ORDINANCE NO. 28958

AN ORDINANCE regarding groundwater protections: approving a six-month extension of Ordinance No. 28872, which enacted interim land use regulations within the South Tacoma Groundwater Protection District ("STGPD") to temporarily prohibit the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD as approved by the City Council on March 7, 2023.

WHEREAS in March 2021, the South Tacoma Neighborhood Council ("STNC") submitted an application to the Planning Commission ("Commission") for consideration during the 2022 Annual Amendment process, and

WHEREAS the Commission conducted an assessment of 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's Environmental Services Department, Tacoma Public Utilities – Tacoma Water, and the Tacoma-Pierce County Health Department ("TPCHD"); and

(2) Phase 2 – Creation of an Economic Green Zone ("EGZ"): Evaluate the establishment of an 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, and

WHEREAS upon completing technical analyses and factoring in public comments, the Commission forwarded its recommendations to the City Council in May 2022, and

WHEREAS with respect to the STNC's application, the Commission recommended that the City Council:

(1) Approve the work plan for STGPD code amendments; and

(2) Consider the merits of a moratorium on future development projects, given that significant permit activity and development during the phased process could preempt the broader planning efforts, and

WHEREAS on June 28, 2022, the City Council adopted Amended Substitute Resolution No. 40985, approving the work plan for the STGPD code amendments, and directed the 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, and if so, to recommend the scope, applicability, and duration for City Council consideration within 60 days of the effective date of this resolution, and

WHEREAS the Commission completed its review and deliberations of the matter through a public process and forwarded to the City Council the 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, and

WHEREAS the 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; and vehicle service and repair – industrial, and

WHEREAS staff presented the Commission's recommendations to the City Council at a study session on September 20, 2022, and in response, the City Council referred the recommendations to the Infrastructure, Planning, and Sustainability Committee ("Committee") for further consideration, and

WHEREAS following that referral, on November 30, 2022, the Committee forwarded an amended moratorium proposal to the City Council:

(1) Use Categories: The 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; and

(2) Existing Uses: The 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, and

WHEREAS on March 7, 2023, following a public hearing and substantial public input, the City Council adopted Ordinance No. 28872, enacting a moratorium within the STGPD as recommended by the Committee, and

WHEREAS the moratorium in Ordinance No. 28872 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; and metal recycling/auto wrecking, and

WHEREAS following the adoption of the moratorium and in response to the public comments received during the moratorium process, the Commission recommended at its December 20, 2023, meeting, that the work plan be updated to adopt a more comprehensive approach that considers both existing and upcoming activities linked to the STGPD code update, and

WHEREAS the Commission affirmed an updated timeline to complete the South Tacoma Groundwater Protection District code review concurrent with the One Tacoma update, scheduled to be completed by mid-2025, and

WHEREAS the initial moratorium was intended to be in effect for the duration of the South Tacoma Groundwater Protection District code review and amendment process, and

WHEREAS staff is therefore asking for an extension of the current 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, while allowing the current level of these uses and activities to be maintained for another six months; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That a six-month extension of Ordinance No. 28872, which enacted interim land use regulations within the South Tacoma Groundwater Protection District ("STGPD") to temporarily prohibit the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD as approved by the City Council on March 7, 2023, is hereby approved.

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

_____
Mayor

Attest:

_____
City Clerk

Approved as to form:

_____
Deputy City Attorney