



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli
FROM: Maryam Moeinian, Senior Planner, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Resolution – Set Public Hearing on Consideration of Extending the Duration of the Current Moratorium in the South Tacoma Groundwater Protection District by Six Months – January 30, 2024.
DATE: January 10, 2024

SUMMARY AND PURPOSE:

A resolution setting Tuesday, February 20, 2024, as the date for a public hearing before the City Council on the consideration for extending an existing moratorium on certain uses within the South Tacoma Groundwater Protection District (STGPD).

BACKGROUND:

The City Council adopted [Amended Substitute Resolution No. 40985](#), on June 28, 2022, approving the Work Plan for the South Tacoma Groundwater Protection District Code Amendments, and directed 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 STGPD is warranted.

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 Annual Amendment to the Comprehensive Plan. The Planning Commission conducted four meetings in response to public comments regarding the moratorium.

The Planning Commission completed its review and deliberations of the matter through a public process, and forwarded its Findings of Fact and Recommendations Report, along with a letter of recommendations, to the City Council for consideration on August 17, 2022.

A summary of this recommendation is included below:

- That the City Council consider enacting a targeted and specific moratorium on the establishment of the following uses:
 - Underground storage tanks
 - Metal recycling/auto wrecking
 - Vehicle service and repair
 - Vehicle service and repair – industrial
- The moratorium should additionally limit the expansion of existing facilities but allow for normal maintenance, repair, and replacement activities of existing uses.
- The duration of the moratorium should apply initially for a period of one year, to be resolved through the STGPD code update.

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:



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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.

On March 7, 2023, the City Council adopted [Ordinance No. 28872](#), enacting a moratorium within the STGPD as recommended by the IPS Committee. The moratorium in Ordinance No. 28872 became effective March 20, 2023 and were enacted for an initial period of up to one year, to expire on March 20, 2024.

Staff is requesting an extension of the current moratorium in order to continue prohibiting the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD, while allowing the current level of these uses and activities to be maintained for an additional six months. This is because the code amendment process has not yet been completed and further research is needed.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

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.

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 existing moratorium within the STGPD is 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 extending the moratorium	The existing moratorium is set to expire on March 20, 2024. Delays in the City Council's consideration of extending the existing moratorium, will most likely create a gap in which the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD will be permitted.
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 extending the moratorium 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 27, 2024.

Additionally, staff will support the City Council in facilitating the first and final readings of the ordinance to extend the moratorium, which are tentatively scheduled for February 27, 2024, and March 5, 2024, respectively.

It is expected that more extensions will be needed until the STGPD code is updated after this initial six-month extension. In addition, following staff completion of the research related to the code update, the City Council will review the proposed revisions to the code and make a decision at future meetings.

STAFF/SPONSOR RECOMMENDATION:

Staff recommends that the City Council conduct the public hearing on February 20, 2024.

FISCAL IMPACT:

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