



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Peter Huffman, Planning and Development Services *PA*  
**COPY:** Infrastructure, Planning, and Sustainability Committee; Michael P. Slevin III, P.E.;  
Cathy Sims  
**PRESENTER:** Stephen Atkinson, Principal Planner, Planning and Development Services  
Chris Karnes, Chair, Planning Commission  
**SUBJECT:** South Tacoma Groundwater Protection District – Consideration of a Moratorium  
**DATE:** October 26, 2022

**PRESENTATION TYPE:**

Request for Resolution

**SUMMARY:**

On October 26, 2022, Planning and Development Services staff will present an overview of the Planning Commission’s Findings and Recommendations regarding the consideration of whether a moratorium on heavy industry and hazardous material storage is warranted within the South Tacoma Groundwater Protection District (STGPD).

**BACKGROUND:**

The City Council adopted Amended Substitute Resolution No. 40985 (resolution) on June 28, 2022, approving the Work Plan for the STGPD Code Amendments (Work Plan), which was one of the four applications for the 2022 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code (2022 Amendment).

Prior to adopting the resolution, the City Council conducted a public hearing on June 7, 2022, on all four applications for the 2022 Amendment, including the Work Plan. Public testimony to the City Council raised community concerns around the compatibility of heavy industrial uses and storage of hazardous materials within the STGPD and suggested the City Council consider enacting a moratorium.

In response to the community’s suggestions, the City Council stipulated in the resolution that “immediately following the adoption of the South Tacoma Groundwater Protection District Work Plan, as part of the first phase of that Work Plan, the Planning Commission will 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 South Tacoma Groundwater Protection District 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.”

The Planning Commission has completed its review and deliberations of the matter through a public process, and forwarded to the City Council, and filed with the City Clerk’s Office, the Planning Commission’s Findings of Fact and Recommendations Report on Consideration for a Moratorium within the South Tacoma Groundwater Protection District, along with a letter of recommendations, both dated August 17, 2022, incorporated herein by reference.

**ISSUE:**

At the study session on September 20, 2022, staff from Planning and Development Services, Tacoma Water, Environmental Services, Tacoma Fire, and the Tacoma-Pierce County Health Department presented the Planning Commission’s Findings of Fact and Recommendations and a summary of the



information the Commission considered in its review. In response, the City Council referred the issue to this Committee for further discussion.

**ALTERNATIVES:**

This Committee can consider alternatives to the Planning Commission recommendation, including modifications to the Planning Commission proposal, or determination as to whether a moratorium is warranted.

**FISCAL IMPACT:**

This is an information briefing only. There is no fiscal impact.

**RECOMMENDATION:**

The Planning Commission recommends that “the City Council should consider enacting a moratorium on permits for new and expansion of metal recycling, auto wrecking, vehicle service and repair, vehicle service and repair – industrial, as well as new underground storage tanks, within the South Tacoma Groundwater Protection District, for a duration of one year, to prevent the vesting of new land uses that may pose a risk to groundwater resources until the Groundwater Code Update can be complete in 2023.”

Enacting a moratorium requires amending certain relevant provisions of the Tacoma Municipal Code (TMC), Title 13 Land Use Regulatory Code. According to TMC 13.05.030.D and 13.05.030.B, the City Council shall conduct a public hearing prior to adopting such amendments.



City of Tacoma  
Planning Commission

Christopher Karnes, Chair  
Andrew Strobel, Vice-Chair  
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Brett Marlo  
Matthew Martenson  
Brett Santhuff  
Anthony Steele  
Alyssa Torrez

August 17, 2022

The Honorable Mayor and City Council  
City of Tacoma  
747 Market Street, Suite 1200  
Tacoma, WA 98402

RE: South Tacoma Groundwater Protection District – Consideration for a Moratorium

Honorable Mayor Woodards and Members of the City Council,

The City Council adopted Amended Substitute Resolution No. 40985 on June 28, 2022, requesting the Planning Commission to develop recommendations, within 60 days (i.e., by August 27, 2022), as to whether a moratorium on heavy industrial uses and storage of hazardous materials within the South Tacoma Groundwater Protection District (STGPD) is warranted.

Upon completing review and deliberations through a public process, and based on public comments received, the Commission reached the following conclusion and recommendation:

**“That the City Council should consider enacting a moratorium on permits for new and expansion of metal recycling, auto wrecking, vehicle service and repair, vehicle service and repair – industrial, as well as new underground storage tanks, within the South Tacoma Groundwater Protection District, for a duration of one year, to prevent the vesting of new land uses that may pose a risk to groundwater resources until the Groundwater Code Update can be complete in 2023.”**

Enclosed please find the *“Planning Commission’s Findings of Fact and Recommendations Report on Consideration for a Moratorium within the South Tacoma Groundwater Protection District, August 17, 2022”* that provides pertinent background information about the City Council’s request and summarizes the Commission’s public review and community engagement process, findings of fact, deliberations, and formulation of recommendations.

Along with the above recommendation, the Commission also wishes to highlight some of the key issues, concerns and suggestions that were identified, and deliberated to various extents, during our review process:

- 1. Focused, Targeted and Limited Moratorium** – Based on our review of information provided and our understating of the need for groundwater protection and aquifer recharge, we believe that a moratorium is warranted. However, 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. We suggest that taking a cautious approach would be more appropriate and pragmatic, hence the recommendation for a focused, targeted and limited moratorium.
- 2. Work Plan for One-Year Moratorium** – According to the Tacoma Municipal Code (TMC), Section 13.05.030.E.3, “Moratoria or interim zoning ..... may be effective for up to one year if a work plan is developed for related studies requiring such longer period.” We suggest that the “Work Plan for STGPD Code Amendments” adopted by Resolution No. 40985 as part of the 2022 Annual Amendment can be referenced as the base for such a work plan for the one-year moratorium, with its scope and implementation schedule properly adjusted according to the need of the moratorium.

3. **Community Engagement and Outreach** – We acknowledge staff’s efforts to reach out to the community and stakeholders, including broadcasting the Commission’s meetings and conducting a community meeting (on July 27, 2022) during the need assessment stage for the moratorium. However, while we have heard overwhelmingly supportive comments from residents for the moratorium, we have not heard enough opposing viewpoints, nor have we heard anything from the business community. We hope to see enhanced community engagement, with targeted outreach to those businesses that would potentially be affected by the moratorium, if enacted.
4. **Subject Matter Experts (SMEs)** – While we acknowledge and appreciate the expertise and support from our partnering agencies, including the Tacoma-Pierce County Health Department, the Tacoma Water, the Environmental Services Department, the Fire Department, and the Planning and Development Services Department, we have not heard from other stakeholder agencies, such as the State’s Department of Ecology, and the City’s Economic Development Department. There is a need to engage with more subject matter experts (SMEs), to the extent of retaining consultant services, as some citizens have suggested.
5. **Economic Green Zone** – Given the short time limit of 60 days set by Resolution No. 40985 for the Commission to develop our recommendations, we have not been able to review all identified issues to the extent needed. Those issues include, but are not limited to, infiltration, impervious surface, legacy contamination, cleanup of contaminated sites, air quality, tree canopy, use compatibility, and buffers and transition areas. We suggest these issues, and any additional issues that may be identified, be properly addressed in the Economic Green Zone/South Tacoma Manufacturing-Industrial Center Subarea Plan and Environmental Impact Statement effort, which is the “STGPD Phase 2” plan as approved by the City Council, per Resolution No 40985. This is a critical effort to re-evaluate the future of industrial use and activity in South Tacoma and to consider how we increase employment opportunities while ensuring a healthy, safe, and sustainable environment for South Tacomans. We recommend that the City Council fully fund and staff this important endeavor and in a timeframe that dovetails with the STGPD Work Plan.

We acknowledge the uniqueness of the STGPD area, the legacy contamination issues in the area, and the importance of the continued and strengthened protection of the groundwater and aquifer recharge area. We respectfully request that the City Council consider enacting a focused, targeted and limited moratorium for the STGPD area and take into account our other recommendations as presented. If the moratorium is enacted, we hope issues are resolved in relatively short order, and not to see residents, businesses, economic development activity or growth of the urban neighborhoods unduly impacted by the moratorium or any unexpected consequences.

Sincerely,



CHRISTOPHER KARNES, Chair  
Tacoma Planning Commission

Enclosure



**SOUTH TACOMA GROUNDWATER PROTECTION DISTRICT  
CONSIDERATION FOR A MORATOIRUM**

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**TACOMA PLANNING COMMISSION  
FINDINGS OF FACT AND RECOMMENDATIONS**

AUGUST 17, 2022

**A. SUBJECT:**

South Tacoma Groundwater Protection District – Consideration for a Moratorium.

**B. PROJECT INITIATION:**

On June 28, 2022, the City Council adopted Amended Substitute Resolution No. 40985 approving the “Work Plan for South Tacoma Groundwater Protection District (STGPD) Code Amendments”, one of the applications for the 2022 Annual Amendment to the *One Tacoma* Comprehensive Plan and Land Use Regulatory Code 2022 (“[2022 Amendment](#)”).

The resolution also initiated consideration of a moratorium for the STGPD, and provided the following direction to guide the Planning Commission’s deliberations:

“Immediately following the adoption of the South Tacoma Groundwater Protection District Work Plan, as part of the first phase of that Work Plan, the Planning Commission will 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 South Tacoma Groundwater Protection District 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.”

The Council’s request was made based primarily on public comments received and the Commission’s recommendation that the Council consider the merits of a moratorium on future development projects. The 60-day timeframe set forth in the resolution implies that the intended deadline for the Commission’s recommendations is August 27, 2022.

**C. FINDINGS OF FACT: BACKGROUND**

**1. Comprehensive Plan and Land Use Regulatory Code**

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma’s comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City’s official statement concerning future growth and development, the *One Tacoma Plan* sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma’s residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that implements and supports the Comprehensive Plan.

**2. Annual Amendments**

The *One Tacoma Plan* and the implementing regulations are subject to continuous review, evaluation and modifications in order to remain effective, relevant, and responsive to changing circumstances. According to the GMA, local comprehensive plans cannot be amended more than once a year. During such annual amendment processes, all proposed amendments to the Comprehensive Plan and development regulations must be reviewed

concurrently, where appropriate, so to address the cumulative effect of the revisions and to maintain internal consistency among the various plan components and external consistency with regional, countywide, and adjacent jurisdictional plans.

Annual amendments shall be adopted by ordinance of the City Council following the procedures identified in TMC 13.02.070. The City is currently utilizing an alternate-cycle approach for Comprehensive Plan amendments, with City-initiated amendments generally processed in odd-year adoption cycles and private-initiated amendments processed in even-year adoption cycles. The recently completed 2022 Annual Amendment process started in January 2021 when the Planning Commission began to accept applications and ended in June 2022 when the City Council adopted the amendment package based primarily on the Commission's recommendations. ([www.cityoftacoma.org/2022Amendment](http://www.cityoftacoma.org/2022Amendment))

### **3. South Tacoma Neighborhood Council Application**

The South Tacoma Neighborhood Council (STNC) submitted an application to the Planning Commission in March 2021 for consideration during the 2022 Annual Amendment process. The application sought to (a) update the *One Tacoma Plan* and the TMC applicable to the South Tacoma Groundwater Protection District (STGPD) and the aquifer recharge areas to address environmental and health risks and further prioritize protection of the STGPD; and (b) transform the South Tacoma Manufacturing/Industrial Center into an Economic Green Zone that fosters environmentally sustainable industry specifically within South Tacoma, above and near this water source.

### **4. Phased Approach**

The Planning Commission conducted an assessment of the STNC's application, pursuant to TMC 13.02.070.E, and 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:

- **Phase 1: 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. The work plan may include review of allowed land uses, review of the One Tacoma Comprehensive Plan, refinement of allowed uses and boundaries, and periodic update of the STGPD to ensure the regulations fulfill the intent of protecting the district.
- **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).

### **5. Planning Commission Recommendation – Work Plan for STGPD Code Amendments and Consideration of a Moratorium**

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

- (a) Approve the Work Plan for STGPD Code Amendments;

- (b) Acknowledge that the Work Plan represents the “Phase 1A Response” to the STNC’s application and that the implementation of the Work Plan to be carried out in the 2023 Amendment cycle represents the “Phase 1B Response”;
- (c) Acknowledge the perspectives, expectations and comments concerning the implementation of the Work Plan as provided by the partnering agencies, including the Environmental Services Department, Tacoma Water, and the Tacoma-Pierce County Health Department;
- (d) Acknowledge that the review process for the potential Economic Green Zone (EGZ) designation represents the “Phase 2 Response” to the STNC’s application; that the scope of work is anticipated to be comprehensive and comparable to the scale of a subarea plan, requiring the consideration for multifaceted aspects, such as land use designation changes, area-wide rezones, transportation and capital facilities improvements, environmental reviews, sustainability strategies, “green economy” strategies and incentives, groundwater and aquifer monitoring programs, and extensive community engagement; that the work is expected to be carried out during the general timeline of 2022-2024, potentially starting with a scoping process in late 2022 to define and refine the scope of work; and that additional staffing and budgetary resources may be needed to accomplish the work in a timely and effective manner; and
- (e) 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.

## 6. City Council Review and Direction

The City Council and its Infrastructure, Planning and Sustainability Committee conducted reviews of the 2022 Amendment Package in May-June 2022, including holding a public hearing on June 7, 2022, and adopted the package on June 28, 2022 with four legislations. The Work Plan for STGPD Code Amendments was approved with Amended Substitute Resolution No. 40985, which also initiated the consideration of a moratorium for the STGPD. (See **Section B. Project Initiation** above.)

## 7. Interim Zoning and Moratoria

Interim Zoning and Moratoria are temporary mechanisms the City Council can enact to allow, or more commonly to prevent, new development under existing rules while a process is undertaken to evaluate and update the existing zoning and/or development regulations. The process for enacting Interim Zoning and Moratoria are the same, and are governed by State law and City code (RCW 36.70A.390 and TMC 13.05.030.E).

### a. What is Interim Zoning?

Interim Zoning is an immediate change to existing zoning classifications or regulations where new classifications or regulations are temporarily imposed. Such temporary controls are designed to regulate specific types of development so that when new plans and/or zoning are adopted they will not have been rendered moot by intervening development.

### b. What is a Moratorium?

A moratorium is the suspension of accepting or processing new applications for building, zoning, subdivision, or other types of development permits in order to preclude new development from occurring for a specified period of time while new or revised policies, zoning or regulations are considered. A moratorium may be imposed on all development types or all permit applications, or just on specific types of development or permit

applications and is generally applied to a specific geographic area or, if citywide, fairly specific circumstances.

**c. When should Interim Zoning or a Moratorium be used?**

There are two reasons to enact a moratorium or interim regulations – in response to an emergency situation or when a temporary protective measure is necessary:

- Emergency situation. An emergency situation is defined as when human health and safety is jeopardized and/or public or private property is imminently endangered.
- Temporary protective measure. A temporary protective measure is needed to protect the status quo or prevent harm from the vesting of rights to develop under existing regulations.

**d. What is the Adoption Process?**

The City Council has the sole authority to enact a moratorium or interim regulations, but the Council or Planning Commission can initiate the consideration of one.

**e. Initiation**

To initiate consideration of a moratorium or interim regulations, the City Council or Planning Commission makes a determination at a public meeting that a moratorium or interim zoning may be warranted. If the Council initiates, that determination is then forwarded to the Planning Commission for findings of fact and a recommendation.

**f. Initial Planning Commission Review**

If the Planning Commission has not already done so, the Commission is tasked with providing findings of fact and a recommendation to the Council. The Commission's recommendation should include:

- Whether the action is warranted
- The appropriate scope and duration for the moratorium or interim regulations
- The work plan and timeline for crafting the new or revised policies, zoning or regulations needed

**g. Council Enactment**

After receiving findings of fact and a recommendation from the Planning Commission, the Council holds a public hearing before deciding whether to adopt the moratorium or interim regulations, with appropriate findings justifying its action.

**h. Duration and Renewals**

Moratoria and Interim Zoning can be in place for up to six-months but can be initially enacted for up to one-year if a work plan for related studies is developed requiring the longer period. A moratorium or interim zoning can be renewed for additional six-month intervals provided the Council holds another public hearing and findings of fact are made to support each renewal.

**i. If an emergency exists:**

If an emergency exists, the City Council can immediately enact a moratorium or interim regulations (with or without a prior Planning Commission recommendation) and notice can be only the appearance of the item on the agenda. As part of the emergency adoption, the Council must refer the ordinance to the Planning Commission for findings of fact and a recommendation. The Council shall hold a public hearing within 60-days of adoption and after receiving a recommendation and findings from the Planning Commission. Following its public hearing, the Council shall decide whether to retain,



modify or terminate the moratorium or interim regulations, and adopt findings supporting its action.

#### D. FINDINGS OF FACT: SCOPE OF REVIEW

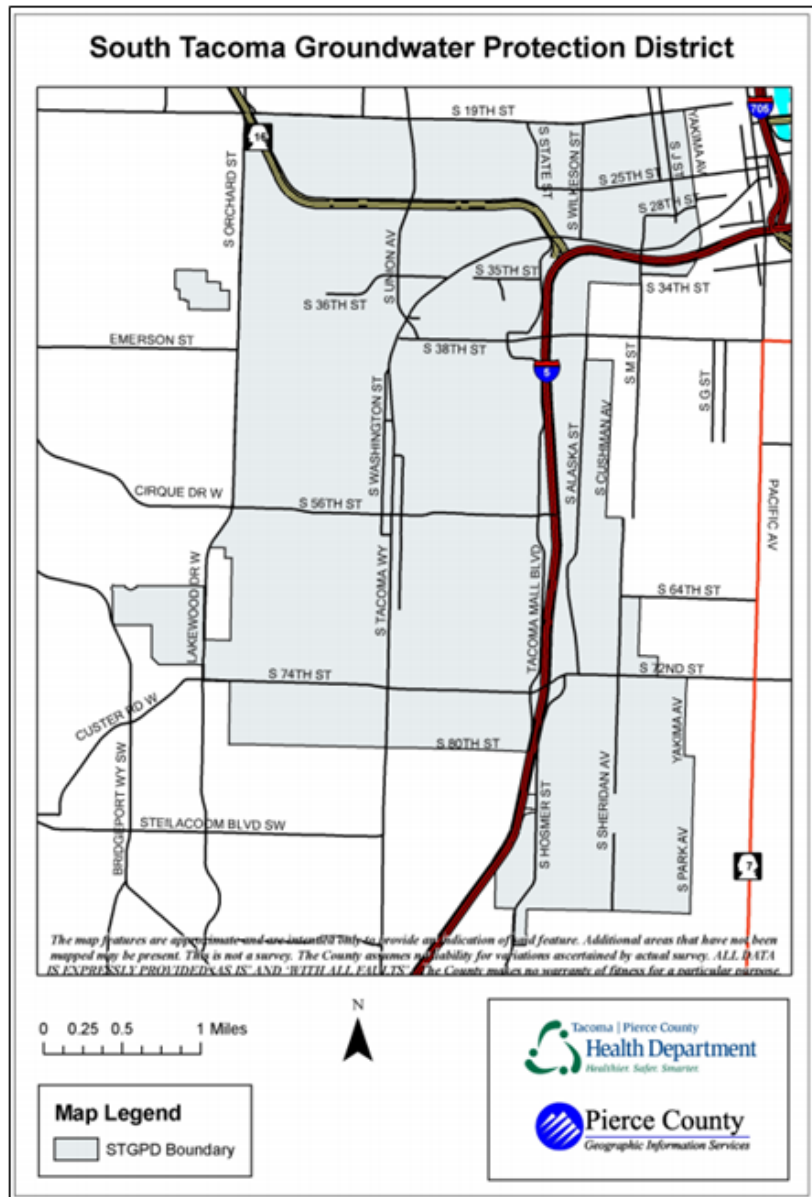
As directed by the City Council and referenced in Section B above, the scope of review includes heavy industrial uses and hazardous materials storage within the South Tacoma Groundwater Protection District.

##### 1. Area of Applicability – South Tacoma Groundwater Protection District

The South Tacoma Groundwater Protection District (STGPD) was created in 1988 as an overlay zone in Title 13 of the TMC. It encompasses the South Tacoma aquifer recharge area. The STGPD was created to protect aquifer drinking water from contamination. The boundaries were expanded east past I-5 in 2006. The regulations were updated in 2011 to allow stormwater infiltration.

##### 2. Heavy Industrial Uses:

Heavy Industrial Uses, per the Tacoma Municipal Code, are defined as follows: “Manufacturing of any and all parts or products, provision of industrial services, and commercial production and sale of goods and services. This classification includes, but is not limited to, basic industrial processing from raw materials, food processing, industrial boatyards, industrial recycling facilities, scrap metal yards, CDL waste recycling facilities, port/terminal uses, log yards, sawmills, chemical plants, hulk hauling yards, wrecking yards, and bulk or raw materials storage.”



##### 3. Hazardous Materials Storage:

Title 13 Land Use Regulatory Code defines “Hazardous substances” as “any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless

of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged.”

## **E. FINDINGS OF FACT: POLICY CONTEXT**

### **1. Environment and Watershed Health**

Policy EN–1.5 Protect the quantity, quality and function of high value environmental assets identified in the City’s natural resource inventories, including: ... groundwater.

Policy EN–3.23 Encourage infiltration of stormwater to promote aquifer recharge and assure continuous and adequate groundwater supply.

Policy EN–3.26 Prevent groundwater contamination through performance criteria and guidelines for siting, design, construction and operation of commercial and industrial structures and activities.

Policy EN–3.27 Support an ongoing effort to monitor groundwater quality in order to determine the effectiveness of the groundwater program over time.

Policy EN–3.28 Protect the quality of groundwater used for public water supplies to ensure adequate sources of potable water for Tacoma and the region.

### **2. Economic Development**

Policy EC–1.1 Strive to capture 46% of urban Pierce County’s employment growth by 2040.

Policy EC–1.2 Ensure that there is sufficient zoning and development capacity to accommodate the 2040 employment growth allocations.

Policy EC–2.2 Encourage investment in, and alignment of, public efforts to reduce racial, gender, ethnic and disability-related disparities in income and employment opportunity.

Policy EC–4.2 Promote a culture throughout the City organization that continuously improves the quality, predictability, timeliness and cost of the development process.

Policy EC–6.20 Strictly limit Comprehensive Plan Map amendments that convert industrial land and consider the potential for amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

Policy EC–6.22 Maintain properties currently developed with industrial users and strive to offset the reduction of development capacity with the addition of prime industrial capacity that includes consideration of comparable site characteristics.

### **3. Design and Development**

Policy DD–9.2 Improve the interface between non-residential activities and residential areas, in areas where commercial or employment areas are adjacent to residential zoned land.

Policy DD–9.3 Use land use and other regulations to limit and mitigate impacts, such as odor, noise, glare, air pollutants, and vibration that the use or development of a site may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas.

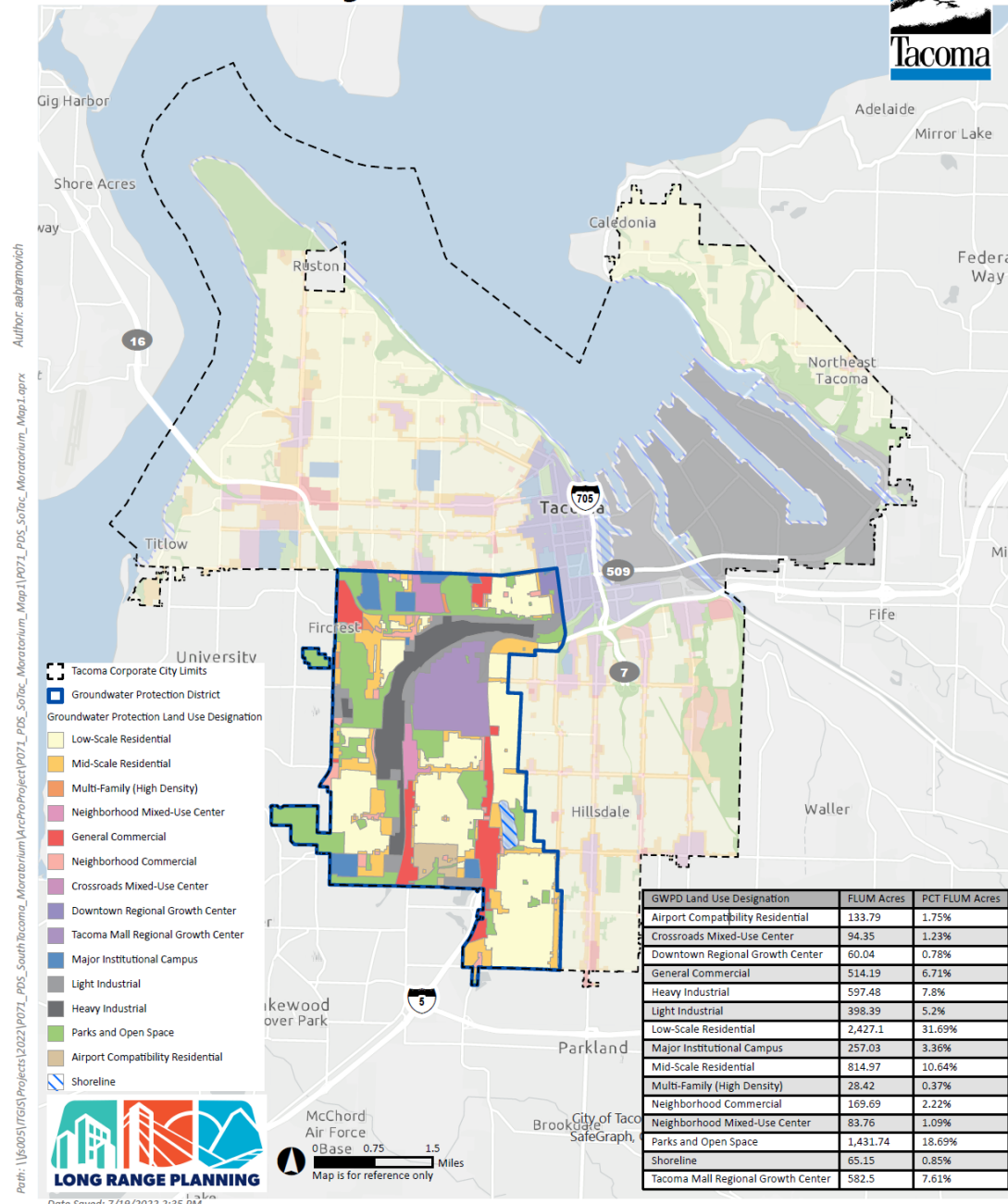
Policy DD–9.5 Protect non-industrial zoned parcels from the adverse impacts of activities on industrial zoned parcels.

Policy DD-9.6 Buffer between designated Manufacturing/Industrial Centers and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

**F. FINDINGS OF FACT: PLANNING CONTEXT – FUTURE LAND USES AND ZONING**

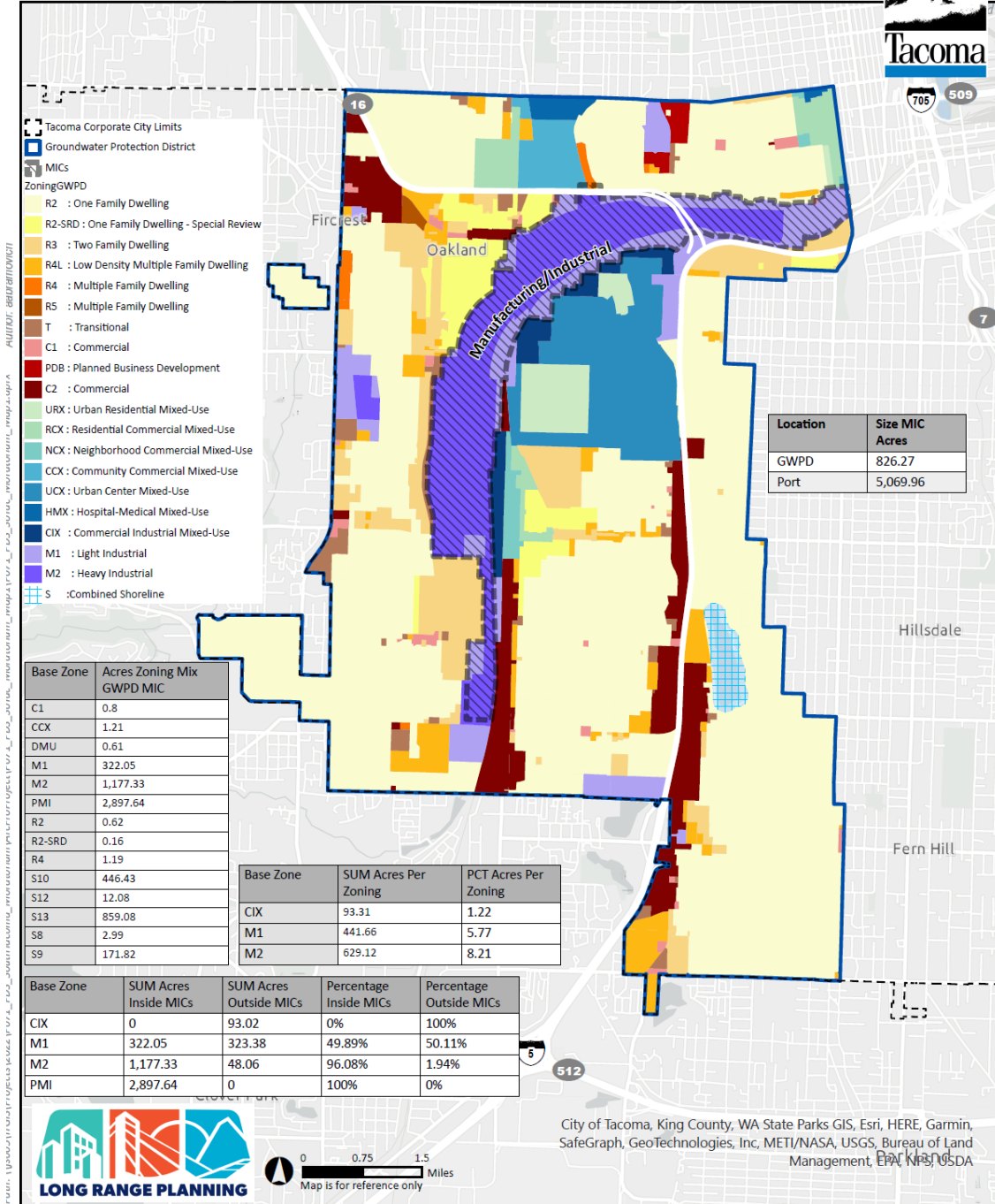
**1. Future Land Use Designations in the South Tacoma Groundwater Protection District**

**South Tacoma Groundwater Protection District  
Future Land Use Designations**



## 2. Manufacturing and Industrial Center and Zoning within the South Tacoma Groundwater Protection District

### South Tacoma Groundwater Protection District Manufacturing and Industrial Center + Zoning



### **3. Heavy Industrial Land Use Designation**

This designation is characterized by higher levels of noise and odors, large-scale production, large buildings and sites, extended operating hours, and heavy truck traffic. This designation requires access to major transportation corridors, often including heavy haul truck routes and rail facilities. Commercial and institutional uses are limited and residential uses are generally prohibited.

### **4. South Tacoma Manufacturing and Industrial Center – Purpose**

To provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan.

### **5. M-2 Heavy Industrial Zoning District – Purpose**

This district is intended to allow heavy industrial and manufacturing uses that can reasonably be accommodated without adverse impacts on the public's health, welfare, or safety. The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated Heavy Industrial.

### **6. South Tacoma Groundwater Protection District – Overlay Zone – Purpose**

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as 40 percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

It has been found and determined that a major cause of historical groundwater contamination in the South Tacoma aquifer system is from accidental or improper release of hazardous substances from spillage, leaks, or discharges from local industry. Due to the large number of potential sources of toxic and hazardous substances within the area which recharges the aquifer system and the possibility of further contamination, the City of Tacoma found that it was necessary and in the public interest to establish the South Tacoma Groundwater Protection District in 1988.

The South Tacoma Groundwater Protection District is an overlay zoning and land use control district specifically designed to prevent the degradation of groundwater in the South Tacoma aquifer system by controlling the handling, storage and disposal of hazardous substances by businesses. The overlay zoning district imposes additional restrictions on high impact land use development in order to protect public health and safety by preserving and maintaining the existing groundwater supply for current and potential users and to protect the City of Tacoma from costs which might be incurred if unsuitable high impact land uses were to reduce either the quality or quantity of this important public water supply source.

It is the intent of this chapter to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, properties that have stormwater infiltration facilities and properties that store hazardous substances meet appropriate performance standards, and those properties are properly maintained, inspected, and tested when necessary.

## **G. FINDINGS OF FACT: PLANNING CONTEXT – PROHIBITED INDUSTRIAL LAND USES**

### **1. Groundwater Protection District – Overlay Zone**

The following “High impact” uses are prohibited based on incompatibility with groundwater protection:

- Chemical manufacture and reprocessing
- Creosote/asphalt manufacture or treatment
- Electroplating activities
- Manufacture of Class 1A or 1B flammable liquids defined in Fire Code
- Petroleum and petroleum products refinery, reprocessing
- Wood products preserving
- Hazardous waste treatment, storage, disposal facilities

### **2. M-2 Heavy Industrial Zoning District**

The following uses/activities are prohibited in the M-2 Zoning District citywide:

- Mining and quarrying
- Smelting
- Coal facilities
- Explosives manufacturing
- Fertilizer manufacturing
- Petrochemical manufacturing
- Animal slaughter
- Fat rendering
- Acid manufacturing
- Blast furnaces

## **H. FINDINGS OF FACT: PLANNING CONTEXT – SOUTH TACOMA MIC EDGES AND PROXIMITY TO RESIDENTIAL AREAS**

### **1. MIC Edges and Transitions**

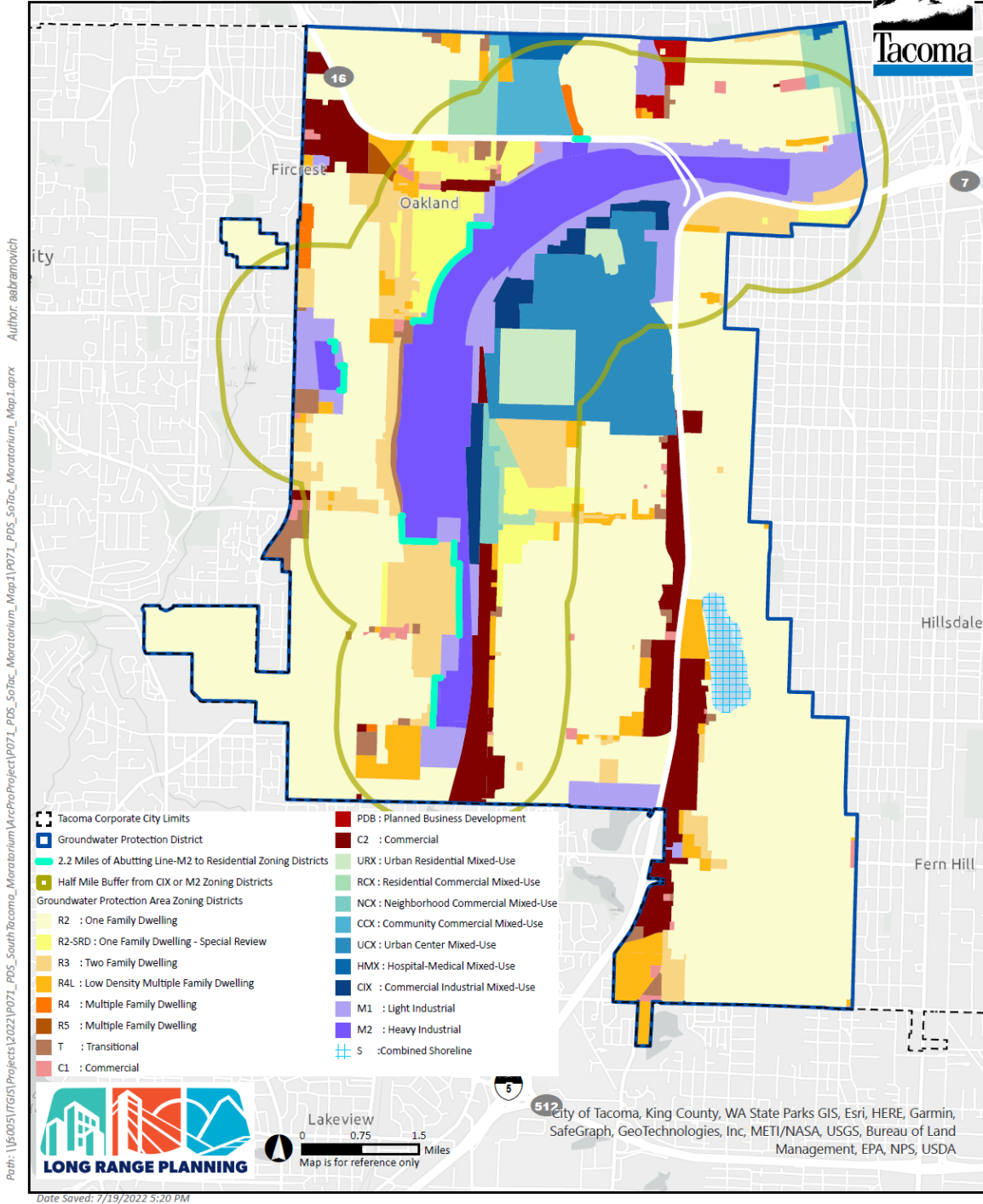
a. The northeast portion of the MIC abuts the Downtown Regional Growth Center at the intersection of Center Street and S Yakima Ave. Moving West, the MIC has a small open space/slope transition along the northern boundary until bifurcated by HWY 16, which creates an additional separation between the MIC and residential areas. To the South, the MIC is buffered by I-5 until it abuts the Tacoma Mall Regional Growth Center as it begins to turn south.

b. The central portion of the MIC has residential neighborhoods to the west, including the Oakland-Madrona business district and the Oakland High School. A significant portion of this area, bounded between South Madison and the railroad tracks and generally from S 37<sup>th</sup> Street to S 48<sup>th</sup> street includes largely vacant industrial areas, comprised of a superfund site from a former railyard and municipal airport.

c. The southern portion of the MIC is bounded by residential neighborhoods to the west and the South Tacoma Mixed Use Center to the east. South of 56<sup>th</sup> Street, the MIC immediately abuts the South End Recreation Area, including the STAR Center, Gray Middle School, and the South Tacoma Sounder Station. Finally, the MIC ends at S 74<sup>th</sup> Street, with general commercial areas to the immediate east and residential neighborhoods directly to the west without any zoning transitions.

## 2. Heavy Industrial Zoning Edges and Transitions

### South Tacoma Groundwater Protection District Proximity of Non-industrial areas to Industrial Areas



### 3. Communities within ½ mile of Heavy Industrial Zoning

Half Mile from Heavy Industrial Zoning (2022 Data)	
Population	28,532
Median Household Income	64,086
Race/Ethnicity	
White	48%
Black	17%
American Indian	2%
Asian	9%
Pacific Islander	3%
Some Other Race	7%
Two or More Races	15%
Hispanic Origin	15%
Educational Attainment	
No HS Diploma	10%
HS Diploma	29%
Some College	35%
Bachelor/Graduate/Prof Degree	25%

Source: Data provided by Esri, Esri-Data Axle. The vintage of the data is 2022. Data accessed July 19, 2022. Esri forecasts for 2022. U.S. Census Bureau 2000 and 2010 decennial Census data converted by Esri into 2020 geography.

## I. FINDINGS OF FACT: EXISTING LAND USES

### 1. Industrial Uses

There are approximately 85 businesses currently located in the South Tacoma Groundwater Protection District that are identified as industrial under the NAICS classification system. These are summarized below.

NAICS CODE/DESCRIPTION	KINDS OF USES	NUMBER OF BUSINESSES
311 Food Manufacturing	Other Animal Food Manufacturing	13
	Nonchocolate Confectionery Manufacturing	
	Fruit and Vegetable Canning	
	Retail Bakeries	
	Commercial Bakeries	
	Mayonnaise, Dressing, and Other Prepared Manufacturing	
	Spice and Extract Manufacturing	
	Perishable Prepared Food Manufacturing	
	All Other Miscellaneous Food Manufacturing	
312 Beverage and Tobacco Product Manufacturing	Soft Drink Manufacturing	4
	Breweries	
	Wineries	

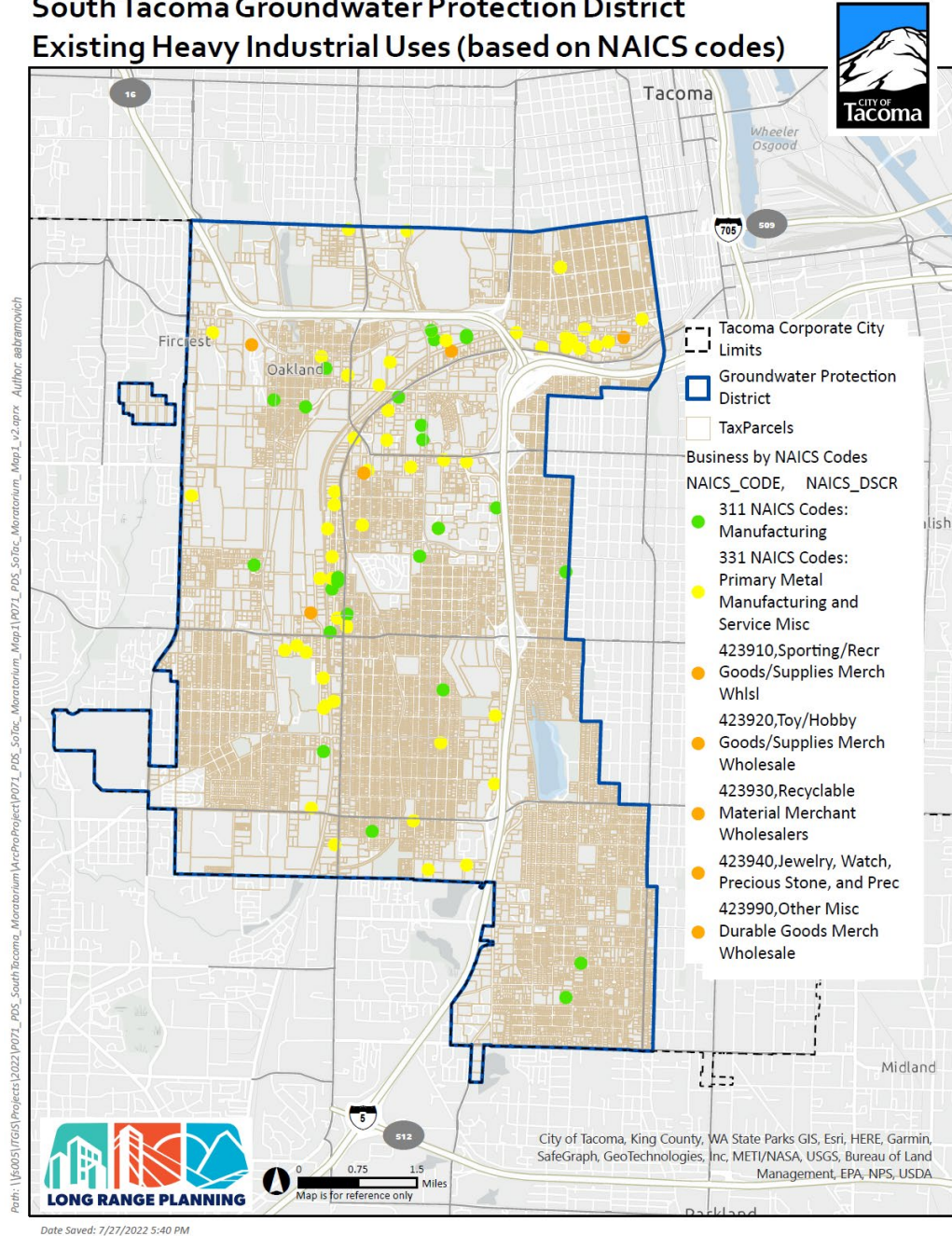


314 Textile Product Mills	All Other Miscellaneous Textile Product	2
315 Apparel Manufacturing	Cut and Sew Apparel Contractors	5
	Other Cut and Sew Apparel Manufacturing	
	Apparel Accessories and Other Apparel Manufacturing	
316 Leather and Allied Product Manufacturing	Other Leather and Allied Product Manufacturing	1
331 Primary Metal Manufacturing	Iron and Steel Mills and Ferroalloy Manufacturing	2
	Aluminum Sheet, Plate, and Foil Manufacturing	
332 Fabricated Metal Product Manufacturing	Metal Window and Door Manufacturing	8
	Sheet Metal Work Manufacturing	
	Ornamental and Architectural Metal Work Manufacturing	
	Machine Shops	
	Precision Turned Product Manufacturing	
	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	
333 Machinery Manufacturing	Food Product Machinery Manufacturing	8
	Sawmill, Woodworking, and Paper Machinery Manufacturing	
	Other Industrial Machinery Manufacturing	
	Other Commercial and Service Industry Manufacturing	
	Industrial Mold Manufacturing	
	Cutting Tool and Machine Tool Accessory Manufacturing	
	Rolling Mill and Other Metalworking Machinery Manufacturing	
335 Electrical Equipment, Appliance, and Component Manufacturing	Small Electrical Appliance Manufacturing	1
336 Transportation Equipment Manufacturing	Travel Trailer and Camper Manufacturing	3
	Boat Building	
337 Furniture and Related Product Manufacturing	Wood Kitchen Cabinet and Countertop Manufacturing	11
	Non-upholstered Wood Household Furniture	
	Institutional Furniture Manufacturing	
339 Miscellaneous Manufacturing	Surgical Appliance and Supplies Manufacturing	20
	Ophthalmic Goods Manufacturing	
	Dental Laboratories	
	Jewelry and Silverware Manufacturing	
	Sign Manufacturing	
	Musical Instrument Manufacturing	
	Fastener, Button, Needle, and Pin Manufacturing	
All Other Miscellaneous Manufacturing		

423 Merchant Wholesalers, Durable Goods	Sporting/Recreational Goods/Supplies Merchant Wholesalers	7
	Toy/Hobby Goods/Supplies Merchant Wholesale	
	Recyclable Material Merchant Wholesalers	
	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	
	Other Miscellaneous Durable Goods Merchant Wholesalers	

## 2. Map of Use Locations

### South Tacoma Groundwater Protection District Existing Heavy Industrial Uses (based on NAICS codes)

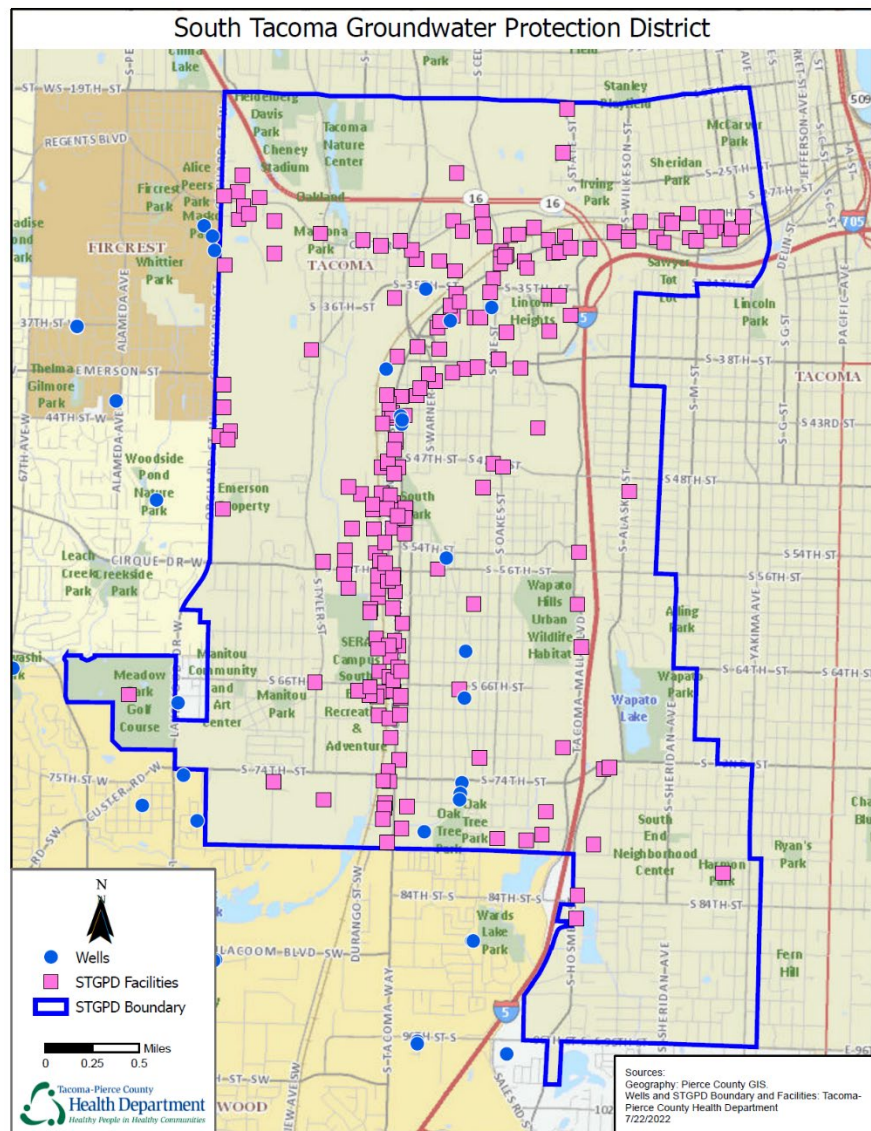


### 3. Hazardous Material Storage – Permitted Uses

Hazardous substances in the STGPD are defined as: any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged, including without exception:

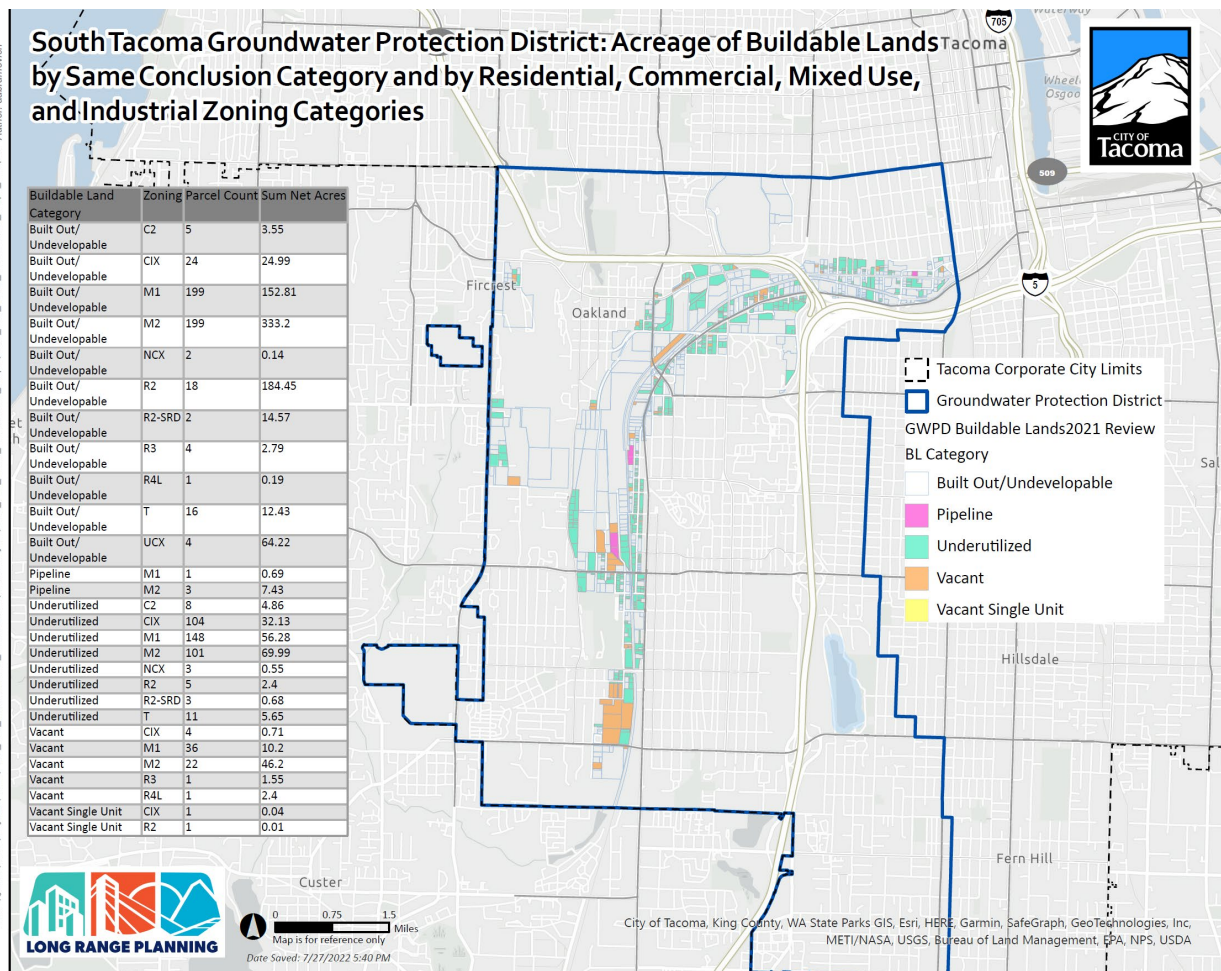
1. Those materials that exhibit any of the physical, chemical or biological properties described in Department of Ecology’s 173-303-082 WAC, 173-303-090 WAC, or 173-303-100 WAC as may be amended from time to time; and
2. Those materials set forth in the General Guidance and Performance Standards hereinafter referred to;
3. Petroleum products and by-products, including crude oil or any faction thereof such as gasoline, diesel, and waste oil which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and
4. Any substance or category of substances meeting the definition of a hazardous substance under Chapter 173-340 WAC as may be amended from time to time.

Businesses with more than 220 pounds of hazardous substances and business activities that are not prohibited are regulated by the Health Department. The map below depicts the location of these businesses. These businesses include a broad range of uses such as auto dealerships repair and painting, educational and governmental facilities, woodworking, paint supply, landscaping, wholesale, surgical supply, boat works, breweries, and gas stations. Uses that are permitted are not limited to heavy industrial uses but include other light industrial, commercial and institutional.



## J. FINDINGS OF FACT: INDUSTRIAL LAND SUPPLY

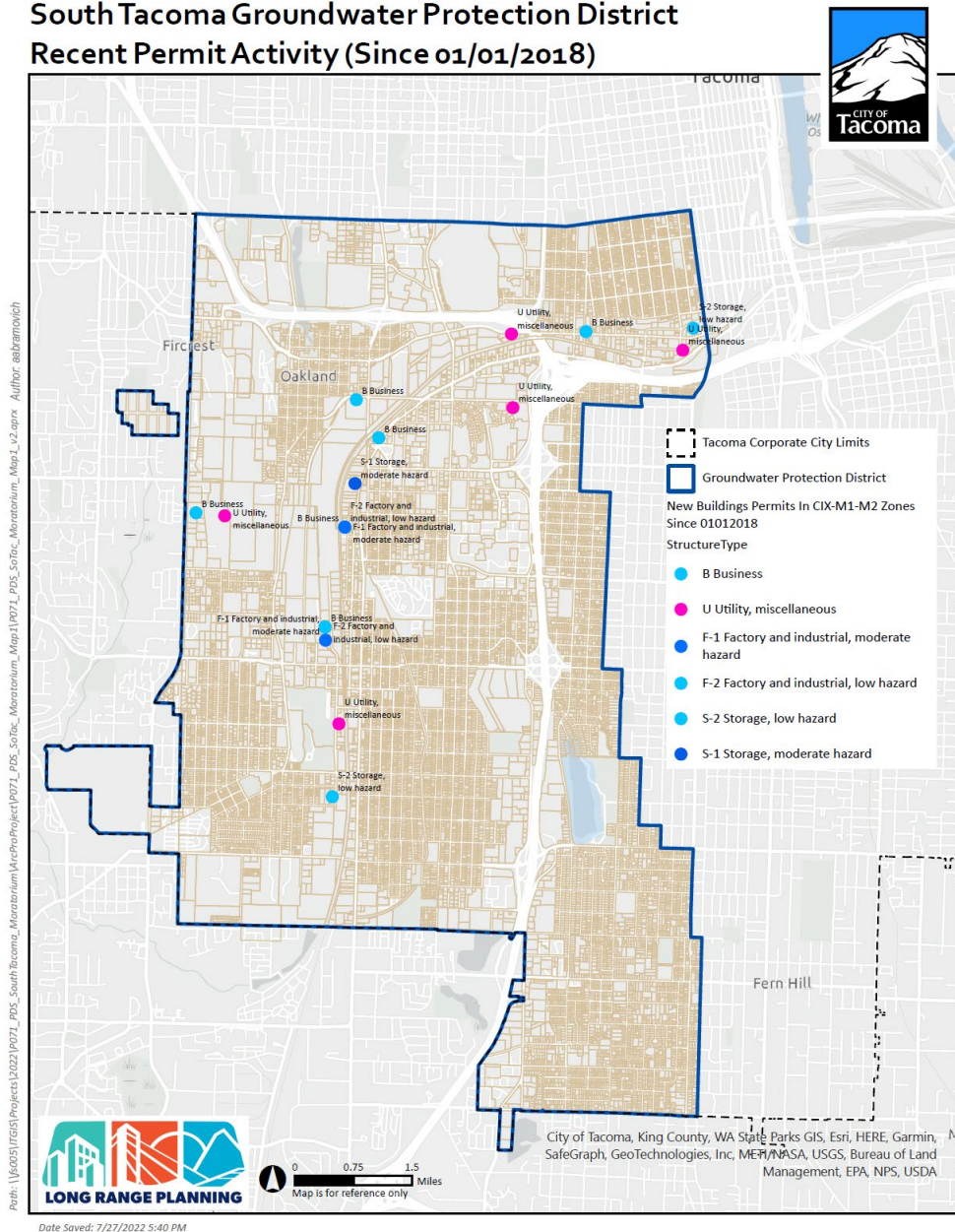
1. The Buildable Lands Program is an ongoing review and monitoring system required by the Growth Management Act. The most recent report is from 2021 and is available at: <https://www.piercecountywa.gov/923/Buildable-Lands>.
2. Based on staff review of the Buildable Lands Data, and including recent vested permits, approximately 75% of the M-2 Heavy Industrial Zoning in the South Tacoma MIC is considered built out or in the process for development. Only 7% of the M-2 area is vacant and an additional 11% is underutilized, meaning it is currently developed but redevelopment may be expected over the 20-year plan horizon.
3. The following map shows the parcels identified within the 2021 Buildable Lands Report.



## K. FINDINGS OF FACT: PLANNING CONTEXT – INDUSTRIAL PERMIT TRENDS

### 1. Map of Permit Activity Since 2018

#### South Tacoma Groundwater Protection District Recent Permit Activity (Since 01/01/2018)



### 2. Types of Uses

Based on Staff review of the permit dashboard, recent permitted activity and potential permit applications are grouped in the following land use categories:

- Marijuana Production and Processing
- Wireless Facilities
- Warehousing
- Storage Facilities
- Metal Recycling

**L. FINDINGS OF FACT: ROLES AND RESPONSIBILITIES OF AGENCIES IN GROUNDWATER PROTECTION**

Agency	Roles and Responsibilities
Tacoma Water	<ul style="list-style-type: none"> <li>• Maintains wells that access the south Tacoma aquifer.</li> <li>• Conducts water quality testing and compliance.</li> </ul>
Tacoma-Pierce County Health Department	<ul style="list-style-type: none"> <li>• Regulates/inspects businesses with hazardous substances on site and infiltration systems meeting certain criteria.</li> </ul>
City of Tacoma – Environmental Services	<ul style="list-style-type: none"> <li>• Administers Stormwater Management Program.</li> <li>• Inspects businesses for source control, pollution prevention, stormwater infiltration and environmental compliance.</li> </ul>
City of Tacoma – Planning and Development Services	<ul style="list-style-type: none"> <li>• Permit authority for land use, building code, site development, critical areas</li> <li>• Maintains the STGPD regulations.</li> <li>• SEPA Lead Agency</li> </ul>
City of Tacoma – Fire Department	<ul style="list-style-type: none"> <li>• Administers Fire Code pertaining to hazardous materials; emergency response.</li> </ul>

**M. FINDINGS OF FACT: SUMMARY OF REGULATORY STRUCTURE THAT APPLIES TO DEVELOPMENT WITHIN THE GROUNDWATER PROTECTION DISTRICT.**

Regulatory Code	Summary
<b>SEPA</b>	<p><b>Purpose:</b> The SEPA process is a Washington State requirement intended to ensure that state and local agencies consider the likely environmental consequences of a proposal before acting on the proposal. SEPA fills gaps in current regulations to protect the public health, welfare, and safety, but is not a replacement for other environmental protection standards.</p> <p><b>Applicability:</b> SEPA applies when specific use and development triggers are met, such as proposed square footage of construction or demolition, fill or excavation of more than 500 yards, construction of a parking lot for more than 40 vehicles, work occurring within critical areas, as well as land use rezones, and more.</p> <p><b>Applicability to Groundwater:</b> SEPA authority can be used to modify, condition, or deny a proposal when impacts to groundwater resources are identified.</p> <p><b>Monitoring and Enforcement:</b> SEPA Conditions are applied to land use or development permits and are enforced as such.</p> <p><b>Statutory Authority:</b> State Environmental Policy Act (SEPA) is part of the State Code RCW 43.21c and has implementing rules located in the WAC 197-11.</p>

	<p><b>Last Amendment to the Regulatory Code:</b> (when and for what purpose) 2020, to incorporate Traffic and Historic Review into the process for projects located in the subarea.</p> <p><b>Frequency and Basis of Updates:</b> Tacoma Municipal Code, Title 13.12; updated to coincide with any relevant change to state law, for example, if review thresholds change.</p>
<p><b>Zoning</b></p>	<p><b>Purpose:</b> The broad purposes of the zoning provisions of the Tacoma Municipal Code are to protect and promote the public health, safety, and general welfare, and to implement the policies of the Comprehensive Plan of the City of Tacoma. More specifically, the zoning code is intended to:</p> <ul style="list-style-type: none"> <li>a. Provide a guide for the physical development of the City in order to: <ul style="list-style-type: none"> <li>(1) Preserve the character and quality of residential neighborhoods;</li> <li>(2) Foster convenient, harmonious, and workable relationships among land uses; and</li> <li>(3) Achieve the arrangement of land uses described in the Comprehensive Plan.</li> </ul> </li> <li>b. Promote the economic stability of existing land uses that are consistent with the Comprehensive Plan and protect them from intrusions by inharmonious or harmful land uses.</li> <li>c. Promote intensification of land use at appropriate locations, consistent with the Comprehensive Plan, and ensure the provision of adequate open space for light, air, and fire safety.</li> <li>d. Foster development patterns that offer alternatives to automobile use by establishing densities and intensities that help make frequent transit service feasible, and encourage walking and bicycling. This emphasis on alternative transportation will also have air quality benefits and will conserve energy.</li> <li>e. Establish review procedures to ensure that new development is consistent with the provisions of this chapter and all other requirements of this code.</li> </ul> <p><b>Applicability:</b> The regulations of TMC 13.06 Zoning are applicable in all zoning districts. Regulations may refer to districts by class of districts, for example Districts or Industrial Districts, this means that all districts carrying the designated prefix or suffix are required to meet the given regulation. Overlay districts are combined with an underlying zoning district and supplement the regulations of that district. Overlay districts only apply to land carrying the overlay. Standards typically apply to new use and development activity and alterations and expansions of existing uses.</p> <p><b>Applicability to Groundwater:</b> The South Tacoma Groundwater Protection District, and regulations and permit procedures therein, are established via the South Tacoma Groundwater Protection Overlay District. Aquifer recharge areas are classified as a critical area under Tacoma Municipal Code 13.11.</p> <p><b>Monitoring and Enforcement:</b> See monitoring and enforcement below under the STGDP summary.</p>

	<p><b>Statutory Authority:</b> RCW 36.70A Growth Management Act, RCW 36.70B Local Project Review, RCW 90.58 Shoreline Management Act</p> <p><b>Last Amendment to the Regulatory Code:</b> The Land Use Regulatory Code was amended in 2022.</p> <p><b>Frequency and Basis of Updates:</b> The Land Use Regulatory Code is amended on an annual basis with specific amendments based on the following considerations: Council and community priorities, new information or changing conditions, case law, statutory amendments,</p>
<p><b>Critical Areas Regulations</b></p>	<p><b>Purpose:</b> The City of Tacoma Critical Area Code, Ch. 13.11 Critical Areas Preservation, and the Shoreline Master Program, TMC Title 19, were created in order to implement specific environmental protection goals of the <a href="#">Growth Management Act (GMA)</a> and <a href="#">Shoreline Management Act (SMA)</a>.</p> <p>These criteria and standards will secure the public health, safety, and welfare by:</p> <ol style="list-style-type: none"> <li>1. Protecting members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events;</li> <li>2. Maintaining healthy, functioning ecosystems through the protection of ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species;</li> <li>3. Preventing cumulative adverse impacts to Critical Areas including the prevention of net loss of wetlands.</li> <li>4. Providing open space and aesthetic value;</li> <li>5. Providing migratory pathways for fish and wildlife;</li> <li>6. Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;</li> <li>7. Providing unique urban wilds that serve as natural laboratories for schools and the general public;</li> <li>8. Avoiding public expenditures to correct damaged or degraded critical ecosystems;</li> <li>9. Alerting appraisers, assessors, owners, potential buyers, or lessees to the potential presence of a critical ecosystem and possible development limitations; and</li> <li>10. Providing City officials with information, direction, and authority to protect ecosystems when evaluating development</li> </ol> <p><b>Applicability:</b> Critical areas include wetlands, streams, and fish and wildlife habitat conservation areas, as well as flood hazards, geologically hazardous areas, and aquifer recharge areas. Regulations apply citywide to:</p> <ol style="list-style-type: none"> <li>1. Building permits;</li> <li>2. Clearing and grading permits;</li> </ol>



	<p>3. Forest practices permits;</p> <p>4. Land Use permits;</p> <p>5. Subdivision and short subdivisions;</p> <p>6. Binding site plans;</p> <p>7. Zoning amendments;</p> <p>8. Creation of tax parcels.</p> <p><b>Applicability to Groundwater:</b> Aquifer recharge areas are a classified critical area under TMC 13.11. Protections are implemented through the South Tacoma Groundwater Protection District.</p> <p><b>Monitoring and Enforcement:</b></p> <p><b>Statutory Authority:</b></p> <p><b>Last Amendment to the Regulatory Code:</b> 2019 to address geohazards and biodiversity corridors.</p> <p><b>Frequency and Basis of Updates:</b> Critical Area Regulation updates are considered at a minimum as part of the state-mandated periodic review of the Comprehensive Plan and Shoreline Master Program, but have also been considered on an as-needed basis as part of the annual amendment process. The City is required to base critical area regulations on the best available science. The next update will be through the 2024 Comprehensive Plan update.</p>
<b>Fire Code</b>	<p><b>Purpose:</b> To establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of fire safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.</p> <p><b>Applicability:</b> Materials posing physical and health hazards. Varying requirements based on types and quantities of materials.</p> <p><b>Applicability to Groundwater:</b> Construction and operational requirements to mitigate risk of spills occurring and risk of spills leaving designed containment areas.</p> <p><b>Monitoring and Enforcement:</b> Review and inspection concurrent with building permits. All commercial sites receive annual inspections through Business Inspection Program. Sites exceeding permit quantities receive two inspections annually. Additional inspections are complaint based.</p> <p><b>Statutory Authority:</b> WAC51-54A, TMC Title 3</p> <p><b>Last Amendment to the Regulatory Code:</b> January 2021</p> <p><b>Frequency and Basis of Updates:</b> 3-year cycle to align with state and national changes. Additional updates based on need.</p>
<b>Building Code</b>	<p><b>Purpose:</b> To establish the minimum requirements to provide a reasonable level of safety, public health, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and</p>

	<p>ventilation, energy conservation, and safety to life and property protection from fire, explosion, and other hazards, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.</p> <p><b>Applicability:</b> Buildings and structures including those containing hazardous materials such as tanks.</p> <p><b>Pertain to groundwater:</b> Seismic design to reduce risk of spills. Increased design standards for highly toxic materials.</p> <p><b>Monitoring and Enforcement:</b> Review and inspection through the building permit process. Additional inspections are complaint based.</p> <p><b>Statutory Authority:</b> WAC 51-50, TMC Title 2.</p> <p><b>Last Amendment to the Regulatory Code:</b> January 2021.</p> <p><b>Frequency and Basis of Updates:</b> 3-year cycle to align with state and national changes. Additional updates based on need.</p>
<p><b>Tacoma Water – Wellhead Protection Plan and Water System Plan</b></p>	<p><b>Purpose:</b> To establish a uniform process for Tacoma Water to demonstrate system capacity as defined in WAC 246-290-010; demonstrate how the system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans; Establish and maintain source water protection areas and programs to prevent contamination.</p> <p><b>Applicability:</b> All Group A public water systems except those systems meeting all of the following conditions:</p> <ul style="list-style-type: none"> <li>(a) Consists only of distribution and/or storage facilities and does not have any source or treatment facilities;</li> <li>(b) Obtains all water from, but is not owned by, a public water system where the rules of this chapter apply;</li> <li>(c) Does not sell water directly to any person; and</li> <li>(d) Is not a passenger-conveying carrier in interstate commerce.</li> </ul> <p><b>Applicability to Groundwater:</b> Policies and programs are applicable to all drinking water supplies, including groundwater.</p> <p><b>Monitoring and Enforcement:</b> State of Washington Department of Health, Division of Drinking Water under Primacy implements federal provisions of the SDWA in addition to the requirements of the WAC. DOH conducts regular sanitary surveys of the Tacoma Water system.</p> <p><b>Statutory Authority:</b> US EPA Safe Drinking Water Act (SDWA), WAC 246-290-100, WAC 246-290-135</p> <p><b>Last Amendment to the Regulatory Code:</b> 2018</p> <p><b>Frequency and Basis of Updates:</b> Water System Plan and full Wellhead Protection Plan updated every 10 years, Potential Contaminant Inventory every 2 years.</p>

<p><b>Tacoma-Pierce County Health Department</b></p>	<p><b>Purpose:</b> The Health Department works with Tacoma Water and Tacoma Environmental Services to implement, regulate and enforce the South Tacoma Groundwater Protection District (STGPD) code. The STGPD code establishes minimum requirements businesses must meet for the storage and management of hazardous substances and maintenance of infiltration systems designated as medium and high intensity.</p> <p><b>Applicability:</b> Businesses within STGPD require a Health Department permit if they have 220 lb. of hazardous substances (products or wastes) or infiltrating stormwater on a medium or high intensity site.</p> <p><b>Applicability to Groundwater:</b> This regulation establishes business requirements for activities that have the highest risk of contaminating groundwater. Requirements are intended to reduce the threat of hazardous substance discharge to the environment.</p> <p><b>Monitoring and Enforcement:</b> Businesses with more than 220 pounds (approximately 35 gallons) of hazardous substances on site are required to obtain an STGPD permit from the Health Department. These businesses are subject to inspections and required to follow the standards set by the code. Additionally, sites within the STGPD that are designated as medium and high intensity by the SWMM are required to obtain approval and a permit from the Health Department. Permitted businesses are inspected on a bi-annual basis. Additional inspections are complaint based, or as needed to resolve violations. Businesses that don't follow the requirements can be subject to enforcement including civil monetary penalties, their water supply shut off or revocation of their City of Tacoma business license.</p> <p><b>Statutory Authority:</b> TMC 13.06.070.D</p> <p><b>Last Amendment to the Regulatory Code:</b> When code moved to 13.06.070.D (Jan. 2020)</p> <p><b>Frequency and Basis of Updates:</b> Updates are on an as needed basis. Updates and changes are based on best available science.</p>
<p><b>Groundwater Protection District Overlay Zone</b></p>	<p><b>Purpose:</b> The Health Department works with Tacoma Water and Environmental Services to implement, regulate and enforce the STGPD code. The STGPD code is intended to establish requirements of businesses within the district that meet thresholds for the on-site use and storage of hazardous substances within STGPD and infiltration systems designated as medium and high intensity.</p> <p><b>Applicability:</b> Businesses within STGPD that meet the threshold for requiring a permit (&lt;220 lb. of hazardous substances or infiltrating stormwater on a medium or high intensity site).</p> <p><b>Applicability to Groundwater:</b> Establish requirements of businesses with activities that have the highest risk of contaminating groundwater. Requirements are intended to reduce the threat of discharge of hazardous substances to the environment.</p> <p><b>Monitoring and Enforcement:</b> Businesses that have more than 220 pounds (approximately 35 gallons) of hazardous substances on site are required to obtain a separate STGPD permit from the Health Department. These</p>

	<p>businesses are subject to inspections and required to adhere to the standards set forth by the code. Additionally, sites within STGPD that are designated as medium and high intensity by the SWMM are required to obtain approval and a permit from TPCHD. Permitted businesses are inspected on a bi-annual basis. Additional inspections are complaint based. Businesses that don't adhere to the standards are subject to enforcement including monetary penalties and up to water shut off and revocation of City of Tacoma business license.</p> <p><b>Statutory Authority:</b> TMC 13.06.070.D</p> <p><b>Last Amendment to the Regulatory Code:</b> When code moved to 13.06.070.D (please fill in date)</p> <p><b>Frequency and Basis of Updates:</b> Currently, the updates take place on an as needed basis. Updates and changes are based on best available science.</p>
<p><b>TMC 12.08.A and D</b></p>	<p><b>Purpose:</b> TMC 12.08D.010 Purpose and Application</p> <p>A. This chapter sets forth uniform requirements for, and shall apply to all persons, discharging stormwater or pollutants to the municipal stormwater system and receiving waters within the City, and requires compliance with all applicable state and federal laws, local ordinances, and this chapter. The purpose of this chapter includes but is not limited to the following:</p> <ol style="list-style-type: none"> <li>1. To control the quantity and quality of the stormwater discharged directly and indirectly into the receiving waters within the City and/or the municipal stormwater system;</li> <li>2. To promote compliance with the City's municipal stormwater permit, its stormwater management program, and applicable federal and state laws and regulations, local ordinances, and this chapter;</li> <li>3. To protect receiving waters by mitigating the impacts of increased stormwater due to urbanization; to correct or mitigate existing water quality impacts related to stormwater; and to help restore and maintain the chemical, physical, and biological integrity of the City's waters for the protection of beneficial uses, including salmon;</li> <li>4. To manage stormwater to protect life, property, and the environment from loss, injury, and damage by pollution; to minimize flooding, erosion, and contact with pollutants; and to manage stormwater from developed properties and construction sites;</li> <li>5. To encourage the use of low impact development as the preferred and commonly-used approach for stormwater management;</li> <li>6. To require persons regulated by this chapter to pay appropriate rates and fees to reasonably distribute the cost to construct, operate, maintain and improve the municipal stormwater system; and</li> <li>7. To provide for and promote the health, safety, and welfare of the general public.</li> </ol> <p><b>Applicability:</b> Shall apply to all persons, discharging stormwater or pollutants to the municipal stormwater system and receiving waters within the City,"</p>

	<p><b>Applicability to Groundwater:</b> Groundwater is a receiving water and so the provisions of 12.08D are applicable</p> <p><b>Monitoring and Enforcement:</b> Enforcement authority in the code to ensure that persons comply with 12.08D.400, .410 and 420</p> <p><b>Statutory Authority:</b> The code is based on the City’s stormwater permit, which is derived from Clean Water Act.</p>
<b>Stormwater Management Manual</b>	<p><b>Purpose and Applicability:</b> Tacoma’s Stormwater Management Manual (SWMM) contains the information needed to regulate stormwater management associated with new development, redevelopment and construction sites in Tacoma. It also contains source control Best Management Practices (BMPs) for existing sites.</p> <p><b>Applicability to Groundwater:</b> The SWMM contains information for design and sizing of stormwater facilities that infiltrate. It also has operational Best Management Practices to keep stormwater runoff clean, which helps to ensure contaminants are not transmitted to groundwater. See <b>ESD17-01</b> summary below.</p> <p><b>Monitoring and Enforcement:</b> Per TMC 12.08D</p> <p><b>Statutory Authority:</b> Codified per TMC 12.08D (12.08D.150)</p> <p><b>Frequency and Basis of Updates:</b> Updated as required by the City’s NPDES Phase I Municipal Stormwater Permit or as needed. Typically, every 5 years. Last updated in 2021.</p>
<b>ESD17-01</b>	<p><b>Purpose:</b> To clarify the requirements stormwater infiltration within the South Tacoma Groundwater Protection District.</p> <p><b>Applicability:</b> Projects / sites that propose infiltration of pollution generating surfaces in the South Tacoma Groundwater Protection District.</p> <p><b>Applicability to Groundwater:</b> Outlines requirements for infiltration of stormwater.</p> <p><b>Monitoring and Enforcement:</b> Through project permit approval for development projects. Monitoring of some systems is required per Table 1 of the Directive.</p> <p><b>Statutory Authority:</b> This is an Environmental Services Directive and has the authority of TMC 12.08D. The policy is also referenced in TMC 13.</p> <p><b>Last Amendment to Directive:</b> 2017</p> <p><b>Frequency and Basis of Updates:</b> As needed</p>

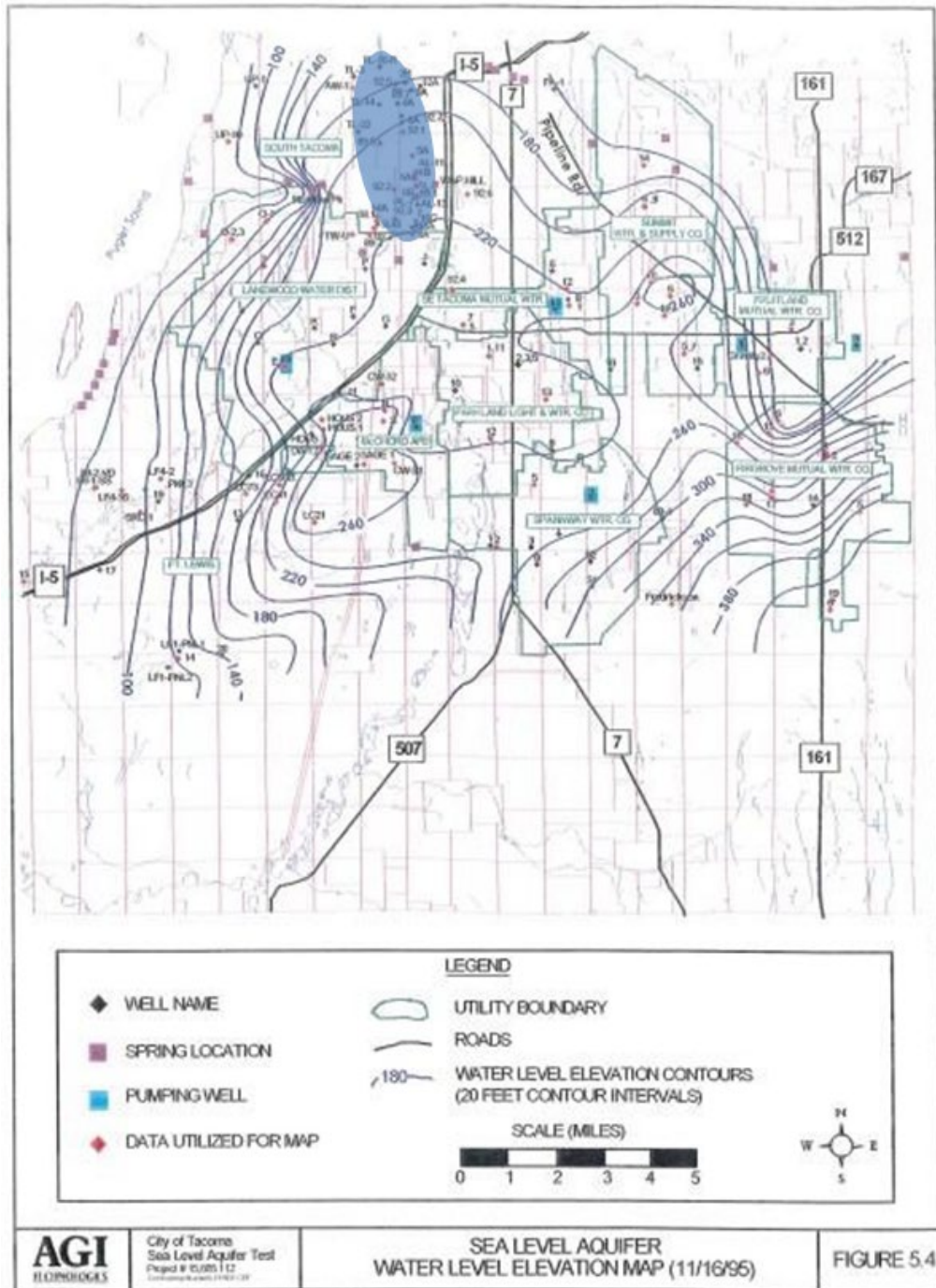
**N. FINDINGS OF FACT: SOUTH TACOMA AQUIFER AND RECHARGE**

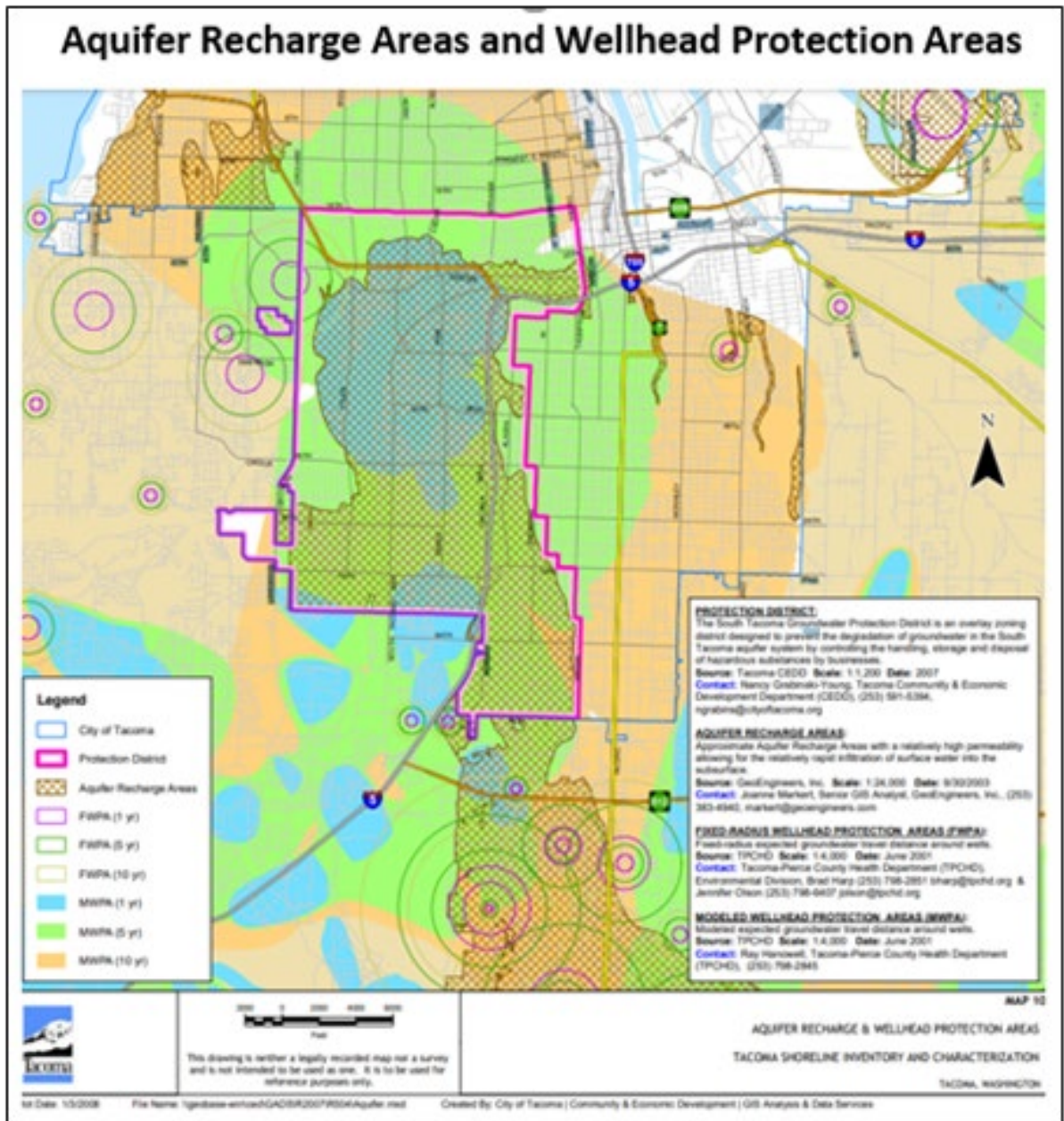
**1. South Tacoma Aquifer System.**

The South Tacoma Aquifer System is generally composed of three aquifers: The Shallow Aquifer, the Sea Level Aquifer and the Deep Aquifer:

- The recharge area for the shallow aquifer is estimated to be approximately 180 square miles in area (encompassing upland areas including South Tacoma, the Roy 'Y', and Fredrickson).
- To some extent, the Shallow Aquifer ground water recharges the Sea Level Aquifer, which then recharges the Deep Aquifer.
- In general, ground water moves from the southern part of the greater upland area northward in each aquifer to discharge along the margins of Puget Sound and the lower Puyallup Valley.

## 2. Recharge Area Maps





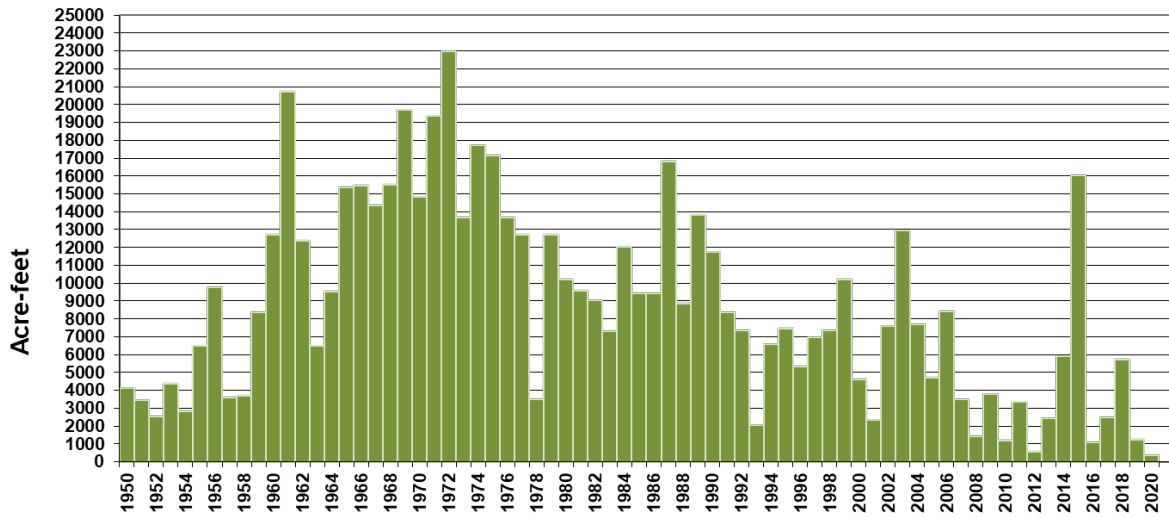
### 3. Groundwater Capacity

Tacoma has a total of over 55 MGD of in-town groundwater Capacity. We have the ability to pump at least 40 MGD at any given time. a Majority of this capacity is located in aquifers under South Tacoma:

- 13 wells along South Tacoma Way – highly productive
- Wells range in capacity from 0.6 MGD to 10.5 MGD
- Wells discharge to the Wells Pipeline
- The Wells Pipeline carries the water to two Treatment Facilities
- South Tacoma wells Can Produce over 33 MGD, Also Have several other wells that produce an additional 7 MGD

#### 4. Annual Well Production

The aquifers could deliver over 27000 Acre-feet each year (Additional Pumps would be needed to produce this amount).



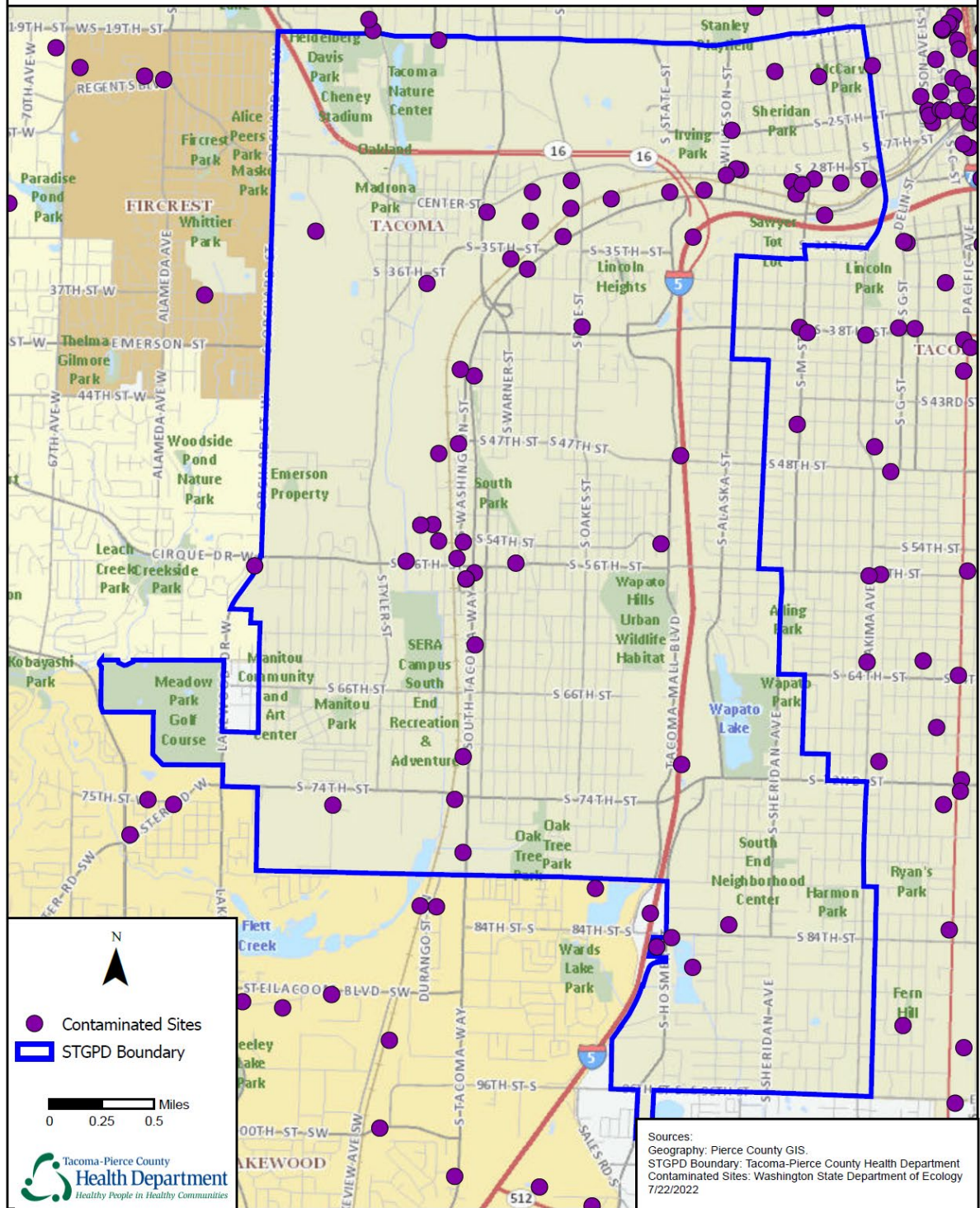
### O. FINDINGS OF FACT: CONTAMINATED SITES AND CLEANUP

#### 1. Known Contaminated Sites, from Department of Ecology

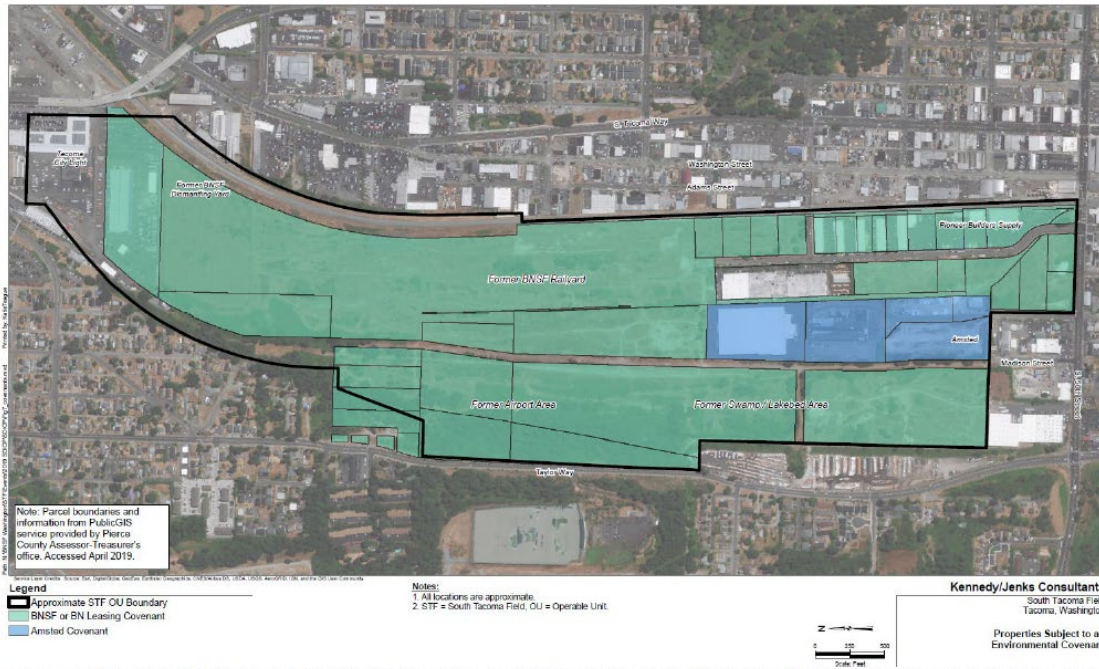
Roughly half of all known contaminated sites in Washington State are UST sites. Petroleum is the most commonly released hazardous material. Sites on this map vary in type of contamination (i.e. contamination from other sources than USTs) and range in degree of cleanup required.



# Department of Ecology - Known Contaminated Sites



## 2. South Tacoma Field Site, EPA



PROPERTIES SUBJECT TO ENVIRONMENTAL COVENANTS, SOUTH TACOMA FIELD OPERABLE UNIT, COMMENCEMENT BAY - SOUTH TACOMA CHANNEL SUPERFUND SITE

## P. FINDINGS OF FACT: UNDERGROUND STORAGE TANKS

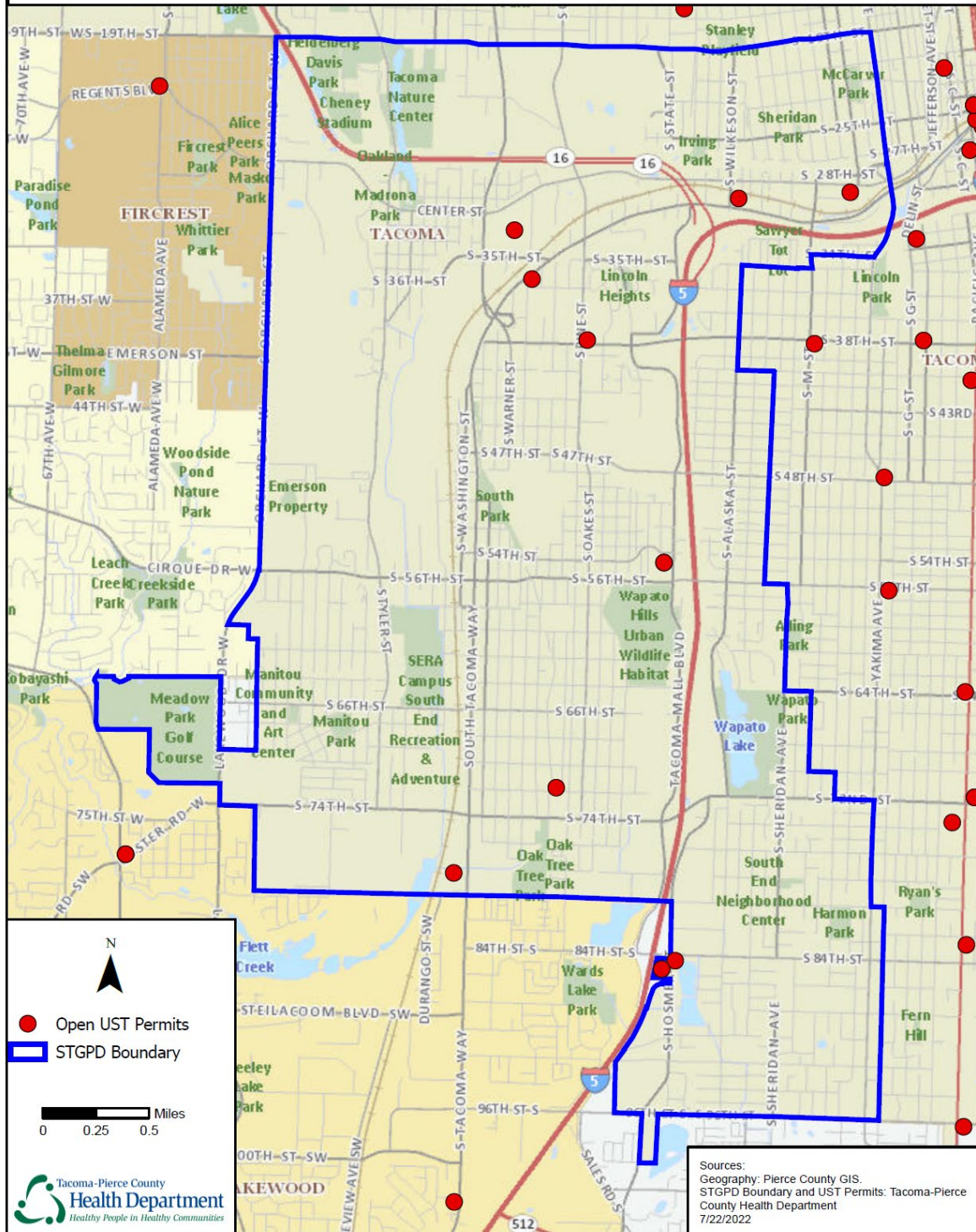
### 1. Open Underground Storage Tank Permits

The locations shown on the Open UST Map are sites that have not met Tacoma-Pierce County's Health Department's cleanup standards through the [Contaminated Property Cleanup Program](#). These sites are under active regulatory oversight to complete cleanup.

In Pierce County, cleanup of UST contaminated sites is required and not voluntary per [Environmental Health Code, Chapter Four](#).

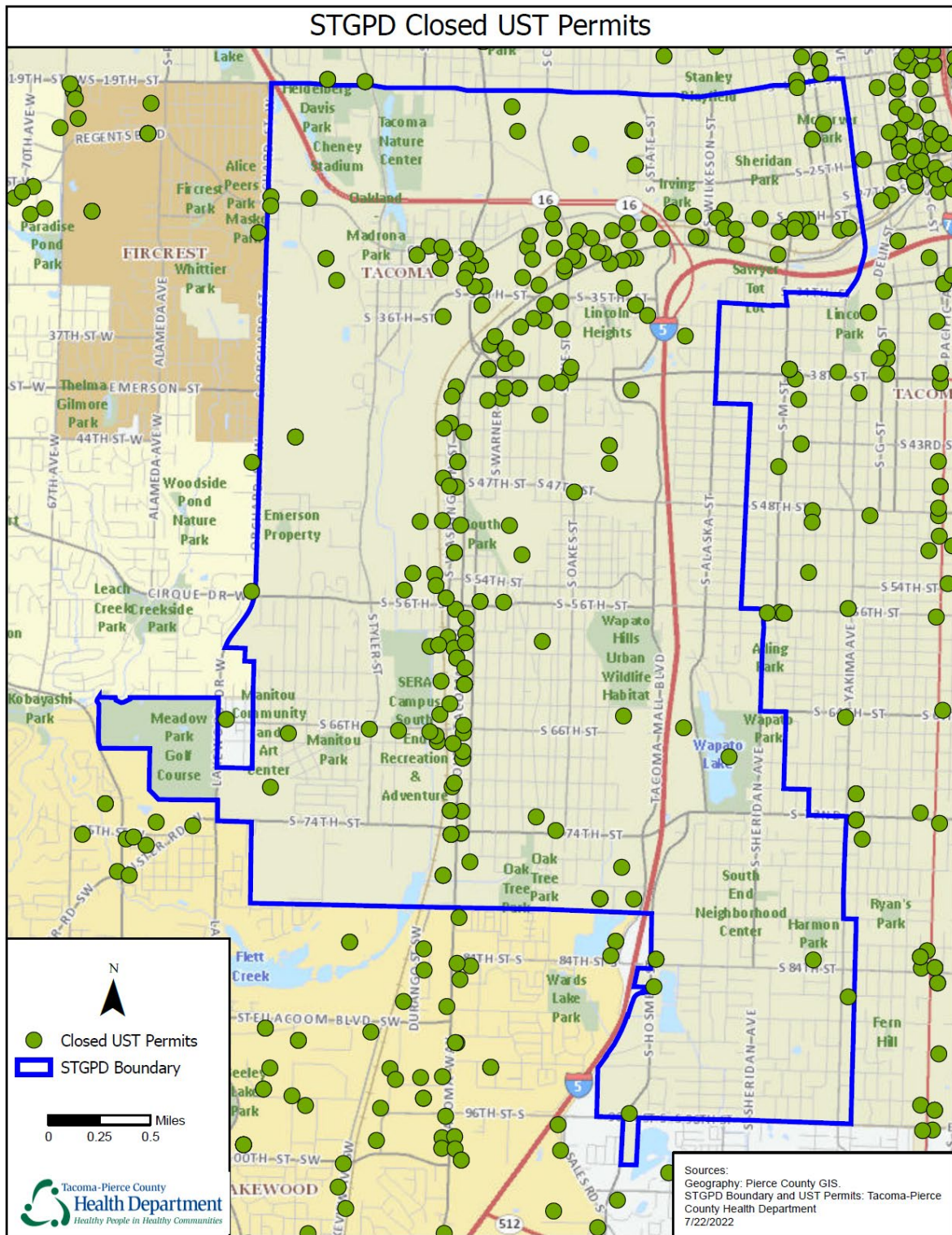
We work with property owners to bring contaminated sites into compliance.

# STGPD Open UST Permits



## 2. Closed Underground Storage Tank Permits

The locations on the Closed UST Map show sites that have completed cleanup required by [Environmental Health Code, Chapter Four](#).



## Q. FINDINGS OF FACT: PLANNING COMMISSION’S REVIEW PROCESS

Amended Substitute Resolution No. 40985 directs the Planning Commission to conduct a public process to develop findings of fact and recommendations within 60 days as to whether a moratorium is warranted. The Commission conducted reviews of the subject at its regular meetings on July 6, July 20, August 3 and August 17, 2022. All meetings were open to the public. Notices of these meetings were disseminated to those on the Commission’s e-mail distribution list. The Commission was not required, nor would there have been sufficient time, to conduct a public hearing as part of the “public process.” Instead, Planning staff conducted a Community Informational Meeting on July 27, 2022 to inform participants of the project and solicit feedback. Notice of the community meeting was disseminated to those on the Commission’s e-mail distribution list, as well as posted on Tacoma News Release and social media. The Commission’s review process can be summarized in the schedule below:

Date	Actions
June 28, 2022	Council adoption of Amd. Sub. Res. #40985
July 6, 2022	PC review – Scope, Process, and Planning Context
July 20, 2022	PC review – Agency Perspectives
July 27, 2022	Community Informational Meeting (virtual), 5:00 p.m.
August 3, 2022	PC review – public comments, land use, permitting, fire PC deliberation of Findings of Fact and Recommendations
August 17, 2022	PC completes Findings of Fact and Recommendations
August 27, 2022	Deadline for PC per Res #40985
September 20, 2022	Council review of PC’s recommendations
October 2022	Council actions

Planning Commission agendas, minutes, handouts, presentations, and meeting recordings are available on the Commission’s website, under the subpage of “Agendas and Minutes”, at: [http://www.cityoftacoma.org/government/committees\\_boards\\_commissions/planning\\_commission/agendas\\_and\\_minutes/](http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/)

The recording and presentation for the community informational meeting are posted, along with pertinent information about this consideration for a moratorium, on the project website at [www.cityoftacoma.org/MoratoriumSTGPD](http://www.cityoftacoma.org/MoratoriumSTGPD).

## R. FINDINGS OF FACT: PUBLIC COMMENTS

Public comments reviewed and considered by the Planning Commission include those received at/through the following events:

- The meetings of the City Council and its IPS Committee in May-June 2022 when the 2022 Amendment was on the agendas, including the public hearing on June 7, 2022
- The meetings of the Planning Commission in April-May 2022 when the 2022 Amendment was on the agendas, including the public hearing on April 6, 2022, and in July-August 2022 when the STGPD Moratorium Consideration was on the agendas
- The staff-sponsored Community Informational Meeting on July 27, 2022

With respect to the consideration for a moratorium in STGPD, some of the more significant, recurring comments include:

- Support a moratorium and pause all permitting within STGPD until outdated code is updated based on best available science
- Support objective/independent study done by experts for the infiltration recharge of the aquifer
- Strengthen monitoring of hazardous materials and chemicals
- Being outside of compliance with state and federal standards could jeopardize funding
- Factor in climate change
- Need proper infiltration recharge to keep aquifer at healthy level; infiltration recharge needs to be part of the review

## **S. CONCLUSIONS:**

### **1. General**

- a. The Commission's findings of fact are based on the information presented by staff from the City of Tacoma, Tacoma Water, and Tacoma-Pierce County Health Department across four meetings from July 6 to August 17, 2022, as well as information provided through public comment.
- b. Given the 60 day-time limit for the Commission's recommendations, these findings and recommendations, as well as the information considered in their development, are limited in their scope and subject to change as the Commission proceeds with the full review of the Groundwater Protection District development standards.
- c. While the Commission is comfortable that the current regulatory regime in place to protect groundwater and aquifer recharge is rigorous and comprehensive, including proactive monitoring to ensure compliance and provide early identification of any contaminants, the Commission recognizes ongoing concerns from community members regarding specific types of uses within the area, and shares in the concerns regarding the compatibility of specific types of uses within the Groundwater Protection District.
- d. As a result, the Commission concludes that a cautious approach is appropriate until additional information can be reviewed to ensure that allowed uses are compatible with the area and do not present a significant risk to groundwater resources.
- e. Therefore, the Commission concludes that a moratorium is warranted within the South Tacoma Groundwater Protection District until the conclusion of the Groundwater Protection Code update can be completed in 2023.

### **2. Groundwater Protection and Aquifer Recharge**

- a. Based on information from Tacoma Water, the South Tacoma Aquifer has seen no reduction in water supply despite the growth and development that has occurred in Tacoma and Pierce County over the past few decades.
- b. The South Tacoma groundwater aquifer is used to supply 40% of drinking water during drier parts of the year and will become more critical to the well-being of residents over time as the City grows by 127,000 residents by 2040.

- c. Climate forecasts as represented by the [2014 National Climate Assessment](#) indicate that the Pacific Northwest will likely incur drier summers with less rainfall, putting greater strain on freshwater supplies during peak usage periods. This growing stress to the freshwater supply is one effect of climate change that is referenced in the City Council's declaration of a Climate Emergency in Resolution 40509.
- d. These scientific findings and Council's emergency declaration supports the Commission's findings that additional actions to protect the South Tacoma groundwater aquifer and its recharge area from industrial and commercial chemical contamination may be warranted and justifiable.

### **3. Heavy Industrial Uses**

- a. Heavy Industrial uses are currently allowed in two zoning districts within the South Tacoma Groundwater Protection District, including the M-2 Heavy Industrial Zoning District and the Commercial Industrial Mixed-Use District within the Tacoma Mall Regional Growth Center.
- b. These zoning districts currently comprise 720 acres of land area within the STGPD and approximately 9% of the total land area.
- c. Recent permit trends indicate that the predominant uses locating in the area are light industrial uses, such as storage and warehousing, though a metal recycling facility was recently permitted as a heavy industrial use within the area.
- d. With the recent permit application for warehousing to be located at the South Tacoma Field site, the vacant land within the area is in limited supply with most buildable lands identified as "underutilized" properties with existing uses and a lower likelihood of near-term redevelopment.
- e. Based on existing regulations, including the recently adopted Tideflats Non-Interim Regulations, heavy industrial uses are significantly limited within the area.
- f. As a result, the Commission concludes that there is a low probability of new heavy industrial uses becoming vested, with the exception of metal recycling, during the planning horizon for the groundwater code update and Economic Green Zone planning processes, and that uses that would constitute a "worst case" scenario for groundwater protection are already prohibited.
- g. Further, the Commission concludes that a broad moratorium on heavy industrial uses could detrimentally impact uses that are considered heavy industrial, but do not constitute a significant risk to groundwater protection.
- h. Finally, while the Commission broadly shares concerns with community members regarding the compatibility of heavy industrial uses within close proximity to dense, urban neighborhoods, and the potential off-site impacts associated with such uses, the Commission concludes that these concerns expand beyond the nexus with groundwater protection and are more appropriately considered within the Economic Green Zone planning effort.

### **4. Hazardous Material Storage**

- a. The Groundwater Protection District currently prohibits primary uses that involve hazardous material storage and processing that are determined to be incompatible with groundwater protection.
- b. Based on information from the Tacoma Fire Department and Tacoma-Pierce County Health Department, a broad range of both industrial and non-industrial uses involve some degree of small-scale hazardous substance storage and processing as part of their operations.

- c. Uses with a minimum of 220 pounds or 35 gallons of hazardous substances are required to get permits from the Tacoma-Pierce County Health Department.
- d. These uses include automotive uses, manufacturing, and gas stations, as well as, schools, paint supply and big box retail, breweries and other utility and governmental uses.
- e. These uses are subject to bi-annual inspection at a minimum and monitoring by the Tacoma-Pierce County Health Department as well as the Tacoma Fire Department.
- f. Many of these uses have not been identified as uses of concern by community members who have provided comments through this process.
- g. The Planning Commission therefore concludes that a broad moratorium on hazardous materials storage could have a detrimental impact on uses currently allowed within this area who are subject to permits for small scale hazardous material storage, resulting in unintended consequences.
- h. Further, the Planning Commission concludes that the risks associated with these small-scale storage sites are generally limited and appropriately minimized through current regulations.
- i. A broad moratorium could also result in equity impacts, by limiting common commercial and educational uses and other services commonly enjoyed in other neighborhoods.
- j. While the Commission concludes that a broad moratorium is not warranted, the Commission does conclude that a moratorium is warranted for specific uses within the district that have been commonly associated with more significant volumes of hazardous material storage and with historic sources of contamination.

## **5. Economic Green Zone**

- a. The public comments the Commission has received reinforce the importance of appropriately funding and resourcing the Economic Green Zone Subarea Plan for South Tacoma.
- b. Many of these expressed concerns, specifically pertaining to air quality impacts from new industrial activity and increase in truck traffic, fall outside the scope of this moratorium discussion, as directed by the City Council, and likewise are not issues limited to South Tacoma, but potentially impacting other communities within Tacoma.
- c. Based on the Tacoma Equity Index, much of the South Tacoma neighborhood is evaluated as low opportunity, disproportionately impacting people of color.
- d. The Commission concludes that the Economic Green Zone Plan is a critical need to redress environmental harms and support an environmentally just and sustainable future for South Tacomans.

## **6. Underground Storage Tanks (including gas stations)**

- a. Sites with active USTs currently used for fueling (gas stations) are subject to inspections from Department of Ecology (every three years) and Tacoma-Pierce County Health Department (bi-annual). During these inspections, [similar items](#) are checked to ensure the tanks are properly functioning.
- b. The Planning Commission concludes that a broad moratorium on USTs could have a detrimental impact on existing businesses who are required to replace tanks as part of their scheduled maintenance and operations. Replacing aging UST tanks will improve groundwater protection and compel cleanup if any leaks or contamination is found during the tank removal process.



- c. While the Commission concludes that a broad moratorium is not warranted, the Commission does conclude that a moratorium is warranted for new USTs, not associated with replacement of an existing UST located within the STGPD

## **7. Metal Recycling and Auto Wrecking**

- a. Metal recycling and auto wrecking facilities were identified as a specific use of community concern in the South Tacoma Neighborhood Council application to review the groundwater code and to establish an Economic Green Zone in South Tacoma.
- b. Metal recycling and auto wrecking present a risk of contamination from petroleum products commonly associated with combustible engines and vehicles.
- c. As such, these facilities are currently subject to the development standards and permit requirements of the South Tacoma Groundwater Protection District.
- d. While the Groundwater Protection District standards are intended to minimize and contain the risk of a spill and new contamination that could potentially affect groundwater resources, the Commission concludes that the specific risk associated with these uses warrants further evaluation and consideration to determine if current codes are sufficient to adequately address the potential impacts of these uses or if these uses are incompatible with groundwater protection.

## **T. RECOMMENDATIONS:**

1. Based on these findings of fact and conclusions, the Planning Commission recommends that a moratorium within the South Tacoma Groundwater Protection District is warranted. However, 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. The Commission suggests that taking a cautious approach would be more appropriate and pragmatic.
2. The Commission recommends that the City Council consider enacting a targeted and specific moratorium on the establishment of new metal recycling/auto wrecking facilities, vehicle service and repair, vehicle service and repair – industrial, and underground storage tanks. The moratorium should additionally limit the expansion of existing facilities but allow for normal maintenance, repair, and replacement activities of existing uses.
3. The duration of the moratorium should apply initially for a period of one year, to be resolved through the South Tacoma Groundwater Code update as part of the 2023 Amendment to the Comprehensive Plan and Land Use Regulatory Code which is scheduled to be forwarded to the City Council for consideration in May/June of 2023.
4. According to the Tacoma Municipal Code, Section 13.05.030.E.3, “Moratoria or interim zoning ..... may be effective for up to one year if a work plan is developed for related studies requiring such longer period.” The Commission recommends that the “Work Plan for STGPD Code Amendments” adopted by Amended Substitute Resolution No. 40985 on June 28, 2022, as part of the 2022 Annual Amendment, be referenced as the base for such a work plan for the one-year moratorium, with its scope and implementation schedule properly adjusted according to the need of the moratorium.
5. The Commission recommends that the City Council pursue broad-based community engagement and outreach before and after enacting the moratorium to ensure both

supportive and opposing viewpoints are heard and those businesses that may be affected by the moratorium are properly involved in the process.

6. The Commission acknowledges and appreciates the expertise and support from our partnering agencies, including the Tacoma-Pierce County Health Department, the Tacoma Water, the Environmental Services Department, the Fire Department, and the Planning and Development Services Department. As the consideration for a moratorium moves forward, the Commission recommends that there is a need to engage with additional subject matter experts (SMEs), such as those from the State's Department of Ecology and the City's Economic Development Department. To the extent feasible, consultant services may be retained, as some citizens have suggested.
7. The Commission further recommends that the City of Tacoma and Tacoma-Pierce County Health Department, as part of the Groundwater Code update, evaluate funding barriers and opportunities to accelerate the cleanup and remediation of contaminated sites within the South Tacoma Groundwater Protection District.
8. While the findings of fact support that despite decades of development within Tacoma and Pierce County aquifer levels and the availability of drinking water have not declined, the management of these resources must take into account the future impacts of climate change. The Commission recommends that the City Council and/or Tacoma Public Utility consider funding an independent study of how forecast climate change may specifically impact these resources in the future.
9. Based on the information provided by Tacoma Water, the Commission recognizes that aquifer recharge and the sustainability of this source of drinking water extends beyond the jurisdiction of the City of Tacoma. As such, the Commission recommends that City staff engage the other countywide jurisdictions to jointly review development practices that may impact aquifer recharge and to recommend and coordinate improvements to Comprehensive Plan policies and development regulations.
10. Finally, the Commission recommends that the City Council fully fund and staff the Economic Green Zone/South Tacoma MIC Subarea Plan and Environmental Impact Statement. This is a critical effort to re-evaluate the future of industrial use and activity in South Tacoma and to consider how we increase employment opportunities while ensuring a healthy, safe, and sustainable environment for South Tacomans. While the Commission is aware of the potential budget reductions being considered as part of the upcoming biennial budget, this project should be considered a high priority for funding.

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