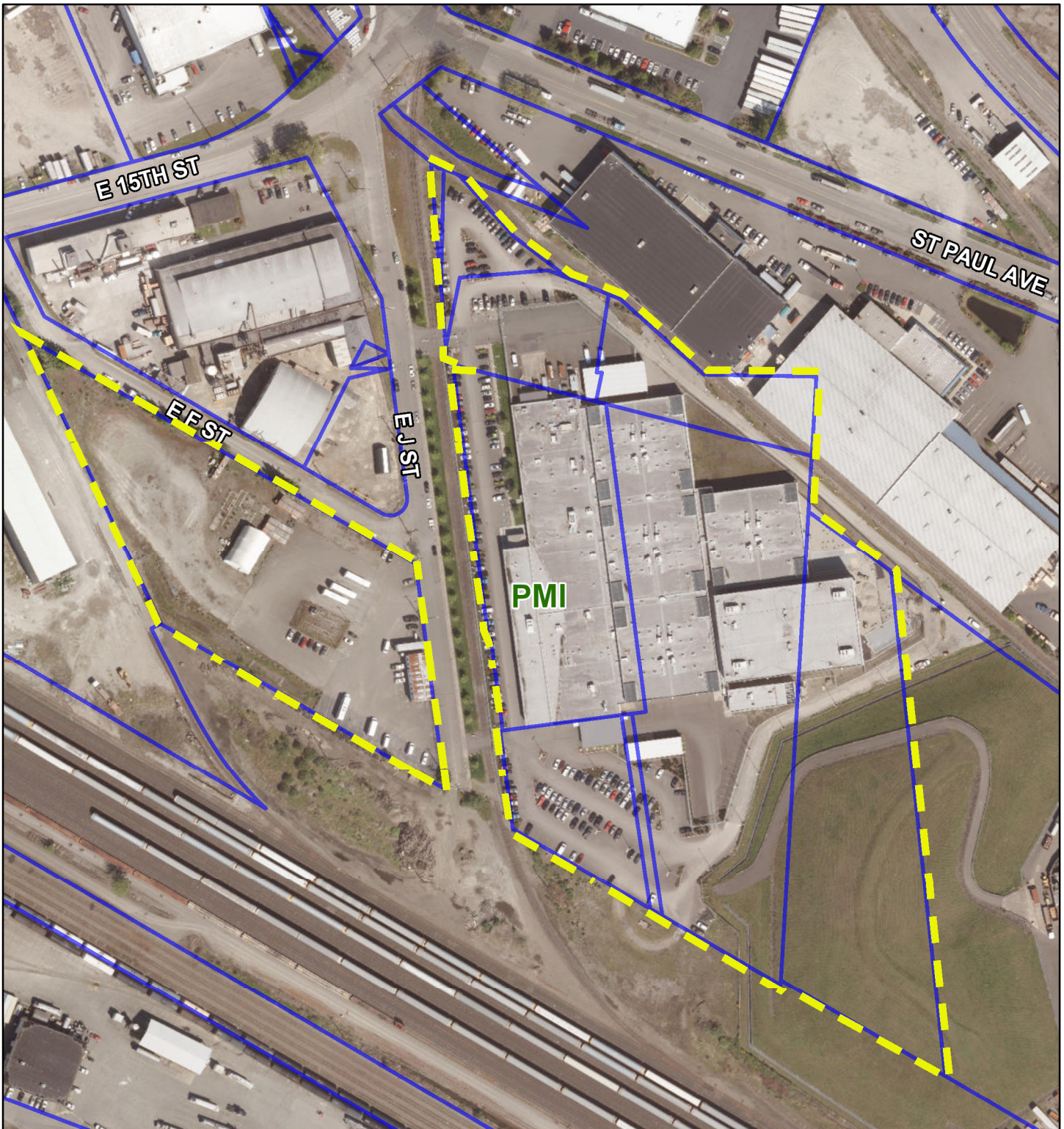
The adoption of emergency Ordinance No. 28417 is intended to prohibit or require conditional use permits for new or expanded correctional facilities in the interim and to allow time for the City Council and the Planning Commission to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for public and private correctional facilities in Tacoma.

**ADDITIONAL INFORMATION**

Please visit the Planning Services Division's website at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) and click on "Current Initiatives and Projects" and then "Correctional Facilities Interim Regulations."

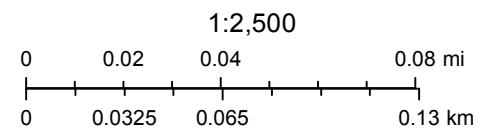


# Northwest Detention Center Parcels



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          |  |

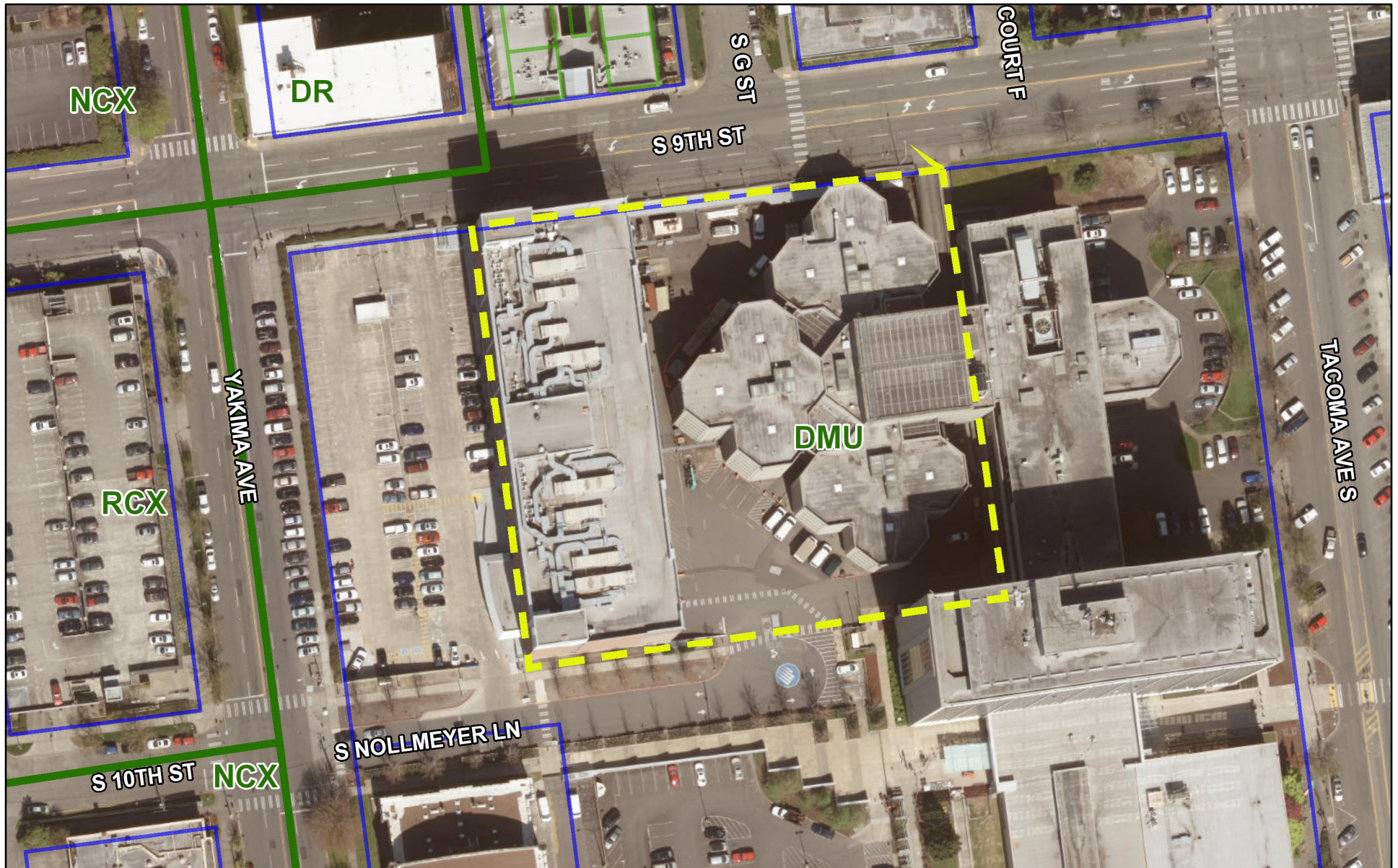


Tacoma IT-GIS  
Tacoma Community & Economic Development Department

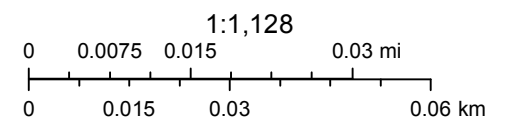




# Pierce County Jail



March 23, 2017

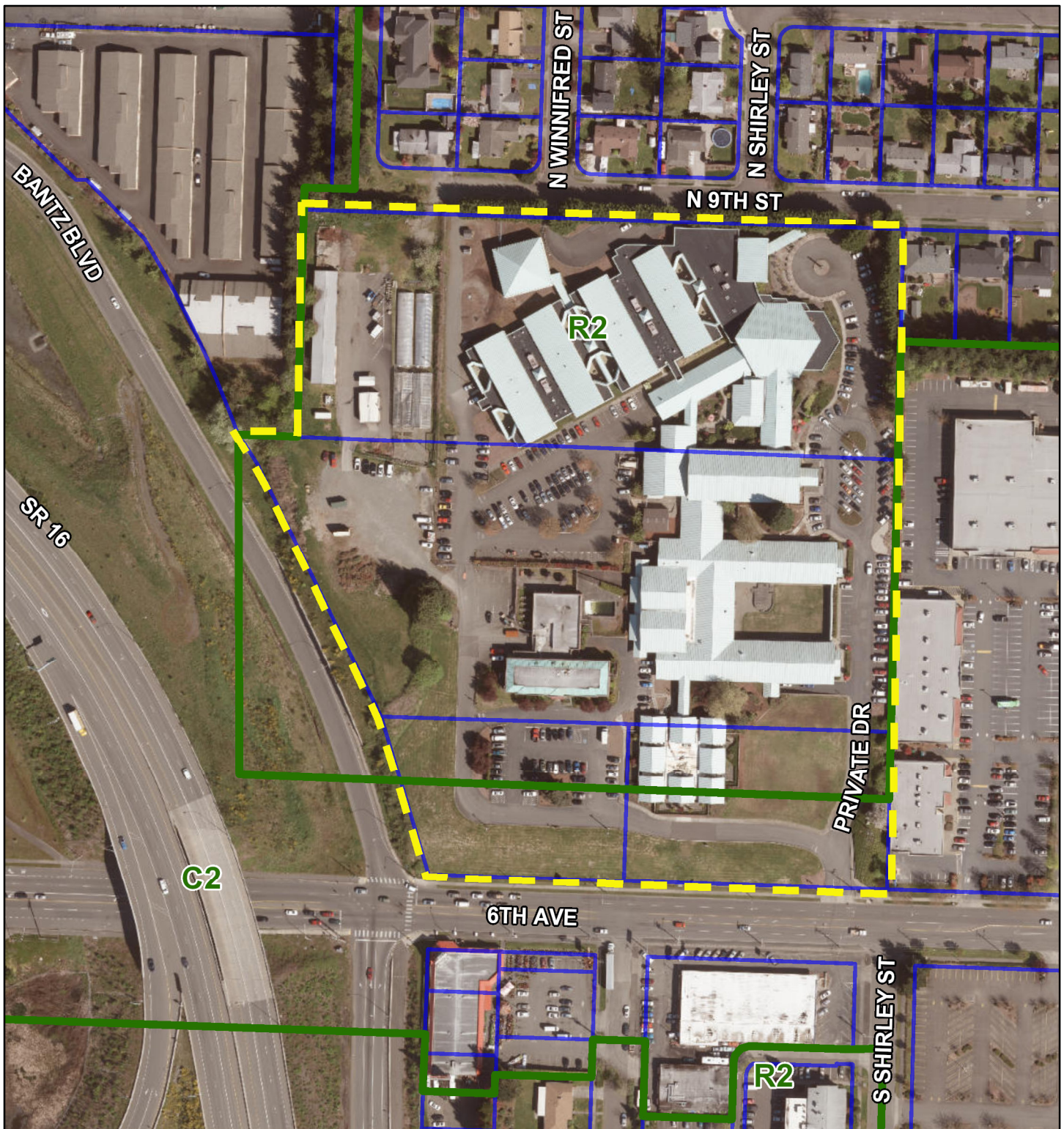


Tacoma IT-GIS  
Tacoma Community & Economic Development Department



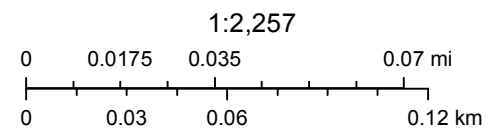


# Remann Hall



March 10, 2017

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



Tacoma IT-GIS  
Tacoma Community & Economic Development Department



## Exhibit 4

### Tacoma Municipal Code, Section 13.06.630 Nonconforming parcels/uses/structures.

\* \* \* \* \*

#### **13.06.630 Nonconforming parcels/uses/structures.**

A. Scope and purpose. Within the zones established by this title there exist parcels, uses, and structures which were lawful when established, but whose establishment would be prohibited under the requirements of this title. The intent of this section is to allow the beneficial development of such nonconforming parcel, to allow the continuation of such nonconforming uses, to allow the continued use of such nonconforming structures, and to allow maintenance and repair of nonconforming structures. It is also the intent of this section, under certain circumstances and controls, to allow the enlargement, intensification, or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic viability of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties. However, relief for nonconforming uses shall be narrowly construed, recognizing that nonconforming uses are disfavored by state law.

Parcels, uses, and/or structures shall be considered legally nonconforming if such parcel, uses, and/or structure were legally created prior to May 18, 1953, or if such legally created parcel, use, and/or structure became nonconforming by reason of subsequent changes in this chapter.

Pre-existing uses or structures located within a wetland, stream or their associated buffers that were lawfully permitted prior to adoption of the Tacoma Municipal Code (TMC) Chapter 13.11, Critical Areas Preservation Ordinance (CAPO), but were not in compliance with the CAPO, shall be subject to the applicable provisions of this section and shall comply with the requirements of TMC Chapter 13.11.

B. Nonconforming parcels. Except as otherwise required by law, a legal nonconforming parcel, which does not conform to the minimum lot area, minimum lot width, and/or minimum lot depth requirements of this title, nevertheless, may be developed subject to all other development standards, use restrictions, and other applicable requirements established by this title.

Parcel modifications, such as boundary line adjustments, property combinations, segregations, and short and long plats shall be allowed, without need for a variance, to modify existing parcels that are nonconforming to minimum lot size requirements, such as minimum area, width or frontage, and minimum dimensional requirements, such as setbacks, yard area, and lot coverage, as long as such actions would make the nonconforming parcel(s) more conforming to the existing requirements and would not create any new or make greater any existing nonconformities.

C. Nonconforming use.

1. Continuation of nonconforming use. Except as otherwise required by law, a legal nonconforming use, within a building or on unimproved land, may continue unchanged. In the event that a building, which contains a nonconforming use, is damaged by fire, earthquake, or other natural calamity, such use may be resumed at the time the building is restored; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Further, such restoration shall be undertaken only under a valid building permit for which a complete application was submitted within 18 months following said damage, which permit must be actively pursued to completion.

The use of unimproved land which does not conform to the provisions of this chapter shall be discontinued one year from the adoption date of the change to this chapter that creates the nonconformity; provided, however, exception may be made for the nonconforming use of unimproved land abutting a lot occupied by a building containing a nonconforming use and which nonconforming use is continuous and entire in the building and over said abutting land, all being in one ownership, and such use shall have been legally established prior to the adoption date of the change to the chapter that creates the nonconformity.

2. Allowed changes to and expansions of nonconforming use. Changes to a nonconforming use shall be allowed only under the following circumstances:

a. A nonconforming use, or a portion of a nonconforming use, may be changed to a use that is allowed in the zoning district in which it is located.

b. A nonconforming use, or a portion of a nonconforming use, may be expanded or changed to another nonconforming use when nonconforming rights for the subject use have been verified by the City of Tacoma. The applicant must provide evidence to show that the subject use was lawfully permitted prior to May 18, 1953, or if such legal use became nonconforming by reason of subsequent changes in this Chapter, prior to the date of the code change that made the use nonconforming. An application for a review of nonconforming rights shall include the following:

- (1) The name, address and phone number of the applicant(s) or applicant's representative.
- (2) The name address and phone number of the property owner, if other than the applicant.
- (3) Location of the property. This shall, at a minimum, include the property address and/or parcel number(s).
- (4) A general description of any proposed change of use and/or proposed expansion.
- (5) A general description of the property as it now exists including its physical characteristics and improvements and structures.
- (6) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.
- (7) Documenting evidence to prove that the nonconforming use was allowed when established and maintained over time, which may include: photographs, permit documentation, zoning codes or maps, tax/license/utility records, insurance maps, directories, inventories or data prepared by a government agency.

c. If a determination of nonconforming rights concludes that a use is lawfully in existence, then it may be expanded or changed to another nonconforming use, subject to the limitations and standards provided herein.

- (1) Changes in use shall be limited to those uses allowed in the lowest intensity zoning district where the existing nonconforming use is currently permitted outright.
- (2) The proposed change or expansion will not increase the cumulative generation of vehicle trips by more than 10 percent, as estimated by the City Traffic Engineer; nor will the change or expansion result in an increase in the number of parking spaces that would be required by this chapter by more than 10 percent. In no event shall multiple changes or expansions be approved that would, in the aggregate, exceed the 10 percent requirement as calculated for the initial request for a change or expansion in use;
- (3) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in TMC 8.122;
- (4) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;
- (5) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and
- (6) The proposed change or expansion will not result in an increase in the hours of operation.

d. Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.

e. Changes in use that would exceed the standards herein may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.

3. Abandonment or vacation of nonconforming use. When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located.

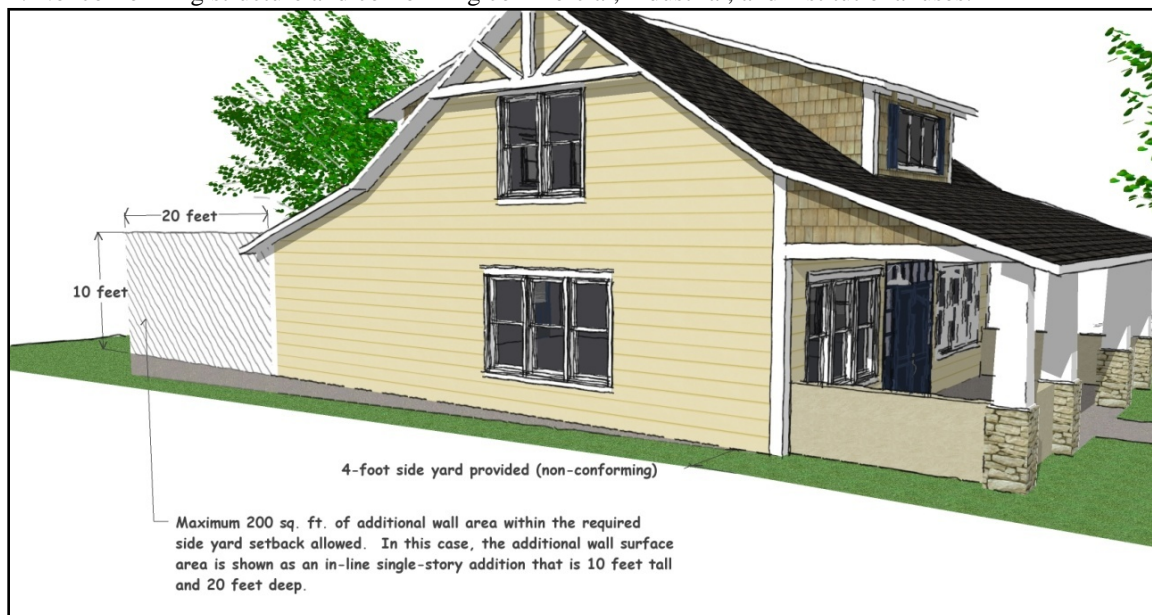
D. Continued occupancy of nonconforming structure. Except as otherwise required by law and consistent with all other requirements of this chapter, a legal nonconforming structure may continue unchanged.



E. Nonconforming structure and nonconforming commercial, industrial, and institutional uses. A legal nonconforming structure, that is also nonconforming as to use, may only be expanded and/or modified in the following cases:

1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or 1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or replacement of fixtures, wiring, and plumbing are permitted; provided, such repair or maintenance will not result in noise exceeding levels identified in TMC 8.122, light, or glare at the boundary lines of the subject property.
2. The enlargement or modification is required for safety upon order of the City, or otherwise required by law to make the structure conform to any applicable provisions of law.
3. Such enlargement and/or modification does not result in an intensification of the use as addressed by Section 13.06.630.C.2.b.
4. Such enlargement and/or modification complies with the requirements of TMC Chapter 13.11.
5. Changes in use or expansion that would exceed the limitations of 13.06.630.C.2.b. may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.

F. Nonconforming structure and conforming commercial, industrial, and institutional uses.



A legal conforming use located in a structure that is nonconforming as to setback, location, maximum height, lot coverage, or other development regulations may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification does not increase the degree of nonconformity. Any structure's replacement, enlargement, movement, or modification of volume, area, or space must comply with all other current applicable regulations as provided by this chapter, and with the requirements of TMC Chapter 13.11.

G. Nonconforming structure and nonconforming residential use. Nothing in this chapter shall prohibit the enlargement of a residential structure, which is nonconforming as to use and development regulations, if such expansion does not increase the number of dwelling units or reduce existing lot area or off-street parking. Such expansion, including the construction of accessory buildings, shall be limited to compliance with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

H. Nonconforming residential structures and conforming residential uses.

1. A legal nonconforming structure which is nonconforming as to setback, location, maximum height, lot area, lot coverage, or other development regulation may be replaced, enlarged, moved, or modified in volume, area, or space;

provided, such replacement, enlargement, movement, or modification complies with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

2. Certain additions to existing, nonconforming single-, two-, three-, or multi-family or townhouse dwellings may extend into a required front, side, or rear yard setback when the existing dwelling is already legally nonconforming with respect to that setback. The nonconforming portion shall be at least 60 percent of the total width of the respective wall of the structure prior to the addition and any other additions added since May 18, 1953. Additions may extend up to the height limit of the zoning district and extend into the required front, side and/or rear yard setback as follows:

a. Front and rear yard setbacks: The addition may extend five feet into the required front or rear yard setback or to the extent of the setback line formed by the nonconforming portion, whichever is less.

b. Side yard setbacks: The addition may extend into the required side yard setback up to the setback line formed by the nonconforming wall, except in no case shall the addition be closer than 3 feet from the side property line. Furthermore, the size of the addition shall be limited to an additional wall surface area within the required side setback area of no more than 200 square feet. (See example on following page.) For purposes of this provision, "wall surface area" is defined as the length (measured parallel to the side property line) multiplied by the height of the vertical wall surface of any building addition within the required side yard setback area. Any windows, doors or architectural features present are counted toward the total permissible wall surface area. Additions below the current ground level finished floor will not be counted toward the maximum permissible wall surface area.

I. Restoration of damaged or destroyed nonconforming commercial, industrial, institutional, and residential structures. Restoration of a legal nonconforming building or structure which has been damaged by fire, earthquake, or other natural calamity is permitted; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Such restoration shall be undertaken only under a valid building permit for which a complete application is submitted within 18 months following said damage, which permit must be actively pursued to completion.

J. Nonconforming signs. Nonconforming signs shall be subject to the regulations found in Section 13.06.521.N. Signs for nonconforming commercial and/or industrial uses in a residential district shall be limited to the signage which existed at the time it became nonconforming or, in the event the sign is destroyed or removed, it may be replaced by a sign not to exceed 32 square feet.

(Ord. 28376 Ex. E; passed Aug. 16, 2016; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27539 § 18; passed Oct. 31, 2006; Ord. 27431 § 11; passed Nov. 15, 2005; Ord. 27079 § 47; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)



**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” (without any special land use permits)	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.