



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Ian Munce, Special Assistant to the Director
Subject: **Correctional Facilities Interim/Permanent Regulations**
Meeting Date: December 6, 2017
Memo Date: November 28, 2017

At the next meeting on December 6, 2017, the Planning Commission will continue its discussion on the Correctional Facilities Interim Regulations. The Commission will consider releasing a proposed version of permanent regulations for public review and setting a public hearing on, tentatively, January 3, 2018. The development regulation timeline to date is summarized below:

March 7, 2017	City Council enacted interim regulations, effective for 6 months (expiring on September 6, 2017) (Ordinance No. 28417)
April 21, 2017	Planning Commission forwarded a report without a recommendation to the City Council (Attachment "A")
April 25, 2017	City Council conducted a public hearing
May 9, 2017	City Council modified interim regulations and extended the duration to 12 months (expiring on March 6, 2018) (Ordinance No. 28429)

In response to the Commission's request made at the last meeting on November 1, 2017, staff has compiled a summary (as attached) of the key actions taken by the City Council in their emergency interim regulations (Ordinance No. 28417) and the revisions made by City Council in their interim regulations (Ordinance No. 28429). In addition, the draft permanent code amendments, which reflect the modifications made in the two adopted interim ordinances, are also attached.

If you have any questions, please contact me at (253) 573-2478 or imunce@cityoftacoma.org.

Attachments

1. Summary of Previous Council Actions
2. Draft Permanent Code Amendments

c. Peter Huffman, Director

**A Summary of the Key Actions taken by the City Council
in the Initial Interim Regulations (Ordinance No. 28417) and
in the Retained and Modified Interim Regulations (Ordinance No. 28429)**
(For Planning Commission's Review, December 6, 2017)

Pre-Interim Regulations

The "existing" conditions prior to the initial imposition of the interim regulations on March 7, 2017 are as follows:

- The use definition of "correctional facility" does not differentiate between public and private facilities
- Correctional facilities are permitted in industrial zoning districts, i.e., M-1, M-2 and PMI.
- Correctional facilities are permitted in R-4-L, R-4 and R-5 with a Conditional Use Permit.
- Correctional facilities are prohibited in all other residential zoning districts, in all mixed-use districts, as well as in T, C-1, C-2 and PDB districts.

Ordinance No. 28417

By adopting Ordinance No. 28417 on March 7, 2017, the City Council enacted emergency interim zoning regulations amending 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)
- 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)

Ordinance No. 28429

By adopting Ordinance No. 28429 on May 9, 2017, the City Council retained and modified the interim zoning regulations, amending the [Tacoma Municipal Code](#), as follows:

- No longer differentiating between public and private correctional facilities
- No longer prohibiting the siting of private correctional facilities in all zoning districts,
- Continuing to 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)
- Continuing to modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (M-2 Heavy Industrial and PMI Port Maritime & Industrial)
- Adding a 1000 foot public notice distance
- Adding a requirement for a pre-application community meeting
- Revising the definition of correctional facility



Correctional Facilities Permanent Regulations

DRAFT CODE AMENDMENTS

For Planning Commission's Review, December 6, 2017

Note: These amendments show all of the proposed changes to pre-existing Land Use regulations (as they existed prior to the interim regulations). The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

These draft code amendments include modifications to the following sections of TMC Title 13 – Land Use Regulatory Code:

Chapter 13.05 – Land Use Procedures

13.05.020 – Notice Process

Chapter 13.06 – Zoning

13.06.100 – Residential Districts

13.06.400 – Industrial Districts

13.06.640 – Conditional Use Permit

13.06.700 – Definitions and Illustrations

Chapter 13.05 – LAND USE PERMIT PROCEDURES

13.05.020 Notice process.

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H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Pre-application Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
* * *									
Conditional use	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
<u>Conditional use, correctional facility (new or major modification)</u>	<u>Required</u>	<u>1,000 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>30 days²</u>	<u>Hearing Examiner</u>	<u>Yes</u>	<u>No</u>	<u>5 years</u>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years
* * *									

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- ¹ Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director’s decision and are not eligible for a one-year extension.
- ² Comment on land use permit proposal allowed from date of notice to hearing.
- ³ Must be recorded with the Pierce County Auditor within five years.
- ⁴ Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director’s decision.
- ⁵ If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- ⁶ Refer to Section 13.05.070 for preliminary plat expiration dates.
- ⁷ Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

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Chapter 13.06 – ZONING

13.06.100 Residential Districts.

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5. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
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.
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	N	N	N	N	N	CUN	CUN	CUN	Side yards shall be provided as specified in Section 13.06.602.
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13.06.200 Commercial Districts.

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5. District use table.

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
* * *						
Communication facility	N	N	P	N	P	
Confidential shelter	P	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	P	See Section 13.06.535.
Correctional facility	N	N	N	N	N	
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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)

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	N	N	N	N	N	N	N	N	

13.06.400 Industrial Districts.

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5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
* * *				
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	PN	PCU	PCU	<u>Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.080).</u> <u>A pre-application community meeting is also required (see Section 13.06.640.Q).</u>
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13.06.640 Conditional use permit.

A. Purpose. In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below.

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D. Criteria. A conditional use permit shall be subject to the following criteria:

1. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.
2. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plan, and applicable ordinances of the City of Tacoma.
3. For proposals that affect properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the use shall be compatible and consistent with applicable historic preservation standards, and goals, objectives and guidelines of the historic or conservation districts. Proposed actions or alterations inconsistent with historic standards or guidelines as determined by the Landmarks Commission are a basis for denial.
4. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional property use:
 - a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.
 - b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
 - c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.
5. An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

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Q. An application for a conditional use permit for correctional facilities shall be processed in accordance with the provisions of Chapter 13.05, except with the following additional requirement:

Pre-application community meeting. Prior to submitting an application to the City for a conditional use permit for a correctional facility, it is required that the applicant hold a public informational meeting with community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed development. The meeting should acquaint the neighbors of the proposed development with the applicant and/or developers and provide for an exchange of information about the proposal and the community, including the characteristics of the proposed development and of the surrounding area and any particular issues or concerns of which the applicant should be made aware. The applicant shall provide written notification of the meeting, at least 30 calendar days prior to the meeting date, to the appropriate neighborhood council pursuant to TMC 1.45 and neighborhood business district pursuant to TMC 1.47, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site.

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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.

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13.06.700.C

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

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