

Meyers, Aundrea

RECEIVED
JANUARY 11, 2023
HEARING EXAMINER

From: Stevens, Troy
Sent: Wednesday, January 11, 2023 2:14 PM
To: Hearing Examiner
Cc: Stevens, Troy
Subject: FW: Comments for Street Vacation Hearing tomorrow 9 am - Public Comment on SV124.1432
Attachments: Madison St Bridge Point Street Vacation comment.docx

fyi

Troy Stevens, MSML
Real Property Services
City of Tacoma, Public Works
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Michelle Mood <moodm@kenyon.edu>
Sent: Wednesday, January 11, 2023 2:08 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Comments for Street Vacation Hearing tomorrow 9 am

Dear Mr. Stevens,

Please see attached- commenting on the proposed street vacation **Bridge Point Tacoma, LLC SV124.1432 (S Madison St) ... petition to vacate portion of South Madison Street, lying southerly of South 40th Street, to facilitate an industrial park and associated storm ponds, utility extensions, and parking facilities.** . Let me know if you can't read this or see all my images. I've been told that you will include these in the materials the Hearing Examiner will be addressing tomorrow.

Thank you.

Dr. Michelle S. Mood (she, her, hers)
(c) 740-233-6333
3719 South Gunnison St
Tacoma, WA 98409

A boomer, not a zoomer.

I am commenting on the proposed street vacation **Bridge Point Tacoma, LLC SV124.1432 (S Madison St)** ... *petition to vacate portion of South Madison Street, lying southerly of South 40th Street, to facilitate an industrial park and associated storm ponds, utility extensions, and parking facilities.* I am writing to request you deny or at the minimum recommend a delay in any approval of this street vacation. There is no reason to allow this vacation now, and there are many legal reasons to delay.

My property is three blocks north of the north end of this proposed street vacation and abuts the Bridge Point Tacoma's property. I have reviewed the materials submitted related to this proposed street vacation and I was struck by the comments by Elly Walkowiak, Assistant Director of Tacoma's Community and Economic Development Department. She wrote: *"In summary we are in favor of the street vacation. This new industrial park will help to revitalize the community by removing blight, enabling investment in and development of a long-standing Superfund site, and supporting livable wage job creation in South Tacoma."* I believe Asst Dir Walkowiak has misunderstood the location of this street vacation, as I notice many people mistake what is seen driving on South Tacoma Way for what is on this proposed street vacation. Here are some photos of the area, the Superfund site and the four wetlands and stream, currently purifying the toxins as per EPA Region 10's Piper Peterson's assessment of the South Tacoma Field Superfund site.



In this shot above, we are looking straight west at 37th St, with 40th St to the far left. In the shot below, we are looking southwest towards 40th St to the far left. Instead of blight that needs to be removed, there are trees, wetlands, a stream, as well as accompanying wildlife (coyotes, raptors, and their prey).

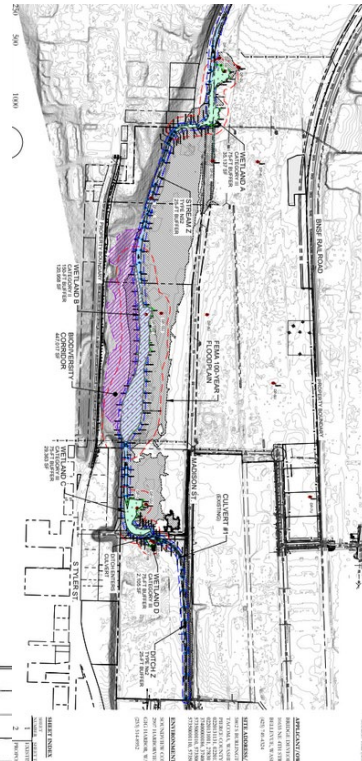


These photos are just a tiny part of the majesty of this land, but these shots do focus on the area for the planned street vacation.

Let me show you more. Below I share a photo on the left of Wetlands B, a Category II wetlands, that is right in the way of this street vacation. This shows that vacating the right-of-way is in violation of RCW 35.79.035. On the right I share a photo of Wetland C, Category III, also in the street vacation designated area.



I can show you on the schematics where these wetlands are:

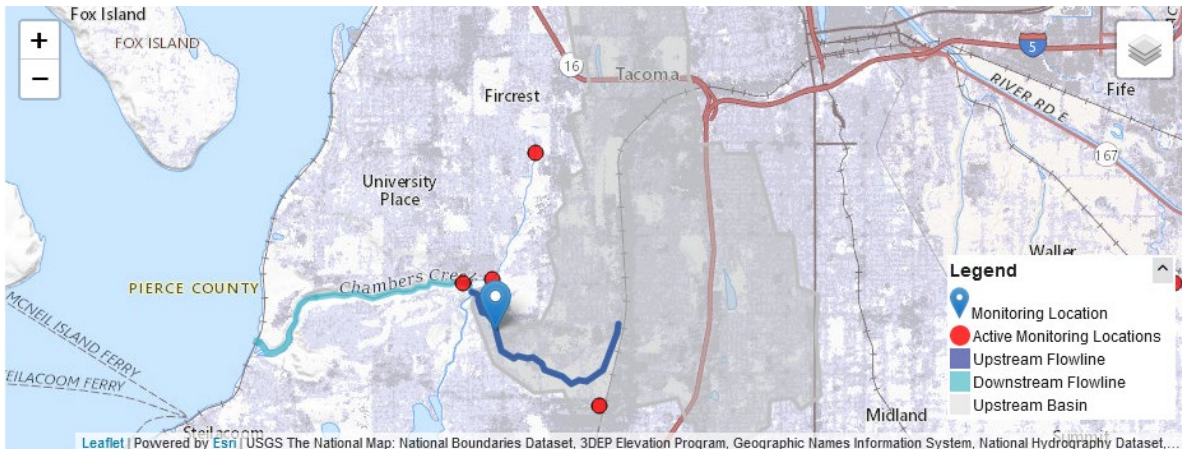


BRIDGE POINT TACOMA, LLC
 STREET VACATION NO. 124.1432
 PORTION OF MADISON STREET LYING SOUTHERLY OF SOUTH 40TH STREET
 NE 1/4 SEC. 20, T20N, R2E & PTN. OF EAST HALF OF SEC. 13, T20N, R2E

Above left is the map from the submitted materials for this street vacation. On the right is my copy of roughly the same area from Soundview Consultants Conceptual Mitigation Plan, submitted to the Tacoma Planning and Development Services department for the owner's plans for this property (Bridge Point Tacoma, LU21-0125 permit).

Looking at the images above, compare on the left where the prominent street in the center of the Street Vacation photos curves with the curve in the schematic on the right. You'll see the blue water area (Wetlands B, C, D) completely overlaps with the current street that Tacoma City owns. These maps illustrate the overlap between the proposed street vacation and the vibrant, vital four wetlands and a stream that connects to salmonid Chambers Creek and Chambers Bay, in Puget Sound Tacoma City can not vacate this due to RCW 35.79.035.

Here I show the Flett Creek flowline from the proposed area to Puget Sound. The dark blue line is Flett Creek, connecting to Chambers Creek:



<https://waterdata.usgs.gov/monitoring-location/12091100/#parameterCode=00065&period=P7D>

What I have discussed so far is my lived experience in this neighborhood. Now I want to turn to how this vacation is justified by the applicant.

I repeat the applicant's proposed street vacation logic below, with my comments in *italics*:

1. The vacation is a public benefit because it places the property on the tax rolls and may result in greater private investment in adjacent private industrial-zoned property, which is currently in need of environmental remediation and redevelopment. *I do not see this area as in need of environmental remediation and redevelopment. In fact, Piper Peterson of the EPA has been conducting the five year review of the area and has not indicated any urgency or problems. The taxes won't come through because of current law incentivizing investment.*

2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object. *However, this street vacation is related to LU21-0125, about which over 600 people and 30 organizations wrote letters to the Planning and Development Services department asking for an Environmental Impact Statement before this construction permit be approved. EarthJustice used industry traffic estimates for "high cube distribution warehouses" and discovered LU21-0125 will create 10,000-12,000 new vehicle trips daily. This is key regarding the location – an overburdened community with high levels of diesel emissions, PM 2.5, and attendant environmental health disparities (see below).*

3. The petition has been considered by City staff and outside quasi-governmental agencies and it does not adversely affect the public need; *Whichever City staff and quasi-governmental agencies were looped in apparently don't fully understand the adverse affect this has on the neighborhood, so I hope you pay attention to what I am saying in this communication today! EPA Region 10, WA Department of Health, and Tacoma-Pierce County Health Department all asked for a Health Impact Assessment prior to going forward. Those three plus Puget Sound Clean Air Agency and the WA Department of Ecology also urged a more robust analysis of the project's exacerbation of health inequities on this historically over-burdened community (terrible environmental health*

disparities of the area, rated a 10/10 for environmental health disparities, shortest lifespan, a whopping 6 years shorter than county average, and 25 years shorter than North Proctor area!). Maps supporting this below, showing the already overburdened diesel and PM 2.5 emissions as well.

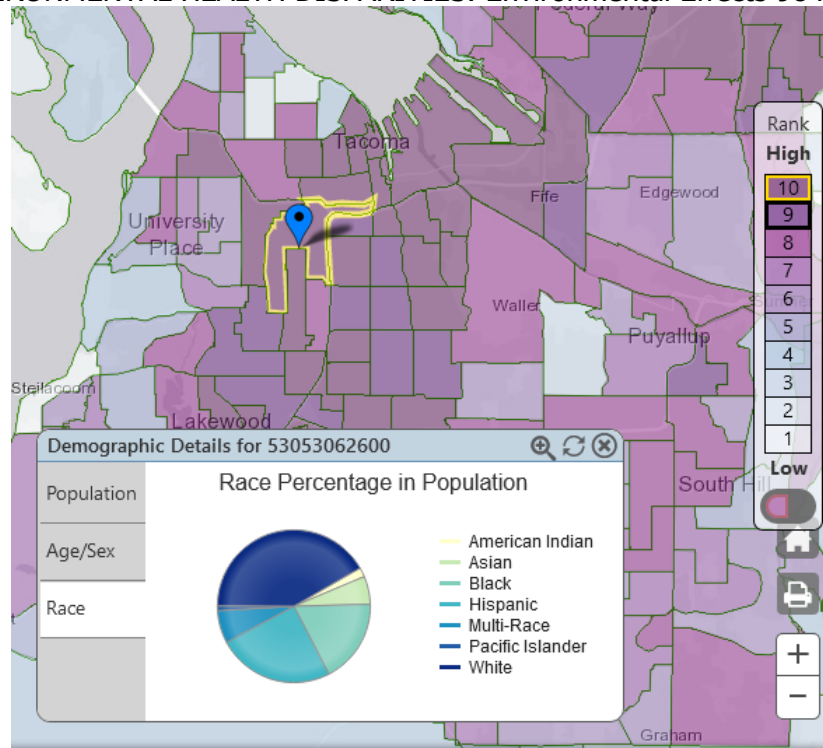
4. The right of way is not needed for future public use. *Since the city owns it now, it would be a great access to the wetlands and the lovely trees there, all of which are protected by the Critical Areas Act RCW36.79A.172, and it would give the overburdened populations a place to enjoy, just as the north of Tacoma has Point Defiance.*

5. No abutting owner becomes landlocked nor will their access be substantially impaired.

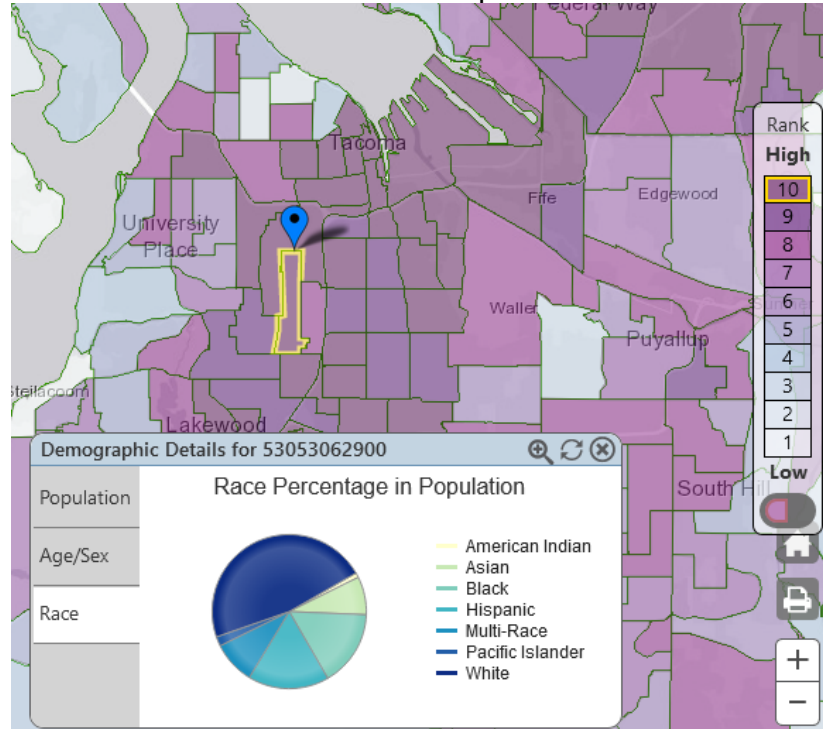
6. The vacated area is not close to a body of water as contemplated under RCW 35.79.035. *This is so clearly not the case that I can't figure out how this escaped the concerned officials. This is the upper reaches of Flett Creek, a salmonid creek that connects to Chambers Creek and then empties into Chambers Bay, Puget Sound. In fact, it is abutting a Critical Areas as per RCE 36.79A.172.*

Thus, there are many legal issues with the street vacation, and I urge you to deny or delay the street vacation. I have here the Washington State Department of Health Environmental Health Disparity Maps documenting environmental health inequities in the surrounding area, my home, just in case you need to be refreshed on what the EPA Region 10, DOH, DOE, PSCAA, and TPCHD are referring to when they indicate serious concern about the overburdened populations here.

ENVIRONMENTAL HEALTH DISPARITIES: Environmental Effects 98409 (a)

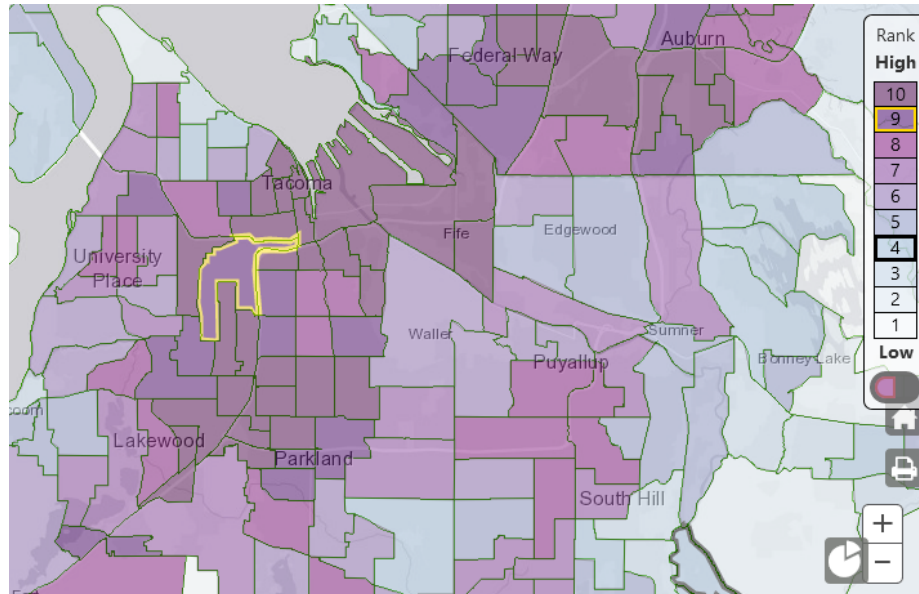


ENVIRONMENTAL HEALTH DISPARITIES: Map B Environmental Effects 98409 (b)



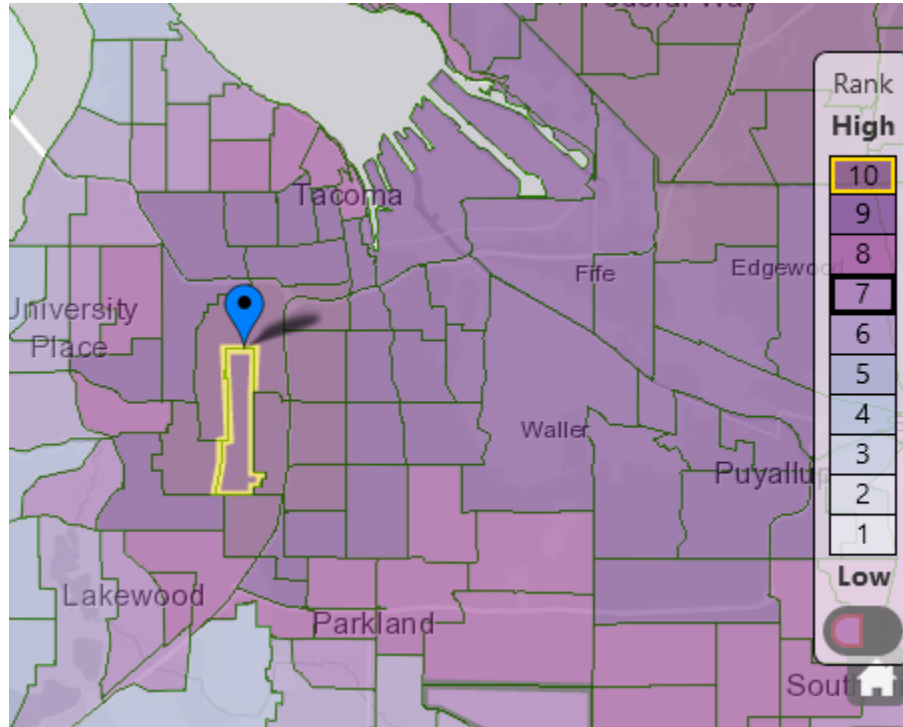
Note: While the Washington Health Disparities Map does not show data by zip code, I have pinned zip code 98409 with the blue dot and I have selected two data sections, which I have labeled as 98409 a and b. Both are ranked 10, the **worst** environmental health disparity rating possible. (Yellow boxed number=ranking number)

DIESEL BURDEN AND DISPROPORTIONATE IMPACT MAP



Level 9 for this area, second worst ranking. (Yellow boxed number=ranking number)

Focus on P.M. 2.5 Emissions



Level 10 for this area, worst possible ranking. (Yellow boxed number=ranking number)

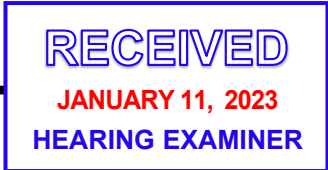
A final point I would like to make is that the Tacoma City Charter charges the City to “secure in the most ample manner the safety, welfare, accommodation, comfort and convenience of the public” for “every grant, renewal, extension or amendment of a franchise, right or privilege” (Article VIII Section 8.1 (d), p.24). Thus this portion of the City Charter reflects the desire and the mandate of the City Government to promote the safety and welfare of the public. This appears to be a forgotten part of the Charter, so I hope this hearing will bring the public safety and welfare to the foreground again, and deny or delay the vacation of this street.

From my photos of this area, you can see this area is performing many active functions for the neighborhood that the City has an interest in continuing. The Superfund site is being detoxified by these living, breathing lungs of the South Tacoma wetlands. The region is being cooled by the many trees. There is a waterway that connects to a salmonid stream. From the WA DOH Environmental Health Disparities Map, you can see the area is the most historically overburdened, with the worse air quality and worst life expectancy in the city. In fact, it is the old redlined area and the only area with residential tracts next to a Heavy Industry Zoning tract. And during the July 2021 heat wave, South Tacoma Way was 10 degrees higher than the average; how much worse will it be without the City maintaining its control of this wetlands and trees? All these functions are happening right on this old street right-of-way. The value of all of this shows that the vacation is not providing a public benefit and in fact impedes a public purpose and adversely affects the public need, as well of violating RCW 35.79.035 and the City Charter. For all these reasons, it serves the public interest to deny or delay this street vacation. Delaying at least will allow the City to address these matters. The City still owns this street, and it needs time to think through the best use of it.

I thank you for your attention to this matter, and hope and trust this street vacation will be denied or delayed.

Sincerely,
Michelle S Mood
3719 South Gunnison St
Tacoma, WA 98409

Meyers, Aundrea



From: Stevens, Troy
Sent: Wednesday, January 11, 2023 3:48 PM
To: Hearing Examiner
Cc: Stevens, Troy
Subject: FW: Written Comments Re: SV124.1432 (Bridge Point Tacoma, LLC) - S. Madison St. location
Attachments: Written Comment RE SV124.1432 Bridge Point Tacoma LLC - S Madison ST location.pdf
Importance: High

HEX staff,

Please see the attached.

Thank you,

Troy Stevens, MSML
Real Property Services
City of Tacoma, Public Works
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Heidi S. <heidigs@hotmail.com>
Sent: Wednesday, January 11, 2023 3:45 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Written Comments Re: SV124.1432 (Bridge Point Tacoma, LLC) - S. Madison St. location
Importance: High

RE: SV124.1432 (Bridge Point Tacoma, LLC) - S. Madison St. location

Troy,

Please submit the attached document as written comment for-the-record of the above mentioned public hearing.

Summary: this vacating-of-street request should be delayed - if not fully denied - for reasons noted in the attached submission.

Thank you,
Heidi Stephens

.

January 11, 2023

Comments for the Record

Hearing Date: Thursday, January 12, 2023, 9:00 a.m.
File Number: HEX2022-022 (SV 124.1432)
File Name: Bridge Point Tacoma, LLC, Petitioner

To: Jeff H. Capell, Hearing Examiner

For your consideration in the above matter, I submit the following for the official record.

Summary: this vacating street request should be delayed (then possibly fully denied) until after the final critical areas permit, SEPA environmental determinations, strongly advised Health Impact Assessment, input from additional agencies and all appeals have been completed. Turning over such control, prematurely to this permit applicant, will unnecessarily put the city at disadvantage instead of retaining important leverage which may surely be needed at a later opportune time.

Hearing Examiner Capell,

This is not a typical street vacation situation. There are hugely significant consequences to this massive development being proposed of which the public has been expressing strong concern and opposition for months.

It will not "provide public benefit" (as I address below) and the "public need" will be adversely affected in multiple ways, not just, but also including "the street pattern or circulation of the immediate area or the community as a whole" as well as being noncompliant with RCW 35.79.035.

Bridge Industrial and its contractors have not been forthcoming with current nor accurate information in their proposal or permit submissions. Many inquiries by the city are still unanswered (into fourth resubmittal requests) while the applicant continues to be dismissive in their inadequate replies.

So, there is no reason to be rushing into vacating city streets for a project which still has so many substantial unknowns. To the contrary, we have every reason to pause such consideration. To this, please see the letter (at bottom) from an expert hydrologist, regarding the many questions which the city has yet to have answered about this gigantic project that could very well have extreme impacts to the urban environment, public's safety/health and vital water systems.

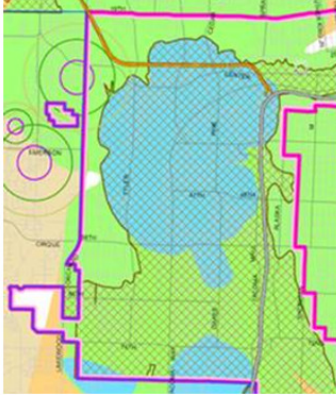
Also, as of yet, we have had no reply regarding the many public comments (including my own) submitted to the city for the applicant's response. Please see the many letters of concern (not to mention the many oral public comments on the topic over the course of many city meetings); some examples of which are within this permit file:

<https://aca-prod.accela.com/tacoma/Default.aspx>
Enter LU21-0125 into the search box

The hydrologic studies and stream classifications provided by the applicant, alone, are so far little more than unjustified opinions accompanied by large amounts of raw data and computer output, meant to look impressive and intimidating; however, the applicant has made is no attempt to connect any of that data to their broad opinion that destroying one of the last open green spaces (an area larger than 40 football fields above a critical groundwater aquifer/stream/wetland/watershed to downstream creeks) within a currently overburdened community (air particulate matter already above federal standards and overall air quality some of the worst in the nation, highest illness and mortality rates in the county, in one of the highest minority and lowest income neighborhood in the city) will supposedly have no added negative impact.

Please refer to the various City/County/State/Federal and Health Departments' Equity and Disparity Index maps and associated data, some of which is provided, below:

Aquifer Recharge Protection Area (roughly west of I-5 and south of Hwy 16)



Current zoning overlay: heavy industrial down the middle and directly above the aquifer.



Proposed warehouse size: how much land to be paved-over, inhibiting water infiltration.



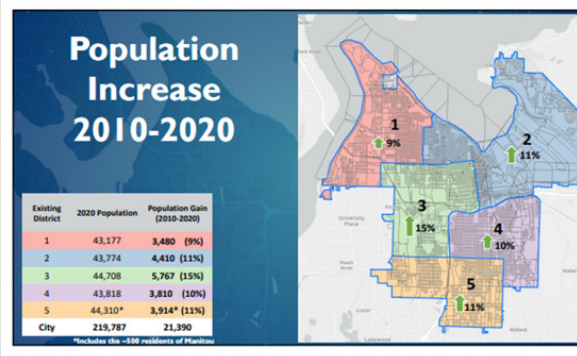
Some of the last open, green space and wetland buffer left in South Tacoma will become a heat/urban dead zone.



South Tacoma:

- *Worst Lung Cancer (highest air pollution),
- *Worst Life Expectancy (low-income/high-diversity)
- *Worst Heart Disease / Mental Health (very little open green space)
- *Worst Ground Water Vulnerability and Contamination.. (*Tacoma Pierce County Health Department)

This is also one of the fastest growing population areas (District 3), with more and more rental housing being packed-in near industrial and highly-polluted areas, yet with less and less open green space.



I respectfully request that you recommend to the City Council that they should deny this street vacation or, at the very least, to defer till later since this request is premature, appearing to have been inappropriately encouraged using outdated reports from 2007 (such as traffic estimates from a previous company's much smaller proposal, when independent input (see Earth Justice's public comments) instead estimates increases to upwards of 12,000 vehicle trips per day) as well as prior to an environmental determination, health impact assessments and other necessary studies for this area are completed.

The City Council also appeared to have misunderstood to think they had no choice but to move the resolution forward when, in actuality, it could certainly have been delayed.

There is also a moratorium presently under consideration as well as a long overdue Groundwater Protection Code upcoming update. A state-funded study of this area's watershed to downstream creeks is also underway. These need to be completed and comprehended before the city turns over property control within this geohydrologically environmentally critical sensitive area, which also currently provides up to 40% of Tacoma back-up water supply and will become even more vitally necessary to protect due to growing evidence of climate change.

This area has also been the focus of a community requested "Economic Green Zone" to protect this last natural buffer against increasing air, water and soil pollution for improved environmental justice to the residents in South Tacoma, as well as opportunities for new eco-industry...

(Please see: Application for the 2022 Annual Code Amendment, March 2021)

[https://cms.cityoftacoma.org/Planning/2022%20Amendment/LRP21-0004%20\(2022AmendApp%20-%20South%20Tacoma%20Economic%20Green%20Zone\).pdf](https://cms.cityoftacoma.org/Planning/2022%20Amendment/LRP21-0004%20(2022AmendApp%20-%20South%20Tacoma%20Economic%20Green%20Zone).pdf)

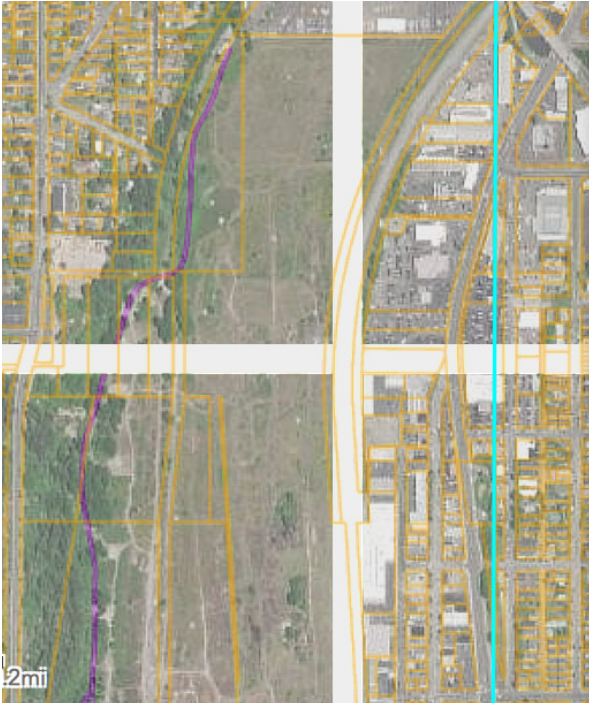
... of which Bridge Point Tacoma offers none of; in fact, besides destroying this land's natural vegetation's air and water management, Bridge Industrial has provided no guarantee regarding which companies or polluting manufacturers many eventually be occupying the space.

It's important to note that the applicant is not requesting street vacation for actual traffic use – they are asking for street control to mostly build over the top of these streets. Unfortunately, just as the city had purchased land along the Thea Foss to restore shoreline, here the city is missing a valuable opportunity to work with the community to create a unique and beneficial place, one which would be an economic draw while protecting the urban wildlife and public health, which is much needed.

When considering the massive footprint over this street location, it's also important to note that this area is on the Priority Habitat Species Map, identifying the:

- endangered Western Pond Turtle,
- Little Brown Bat (“sensitive” status), and
- Freshwater Emergent Wetland

<https://geodataservices.wdfw.wa.gov/hp/phs/>



Occurrence Name	Western Pond Turtle
Scientific Name	<i>Actinemys marmorata</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
State Status	Endangered
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	QTR-TWP
Management Recommendations	Click for more info.

Occurrence Name	Little Brown Bat
Scientific Name	<i>Myotis lucifugus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
Display Resolution	TOWNSHIP
Management Recommendations	Click for more info.

Occurrence Name	Freshwater Emergent Wetland
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Freshwater Emergent Wetland - NWI Code: PEM1Cx
Source Dataset	NWIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service

... the latter also referencing Guidance for Protecting and Managing Wetlands

<https://apps.ecology.wa.gov/publications/summarypages/0506008.html>

(opposite of complete destruction and paving-over with impervious surfaces).

There will be little-to-no benefit to the community from an out-of-state corporation which took advantage of an Economic Opportunity Zone (meant for residents of the area and small start-up businesses) to obtain huge tax breaks for themselves while sending profits to overseas investors instead of being applied locally. Bridge Industrial didn't even attempt to make such a case during last spring's public meeting, instead reusing what seemed to be unrelated slides regenerated from a power-point meant for wealthy investors.

Reading through the city's own Exhibit List, it was particularly disappointing (especially when residents had previously proposed for the Economic Green Zone) that the Community and Economic Development Department would make a sweeping statement of being in favor of this street vacation, with the unjustified comment that: "This new industrial park will help to revitalize the community by removing blight, enabling investment in and development of a long-standing Superfund site, and supporting livable wage job creation in South Tacoma"... when there has been nothing presented by Bridge Industrial to support any of that... and, truly, how could BI support that when they don't even know yet what businesses may occupy the space, (which is why both the Teamsters and Grocery Union have stated their opposition and concern over the typically low-wage, long hours, unsafe conditions, traffic hazards and possible elimination of jobs due to automation which such mega-complexes have produced).

I fully understand this hearing is not to determine the warehouse permit approvals; however the information I'm providing does apply when considering "public benefit" since residents of Tacoma would likely see scenarios as reported in these articles:

Warehouses in their backyards - communities pay the price

<https://www.theguardian.com/us-news/2021/dec/09/when-amazon-expands-these-communities-pay-the-price>

"Communities that host delivery facilities end up being the losers," says Sacoby Wilson, director of the Center for Community Engagement, Environmental Justice and Health at the University of Maryland, College Park, which worked with CR to analyze the locations of Amazon facilities. "They get more traffic, air pollution, traffic jams and pedestrian safety problems, but they don't receive their fair share of the benefits that accrue from having the retail nearby."

America's dirty divide

Revealed: how warehouses took over southern California 'like a slow death'

https://www.theguardian.com/us-news/2022/dec/29/e-commerce-warehouses-amazon-ups-fedex-california-pollution?CMP=share_btn_link

And without proper environmental regulation, the placement of these new facilities is perpetuating environmental injustices...

"The presence of these extra vehicles can worsen local air quality, upping the risk of asthma, heart attacks, and premature deaths."

A 'Warehouse' By Any Other Name | Grist

<https://grist.org/buildings/a-warehouse-by-any-other-name/>

When Warehouses Expand, These Communities Pay the Price

<https://www.consumerreports.org/corporate-accountability/when-amazon-expands-these-communities-pay-the-price-a2554249208/>

... and to suggest this area is "blighted" is preposterous as is evidenced by a resident's photo essay:

Nature's Gem in South Tacoma

<https://tacomaweekly.com/nature-gem-in-south-tacoma-p3769-117.htm>



(A few more photos from the above article, from people who actually walked the land and can speak to it first-hand, unlike many within the city or even the of the permit applicant, themselves.)





This natural ecosystem will be destroyed (some of the last open green space in South Tacoma, including streams and wetlands)...

... to be paved for the mega-warehouse:



So, to disparage this land as “blighted” and refer to it only as a Superfund site is ingenuous at best, ignorant or deliberately inaccurate at worst.

In fact, this vegetated land, left to exactly as is, is precisely what the air, ground and underlying waters need to continue aiding and maintaining the costly remediation this area has already undergone, now naturally filtering and removing contaminants from air/water/soil. To do otherwise (destroying this natural environmental management by disrupting contaminated soil, exposing toxins to the air, eliminating natural water management and open-space infiltration to properly recharge the aquifer) would be the worst thing this city could allow.

Instead, the city appears to be accepting and moving forward with low-quality summaries which should not be considered further until much better studies are conducted.

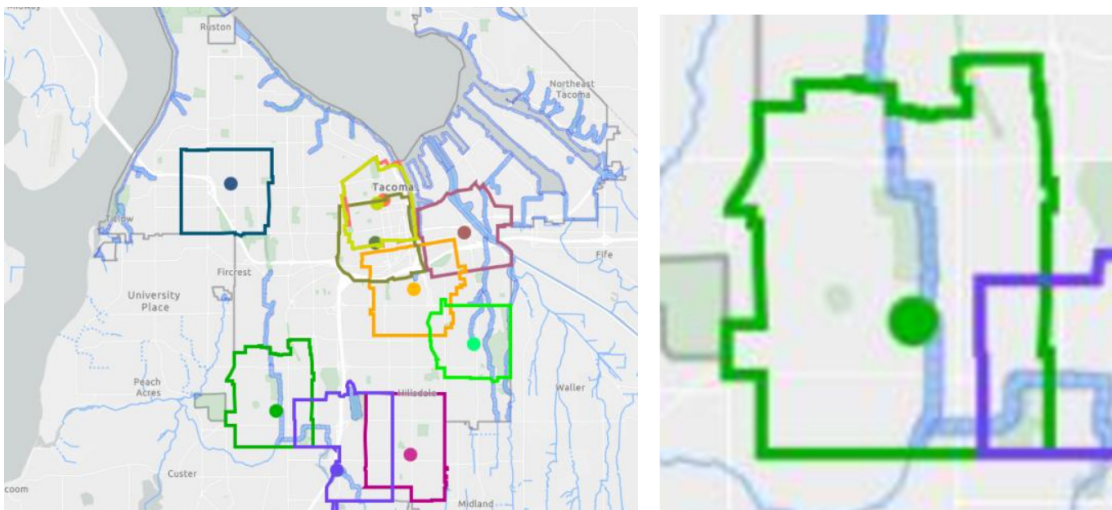
As mentioned previously, the hydrologic input is, so far, simply vague unjustified opinions providing no proof of non-detrimental impacts, and the infiltration/recharge analysis does not support the applicant's claims.

Thus, much of the applicant's submissions seem even deceptive, with no concrete conclusions since based on unreliable stormwater models and highly uncertain soil types data. With no sensitivity analysis done yet, these models' output are untrustworthy, especially without having been "validated" (much less a validated model having then been "calibrated" which are the only studies suitable for this critical area).

Treatment of the stormwater runoff has also not been adequately addressed, since technologies must be tested and monitored, with solid contingency plans when dealing with something this significant -or- showing actual proof of the "no detriment" claims, which has not been done.

The possible consequences (of such a massive project within such a delicate area) from being wrong would be irreversibly severe. Big consequences require better models for overflow, flooding, water table levels dropping, up-and-downstream, yet none of the above has yet been done, instead being put-off as if such considerations can be addressed later, after permit approval – no! Such information obviously must be known first. There seems to be a lack of seriousness in the approach, but this is not a game we can entertain longer. The city has so far been asking rather trivial questions but ignoring the big picture while allowing this project to continually move forward.

Regarding RCW 35.79.035, this area does abut at least two bodies of water: Flett Creek and the South Tacoma Groundwater Aquifer. The city acknowledged these as vital water systems with their recent passage of an ordinance establishing buffers prohibiting camping, amended and adopted to include "protected waters", as is indicated within South Tacoma, below, in green over this street vacation area.



That, alone, should pause any forward progression of the applicant's requests. More complete reports should also more clearly address how the development will affect the site (water table / production wells / contaminants / infiltration / future aquifer use for this growing city) and the surrounding community, as opposed to allowing the applicant to simply claim no adverse impacts to the public... and this is only one small example among many other items of concern.

I'm sure you are aware of the predicament it would put the city in, by prematurely turning over streets, in the event that permits may not be approved or complete information never provided, should the city have already allowed loss of control of these streets. There's no reason to give such leverage, at this stage of the process, to a private corporation which has already been declining to appropriately provide accurate information to the city. Instead, any street vacations should be held in reserve by the city, only to consider after this applicant has been fully compliant.

Conclusion:

Regardless of all of the above, bottom line, the permit applicant themselves have not proven the conditions needed to satisfy the points a hearing examiner is to consider. Due to having any such doubt, it's best to defer.

Rushing forward, with so little comprehension from yet unsupplied information, is simply bad city management and the reason Tacoma continually finds itself trapped into bad outcomes.

The good news is, as hearing examiner, you have the opportunity to seize this moment and do what the City Council didn't understand they could have done -- meaning:

Please recommend to the City Council that this issue should be delayed/deferred/denied until much more validly-sourced information has been received and confirmed to be accurate, which the historically underrepresented residents of South Tacoma so desperately deserve.

With great appreciation,
Heidi Stephens



Steven H. Emerman, Ph.D.
Specializing in Groundwater and Mining

shemergen@gmail.com • (801) 921-1228
785 N 200 W, Spanish Fork, Utah 84660, USA

November 29, 2022

Heidi Stephens
South Tacoma Economic Green Zone
E-mail: heidigs@hotmail.com
Tel: (253) 671-8232

Dear Ms. Stephens,

I am writing to respond to the following question from you: Should the proposed moratorium on heavy industrial uses and storage of hazardous materials within the South Tacoma Groundwater Protection District include a moratorium on the construction of large impervious surfaces (greater than 10,000 square feet)? I understand that the purpose of the moratorium is to pause further development and possible groundwater degradation while awaiting an update of the South Tacoma Groundwater Protection District Code, as well as any new hydrogeologic studies that will form the basis for the update.

My answer is yes. The proposed moratorium should include a pause on the construction of any new large impervious surfaces (greater than 10,000 square feet). Before explaining my reasoning, I will first review my professional background and then the materials I reviewed in order to answer your question.

I have a B.S. in Mathematics from The Ohio State University, M.A. in Geophysics from Princeton University, and Ph.D. in Geophysics from Cornell University. I taught hydrology and geophysics at the university level for 31 years, including teaching as a Fulbright Professor in Ecuador and Nepal, and I have over 70 peer-reviewed publications in these areas. Since 2018 I have been the owner of Malach Consulting, which specializes in evaluating the hydrogeologic impacts of proposed and existing large-scale development, especially urban development, mining, and timber harvesting. I have evaluated proposed and existing large-scale development projects in North America, South America, Europe, Africa, Asia and Oceania, and I have testified on issues of water and large-scale development before the U.S. House of Representatives Subcommittee on Indigenous Peoples of the United States, the European Parliament, the United Nations Permanent Forum on Indigenous Issues, and the United Nations Environment Assembly. I am the Chair of the Body of Knowledge Subcommittee of the U.S. Society on Dams and one of the authors of [Safety First: Guidelines for Responsible Mine Tailings Management](#).

Prior to writing this memo, I reviewed the following materials:

- 1) Power Point presentation from July 27, 2022 entitled “South Tacoma Groundwater Protection District: Consideration of a Moratorium on Heavy Industrial Uses and Storage of Hazardous Materials”
- 2) Video of meeting of South Tacoma Groundwater Protection District on July 27, 2022

- 3) Video of meeting of Infrastructure, Planning and Sustainability Committee on November 9, 2022
- 4) Video of meeting of Tacoma City Council on November 15, 2022
- 5) Video of meeting of Tacoma City Council on November 22, 2022
- 6) Video of City of Tacoma Virtual Forum on November 22, 2022

I am in favor of a moratorium on the construction of large impervious surfaces because the hydrogeologic knowledge that could predict the impact of such construction appears to be non-existent. Thus, there is no basis for excluding large impervious surfaces from the proposed moratorium. The development of such hydrogeologic knowledge should form the basis for the update of the South Tacoma Groundwater Protection District Code.

Therefore, the inclusion of the construction of large impervious surfaces in the moratorium is perfectly in alignment with the purpose of the moratorium, which is to prevent further groundwater degradation while hydrogeologic knowledge is developed and the groundwater protection code is updated.

I understand from the meeting of the Infrastructure, Planning and Sustainability Committee on November 9 that, currently, the only industries that are being considered for inclusion in the moratorium are underground storage tanks, automotive crushing, metal recycling, and automotive service and repair. The first three industries in the list have a long history of groundwater pollution globally, but I am not familiar with their particular history in South Tacoma. The inclusion of automotive service and repair is somewhat surprising since this industry tends to be highly regulated at the local, state and federal levels. In addition, many automotive service and repair businesses are franchises and follow strict franchise regulations. However, I am not familiar with the particular history of groundwater pollution by automotive service and repair businesses in South Tacoma.

The following is a partial listing of the critical questions that apparently cannot be answered based on existing hydrogeologic knowledge:

- 1) What is the current groundwater recharge rate of the South Tacoma Aquifer through the South Tacoma Groundwater Protection District? Note that this is a very different question than asking about the current groundwater recharge rate through the entire catchment area of the South Tacoma Aquifer, which appears to be reasonably well-known.
- 2) What would be the rate of replenishment of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District if the groundwater recharge through the South Tacoma Groundwater Protection District were significantly restricted?
- 3) What is the functional dependence of the groundwater recharge rate of the South Tacoma Aquifer through the South Tacoma Groundwater Protection District on the quantity of impervious surface within the South Tacoma Groundwater Protection District?
- 4) What is the functional dependence of the water table of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District on the quantity of impervious surface within the South Tacoma Groundwater Protection District?
- 5) What will be the impact of climate change on the recharge rate and water table of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District?

- 6) What will be the combined impacts of climate change and an increase in the quantity of impervious surface in the South Tacoma Groundwater Protection District on the recharge rate and water table of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District?
- 7) What will be the impact of population growth on the recharge rate and water table of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District?
- 8) What will be the combined impacts of population growth, climate change, and an increase in the quantity of impervious surface in the South Tacoma Groundwater Protection District on the recharge rate and water table of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District?
- 9) How will climate change and population growth affect the availability of water in the Green River?
- 10) How will a change in the availability of water in the Green River affect the demand for groundwater from the South Tacoma Aquifer?
- 11) What will be the combined impacts of a decrease in the availability of water from the Green River, population growth, climate change, and an increase in the quantity of impervious surface in the South Tacoma Groundwater Protection District on the recharge rate and water table of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District?
- 12) How will changes in the groundwater recharge rate or the water table of the South Tacoma Aquifer affect the water quality of the South Tacoma Aquifer beneath the South Tacoma Groundwater Protection District?

In summary, the proposed moratorium should include a prohibition against the construction of large impervious surfaces. In fact, the moratorium will be an ideal opportunity to fill the preceding gaps in hydrogeological knowledge prior to making critical decisions regarding the future of the South Tacoma Aquifer.

Please do not hesitate to contact me if I can answer any further questions.

Sincerely,



Steven H. Emerman

(Additional agencies which have not been consulted, yet should be, from the table below, also indicating more unknowns and even areas of no regulatory oversight within the wellhead field and vicinity of this street vacation location. This topic is in-process with an update of the long-overdue South Tacoma Ground Water Protection District code, which is currently outdated and should be brought up to best science before significant construction of this size and vacation of any streets are allowed.)

**Tacoma Wellhead Protection Program
Summary of Potential Contaminant Sources
To be Included in the Agency Notification Process**

April 2002

<u>Agency</u>	<u>Number of Sites</u>
No Regulatory Agency -	1,106 Sites
DNR -	1 Site
DOA -	9 Sites
Ecology -	1,374 Sites
PCD -	7 Sites
PCPWU -	2 Sites+
TPCHD -	1,503 Sites*
	4,002 Total Sites

DNR- Washington State Department of Natural Resources
 DOA- Washington State Department of Agriculture
 Ecology- Washington State Department of Ecology
 PCD- Pierce Conservation District
 PCPWU- Pierce County Public Works and Utilities
 TPCHD- Tacoma-Pierce County Health Department

+ These two sites are Pierce County Public Works and Utilities' property and the PCPWU was notified through the Potential Contaminant Source mailing. Hence, no letter needs to be mailed regarding agency notification.

* The TPCHD does not have regulatory jurisdiction over the great majority of these sites but rather has a small quantity hazardous materials education program that may be able to assist these sites in handling and disposal of hazardous materials. The TPCHD only has regulatory jurisdiction over those businesses in the South Tacoma Groundwater Protection District.

Meyers, Aundrea

RECEIVED
JANUARY 11, 2023
HEARING EXAMINER

From: Stevens, Troy
Sent: Wednesday, January 11, 2023 2:30 PM
To: Hearing Examiner
Cc: Stevens, Troy
Subject: FW: Comments for the record re file #: HEX2022-022 (SV 124.1432)

fyi

Troy Stevens, MSML
Real Property Services
City of Tacoma, Public Works
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Janeen Provazek <provaj@hotmail.com>
Sent: Wednesday, January 11, 2023 2:26 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Comments for the record re file #: HEX2022-022 (SV 124.1432)

Hello Troy. Please ensure my letter below is submitted into the record. Thank you!

Dear Jeff H. Capell, Hearing Examiner:

I respectfully request that you inform the City Council that this vacation request be denied or delayed until there is a more complete evaluation of this unique vacation of rights.

Please note the below criteria in Section 9.22.070 of the Official Code of the City of Tacoma:

A. That the vacation will provide a public benefit and/or will be for a public purpose.

City documents claim: "The vacation is a public benefit because it places the property on the tax rolls and may result in greater private investment in adjacent private industrial-zoned property, which is currently in need of environmental remediation and redevelopment".

Actually, all the surrounding property is private, the profits will be private, and the total amount of taxes paid will be much lower than predicted because of multiple exemptions available to the Petitioner. Any possible tax benefits will not be greater than the negative impacts anticipated by the redevelopment this vacation would enable, such as increased health costs from vehicle traffic emissions, the damage/ wear and tear of nearby roads, the increased air pollution, the loss of aquifer recharge area and resulting costs to purchase water from other sources during droughts (which are going to increase due to the Climate Crisis), the blatant racism due to the make up of the neighboring communities who will be most impacted.

This Superfund site has been undergoing remediation for over 30 years and is considered stable and functional as is. Any redevelopment at this site poses major concerns.

B. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or community as a whole.

Currently there is no traffic on this street. The Petitioner's proposal to the Tacoma Traffic Engineering Department identifies an increase of somewhere above **5,000** vehicible trips per day. Clearly this will have a huge impact on the

surrounding community. It is of great concern that our Tacoma Traffic Engineering Department has not objected to this. Really? It is not OK to sacrifice our communities this way!

C. That the public shall not be adversely affected.

City staff and outside, quasi-governmental agencies have determined this petition does not adversely affect public need. Other key Government agencies have not been consulted, although the city has a binding environmental covenant to do so dating to 1994.

The street is central to the South Tacoma Operable Unit 4 of the South Tacoma Channel Superfund site. Shifting or transfer of land requires at least notification to region 10 HQS as well as the transference of the environmental covenant that "goes with the land". It should be noted that the EPA requires this for future monitoring of the restoration and reclamation activities. Approval must be delayed until this has been executed.

D. That the right-of-way is not contemplated or needed for future public use.

This is no causal or routine vacation of transit rights. The planning system and process is tilted for the developer and in most cases this is a great benefit. The Council has few leverage points for developments, and this street vacation is one of the few steps in the process to **pause and think**. There are many potential future uses for this street that have not been considered, although the legislative process through the STGPD Update and future South Tacoma Economic Green Plan are still underway and started long before this request by the Petitioner to vacate this street. The statement "the right of way has no contemplated future uses" has not been decided by the governing body.

E. That vacation of right-of-way shall not be in violation of RCW 35.79.035.

RCW 35.79.035 does apply as "2 bodies of water" are near or directly under the proposed area. In addition, this proposed vacated street is in a key central portion of the South Tacoma Aquifer recharge area and Wellhead Protection Zone. This entire area is controlled and protected by the South Tacoma Groundwater Protection District.

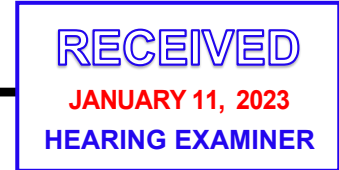
This area specifically receives over 150,000,000 million gallons of surface rainwater a year, with only 15,000,000 noted as leaving the area via stormwater runoff. Until this science is better understood and evaluated by all involved parties, control of this property should remain in the hands of the City and the Council for future determination. At times this aquifer provides up to 40% of the water supply for the city. Relinquishing any control over the area should only be made based on all the best Science available and with a keen awareness of the inevitable impact the Climate Crisis will have on our water supply.

In summary, I strongly urge you to deny, or at a minimum, delay approving this street vacation. This request by the Petitioner needs to be evaluated following the official codes of the city and honoring the city's own pledges to support public safety and health, reduce racism, use the latest Science when considering decisions regarding our land and water and air, and always keep in the forefront of your minds the urgency of our Climate Crisis.

Respectfully,
Janeen Provazek

Get [Outlook for iOS](#)

Legg, Louisa



From: Stevens, Troy
Sent: Wednesday, January 11, 2023 11:28 AM
To: Hearing Examiner
Cc: Stevens, Troy
Subject: FW: Comments for Warehouse Street Vacating Hearings for SV124.1432 and SV124.1442 Bridge Point Tacoma, LLC

Dear HEX staff,

Please see the comments below for: SV124.1432 and SV124.1442 (Bridge Point Tacoma, LLC).

Let me know if I will also need to present at the hearings.

Thank you,

Troy Stevens, MSML
Real Property Services
City of Tacoma, Public Works
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Stacy Oaks <stacyoaks425@gmail.com>
Sent: Wednesday, January 11, 2023 11:25 AM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Comments for Warehouse Street Vacating Hearings

Hello Troy,
Thank you for all your responses leading up to these hearings.

Please share these comments on behalf of 350 Tacoma with the Hearing Examiner.
They are regarding both hearings on the 12th and 19th.

Thank you,
Stacy Oaks

We request you to deny or at least recommend a delay in any approval of this street vacation and enable the Council to maintain leverage and control over the proposed petitioner's plans for this critically sensitive region, neighborhood and residents.

Our comments will refer to the Official Code of the City of Tacoma Related to Street Vacations.

A. That the vacation will provide a public benefit and/or will be for a public purpose.

City documents claim: "The vacation is a public benefit because it places the property on the tax rolls and may result in greater private investment in adjacent private industrial-zoned property, which is currently in need of environmental remediation and redevelopment."

All the surrounding property is private, the profits will be private, and the total amount of taxes paid will be much lower than forecast because of multiple exemptions available to the Petitioner.

Any possible tax benefits will not be greater than the negative cost externalities. Such as increased health costs from the vehicle traffic emissions, the damage/wear and tear to nearby roads that the vehicles will travel on, the public health costs from the air pollution, the loss of aquifer recharge area and resulting costs to purchase water from other sources during droughts.

Allowing the street vacating and thus road and utility work to happen now, before this mega warehouse has gone through the permitting process, is putting the cart before the horse. This is part of a playbook for business as usual. Allowing project development to move forward before a project has been approved or possible impacts to the public and environment have been analyzed. This playbook enables the continuation of environmental racism in already overburdened communities. The recently passed HEAL Act was passed to protect against these kinds of additional impacts to overburdened communities.

- The WA Dept of Ecology, WA Dept of Health, USA EPA Region 10, Puget Sound Clean Air Agency, and Tacoma-Pierce County Health Department have written to the city regarding the need to analyze the impacts to overburdened communities before moving forward with the project.
- A Health Impact Assessment has been called for in comment letters by the EPA Region 10, Dept of Health, and Tacoma-Pierce County Health Department.

The Superfund site has been undergoing remediation for over 30 years and is considered stable and functional as is, however the contemplated redevelopment enabled by this vacation will create harm to the environment, deplete the critical aquifer, threaten the current remediation, as well as impact the health and wellbeing of the surrounding already critically impacted community. The benefit of a denial or deferral is greater than any perceived development posed by the petitioner.

Project planning documents do not currently include any specific remediation plans for the site. The public cannot trust this to happen and the possible benefits to the public cannot be determined at this time.

The Community and Economic Development Department email praising this project for improving “blight” is inaccurate – this is not a blighted area!

Without knowing what the land will be used for, the evaluation of the impact of the street vacation is impossible, given that there is a Critical Area and a Superfund Site. The “street” is RIGHT IN THE WETLANDS AREA in the north!:

B. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.

Although the City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object, the community, as a whole, has expressed great dismay and concern about the overall impacts. There is currently no vehicle traffic on this street. The Petitioners own proposals to the Tacoma traffic Engineering Dept and made publicly available show an

increase somewhere above 5,000 vehicle trips per day! The impact on the surrounding community will be tremendous.

C. That the public need shall not be adversely affected.

Other key Government agencies have not been consulted although the City has a binding environmental covenant to do so dating to 1994.

The street is central to the South Tacoma Operable Unit 4 of the South Tacoma Channel Superfund site and shifting or transfer of land requires at least notification to region 10 HQS as well as the transference of the environmental covenant that “goes with the land”. As this is required by the EPA for future monitoring of the restoration and reclamation activities this should be noted, and approval delayed until this has been executed. The presence of a Superfund site and Critical Areas could negatively impact the public, depending on what the land will be used for, which has not yet been decided.

D. That the right-of-way is not contemplated or needed for future public use.

This area specifically receives over 150,000,000 million gallons of surface rainwater a year with only 15,000,000 noted as leaving the area via stormwater runoff. Until this science is better understood and evaluated by all involved parties, control of this property should remain in the hands of the City and the Council for future determination. At times this aquifer provides up to 40% of the water supply for the City of Tacoma, and relinquishing any control over the area should be thoughtful and considerate of all best available science.

Pursuant to WAC 197-11-800(2)(i), the vacation of streets or roads (right-of-way) is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the State Environmental Policy Act (SEPA) and while we await the determinations on those requirements for the Petitioners development plans for the nearby parcels – the current Code does require consideration for what is planned both adjacent and above these critical water resources.

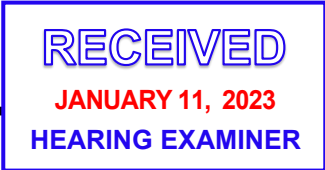
This is no casual or routine vacation of transit rights. The planning system and process is tilted for the developer and in most cases this is a great benefit. The Council has few leverage points for developments and this street vacation is one of the few steps in the process to pause and think. There are many potential future uses for this street that have not been considered, although the legislative process thru the STGPD Update and future South Tacoma Economic Green Plan are still underway and started long before this request by the Petitioner to vacate this street. The statement “the right of way has no contemplated future uses” has not been decided by the governing body.

E. That vacation of right-of-way shall not be in violation of RCW 35.79.035

RCW 35.79.035 does apply as 2 “bodies of water” either are near or directly under the proposed area. The area immediately to the west of this street is part of the Flett Creek Middle Creek area and recently designated by the City Council, by Second Amended Substitute Ordinance 28831, as a body of water protected from certain activities (see map at bottom/middle left blue N to S stream). Continued evaluation of this body of water is underway

from both a Dept of Ecology grant to the City of Tacoma as well as a Critical Review Permit involving the Petitioner. This should impact a denial or delay until that review and appeals are completed.

In addition, this proposed vacated street is in a key central portion of the South Tacoma Aquifer recharge area and Wellhead Protection Zone. This entire area is controlled and protected by the South Tacoma Groundwater Protection District. Just 35 feet below the surface is the protected body of water known as the South Tacoma Aquifer.



Meyers, Aundrea

From: Stevens, Troy
Sent: Wednesday, January 11, 2023 4:57 PM
To: Hearing Examiner
Cc: Stevens, Troy
Subject: FW: Public Hearing Written Comments RE: SV124.1432 (Bridge Point Tacoma, LLC) - S. Madison St. location

HEX staff,

Please see the email below.

Troy Stevens, MSML
Real Property Services
City of Tacoma, Public Works
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: South Tacoma Economic Green Zone <stegreenzone@gmail.com>
Sent: Wednesday, January 11, 2023 4:53 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Public Hearing Written Comments RE: SV124.1432 (Bridge Point Tacoma, LLC) - S. Madison St. location

Public Hearing Written Comments
RE: SV124.1432 (Bridge Point Tacoma, LLC) - S. Madison St. location

To: Hearing Examiner Jeff H. Capell,
We request you to deny (or at least recommend a delay) of this street-vacation request, so enabling the City Council to maintain leverage and control over the Petitioner’s proposed plans within this overburdened neighborhood and critically sensitive environmental area.

The applicant has not proven these items to be satisfied; however we see clear reason to postpone based on these considerations:

- A. That the vacation will provide a public benefit and/or will be for a public purpose.
- B. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
- C That the public need shall not be adversely affected.
- D. That the right-of-way is not contemplated or needed for future public use.
- E. That vacation of right-of-way shall not be in violation of RCW 35.79.035

A. That the vacation will provide a public benefit and/or will be for a public purpose.

City documents claim: “The vacation is a public benefit because it places the property on the tax rolls and may result in greater private investment in adjacent private industrial-zoned property, which is currently in need of environmental remediation and redevelopment.”

All the surrounding property is private, the profits will be private, and the total amount of taxes paid will be much lower than forecast because of multiple exemptions available to the Petitioner.

Any possible tax benefits will not be greater than the negative cost externalities, such as increased health costs from the vehicle traffic emissions, the damage/wear-and-tear to nearby roads from

increased vehicles, the public health costs from the air pollution, the loss of aquifer recharge area and resulting costs to purchase water from outside sources during droughts.

Allowing the street vacating (and thus road and utility work to begin prematurely, before this mega-warehouse has gone through the permitting process) is putting the cart before the horse. This is part of a playbook for business-as-usual, at a time and place such method should no longer occur. Please do not allow this phase of the project development to move forward, before the vital information has been provided and before unknown impacts to the public and environment have been fully analyzed. Such a playbook enables the continuation of environmental racism within an already overburdened community. The recently passed HEAL Act was passed to protect against these kinds of additional impacts to these very communities.

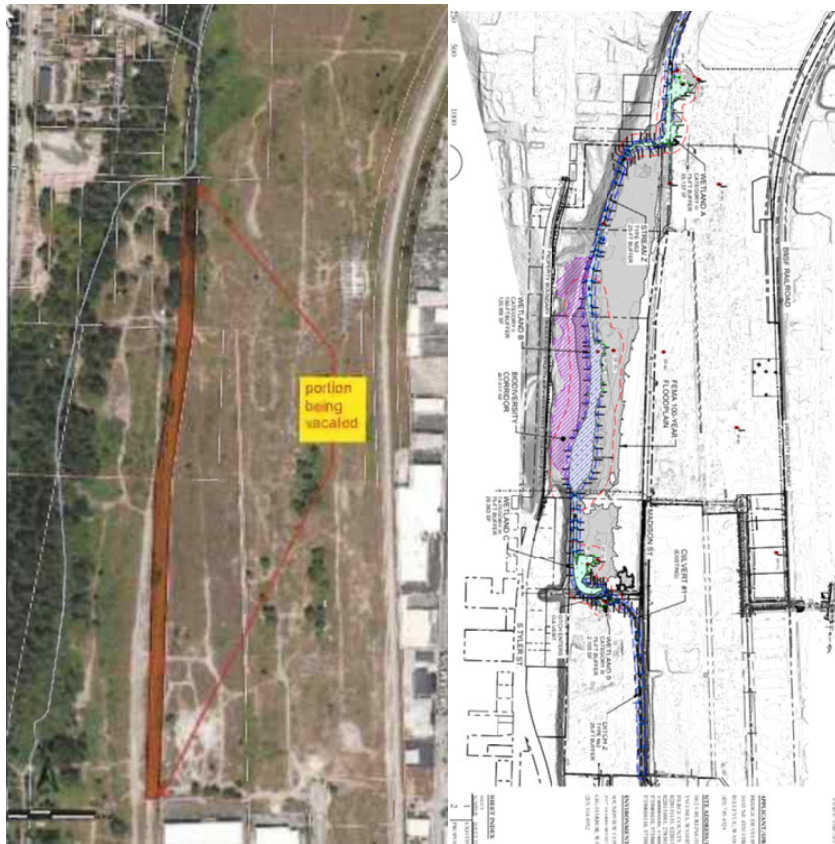
- The WA Dept of Ecology, WA Dept of Health, USA EPA Region 10, Puget Sound Clean Air Agency, and Tacoma-Pierce County Health Department have written to the city regarding the need to analyze the impacts to overburdened communities before moving forward with the project.
- A Health Impact Assessment has been strongly called for by the EPA Region 10 Dept. of Health, and Tacoma-Pierce County Health Department.

The Superfund site has been undergoing remediation for over 30-years and is considered stable and functional as is; however the contemplated redevelopment enabled by this vacation will create harm to the environment, deplete the critical aquifer, threaten the current remediation, as well as impact the health and wellbeing of the surrounding already critically impacted community. The benefit of a denial or deferral is greater than any perceived development posed by the petitioner.

Project planning documents do not currently include any specific remediation plans for the site. The public cannot trust this to happen so any supposed possible benefits to the public cannot be assumed at this time.

The Community and Economic Development Department email praising this project for improving “blight” is inaccurate – this is not a blighted area!

The evaluation of the impact of the street vacation is not impossible, given that this is a Critical Area and a Superfund Site. The “street” is RIGHT IN THE WETLANDS AREA in the north!:



B. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.

Although the City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object, the community, as a whole, has expressed great dismay and concern about the overall impacts. The Petitioners own proposals to the Tacoma traffic Engineering Dept. and made publicly available show an increase somewhere above 5,000 vehicle trips per day, but independent review suggests this number to more likely be approximately 12,000! The impact on the surrounding community will be tremendous especially if the Petitioner builds over these streets.

C. That the public need shall not be adversely affected.

Other key Government agencies have not been consulted although the City has a binding environmental covenant to do so dating to 1994.

The street is central to the South Tacoma Operable Unit 4 of the South Tacoma Channel Superfund site and shifting or transfer of land requires at least notification to region 10 HQS as well as the transference of the environmental covenant that “goes with the land”. As this is required by the EPA for future monitoring of the restoration and reclamation activities, this should be noted and approval delayed until this has been executed. The presence of a Superfund site and Critical Areas could certainly negatively impact the public.

The Tacoma City Charter charges the City to “secure in the most ample manner the safety, welfare, accommodation, comfort and convenience of the public” for “every grant, renewal, extension or amendment of a franchise, right or privilege” (Article VIII Section 8.1 (d), p.24). Thus this portion of the City Charter reflects the desire and the mandate of the City Government to promote the safety and welfare of the public. The street vacation is in a location which has a stream, trees, and a wetlands, all of which the city could use to improve the welfare of the public.

D. That the right-of-way is not contemplated or needed for future public use.

This area specifically receives over 150,000,000 million gallons of surface rainwater a year with only 15,000,000 noted as leaving the area via stormwater runoff. Until this science is better understood and evaluated by all involved parties, control of this property should remain in the hands of the City and the Council for future determination. At times, this aquifer provides up to 40% of the water supply for the City of Tacoma, and relinquishing any control over the area should be thoughtful and considerate of all best available science.

Pursuant to WAC 197-11-800(2)(i), the vacation of streets or roads (right-of-way) is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the State Environmental Policy Act (SEPA) and while we await the determinations on those requirements for the Petitioners development plans for the nearby parcels – the current Code does require consideration for what is planned both adjacent and above these critical water resources.

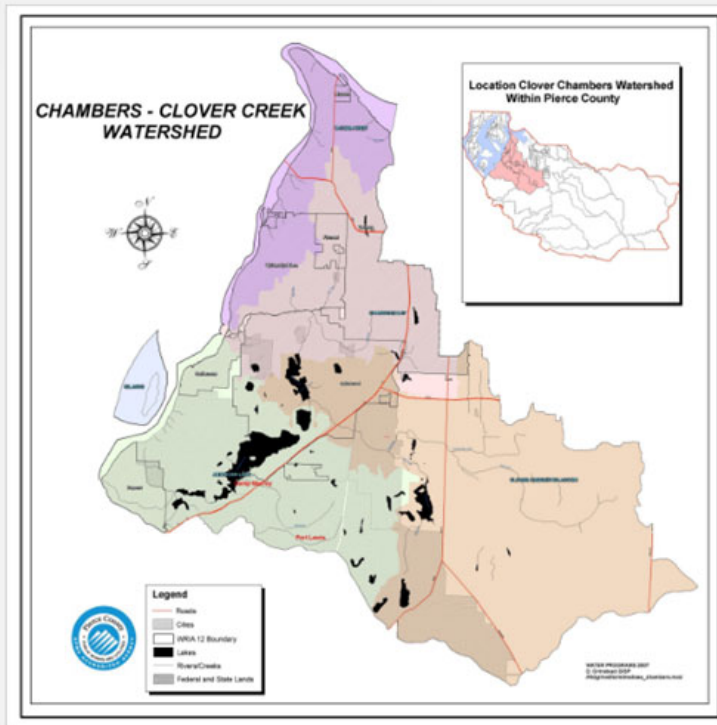
This is no casual or routine vacation of transit rights. The planning system and process is tilted for the developer. With the current Planning Policies, the City Council has few leverage points, so this street vacation is one of the few steps in the process when we must take pause and not relinquish. There are many potential future uses for this street that have not been considered, especially since the South Tacoma Groundwater Protection District Policy and future South Tacoma Economic Green Zone are still underway, both started before this street-vacation request. The statement “the right of way has no contemplated future uses” has not been decided by the governing body.

E. That vacation of right-of-way shall not be in violation of RCW 35.79.035

RCW 35.79.035 does apply since two “bodies of water” are either nearby or directly under the proposed area. The area immediately to the west of this street is part of the Flett Creek Middle Creek area and recently designated by the City Council (via Second Amended Substitute Ordinance 28831) as a body of water protected from certain activities (see map, below). Continued evaluation of this body of water is underway from both a Dept. of Ecology grant to the City of Tacoma as well as a Critical Review Permit involving the Petitioner. This should impact a denial or delay until that review and all appeals are completed.

This street vacation area includes the upper reaches of Flett Creek, a salmonid creek that connects to Chambers Creek and then empties into Chambers Bay, Puget Sound. In fact, it is abutting a Critical Areas as per RCE 36.79A.172.

About the Watershed



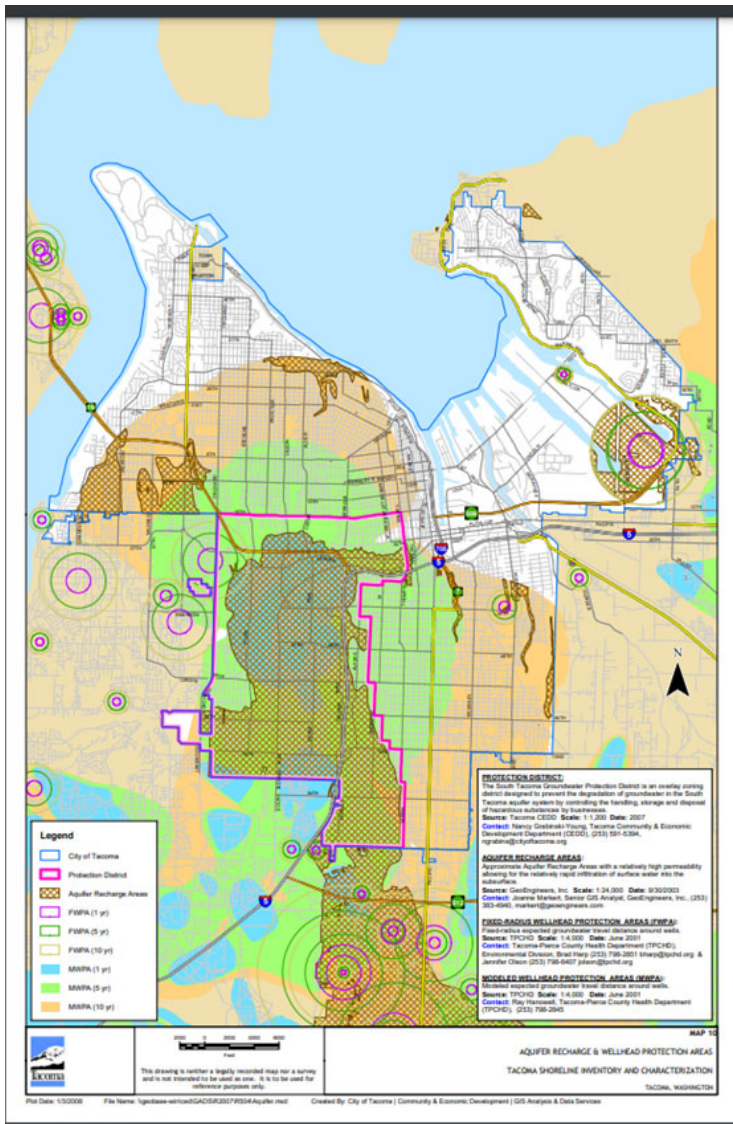
The watershed extends from the town of Ruston on Commencement Bay south to DuPont, and east to Frederickson, covering about 149 square miles. Major lakes include American, Spanaway, Steilacoom, Gravelly, and Tule. Major streams are Chambers, Clover, Spanaway, Morey, Murray, Flett, Leach, Puget and Peach.

Seven municipalities, three military installations, and one drainage district, as well as Pierce County, have jurisdiction concerning water quality. The cities are: Tacoma, Lakewood, Fircrest, University Place, Steilacoom, DuPont, and Ruston. In 2018, the watershed's population was approximately 409,843 or 2,751 people per square mile.

In addition, this proposed vacated street is in a key central portion of the South Tacoma Aquifer Recharge Area and Wellhead Protection Zone. This entire area is controlled and protected by the South Tacoma Groundwater Protection District, and just 35-feet below the surface is the protected body of water known as the South Tacoma Aquifer which relies on open green space for proper water infiltration through vegetation and soil for best filtering of contaminants in a location the USGS reports as "vulnerable" due to fewer protection layers.

Recharge map

https://cms.cityoftacoma.org/Planning/Shoreline/Maps/10_Aquifer.pdf



Tacoma Public Utilities - Tacoma Water

Integrated resource plan by city of Tacoma 2018 by Tacoma Waters Tacoma Public Utilities

<https://www.mytpu.org/wp-content/uploads/tacomawaterirp0219.pdf>

Table 4.1 WYSDM outputs for planning scenarios shows groundwater use in 2037 and 2050, with predictions of Percent of Groundwater Utilized: 50-60% by 2037, 60-70% by 2050

Current Tacoma Municipal Code (TMC) **South Tacoma Groundwater Protection District** policy:

Since the STGPD/recharge zone has been designated an environmentally geohydrologic sensitive area, the critical preservation land-use code also applies:

<https://www.cityoftacoma.org/cms/one.aspx?pagelid=224912>

13.11.190 Review Process.

3. **Existing hydrology will be maintained** to support critical areas ~ among other requirements.

TMC Critical Areas Preservation (PDF)

<https://cms.cityoftacoma.org/cityclerk/files/municipalcode/Title13-LandUseRegulatoryCode.pdf>

13.11.120

A. Critical areas include critical aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazardous areas, stream corridors, and wetlands.

These critical areas serve many important ecological functions. Many of the critical areas in Tacoma have been lost or degraded through past development. Tacoma, as an urban growth area, is experiencing increasing growth and its land resource is diminishing. This increasing growth and

diminishing land resource is creating pressure for the development of critical areas. New construction technology is also creating pressure on these sites by making development feasible on sites where it was formerly impractical to build.

B. Because of the ecological benefits of critical areas, their past destruction, and the increasing pressure to develop them, the intent of this chapter is to ensure that the City's remaining critical areas are preserved and protected and that activities in or adjacent to these areas are managed. The preservation standards are provisions designed to protect critical areas from degradation.

... In addition, this chapter applies to all public or private actions, permits, and approvals in or adjacent to a critical area and its buffer, management area, or geo-setback including, but not limited to, the following: 1. Building permits; 2. Clearing and grading permits; 3. Forest practices permits; 4. Land Use permits; 5. Subdivision and short subdivisions; 6. Binding site plans; 7. Zoning amendments; 8. Creation of tax parcels.

13.11.200 Allowed Activities. ~ frankly, we don't see that any construction of new development is allowed under this category, referring to renovations of existing structures, only, not new construction.

For all the above reasons, we ask that you recommend a delay, if not outright denial, of this street-vacation request.

~ Submitted on behalf of the Community Group: South Tacoma Economic Green Zone

Meyers, Aundrea

RECEIVED
JANUARY 11, 2023
HEARING EXAMINER

From: Stevens, Troy
Sent: Wednesday, January 11, 2023 10:50 AM
To: Hearing Examiner
Cc: Stevens, Troy; Rogers, Susie
Subject: FW: COMMENTS FOR THE RECORD: HEX2022-022 (SV 124.1432) 12 JAN 23
Attachments: TJS Comments S Madison Street Vacation Hearing 12 JAN 23.docx
Importance: High

Dear HEX staff,

Please see the attached comment for our hearing tomorrow.
Will I also need to present this at the hearing?

Thank you,

Troy Stevens, MSML
Real Property Services
City of Tacoma, Public Works
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: DeeBee Cooper <mr_tjsmith@hotmail.com>
Sent: Wednesday, January 11, 2023 10:13 AM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Cc: Heidi S. <heidigs@hotmail.com>; Michelle Mood <moodm@kenyon.edu>; stacyoaks425@gmail.com; Barbara Church <jbchurch2@gmail.com>; cjrrd@hotmail.com; Lester Pogue <lespoguejr@gmail.com>; provaj@hotmail.com; ixia@harbornet.com; Colleen Waterhouse <cmwaterhouse@comcast.net>; robevansagnew@gmail.com; alejandro@tacomatreefoundation.org
Subject: COMMENTS FOR THE RECORD: HEX2022-022 (SV 124.1432) 12 JAN 23
Importance: High

Troy,

Please submit my attached comments for the record in the matter of the South Madison street vacation hearing scheduled for tomorrow, 12 JAN 23 at 0900.

Very respectfully Submitted

Timothy Smith
CW2(R) USA
All-Source Intelligence Technician

11 JAN 23

COMMENTS FOR THE RECORD

HEARING DATE: Thursday, January 12, 2023, at 9:00 a.m.

FILE NUMBER: HEX2022-022 (SV 124.1432)

FILE NAME: Bridge Point Tacoma, LLC, Petitioner

TO: JEFF H. CAPELL, Hearing Examiner

For your consideration in the above matter, I submit the following for the official record.

1. In your recommendation on this street vacation request from the Petitioner, I respectfully request you inform the City Council that this vacation be denied or delayed given other findings of fact and comment outlined here. The exhibits and evidence submitted by the Petitioner as well as from input to Real Property Services from the City of Tacoma and other agencies is not complete for this unique vacation of rights.

2. My comments address 5 of the 6 criteria in Section 9.22.070 of the Official Code of the City of Tacoma:

A. That the vacation will provide a public benefit and/or will be for a public purpose.

B. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.

C. That the public need shall not be adversely affected.

D. That the right-of-way is not contemplated or needed for future public use.

E. That vacation of right-of-way shall not be in violation of RCW 35.79.035

3. **That vacation of right-of-way shall not be in violation of RCW 35.79.035**

RCW 35.79.035 does apply as 2 "bodies of water" either are near or directly under the proposed area. The area immediately to the west of this street is part of the Flett Creek Middle Creek area and recently designated by the City Council, by Second Amended Substitute Ordinance 28831, as a body of water protected from certain activities (see map at bottom/middle left blue N to S stream). Continued evaluation of this body of water is underway from both a Dept of Ecology grant to the City of Tacoma as well as a Critical Review Permit involving the Petitioner. This should impact a denial or delay until that review and appeals are completed.

In addition, this proposed vacated street is in a key central portion of the South Tacoma Aquifer recharge area and Wellhead Protection Zone. This entire area is controlled and protected by the South Tacoma Groundwater Protection District. Just 35 below the surface is the protected body of water known as the South Tacoma Aquifer.

Pursuant to WAC 197-11-800(2)(i), the vacation of streets or roads (right-of-way) is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the State Environmental Policy Act (SEPA) and while we await the determinations on those requirements for the Petitioners development plans for the nearby parcels – the current Code does require consideration for what is planned both adjacent and above these critical water resources.

This area specifically receives over 150,000,000 million gallons of surface rainwater a year with only 15,000,000 noted as leaving the area via stormwater runoff. Until this science is better understood and evaluated by all involved parties, control of this property should remain in the hands of the City and the Council for future determination. At times this aquifer provides up to 40% of the water supply for the City of Tacoma and relinquishing any control over the area should be thoughtful and considerate of all best available science.

4. That the right-of-way is not contemplated or needed for future public use.

This is no casual or routine vacation of transit rights. The planning system and process is tilted for the developer and in most cases, this is a great benefit. The Council has few leverage points for developments and this street vacation is one of the few steps in the process to pause and think. There are many potential future uses for this street that have not been considered, although the legislative process thru the STGPD Update and future South Tacoma Economic Green Plan are still underway and started long before this request by the Petitioner to vacate this street. The statement “the right of way has no contemplated future uses” has not been decided by the governing body.

5. That the public need shall not be adversely affected.

“The petition has been considered by City staff and outside quasi-governmental agencies and it does not adversely affect the public need” is a broad overstatement. Other key Government agencies have not been consulted although the city has a binding environmental covenant to do so dating to 1994.

The street is central to the South Tacoma Operable Unit 4 of the South Tacoma Channel Superfund site and shifting or transfer of land requires at least notification to region 10 HQS as well as the transference of the environmental covenant that “goes with the land”. As this is required by the EPA for future monitoring of the restoration and reclamation activities this should be noted, and approval delayed until this has been executed.

6. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole. "City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object". But the community has expressed great dismay and concern about the overall impact. There is currently no vehicle traffic on this street. The Petitioners own proposals to the Tacoma traffic Engineering Dept and made publicly available show an increase somewhere above 5,000 vehicle trips per day! The impact on the surrounding community will be tremendous.

7. That the vacation will provide a public benefit and/or will be for a public purpose. "The vacation is a public benefit because it places the property on the tax rolls and may result in greater private investment in adjacent private industrial-zoned property, which is currently in need of environmental remediation and redevelopment."

All the surrounding property is private, the profits will be private, and the total amount of taxes paid will be much lower than forecast because of multiple exemptions available to the Petitioner.

The Superfund site has been undergoing remediation for over 30 years and is considered stable and functional as is, however the contemplated redevelopment enabled by this vacation will create harm to the environment, deplete the critical aquifer, threaten the current remediation, as well as impact the health and wellbeing of the surrounding already critically impacted community. The benefit of a denial or deferral is greater than any perceived development posed by the petitioner.

For these reasons I request you deny or at least recommend a delay in any approval of this street vacation and enable the Council to maintain leverage and control over the proposed petitioner's plans for this critically sensitive region, neighborhood and impacted residents.

Very respectfully Submitted

Timothy Smith

