



**TO:** Elizabeth A. Pauli  
**FROM:** Stephen Atkinson, Principal Planner, Planning and Development Services  
Peter Huffman, Director, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance - Moratorium within the South Tacoma Groundwater Protection District -  
February 21, 2023  
**DATE:** February 2, 2023

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**SUMMARY AND PURPOSE:**

This ordinance would establish a temporary pause on the permitting of new underground storage tanks and metal recycling/auto wrecking facilities within the South Tacoma Groundwater Protection District, for up to one year, and until such time as the South Tacoma Groundwater Protection District periodic code review and amendment process, as initiated by Amended Substitute Resolution No. 40985 is completed. In addition, the ordinance would prohibit the expansion of existing underground storage tanks and metal recycling/auto wrecking facilities, except insofar as existing facilities would be permitted to conduct normal maintenance, repair, and replacement activities, and conduct limited site and facility improvements for the purpose of complying with building code, stormwater management requirements, or other environmental requirements that reduce risks to groundwater resources.

**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 South Tacoma Groundwater Protection District, along with a letter of recommendations, both dated August 17, 2022.

The Planning Commission concluded that a broad moratorium could result in detrimental, inequitable and/or disproportionate impacts to diverse businesses and uses that are of various types, purposes, characteristics, operations and maintenance needs, and risks to the environment, and recommended instead that a targeted moratorium was warranted for the following uses within the South Tacoma Groundwater Protection District:

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



The Planning Commission further recommended:

1. That the City work with the Tacoma-Pierce County Health Department to identify funding barriers and opportunities to expedite accelerate the cleanup and remediation of contaminated sites within the South Tacoma Groundwater Protection District.
2. That City staff and the City Council engage with 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.

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 IPS Committee for further consideration. Following that referral, the IPS Committee, on November 30, 2022, approved the following amendments to the Planning Commission proposal, and forwarded the amended moratorium proposal to the City Council:

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

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

The City Council conducted a public hearing on February 7, 2023. To support the proposed City Council public hearing, public notice was sent to all taxpayers and occupants both within, and within 2500' of, the South Tacoma Groundwater Protection District. Additional notification was provided to email contact lists, including the potentially affected Neighborhood Councils and Business Districts.

### Community Informational Meeting

On February 2, 2023, Planning and Development Services staff conducted a community informational meeting to provide information on the proposed moratorium, the potential affect of the moratorium, and how to provide public comments to the City Council. The meeting also offered an opportunity for staff to answer community members' questions regarding the proposed moratorium.



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 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:**

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:

- Environmental Remediation and Protection

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

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

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Deny the proposed moratorium.	Denying the proposed moratorium would likely have a positive impact on business predictability in South Tacoma Groundwater Protection District.	Denying the proposed moratorium would potentially allow new vesting of underground storage tanks and metal recycling/auto wrecking facilities while the code review process is underway.

**EVALUATION AND FOLLOW UP:**

If the legislation is adopted, staff will proceed with the implementation of the work plan for STGPD code amendments. Any issues identified or affected by the moratorium will be reviewed as part of the ongoing STGPD code review for further Council action.



City of Tacoma

City Council Action Memorandum

**STAFF/SPONSOR RECOMMENDATION:**

The IPS Committee recommends that the City Council consider adoption of the moratorium as proposed.

**FISCAL IMPACT:**

There is no fiscal impact related to this proposal.