



TO: Elizabeth A. Pauli
FROM: Stephen Atkinson, Principal Planner, Planning and Development Services
Peter Huffman, Director, Planning and Development Services *PA*
COPY: City Council and City Clerk
SUBJECT: Resolution – Set Public Hearing on the Consideration of a Moratorium within the South Tacoma Groundwater Protection District – January 10, 2023
DATE: December 20, 2022

SUMMARY AND PURPOSE:

A resolution setting Tuesday, February 7, 2023, as the date for a public hearing before the City Council on the consideration for enacting a moratorium on certain uses within the South Tacoma Groundwater Protection District, as recommended by the Infrastructure, Planning and Sustainability Committee.

BACKGROUND:

The City Council adopted Amended Substitute Resolution No. 40985 (resolution) on June 28, 2022, approving the Work Plan for the South Tacoma Groundwater Protection District (STGPD) Code Amendments (Work Plan), and directing the Planning Commission to “... conduct a public process to develop findings of fact and recommendations as to whether a moratorium on heavy industrial uses and storage of hazardous materials within the 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 completed its review and deliberations of the matter through a public process and forwarded to the City Council the Planning Commission’s Findings of Fact and Recommendations Report on Consideration for a Moratorium within the STGPD, along with a letter of recommendations, both dated August 17, 2022.

Staff presented the Planning Commission’s recommendations to the City Council at a study session on September 20, 2022. In response, the City Council referred the recommendation to the Infrastructure, Planning, and Sustainability (IPS) Committee for further consideration. Following that referral, the IPS Committee, on November 30, 2022, approved amendments to the Planning Commission proposal described below and forwarded a recommendation to the City Council to set a public hearing date to consider the proposed moratorium, as amended by the IPS Committee.

The amendments to the Planning Commission proposal are as follows:

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



Enacting said 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.

COMMUNITY ENGAGEMENT:

City Council Process

To support the proposed City Council public hearing, public notice will be sent to all taxpayers and occupants inside the STGPD, and those within 2500 feet of the STGPD. Additional notification will be provided to email contact lists, including the potentially affected Neighborhood Councils and Business Districts, and distributed via social media and news releases. In addition, a community informational meeting will be conducted on February 2, 2023 to provide information on the proposed moratorium, answer community questions, and ensure that community members are aware of their opportunity to provide comments to the City Council.

IPS Committee Process

To develop these recommendations, the IPS Committee held three meetings between October 26 and November 30, 2022, to review the Commission's findings as well as to gain additional perspectives from community members. Specifically, on November 9, 2022, the Committee conducted a panelist discussion with representatives from the South Tacoma neighborhood as well as representatives from both local, potentially affected businesses, and the Tacoma-Pierce County Chamber of Commerce.

Planning Commission Process

As acknowledged in Amended Substitute Resolution No. 40985, the City Council's initiation of the STGPD moratorium consideration was in response to public comments received by the Planning Commission and the City Council during the review and adoption processes for the 2022 Amendment. The Commission conducted four meetings on July 6, July 20, August 3 and August 17, 2022. All meetings were open to the public and written comments were accepted prior to each meeting. Planning staff also conducted a community informational meeting on July 27, 2022.

2025 STRATEGIC PRIORITIES:

Setting this public hearing will not have a significant impact on the City's 2025 Strategic Priorities, however, based on public comments received and the Planning Commission's assessment, the potential moratorium within the STGPD would be expected to help address the following major issues, which tie directly to the City's strategic priorities around equity and accessibility, economy/workforce, and livability:

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

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

There is no significant impact on the equity indicators associated with setting the public hearing date.



ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Schedule the public hearing at a later date.	The City Council would have additional time to consider the IPS Committee recommendation.	This alternative would impact the City Council's ability to respond to the public's concerns and interests in a timely manner. Delay of the City Council's consideration of the moratorium further delays the related code amendments process.
Decline to schedule a public hearing.	Declining to continue the consideration of a moratorium would enable the code amendment process to proceed immediately.	Declining the consideration of a moratorium potentially allows new uses and development that include potential risks to groundwater resources to occur within the area while the code amendment process is underway.

EVALUATION AND FOLLOW UP:

Staff will facilitate the City Council's debriefing of the public hearing input at a study session tentatively scheduled for February 14, 2023, and as appropriate, the City Council's passing of an ordinance to enact said moratorium tentatively scheduled to occur in mid- to late February 2023.

STAFF/SPONSOR RECOMMENDATION:

The IPS Committee recommends that the City Council conduct the public hearing on February 7, 2023.

FISCAL IMPACT:

There is no fiscal impact related to setting the public hearing date.