



Memo

Date: March 4, 2026

To: Interested Parties

From: Rebecca Deming, Community Development Director

CC: Katherine Caffrey, Tim George, Matthew Hutchins

RE: Zoning Code Interpretation – Detention Facilities

INTRODUCTION

This Zoning Code Interpretation relates to the application of detention facilities in Des Moines Municipal Code (DMMC).

APPLICABLE CODE SECTIONS

DMMC 18.52.010A – Residential Use Chart

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	SFR	RA-3,600	RM-2,400	RM-1,800	RM-900	RM-900A	RM-900B	R-SE	R-SR > 35,000	R-SR < 35,000	PR-R
....											
Correctional institutions[47, 48]								UUP[45]			
....											

DMMC 18.52.010B – Commercial Use Chart

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C	W-C
....									
Correctional institutions			UUP/L[84, 85]						
....									

DMMC 18.52.005 – Permitted uses

(1) Uses within the zones identified in DMMC § 18.05.080 shall be permitted, not permitted or allowed by conditional use permit or unclassified use permit as is set forth in DMMC § 18.52.010A Residential Use Chart and 18.52.010B Commercial Use Chart below. Uses shall also be subject to the specific provisions of the chapter applicable to that zoning classification and applicable provisions of this Title.

(2) The City Manager may approve additional uses not explicitly set forth in DMMC § 18.52.010A Residential Use Chart and 18.52.010B Commercial Use Chart below; provided, that such additional uses are consistent with and meet the intent of the specific provisions of the chapter applicable to that zoning classification, the Comprehensive Plan and applicable provisions of the Title.

RCW 70.48.020 – Definitions

“Correctional facility” means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

RCW 36.70A.200(1)(b)

Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (7) or (16) or chapter 10.77 or 71.05 RCW.

WAC 365-196-550 – Essential public facilities

The following facilities and types of facilities are identified in RCW 36.70A.200 as essential public facilities:

- Airports;
- State education facilities;
- State or regional transportation facilities;
- Transportation facilities of statewide significance as defined in RCW 47.06.140. These include:
 - The interstate highway system;
 - Interregional state principal arterials including ferry connections that serve statewide travel;
 - Intercity passenger rail services;
 - Intercity high-speed ground transportation;
 - Major passenger intermodal terminals excluding all airport facilities and services;
 - The freight railroad system;
 - The Columbia/Snake navigable river system;
 - Marine port facilities and services that are related solely to marine activities affecting international and interstate trade;
- High capacity transportation systems.
- Regional transit authority facilities as defined under RCW 81.112.020;
- State and local correctional facilities;
- Solid waste handling facilities;

- Opioid treatment programs including both mobile and fixed-site medication units, recovery residences, and harm reduction programs excluding safe injection sites. Harm reduction programs means programs that emphasize engaging directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.
- In-patient facilities, including substance use disorder treatment facilities;
- Mental health facilities;
- Group homes;
- Secure community transition facilities;
- Any facility on the state 10-year capital plan maintained by the office of financial management.

INTERPRETATION

Detention centers or detention facilities are not a permitted use within the City of Des Moines.

ANALYSIS

A detention facility is clearly a different use than a correctional facility that is required under an essential public facility per RCW 36.70A.200(1)(b) and therefore not considered an essential public facility within the City of Des Moines.

Additional uses not listed set forth in DMMC 18.52.010A Residential Use Chart and 18.52.010B Commercial Use Chart may be approved by the City manager provided that such uses are consistent with and meet the intent of the zone and comprehensive plan and applicable provisions of the DMMC. However, it has been determined that a detention facility is not consistent and does not meet the intent of any zone within the City of Des Moines or with the intent of the comprehensive plan.

APPEAL

This code interpretation is considered a Type I land use decision (DMMC 18.20.150) and may be appealed provided a proper and complete appeal that meets all requirements of DMMC 18.20.160 is filed with the City Clerk at 21630 11th Avenue South, Suite A, Des Moines, WA 98198, within 10 days of receipt of this letter. The DMMC may be found through a link on the City's website home page at www.desmoineswa.gov and the current fee schedule can be found at https://www.desmoineswa.gov/departments/planning_and_building/development_services/permit_applications_worksheets.