



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, April 5, 2017, 4:00 p.m.

LOCATION: Room 16, Tacoma Municipal Building North, 1st Floor
733 Market Street, Tacoma, WA 98402

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes of March 1, 2017

C. Public Comments (up to three minutes per speaker; must be pertaining to items on the agenda)

D. Discussion Items

1. Correctional Facilities Interim Regulations

Review Ordinance No. 28417 enacting the Correctional Facilities Interim Regulations and deliberate findings of fact and recommendation regarding the adoption of said ordinance. (See "Agenda Item D-1"; Lihuang Wung, 591-5682, lwung@cityoftacoma.org)

2. Code Cleanups (an application for 2017-2018 Amendment)

Review the scope of work and move identified issues forward for technical analysis. (See "Agenda Item D-2"; Lihuang Wung, 591-5682, lwung@cityoftacoma.org)

3. Planning Work Program for 2016-2018 – Mid-Term Adjustment

Review and consider adjustments to the Planning Work Program for 2016-2018 to reflect the additional work requested by the City Council and citizens. (See "Agenda Item D-3"; Lihuang Wung, 591-5682, lwung@cityoftacoma.org)

E. Communication Items & Other Business

- (1) **PDS Forums** – The next Planning and Development Services Public Forum is scheduled for Monday, April 10, 6-8 PM, at Meeker Middle School, 4402 Nassau Ave NE. The first two were successfully held on February 13 and March 13, and the fourth one scheduled for May 8, 2017. (Read more at www.cityoftacoma.org/PDSForums)
- (2) **Planning Commission Vacancies** – Three positions representing District No. 1, Development Community, and Public Transportation will become vacant on June 30, 2017 due to term expiration. The City Clerk's Office is accepting applications through June 11, 2017. To apply, please visit http://www.cityoftacoma.org/government/committees_boards_commissions/.
- (3) The next Planning Commission meeting is scheduled for April 19, 2017, at 4:00 p.m., in Room 16; tentative agenda includes: Correctional Facilities Interim Regulations; Brown Bear Car Wash Rezone (an application for 2017-2018 Amendment); and other items to be determined.
- (4) The next Infrastructure, Planning and Sustainability Committee meeting is scheduled for April 12, 2017, at 4:30 p.m., in Room 16; tentative agenda includes: Sustainable Tacoma Commission Interviews; Transportation Commission Annual Report and Work Plan; and Cushman Substation.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, March 1, 2017, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Jeff McInnis, Meredith Neal, Anna Petersen, Brett Santhuff, Dorian Waller, Jeremy Woolley

ABSENT: Scott Winship

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:07 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF FEBRUARY 15, 2017

The agenda was approved. The minutes of the regular meeting on February 15, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

No members of the public came forward to provide comments.

D. DISCUSSION ITEMS

1. Residential Infill Pilot Program Update

Lauren Flemister, Planning Services Division, reviewed the status of the pilot program implementation. Ms. Flemister reviewed the remaining milestones, noting that pre-application meetings would be completed by March 10; that she would be going to the neighborhood councils with specific projects; and that the review committee meeting would be pushed back so that early involvement meetings could be completed first. She reported that they might also consider doing another round of the program.

The types of infill were discussed. Ms. Flemister reported that they had not received any multifamily housing proposals, but did get a good response for detached accessory dwelling units (DADUs) and cottage housing. She reviewed that they had received four statements of interest for the review committee and 23 statements of interest for the different types of infill housing. Ms. Flemister commented that the dispersion of proposals was pretty good with some concentration in the north end. She discussed some of the areas where they had not received any statements of interest, commenting that she would go out to the neighborhood councils of those districts if they did a second round. Ms. Flemister reviewed the individual projects proposed for the West End, South End, North End, and Central neighborhoods.

The findings so far were reviewed. Ms. Flemister reported that for DADUs they needed to clean up the language for determining the size and provide specific guidelines governing conversions, carriage houses, and other accessory structures. For 2-family housing they needed clarity on the guidelines for condominiums versus short platting. For multifamily, they would need to modify the process to allow speculation prior to the purchase of land if they wished to see proposals in the future. For cottage housing, the small lot standards would need to be modified if they wanted to encourage small lot cottage style development and that if they wanted to see more innovation they would need to provide assurances and incentives, particularly with site development and utilities. Ms. Flemister commented that they should consider doing additional rounds of the pilot program due to the high demand and that they should also take the opportunity to look at larger housing trends.

Commissioners provided the following questions and comments:

- Commissioner Woolley asked if they were still limiting the pilot program to three of each infill type, considering that they had not received any multifamily proposals. Ms. Flemister confirmed that the limitation was in the code, but that they also could do another round of projects in the future.
- Commissioner McInnis asked if they had some goals for what success would look like at the end of the program. Ms. Flemister responded that the greatest concern was feedback from the owner and the neighbors and that they would also be going back to neighborhood councils for feedback.
- Commissioner McInnis asked if there would be revised SEPA thresholds that might apply to some of the proposals. Ms. Flemister responded that it had been discussed, which is why she wanted to modify it to be more specific.

2. Open Space Corridor Development Standards

Stephen Atkinson, Planning Services Division, provided an overview of the scope of work for the project proposed as part of the 2017-2018 Amendment to the Comprehensive Plan and Land Use Regulatory Code. He reviewed that the City had adopted an open space habitat and recreation plan in 2009 that designated habitat corridors throughout the City without implementing regulations. He reviewed that during the Comprehensive Plan update they had created the Parks and Open Space land use designation which had changed the conversation around the open space areas.

Mr. Atkinson discussed the purposes and intent behind the policy designation. One consideration was to protect and preserve the environmental assets throughout the City. Mr. Atkinson reported that they would likely need to update priority habitat data using new information from the Washington Department of Fish and Wildlife. Another consideration was environmental hazards including steep slopes, erosion hazards, and seismic hazards. An additional consideration was the stormwater function that open spaces provided for water quality and water flow to storm basins. Mr. Atkinson noted that they were managing many of the publically owned open spaces through Environmental Services partly because of the stormwater functions that they provide. For public access considerations they had identified some of the areas for potential passive recreation and required easements to create a future trail system as part of platting. Lastly they had also considered the aesthetic value and characteristics.

Mr. Atkinson noted that most of the parks and open space areas fell into the single family zoning, adding that there was still a considerable amount of activity that could occur in those areas, particularly the steep slopes. He reviewed that they had acquired a significant number of properties in the past, but that there was still a considerable amount of privately owned open space. Mr. Atkinson reported that as part of the Container Port Element the slopes and open spaces were identified as key transitions between the industrial areas and residential neighborhoods in northeast Tacoma.

Mr. Atkinson discussed a three-pronged strategy to looking at the open space areas. The first approach was overall open space standards for areas that were passive open space with the emphasis on conservation. Potential stakeholders included property owners, neighborhood councils, City departments, Metro Parks Tacoma, and the Master Builders Association. He noted that they would consider a potential overlay zone as part of the process that would include emphasis on tree canopy retention, limits on clearing/grading/building coverage, density limits, defining reasonable use, and site planning development standards.

Commissioners provided the following questions and comments:

- Vice-Chair Wamback asked if they would be mailing notices to every affected property owner. Mr. Atkinson confirmed that they would.
- Commissioner McInnis noted that there might be a 35% clearing limit on steep slopes, asking if it was part of the proposal. Mr. Atkinson responded that the interim director's rule had been developed because there had been an increase in applications for short platting in those areas.
- Chair Beale asked what the clearing limits were regulated under. Mr. Atkinson responded that the limits were generally tied to the policies in the Comprehensive Plan and guidance from the Department of Fish and Wildlife that a 35% clearing was the most that could be done while maintaining a habitat area.

The second approach concerned active parks and school properties, where they would need to look at how to identify and separate those locations within the open space corridors. He noted that Parks and Recreation Code TMC 13.06.560 applied to active destination facilities, so they would need to look at how to separate those as well. Vice-Chair Wamback noted that some properties were open space but are fenced off by the agencies managing the properties. Vice-Chair Wamback recommended bringing Environmental Services into the discussion for open spaces like the old landfill, which was the largest parcel mapped with a habitat connection and because the space would be reusable someday.

The third approach concerned steep slopes and geohazards which they were trying to differentiate from the broader landscape management approach by focusing on the best available science review. Separating it would also accommodate the timetable of the other agencies that would help inform the project. Possible amendments to the critical areas code included the best available science review, geo setbacks, application submittal requirements, what actions should be exempt, and what constitutes reasonable use for steep slopes. He noted that climate change scenarios would also be considered for some locations.

Mr. Atkinson reviewed that overall the project was within the purview of the Planning Commission; that there was urgency due to market activity; that policy support was reaffirmed in the One Tacoma Plan; that the current regulatory framework was insufficient to implement the existing policies; and that the intent was not to preclude the use of other incentives. The next steps would be to continue benchmarking, pull together permit case studies, and do additional mapping before the final assessment planned for April.

Commissioners provided the following questions and comments:

- Commissioner Neal asked when the outreach and stakeholder process would begin. Mr. Atkinson responded that once they finalized the work program they would finalize the stakeholder group.
- Commissioner McInnis suggested that they look at provisions for relief from setbacks from streets which had been problematic for developers by pushing buildings towards slopes.
- Chair Beale asked if view management would be considered. Mr. Atkinson responded that it was one of the things that they would need to explore further with Environmental Services.
- Commissioner Santhuff noted that street and highway right of ways were part of the open space corridors, asking if engagement with the Department of Transportation or the City on how they should be managed would be part of the conversation. Mr. Atkinson confirmed that it would.
- Commissioner Santhuff asked if golf courses and cemeteries would be considered active open space uses, noting that they would need different considerations.
- Vice-Chair Wamback recommended differentiating between public spaces, private spaces, accessible spaces, and spaces that were off limits to the public.
- Commissioner Petersen commented that she would like to see clearer definitions and subsets for open space corridors with distinctions between active and passive open space.
- Chair Beale asked if it would only be an exercise in auditing and improving the code or if there was an opportunity for an opportunities plan or designating parcels that had a high value. Mr. Atkinson responded some of the other programmatic elements could be helped along, but he didn't want to lose track of the regulatory side, which had a large missing piece.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Atkinson reported that the next Planning and Development Services Public Form was scheduled for March 13, 2017 at Gray Middle School. He noted that 50-75 people had attended the previous forum on February 13th.

Lihuang Wung, Planning Services Division, reported that they wanted to have a series of listening sessions with the Commission in small groups to discuss the issues contained in the draft Tacoma Mall Neighborhood Subarea plan. Chair Beale commented that it was a decent concept to get some themes so that they know where to focus their effort at future meetings.

Mr. Wung reported that an upcoming Director's Rule would expand the notification radius for PMI and M2 zoning districts in the Tidelands area to 2,500 feet and that notifications would go out to all neighborhood councils, business districts, and SEPA contacts. The rule was a temporary measure that would be in effect for 18 months, allowing the Commission to put it in the code should they decide that it was worth proceeding with technical analysis. He added that additional Tidelands issues were being discussed at the City Manager and Director's level and that anything related to land use and zoning could come before the Planning Commission. Vice-Chair Wamback commented that if the conversation went forward and the Commission were required to conduct certain studies on a short timeline including a public hearing in the process, he would recommend removing the public comments from the agenda temporarily.

F. ADJOURNMENT

At 5:42 p.m., the meeting of the Planning Commission was concluded.



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 25th 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 5th, the Commission will review the interim regulations and deliberate the path forward. At the following meeting on April 19th, 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 25th. 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.

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)

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 25th 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 5th, 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
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location within a floodplain and potential liquefaction and volcanic hazard zones,
1 and

2 WHEREAS recent proposals and community discussion have highlighted
3 that the City's existing industrial zoning allows for a wide variety of uses, some of
4 which may no longer be compatible with the policies for this area and others where
5 correctional facilities are currently allowed, and the City as a whole, as well as the
6 changing landscape around it, and
7

8 WHEREAS the existing notification, outreach, and permitting process
9 requirements for certain types of uses, such as correctional facilities, may not
10 appropriately reflect the level of community interest in them and/or their potential
11 scale of impact, and
12

13 WHEREAS the Northwest Detention Center ("NDC"), which is a privately
14 owned and operated federal immigration detention center, was opened in 2004
15 and expanded in 2008, and the facility, located at 1623 East J Street in the
16 Port/Tideflats area and in the PMI zoning district, is currently permitted to
17 accommodate up to 1,575 detainees, and
18

19 WHEREAS recent changes in the national political climate have contributed
20 to uncertainty as to the need for, and potential expansion of correctional facilities in
21 communities such as Tacoma, and
22

23 WHEREAS, the federal Department of Homeland Security is on record
24 stating its desire to increase and secure additional detention facilities such as the
25 privately owned and operated NDC, and
26



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

5 WHEREAS the City’s existing regulations do not clearly distinguish between
6 public and private facilities, and also do little to ensure sufficient community
7 engagement and discretionary review of any proposals to site such facilities in this
8 heavy industrial area, or any other areas where correctional facilities are currently
9 allowed, and

10
11 WHEREAS the City desires to enact interim zoning regulations regarding
12 public and private correctional facilities, effective for a six-month period, or until the
13 City’s zoning regulations for such facilities are permanently updated, to allow time
14 for the City Council to conduct appropriate research, analyze potential impacts and
15 applicable local, state and regional policies, and determine the appropriate
16 permanent regulatory framework for correctional facilities in Tacoma, and to hold a
17 public hearing on the interim, emergency zoning ordinance within 60 days of the
18 enactment of the same, and

19
20 WHEREAS the proposed Interim regulations would, on an interim basis,
21 amend the City’s zoning code, Chapter 13.06 of the Tacoma Municipal Code, as
22 follows: (1) Modify the use definition of “correctional facilities” to clearly
23 differentiate between public and private facilities; (2) remove correctional facilities
24 as a permitted use in the City’s multi-family and light-industrial zoning districts; (3)
25 modify how public correctional facilities are permitted by requiring approval of a
26



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

3 WHEREAS requiring conditional use permits for new or expanded facilities,
4 in the interim, will better ensure that the review of any proposal includes significant
5 community outreach and the opportunity for local discretionary review addressing
6 applicable policies and standards, as well as potential impacts and compatibility
7 issues associated with siting these types of facilities, and

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

11
12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That Chapter 13.06 of the Tacoma Municipal Code ("TMC") is
14 hereby amended at Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and
15 13.06.700, pertaining to the definition and siting of public (and private) correctional
16 facilities, as set forth in the attached Exhibit "A."

17
18 Section 2. Duration. That the Interim zoning regulations enacted by this
19 ordinance shall be in effect for six (6) months following the effective date of this
20 ordinance, and may be renewed as provided by law.

21
22 Section 3. Public Hearing Required. That, as required by RCW 36.70A.390
23 and TMC 13.02.055 B., a public hearing is hereby set for April 25, 2017, at
24 approximately 5:15 p.m., in the City Council Chambers on the First Floor of the
25 Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, during which
26



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

2 Section 4. Work Plan. That a work plan shall be established for the review
3 and development of permanent regulations relating to siting public correctional
4 facilities.
5

6 Section 5. Emergency Declared - Immediate Effect. For the reasons set
7 forth above, and to promote the objectives stated above, the City Council finds that
8 a public emergency exists, necessitating that this ordinance take effect
9 immediately upon its passage by at least six (6) Tacoma City Council Members in
10 order to protect the public health, safety, property, and general welfare.
11

12 Passed _____
13

14 _____
15 Mayor

16 Attest:
17 _____
18 City Clerk

19 Approved as to form:
20 _____
21 Deputy City Attorney
22
23
24
25
26

EXHIBIT "A"

Chapter 13.06

ZONING

* * *

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)

* * *

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 ¹
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 ¹
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, public or private	N	N	N	N	N	CUN	CUN	CUN	Side yards shall be provided as specified in Section 13.06.602.

* * *

13.06.200 Commercial Districts.

* * *

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 ¹	PDB	Additional Regulations ^{2,3} (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, public or private	N	N	N	N	

* * *

13.06.300 Mixed-Use Center Districts.

* * *

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (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. ² 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. ²
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. ²
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. ²

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (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. ²
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. ² 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. ²
Correctional facility, public or private	N	N	N	N	N	N	N	N	

* * *

13.06.400 Industrial Districts.

* * *

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
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, public	P N	P CU	P CU	Correctional facility, private is not allowed in M-1, M-2 and PMI

* * *

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 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 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 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).

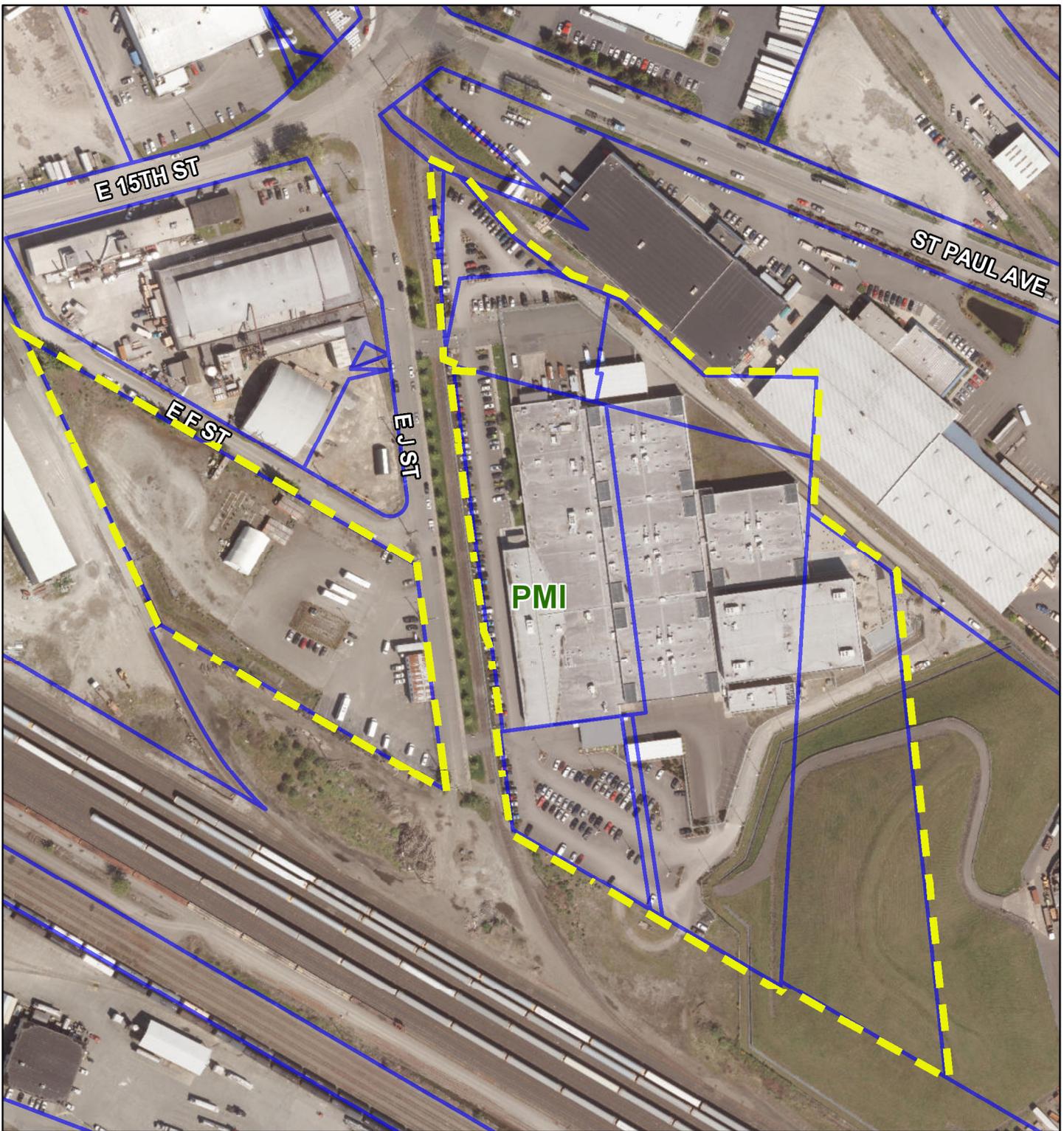
LEGISLATIVE INTENT

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

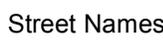
Please visit the Planning Services Division's website at www.cityoftacoma.org/planning and click on "Current Initiatives and Projects" and then "Correctional Facilities Interim Regulations."

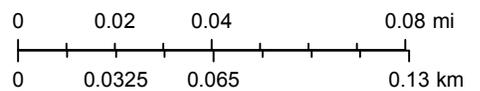
Northwest Detention Center Parcels



March 10, 2017

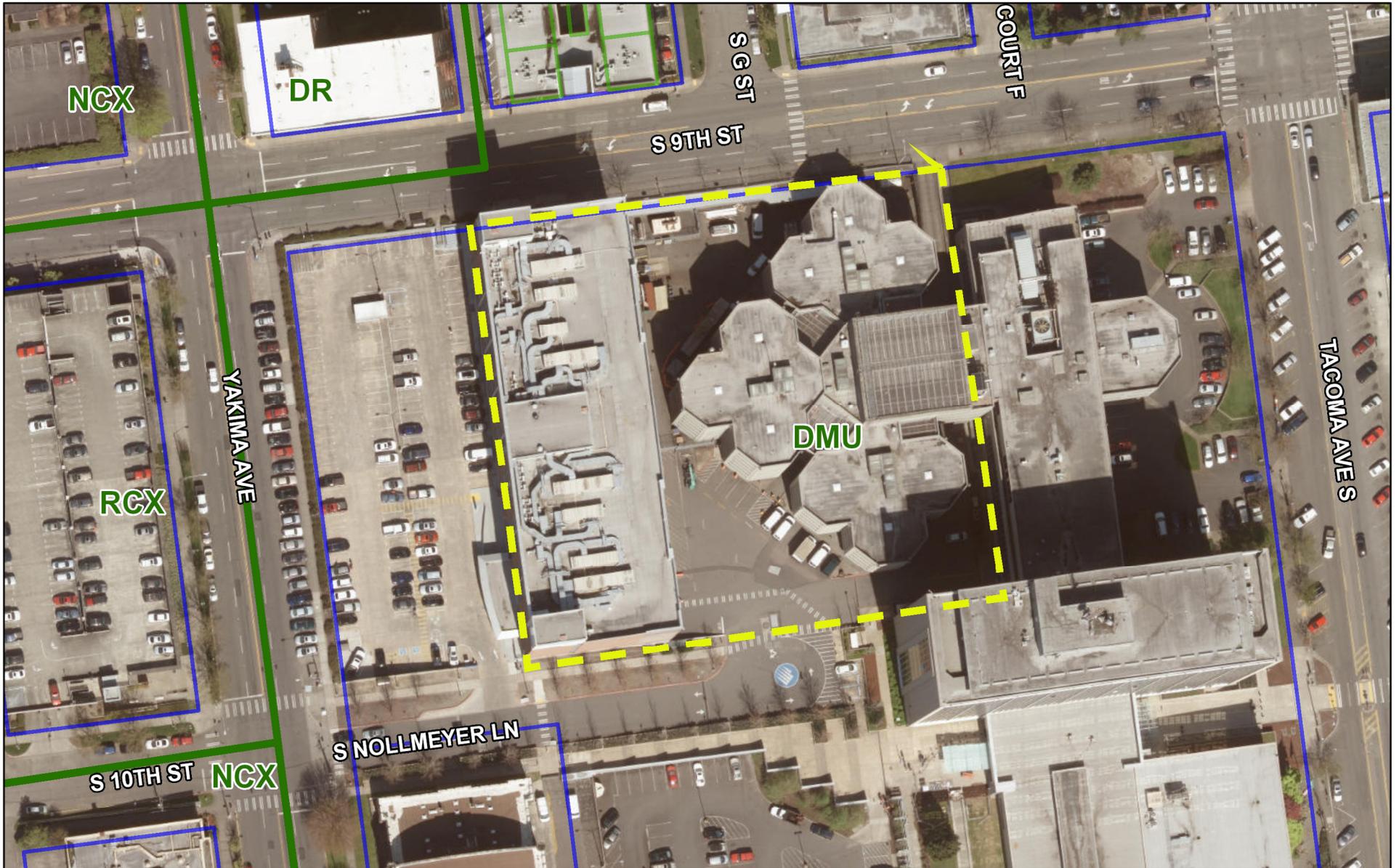
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|---|----------------------|---|--------------------|
|  | Tacoma City Boundary |  | Building Only |
|  | Street Names |  | Condominium |
|  | Zoning |  | Lease Hold |
| Parcels (All categories) | |  | Tax Purpose Only |
|  | Airspace Condominium |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

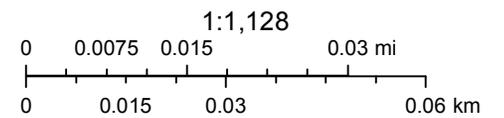


Tacoma IT-GIS
Tacoma Community & Economic Development Department

Pierce County Jail

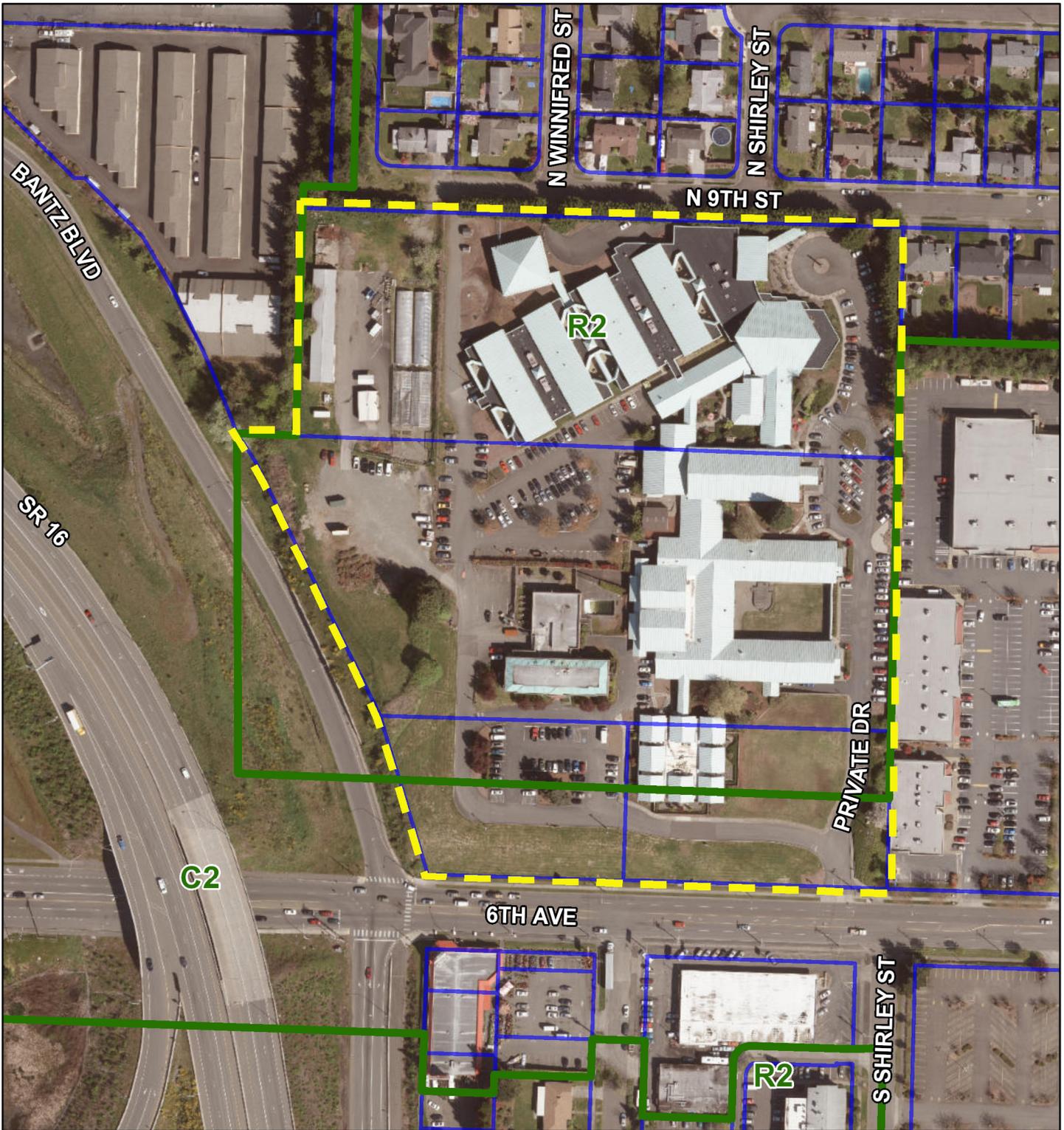


March 23, 2017



Tacoma IT-GIS
Tacoma Community & Economic Development Department

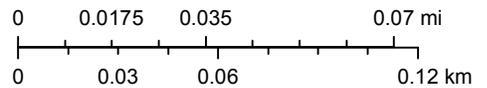
Remann Hall



March 10, 2017

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



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.

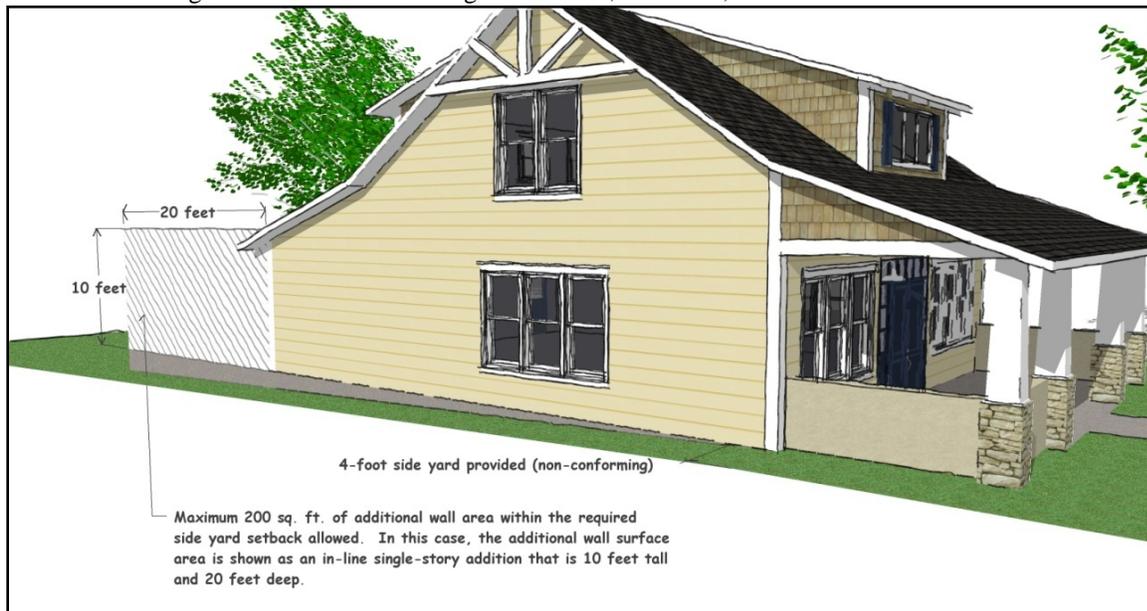
3. Abandonment or vacation of nonconforming use. When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the 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” <i>(without any special land use permits)</i>	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.



City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Code Cleanups (an Application for the 2017-2018 Amendment)**
Meeting Date: April 5, 2017
Memo Date: March 30, 2017

As in previous years, proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for consideration during the 2017-2018 cycle (or “2017-2018 Amendment”) will include “Code Cleanups”, which involves minor revisions to various sections of the Tacoma Municipal Code (TMC), intended to address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the code, are found to be unclear or not fully meeting their intent.

At the Planning Commission’s meeting on April 5, 2017, staff will present the scope of work for the “Code Cleanups” of the 2017-2018 Amendment. Attached is a draft “Code Cleanups – Issues and Proposed Alternatives” that includes a list of cleanup issues, and for each issue, a brief discussion on the need for, and alternative approaches to, the respective code revisions.

The Commission will be asked to determine:

1. Are these issues legislative and properly subject to the Commission’s review?
2. Are there any modifications needed for any issue or the associated proposed approach?
3. Are there other pressing issues that should be added to the scope of work?

Upon completing the review of the issues and approving of staff’s general approaches to addressing the issues, the Commission will have fulfilled the requirement of TMC 13.02.045.E, concerning “assessment of proposed amendments.” Staff will then proceed with technical analyses on the issues and bring forward appropriate recommendations for the Commission’s consideration at a later date.

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

Attachment:

1. Code Cleanups – Issues and Alternatives

c. Peter Huffman, Director



**2017-2018 AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Code Cleanups – Issues and Proposed Alternatives

Draft for Planning Commission’s Review, April 5, 2017

No.	Subject	Code Section	Issues & Discussion	Proposed Alternative or Approach
A. Landscaping Requirements				
1.	Landscaping Buffer Screening	13.06.200.C.4 Commercial District Use Table	<p>Part of the footnote for “Craft Production” indicates that “Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.C.”</p> <ul style="list-style-type: none"> • This appears in more than one use table. It is not clear exactly what part of the landscape code it refers to. • The buffering requirement applies to higher intensity zones adjacent to residential zones. There should be a provision requiring landscaping screening around outside storage. 	Clarify the intent and correct the reference throughout the code.
2.	Landscaping Buffer Interruption	13.06.502.E	The landscaping buffer allows interruption to accommodate walkway access and driveway access, but not access to utilities.	Acknowledge that access to utilities is a legitimate consideration for allowing buffer interruption and revise the code accordingly.
3.	Landscape Type B	13.06A.065.E.7	With respect to Landscape Type B, there is a reference to “13.06.502.F” when it should reference “13.06.502.G.” But there is no 13.06.502.F or 13.06.502.G. And, there is no Type B any longer.	Clarify what corresponds to Type B now and which section(s) should be cited.
4.	Street tree requirement for small lot		There is no ability/mechanism to enforce street tree requirement for small lot residential.	Consider whether the street tree requirement is appropriate for small lot residential development.
B. Parking Requirements				
5.	Off-Street Parking for Townhouses	13.06.510, Table 1	The parking requirement for “townhouse dwelling in R-2SRD, R-3, R-4-L and R-4” is 1 per dwelling unit, but the code is not explicit about townhouses in other non-X districts, such as T and C-1. Staff has used the footnotes for non-X districts when working on the parking for the Allenmore project.	Clarify the code for townhouses by, for example, making the 1 per dwelling requirement applicable for all townhouses. Consider making said parking requirement applicable to all districts where townhouses are allowed.

No.	Subject	Code Section	Issues & Discussion	Proposed Alternative or Approach
6.	Off-Street Parking for Efficiency Multifamily Dwellings	13.06.510, Table 2	<p>“In NCX, CCX, and UCX Districts, efficiency multifamily dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided that within a single building, no more than 20 dwelling units, or 50 percent of the total dwelling units (whichever is greater), may utilize this exemption.”</p> <ul style="list-style-type: none"> • The provision of parking exemption is confusing and subject to interpretation, i.e., the 20 dwelling-unit threshold could be a minimum or a maximum. • It is not clear why 20 is called out in the first place. 	Analyze the original intent and determine whether said threshold should work as a minimum or a maximum. Analyze whether “20” is an appropriate threshold. Explore options to revise or clarify the code accordingly.
7.	Reduced Parking Area (RPA)	TMC 13.06A	<ul style="list-style-type: none"> • The RPA boundary as shown on the map does not match the description in the text. • The reduced parking incentive tied to proximity to transit only applies in the X districts and not across the entire downtown outside the RPA. 	Modify the text to better reflect the correct RPA boundary as shown on the map. Consider expanding the RPA, because Downtown is a mixed-use center (MUC) and should qualify for the parking requirements that are applicable for MUCs.
C. Breweries				
8.	Breweries	13.06.300, 13.06.400, 13.06.700, 13.06A	<ul style="list-style-type: none"> • The code is not clear about the limits/levels of breweries and how they are regulated. • The terminology used in the code does not clearly tie to the State’s licensing tiers for breweries. • The code may be misleading in that one could argue that a brewpub in the CIX has absolutely no production limit while a microbrewery (a more industrial, larger concept) has a limit of 15,000 barrels. • One could argue that microbreweries have no size limit, meaning a huge beer/wine plant could go in M-1 or even in DCC or DMU. • Update Historic CUP to allow some brewery type uses in old industrial buildings in DR and commercial zones. • Downtown Code seems to allow “heavy industry” in WR zone, which is probably not what we want. 	Consider making the code better aligned with the state’s schemes for breweries. This undertaking may require more analysis, extensive discussion, and more significant revisions to the code than “cleanups.”
D. Miscellaneous				
9.	Notifications	13.05.020, Table H	There is a need to continue to enhance the notifications for certain development activity.	Consider increasing the notification radius to 1,000 feet for CUP, Major Modifications, and Rezones, as a starting point.

No.	Subject	Code Section	Issues & Discussion	Proposed Alternative or Approach
10.	Adjacency Compatibility	13.06A.070.E	This section of the Downtown Code pertains to design review standards applicable to development projects adjacent to designated landmarks. It is unclear, however, why this is limited to the Downtown Residential (DR) District and nowhere else.	Consider expanding the applicability to a more appropriate geographical boundary, such as all downtown subareas, and perhaps all mixed-use centers.
11.	Lot Size Averaging	13.06.100.D	Existing code uses “Standard Lot Size” for averaging lot sizes, resulting in demolition of existing houses on the lot that could’ve been prevented. Using “Small Lot Size” instead would help prevent the unnecessary demolition of existing houses on the lot, still maintain the incentive to small lot development, and provide additional flexibility in permit review and approval. And, the resultant platting would not create noticeable difference in lot sizes.	Consider changing the use of “Standard Lot Size” to “Small Lot Size” for averaging lot sizes.
12.	Self-storage	13.06.300.D.3 Mixed-Use Center District Use Table	“Self-storage” in NCX is identified as not allowed but the note appears to indicate that it is permitted in some circumstances. The note says: “See specific requirements in Section 13.06.503.B. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² ”	Consider removing the reference to “NCX” in the note.
13.	Land Use Administrator	13.05.050.B and 13.11.250.C	The reference to “Land Use Administrator” still exists.	Change “Land Use Administrator” to “Director.”
14.	Temporary homeless camp permits	13.05.020.B.1 and C.1.	“Temporary homeless camp permits” is cited in 13.05.020.B.1 as an example of administrative determinations for which a notice of application is not required, but Table H requires public notice. It was intended to be added to 13.05.020.C.1, but misplaced in 13.05.020.B.1 apparently due to scrivener’s error.	Move “Temporary homeless camp permits” from 13.05.020.B.1 to 13.05.020.C.1.
15.	Substantial Connection	13.06.700.S	“Substantial Connection” definition is unclear between intent and wording.	Clarify the code language.
16.	Garage Doors on Corner Lots	13.06.100	Garage doors on corner lots. Requires 20’ front setback. Does 20’ setback also apply from corner side? Currently results in 5’ deep garage.	Clarify the code language.
17.	Street occupancy permit	13.06.521 and 13.06.522	Should “street occupancy permit” be changed to “right-of-way occupancy permit”?	Clarify the code language. Need to coordinate with potential changes to TMC 9.08 regarding street occupancies.
18.	Light Trespass into Any Residential Use	13.06.503 Residential Transition Standards	Needs intensity standards and cut off shields.	Define the issue and develop code revisions accordingly.

No.	Subject	Code Section	Issues & Discussion	Proposed Alternative or Approach
19.	Rezone Modification	13.05	The process for site-specific rezone modifications needs to be made less onerous than that for the original rezone, especially when there are supporting land use designations.	Explore a “medium” modification standard for rezone modifications when site-specific rezone is supported by land use designation.
20.	Emergency and Transitional Housing	13.06.700	Separate definitions of emergency and transitional housing. Better definitions are needed for special needs housing.	Review definitions of “emergency and transitional housing”, “special needs housing”, “group housing”, and related uses and modify the code language accordingly.
21.	Critical Areas with Overgrown Vegetation	13.11	Need to add a reference within nuisance code to 13.11 for sites near critical areas with overgrown vegetation.	Modify the code accordingly.



City of Tacoma
Planning and Development Services

Agenda Item
D-3

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Planning Work Program Mid-Term Adjustment**
Meeting Date: April 5, 2017
Memo Date: March 30, 2017

At the meeting on April 5, 2017, the Planning Commission will begin a discussion about potential modifications to the *Planning Work Program for 2016-2018* (attached), which was approved by the Commission on July 20, 2016 as part of the *Planning Commission's Annual Report for 2015-2016*, and modified by the Council's Infrastructure, Planning and Sustainability Committee on September 28, 2016.

This mid-term adjustment to the work program is needed to reflect and accommodate additional work items that have recently been or are expected to be requested by the City Council and citizens, and to help reprioritize the workload of staff and the Commission. Some of the additional work items being requested include:

- Private applications and citizens' requests for amending the Comprehensive Plan and Land Use Regulatory Code for 2017-2018, such as the "Car Wash Rezone", the "S. 80th Street Rezone", and the "Outdoor Tire Storage Code Amendments".
- Executive mandates and orders, such as the Council-enacted Correctional Facilities Interim Regulations, the Council Consideration Request (CCR) on Implementation of the Container Port Element of the Comprehensive Plan (attached), and the Planning Director's Rule on Expanded Notification for Large Industrial Projects (attached).
- On-going and emerging projects of high priority, such as the Tacoma Mall Neighborhood Subarea Plan, the Residential Infill Design Pilot Program, and the Shoreline Management Program Update.

At the April 5th meeting, staff will provide more information on these additional work items and facilitate the Commission's discussion on how to best respond to the changing conditions. As one option, staff is proposing a 3-track approach to repackage the planning work program, based on the priorities and adoption timelines of various projects. An illustration of the 3-track package, "Potential Project Tracks and Adoption Targets", is attached.

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

Attachments:

1. Planning Work Program for 2016-2018 (September 28, 2016)
2. Potential Project Tracks and Adoption Targets (Illustration)
3. Council Consideration Request – Implementation of Container Port Element
4. Planning Director's Rule – Expanded Notification for Large Industrial Projects

c. Peter Huffman, Director



Planning Work Program for 2016-2018

September 28, 2016

(Staff Note: The following section, *Part II. Planning Work Program for 2016-2018*, was part of the Planning Commission's Annual Report for 2015-2016, dated July 20, 2016. The annual report was presented to the City Council's Infrastructure, Sustainability and Planning Committee for review on September 28, 2016. The IPS Committee approved of the report with a modification to Item B.14, concerning "Citizen Participation and Public Outreach Enhancements", by adding a supplemental proviso as shown in parentheses. The IPS also acknowledged that this planning work program is subject to further changes as it is carried out within next two years.)

Part II. Planning Work Program for 2016-2018

The Planning Work Program for 2016-2018 contains projects and planning activities that are slated for completion or in substantial progress during the timeframe of July 2016 through June 2018. These projects and activities are primarily mandated by legislation or initiated by the City Council and are within the Planning Commission's review and recommendation authority. The Planning Work Program is subject to change, in response to changing conditions and factors, such as legislative requirements, community requests, Council priorities, budget constraints, staffing resources, and emergency situations.

A. 2017-2018 Amendment

Proposed amendments to the Comprehensive Plan and Land Use Regulatory Code will be processed through a 2-year amendment cycle, beginning in 2017. Since the Comprehensive Plan has been substantially updated through the extensive 2015 Annual Amendment process, resulting in the *One Tacoma Plan*, there is no imminent need to amend it on an annual basis into the foreseeable future. The shift from the annual to the biennial process also will allow more efficient use of the limited staffing resources, more comprehensive analysis of the proposed amendments, more time for public outreach and notification, and better alignment with the City's biennial budget process.

For the 2017-2018 Amendment, the Planning Commission plans to accept applications in March 2017, conduct technical analyses in May-December 2017, and forward its recommendations to the City Council in March 2018. The City Council's review and adoption process is anticipated to occur in April-May 2018.

Tentatively, the 2017-2018 Amendment would include the following items:

1. Applications for Proposed Amendments submitted by public and private entities
2. Proactive Rezones (including commercial zoning and zoning/standards for large institutions)
3. Downtown Plan Integration with Subarea Plans
4. Street Typology and Designation System Review
5. Urban Design Program
6. Plan and Code Cleanups

B. On-going and Emerging Planning Issues

1. Tacoma Mall Neighborhood Subarea Plan and EIS
2. Residential Infill Pilot Program
3. 20-minute Neighborhood Baseline Analysis
4. Environmental/Urban Forestry (including landscaping, open space, steep slopes, and watershed-level planning)
5. Unified Development Code
6. Capital Facilities Program for 2018-2023
7. Six-Year Comprehensive Transportation Program for 2017-2022
8. Transfer of Development Rights (TDR) and Tax-Increment Financing (TIF) Program Review
9. Sign Code Update
10. Signature Trails Development
11. Link Expansion Streetscape project

12. **Historic Preservation** (in coordination with the Landmarks Preservation Commission and including Demolition Review, TDR, project-level design and permit reviews, educational programs, etc.)
13. **Transportation Master Plan Implementation** (in coordination with the Transportation Commission and potentially involving impact fees, transportation network planning, streetscape design guidance, etc.)
14. **Citizen Participation and Public Outreach Enhancements** (with specific engagement efforts focusing on the Proctor District)
15. **Marijuana Regulation Implementation Status**
16. **Joint Meetings of the Planning Commission with appropriate groups** (e.g., the Landmarks Preservation Commission, the Transportation Commission, and the Community Council)

C. Regional and Cross-Jurisdictional Issues

1. Port/Tideflats Area Land Use Review (scope to be determined)
2. Regional transportation issues (e.g. LINK Light Rail Expansion and Amtrak Station amenities)
3. PSRC Regional Centers Framework Update
4. PCRC Centers of Local Importance Update
5. JLUS Study Implementation
6. Metro Parks Tacoma and Tacoma School District strategic plans updates

Comprehensive Plan and Land Use Regulatory Code Amendments

Potential Project Tracks and Adoption Targets

December, 2017

June, 2018

June, 2019¹

- Director's Rule on Expanded Notification for Heavy Industrial Uses
- Correctional Facility Interim Regulations
- Tacoma Mall Neighborhood Subarea Plan
- Potential Director's Rule on Steep Slope/Fish and Wildlife Habitat Conservation Areas

Track 1: Off Cycle

Track 1 projects are those that would proceed on an individual adoption schedule based on unique circumstances or by City Council request.

- Accident Potential Zone
- Potential Private Applications, such as²
 - Car Wash Rezone
 - S. 80th Street PDB Rezone
 - Outdoor Tire Storage
 - NE Tacoma/Hylebos Transition
 - S State Street Designation
- Port Container Policy Implementation
- Unified Development Code
- Code Cleanups
- Area-wide Rezones: Residential
- Residential Infill Pilot Program³
- Transportation Master Plan updates
- Demolition Review and Historic Code Cleanup

Track 2: 2018 Amendment

Track 2 projects are those that would proceed as part of the docket for the 2018 Comprehensive Plan and Land Use Regulatory Code Amendment Cycle.

- Shoreline Master Program Periodic Review
- Urban Design Studio
- Mixed-use Center Implementation
- Residential Infill Pilot Program
- Sign Code Update
- **Commercial Zoning update⁴**
- **Area-wide Rezones: Commercial**
- **Institutional Zoning Review**
- **Downtown Plan Integration**
- **Open Space Corridors Standards**

Track 3: 2019 Amendment

Track 3 projects are those that would proceed as part of the docket for the 2019 Comprehensive Plan and Land Use Regulatory Code Amendment Cycle. Projects in red signify amendments that were initially proposed for adoption in 2018 and that may need to shift as a result of increased private applications and City Council prioritization requests.

¹ Private applications in this scenario would not be accepted for the 2019 amendment track. Applications would be accepted in 2019 for the 2020 amendment.

² Private Applications are still being accepted until March 31. Applications identified herein are based on anticipated applications.

³ The Pilot Program code amendments may be moved into Track 1 to facilitate a second round of applications.

⁴ Projects in **red font** would be moved from Track 2 to Track 3 due to work load considerations resulting from an increase in private applications and prioritization of City Council requests.



**CITY OF TACOMA, WASHINGTON
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST (CCR)**

TO: City Council
FROM: Councilmember Ryan Mello
COPIES TO: Elizabeth Pauli, City Manager; Executive Leadership Team; file
SUBJECT: Implementing the Container Port Element of the City Comprehensive Plan
DATE: March 16, 2017

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

I respectfully ask for City Council concurrence to have staff and the Planning Commission research and bring to City Council their recommendations on possible modifications to the City's zoning, subdivision, and development regulations to better implement the Container Port Element of the *One Tacoma* Comprehensive Plan. This review and the resulting recommendations should be coordinated with the Infrastructure, Planning and Sustainability Committee.

BRIEF BACKGROUND:

Within the City, the Tideflats area 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. As required by State law (RCW 36.70A.085), the City adopted a Container Port Element (CPE) in its Comprehensive Plan in 2014. Consistent with State requirements, this CPE provides policy guidance relative to protection of core areas of container port and port-related industrial areas within the City and to protection against potential land use conflicts, both within and along the edge of the core area.

Recent proposals and community discussion have highlighted that the City's existing zoning within and around the Tideflats area is not sufficiently achieving the community's goals. The CPE provides the following direction: Policy CP-1.6 "...While localized impacts are permitted, continue to require Core Area industrial uses to be developed in a manner that protects the environment and preserves public health and safety from a citywide and regional perspective." Existing zoning needs to be reviewed against this standard.

The CPE identifies a core of PMI (Port-Maritime Industrial) zoning that is intended to be protected from encroachment by incompatible land uses (such as residential) by a buffer of general industrial zoning (M-1 and M-2). However, this basic planning and zoning structure is complicated by the fact that PMI zoning allows for an exceptionally wide variety of heavy industries, such as smelters, hazardous chemical manufacturing and shipping terminals of all kinds (not just container terminals), as well as light industry and warehousing. The PMI zoning also allows for "uses not prohibited by City Charter and not prohibited herein," which essentially means that uses this community has potentially never contemplated and/or evaluated are automatically an allowed use in this area. In general, the current zoning allows for high-impact, high-hazard, and high-resource uses that deserve more scrutiny, and which in some cases may no longer be appropriate or consistent with the community's policies and vision for the area.

The existing zoning within the Tideflats also allows for a number of non-industrial uses, such as farming, day care centers, golf courses, religious assembly, and others, which need to be evaluated to ensure that they are not creating incompatibilities with the long-term viability of the Tideflats as a heavy industrial and container shipping area, as called for by the CPE.



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Finally, existing core area buffers need to be reviewed against Policy CP-1.4, which states “Reduce the potential for land use conflicts between industrial development and surrounding non-industrial uses by providing for adequate Industrial/Commercial buffer areas...” Given recent development activity, the CPE observation that “... to the east, the steep bluff rising above Marine View Drive provides a clear transition from the industrial area to the residential development at the top of the bluff...” and the CPE conclusion that “...the existing geography provides a very effective buffer and no additional transition area is necessary...” needs to be reviewed against current best practices and the changing development landscape. This review will complement the citywide Open Space Corridors regulatory review that is currently underway.

The City, Port and others are discussing the potential for subarea planning to comprehensively address long-term land use, transportation and environmental planning issues. However, in the meantime it is appropriate for the City to consider initial measures regarding, zoning, subdivision, and development regulations and buffers.

SUBMITTED FOR COUNCIL CONSIDERATION BY: _____ *Ryan W. Melb*

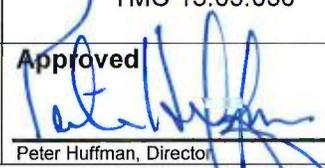
SUPPORTING COUNCILMEMBERS SIGNATURES (2 SIGNATURES ONLY)

(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 # _____

2. _____ POS # _____



Applicant: City of Tacoma Planning and Development Services	Page 1 of 2	Supersedes:
	Publication: 3/21/2017	Effective: 3/21/2017
	Code & Section Reference: <ul style="list-style-type: none"> • Land Use Permit Procedures 130.05.020 • Environmental Code 13.12.610 	
	Type of Rule: Expanded Notification for Large Industrial Projects	
	Ordinance Authority: TMC 13.05.030	
Index: Land Use; SEPA; Land Use Permit Procedures	Approved  Peter Huffman, Director	Date 3/21/17

A. Background

Recent proposals and community discussion have highlighted that the City's existing heavy industrial zoning allows for a wide variety of uses, and the existing notification and outreach requirements may not appropriately reflect the level of community interest in significant heavy industrial projects. For example, the basic planning and zoning structure within the City's heavy industrial zones (PMI and M-2) allows for an exceptionally wide variety of heavy industries, such as smelters, hazardous chemical manufacturing, and shipping terminals of all kinds. Further, the City's zoning structure allows surface mining as a conditional use in all zones.

However, the associated permitting process, when it requires community notification (e.g., for a zoning reclassification or shoreline substantial development permit), generally requires notification only to properties within 400 or 1000 feet of the project site, which because of the large size of properties and lower residential density in these areas often does not ensure broad notification or outreach even to nearby residential areas. Due to the scale of these types of proposals, and/or to real or perceived breadth of impacts of the proposal, this narrow notification may not be adequate.

The Director of Planning and Development Services recognizes this gap in public notification and directs staff to implement the following notice policy until such time as changes to the Tacoma Municipal Code can be instituted, or in no circumstances more than 18 months from the effective date of this rule. The following applies to all heavy industrial projects (as defined in TMC13.06.700.1) which require SEPA review ("designated projects").

B. Expanded e-mail notification

Currently a notification is sent to the Neighborhood Council and Business District in which the proposal is located; notification is sent to nearby jurisdictions when the project is adjacent or when the notice radius extends into another jurisdiction.

Effective immediately, notice for designated projects will be emailed to *all* Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.

C. Expanded mail notification distribution

Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.

- Notification distance for a project within the Manufacturing/Industrial Center, as defined in the "Container Port Element" of *One Tacoma*, the City's Comprehensive Plan, will be 2,500 feet from the boundaries of that area. (This is the area shown in Figure 41 of the Element.)
- Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District, as set forth in TMC13.06.400, will be 2,500 feet from the boundaries of the Overlay District.
- Notification distance for a project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.

D. Early community meeting

Upon determination of a Complete Application, the City will hold a community meeting to provide notification to the community that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

- For projects with an associated land use permit and public notice, this meeting will take place two weeks after the start of the public notice period. Public notice will be extended to 30 days in the rare case that the TMC-required notice period is not already 30 days.
- For projects not associated with a land use permit, the meeting will take place after determination that a SEPA application is complete, but prior to issuance of a preliminary SEPA determination. The meeting will include a proposed SEPA timeline, including issuance of the preliminary determination, opportunity for comment, and the appeal process for this type of SEPA determination.

E. Additional information

Upon determination of a Complete Application, the City will post the permit package and all relevant studies under "public notices" on www.tacomapermits.org.

Additional notification may be done as necessary (i.e., social media posts or separate project web pages) or as appropriate for the project type.