



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli
FROM: Adam Nolan, Senior Planner, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance - Extending the Duration of the Current Moratorium in the South Tacoma
Groundwater Protection District by Six Months - August 20, 2024
DATE: August 5, 2024

SUMMARY AND PURPOSE:

An ordinance adopting a six-month extension of Ordinance No. 28872, which enacted a moratorium within the South Tacoma Groundwater Protection District to temporarily prohibit the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the District, as approved by the City Council on March 7, 2023, and as previously extended by Ordinance No. 28958.

BACKGROUND:

South Tacoma Neighborhood Council Application and Work Plan

In March 2021, the South Tacoma Neighborhood Council (STNC) submitted an application to the Planning Commission for consideration during the 2022 Annual Amendment process. The Planning Commission conducted an assessment of the STNC's application pursuant to Tacoma Municipal Code (TMC) 13.02.070.E, considered public comments received through a public scoping hearing in June 2021, and made a determination in July 2021 to move the application forward for technical analysis following a two-phased approach:

1. **Phase 1 - South Tacoma Groundwater Protection District (STGPD) Code Amendments:** Update TMC 13.06.070.D pertaining to STGPD, to be done in the future 2023 amendment cycle, with creation of a work plan to occur during the 2022 amendment cycle, developed in collaboration with the City of Tacoma Environmental Services Department, Tacoma Public Utilities - Tacoma Water, and the Tacoma-Pierce County Health Department (TPCHD).
2. **Phase 2 - Creation of an Economic Green Zone:** Evaluate the establishment of an Economic Green Zone (EGZ) to attract green industry to the City's manufacturing/industrial centers, taking into account the recently adopted 2030 Climate Action Plan and Climate Adaptation Strategy (Resolution No. 40878, November 30, 2021), pending the commitment of budget and staff resources by the City Council.

Upon completing technical analyses and factoring in public comments, the Planning Commission forwarded its recommendations to the City Council in May 2022. With respect to the STNC's application, the Commission recommended that the City Council:

1. Approve the Work Plan for STGPD code amendments.
2. Consider the merits of a moratorium on future development projects, given that significant permit activity and development during the phased process could pre-empt the broader planning efforts.

The City Council adopted [Amended Substitute Resolution No. 40985](#), on June 28, 2022, approving the Work Plan for the STGPD code amendments, and directed the Planning Commission to conduct a public process to develop findings of fact and recommendations as to whether a moratorium on heavy industrial uses and storage of hazardous materials within the STGPD is warranted.



Adoption of the Initial Moratorium – March 7, 2023

The Planning Commission completed its review and deliberations of the matter through a public process and forwarded to the City Council the Planning Commission’s Findings of Fact and Recommendations Report on consideration for a moratorium within the STGPD, along with a letter of recommendations, both dated August 17, 2022. The Planning Commission concluded that a broad moratorium could result in detrimental, inequitable and/or disproportionate impacts to diverse businesses and uses that are of various types, purposes, characteristics, operations and maintenance needs, and risks to the environment, and recommended instead that a targeted moratorium was warranted for the following uses within the STGPD:

- Underground storage tanks
- Metal recycling/auto wrecking
- Vehicle service and repair
- Vehicle service and repair – industrial

Staff presented these recommendations to the City Council at a study session on September 20, 2022. In response, the City Council referred the recommendation to the Infrastructure, Planning, and Sustainability (IPS) Committee for further consideration. Following that referral, the IPS Committee, on November 30, 2022, forwarded an amended moratorium proposal to the City Council.

1. **Use Categories:** The IPS Committee did not find sufficient risk to groundwater resources from the establishment or expansion of vehicle service and repair or industrial vehicle service and repair uses to warrant a moratorium. Therefore, the moratorium should apply only to metal recycling/auto wrecking and underground storage tanks.
2. **Existing Uses:** The IPS Committee found that a moratorium that is too restrictive on the expansion of existing uses could have the counter effect of prohibiting improvements that provide environmental benefit or reduce the risks and impacts of existing uses. Therefore, the moratorium should allow for reasonable facility and site development that improves environmental outcomes while avoiding the introduction of new risks to the City’s groundwater resources.

On March 7, 2023, following a public hearing and substantial public input, the City Council passed [Ordinance No. 28872](#), enacting a moratorium within the STGPD as recommended by the IPS Committee. The moratorium became effective March 20, 2023 and was enacted for an initial period of up to one year, to expire on March 20, 2024, and applied to the following uses:

- Underground storage tanks
- Metal recycling/auto wrecking

STGPD Work Plan Update

At its meeting on December 20, 2023, the Planning Commission recommended an update to the Work Plan to adopt a more comprehensive approach that considers both current and upcoming initiatives linked to the STGPD code update. This recommendation was grounded in several significant changes and resource allocations since the initial adoption of the Work Plan.

Prior Moratorium Extension – March 5, 2024

Following the update to the STGPD work plan and the identification of ongoing research needs, the City Council voted on March 5, 2024, to extend the moratorium for six months, expiring on September 20, 2024.



Consideration of an Extension

Staff is now requesting an extension of the moratorium to continue prohibiting the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD. This extension will allow the current level of these uses and activities to be maintained for an additional six months, facilitating the completion of necessary research initiatives and ensuring comprehensive evaluation of the STGPD code and other relevant policies and regulations.

Updates since March 2024

Following the moratorium extension in March 2024, significant progress has been made in several key areas:

1. Tacoma Water's Integrated Resource Plan (IRP) Update:

Tacoma Water has engaged an external consultant to update the Integrated Resource Plan (IRP). The consultant's scope of work includes a comprehensive review and recommendations regarding the STGPD standards. Additionally, they will develop new insights into groundwater supply and demand forecasts, integrating considerations of climate change impacts. Tacoma Water has also established a Public Advisory Committee (PAC) to assist in this effort.

2. STGPD Health Impact Assessment (HIA):

Planning and Development Services (PDS) has allocated funding to support an HIA linked to the STGPD code amendments. PDS will collaborate with the TPCHD on this assessment, ensuring holistic considerations of public health within the code update. Since the last moratorium extension, TPCHD has formed a community advisory group to aid in this effort. The community engagement planning and scoping phase will start later in summer.

3. Comprehensive Plan and Critical Areas Code Update:

PDS is currently working on updating the Comprehensive Plan and Critical Areas Code update, with an expected completion date of June 2025. This update includes a thorough review of critical aquifer recharge areas, aligning closely with the goals of the STGPD. In May and June 2024, eight visioning workshops were conducted in each neighborhood council district to gather public input for drafting the Plan.

4. Other Programmatic and Regulatory Updates:

Significant efforts are underway by the City and its partners to update various programs and regulations that support the objectives of the STGPD. Initiatives such as the Wellhead Protection Plan, Urban Waters Protection Plan, and Stormwater Comprehensive Plan are currently in progress to enhance the protection and sustainability of groundwater resources.

The Environmental Services Department has hired a consultant to help with the Stormwater Comprehensive Plan. They are currently gathering baseline information on Stormwater Utility functions from city departments responsible for implementation. The plan will be completed in 2025.

5. South Tacoma Landscaping Code Update:

Following the moratorium public hearing and community feedback, it has become evident that there is a strong desire to amend landscaping and tree canopy standards, particularly focusing on industrial areas and the Tacoma Mall Regional Growth Center. Since March, PDS staff have been benchmarking City of Tacoma landscaping/tree canopy standards with other regional jurisdictions.



COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

City Council Process:

The City Council conducted a public hearing on August 13, 2024. To support the proposed City Council public hearing, public notice was sent to all taxpayers and occupants inside the STGPD, and those within 2500 feet of the STGPD. Additional notification was provided to email contact lists, including to neighborhood councils and business districts. Notifications were also sent through news releases and social media.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Based on public comments received and the Planning Commission’s assessment, the existing moratorium within the STGPD is expected to help address the following major issues, which tie directly to the City’s strategic priorities around equity and accessibility, economy/workforce, and livability:

- Economic Prosperity for All
- Environmental Remediation and Protection
- Transportation and Capital Facilities Planning
- Public Participation and Outreach

Explain how your legislation will affect the selected indicator(s).

The moratorium extension would continue to put a temporary pause on new underground storage tanks and metal recycling/auto wrecking facilities, avoiding potential risks to groundwater resources while the STGPD code amendment process is underway.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Deny the proposed moratorium extension	Denying the proposed moratorium extension would likely have a positive impact on business predictability in the STGPD.	Denying the proposed moratorium extension would potentially allow the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD beginning September 21, 2024.

EVALUATION AND FOLLOW UP:

If the legislation is adopted, staff will proceed with the implementation of the updated work plan for STGPD code amendments.

It is expected that more extensions will be needed until the STGPD code is updated after this six-month extension. In addition, following staff completion of the research related to the code update, the City Council will review the proposed revisions to the code and make a decision at future meetings. Staff is scheduled to present initial findings and recommendations from the code review and HIA to the IPS Committee at their November 13, 2024 meeting.



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RECOMMENDATION:

Staff recommends the City Council conduct the first reading of ordinance on August 20, 2024, followed by final reading on August 27, 2024.

FISCAL IMPACT:

There is no fiscal impact related to this proposal.