



AGENDA BILL

Agenda Item Moratorium on Applications for Correctional Institutions and Detention Facilities

Sponsor Brandon Miles, Director of Strategic Initiatives & Government Relations
Nora Gierloff, Director of Community Development

Legislative History February 23, 2025 Special Meeting

Recommended Motion Discussion Only Action Requested

MOVE TO adopt the moratorium ordinance as proposed.

EXECUTIVE SUMMARY

The proposed ordinance would enact a temporary moratorium on the acceptance of applications to establish, locate, operate, develop, or license a correctional institution or any detention or related facility for the detention, transportation, and food services for people detained by state, local, or federal law enforcement. Pursuant to RCW 35A.63.220 and RCW 3670A.390, the City Council shall cause appropriate notice to be given and shall hold a public hearing regarding the moratorium within 60 days after passage of the proposed ordinance. For the proposed ordinance to be effective immediately, it must be passed by a majority plus one of the whole membership of the council (that is, five (5) affirmative (“yes”) votes are required) pursuant to RCW 35A.12.130.

DISCUSSION

In December, the Department of Homeland Security released a pre-solicitation notice for a service provider to create a facility close to Seattle and with proximity to airport services providing for comprehensive detention, transportation and food services for detainees. Tukwila is proposing to adopt a moratorium on the siting of essential public facilities, specifically correctional institutions, detention facilities, or related facilities, in order to allow time for the public outreach called for in the City’s Comprehensive Plan, Land Use Element, Policy LU-6.1, which provides as follows:

Policy LU-6.1: *Ensure that any discussion of sitting or expanding essential public facilities or facilities of regional importance use a process that incorporates broad public involvement, especially from historically marginalized and disproportionately burdened communities, and that impacts and benefits are equitably dispersed.*

The proposed ordinance would be adopted on an emergency basis and immediately effective, provided that the proposed ordinance is passed by a majority plus one (that is, five (5) “yes” votes) of the whole membership of the council as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, pursuant to

RCW 35A.12.130. Pursuant to RCW 36.70A.390, the Council must hold a public hearing on the legislation within 60 days after passage.

No permits are currently pending with the City for any federal or other government entity to operate a correctional facility (jail), detention facility, or similar facility anywhere in Tukwila. Any proposal to establish a jail, a detention facility, or similar facility would require significant land-use review, including public notice and a public hearing. However, the moratorium would preclude the City accepting any applications while the City reviews its land use policies and determines possible impacts.

Lease agreements for private properties are not regulated by the City and therefore do not require the City's approval. If tenant improvements (construction) is proposed, then the City's review would be limited to construction-related items only, not the use of the space, provided the use is allowed in the specific location.

The City of SeaTac adopted a similar moratorium, and the City of Seattle is also considering a moratorium.

Regarding next steps, a public hearing must be held within sixty (60) days and is scheduled for April 13, 2026. A moratorium may be effective for not longer than six months; however, it may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal pursuant to RCW 35A.63.220.

ATTACHMENTS

- A. Draft Ordinance

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ESTABLISHING A 6-MONTH MORATORIUM ON THE CHANGE OF USE, ESTABLISHMENT, EXPANSION, OR DEVELOPMENT OF FACILITIES FOR THE DETENTION, TRANSPORTATION, AND FOOD SERVICES FOR PEOPLE DETAINED BY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT; SETTING A PUBLIC HEARING; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on December 16, 2024, the City of Tukwila adopted its current Comprehensive Plan as Ordinance No. 2753; and

WHEREAS, the Plan articulates the community’s 20-year vision about how Tukwila will grow into the future based on the community’s core values – respect for the past and present, compassion and support for individuals and families, pride of place, and quality opportunities for working, living and community involvement; and

WHEREAS, Tukwila has become home to a diverse mix of people from many backgrounds and countries and its overarching goal is to create a community where residents including both the long-term and the recently-arrived, with varied backgrounds, traditions, languages, and countries of origin feel connected and committed to each other, their neighborhoods, their community groups and organizations, and to the City as a whole; and

WHEREAS, the purpose of the City of Tukwila’s Comprehensive Plan is to provide a comprehensive statement of City goals and policies used to focus, direct, and coordinate the efforts of departments within the City’s government. It serves as a basic source of reference for decision-making officials as they consider enacting ordinances or regulations that will affect the community’s physical and economic development; and

WHEREAS, the Comprehensive Plan establishes **Goal CC-9: *Foster a strong sense of Tukwila’s regional responsibility and accountability balanced by an awareness of regional impacts on the City and its citizens;*** and

WHEREAS, the Comprehensive Plan establishes **Goal LU-6: Essential public facilities are sited in coordination with King County, the State, and/or other cities and tribes, with consideration being provided for environmental justice principles that address development of healthy communities for all;** and

WHEREAS, the Comprehensive Plan establishes **Policy LU-6.1: Ensure that any discussion of siting or expanding essential public facilities or facilities of regional importance use a process that incorporates broad public involvement, especially from historically marginalized and disproportionately burdened communities, and that impacts and benefits are equitably dispersed;** and

WHEREAS, the City of Tukwila's Comprehensive Plan Land Use element generally directs the City to evaluate and ensure the compatibility of adjacent land uses through the establishment of a land use designation map, zoning designation map, and implementing development regulations; and

WHEREAS, on December 19, 2025, the Department of Homeland Security released a pre-solicitation notice for a Service Provider to create a facility that would provide for the comprehensive detention, transportation, and food services for United States Immigration and Customs Enforcement (ICE) detainees; and

WHEREAS, the Department of Homeland Security released a pre-solicitation notice that the proposed facility should be located close to Seattle and with an appropriate proximity to airport services for transportation requirements; and

WHEREAS, the City of Tukwila currently hosts numerous essential public facilities, including the Sounder Train Station, Tukwila International Boulevard Light Rail Station, King County International Airport, Bow Lake Transfer Station, and the Department of Homeland Security Seattle Field Office, within the Tukwila city limits; and

WHEREAS, the City Council may adopt an immediate moratorium, for a period of up to six months on the acceptance of permit applications for the purpose of establishing a facility meeting the definition of correctional institution, detention facility, or related facility to provide detention, transportation, and food services for detainees, provided that the City Council holds a public hearing on the moratorium within sixty days after adoption pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, the Tukwila City Council finds that a correctional institution or any detention or related facility may be incompatible with the Vision, Goals, and Policies of our Comprehensive Plan and that further analysis, review, community outreach, and direction from the City Council may be necessary; and

WHEREAS, pursuant to RCW 35A.12.130, the City Council finds that an emergency exists and that it is necessary to adopt an interim moratorium in order to allow sufficient time to study, evaluate, and understand the scope and potential impacts of the proposed project, and to prevent potential harm to the public health, safety, welfare, and peace, and therefore determines that immediate action is required; and

WHEREAS, the moratorium does not apply to any complete application for a correctional institution or any detention or related facility for the detention, transportation, and food services for people detained by state, local, or federal law enforcement, or similar use that has vested to the regulations in effect prior to the passage of this Ordinance; and

WHEREAS, the City shall hold a public hearing on April 13, 2026, consistent with the requirements of RCW 35A.63.220 and RCW 36.70A.390, to consider public comment and evidence on the subject of the moratorium;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Moratorium Established. Pursuant to the provisions of RCW 35A.63.220 and 36.70A.390, a moratorium is hereby enacted in the City of Tukwila prohibiting the establishment, location, operation, development, expansion, and licensing of a correctional institution or any detention or related facility for the detention, transportation, and/or food services for people detained by state, local, or federal law enforcement.

Section 2. Applications Paused. Through August 23, 2026, the City shall not accept applications for pre-applications, rezones, land use permits, construction permits, or building permits for any of the purposes or activities listed in Section 1 above, and no business license shall be granted or accepted while this moratorium is in effect. Any land use approvals, business licenses or other permits for these facilities that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void and without legal force or effect.

Section 3. Adoption of Findings of Fact. The City Council adopts as its preliminary findings the recitals set forth above. The Council may adopt additional findings in the event that additional evidence is presented to the City Council.

Section 4. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 6. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 7. Effective Date. Pursuant to RCW 35A.13.190, the City Council declares that an emergency exists requiring passage of this Ordinance for the protection of public health, safety, welfare, and peace based on the Findings set forth in Section 3 above. This Ordinance shall take effect and be in full force immediately upon passage and shall expire automatically six months from its passage, unless extended or terminated earlier by subsequent Council action.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON,
at a Special Meeting thereof this _____ day of _____, 2026.

ATTEST/AUTHENTICATED:

Andy Youn-Barnett, CMC, City Clerk

Thomas McLeod, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney