



TO: Elizabeth A. Pauli
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COPY: City Council and City Clerk
SUBJECT: Ordinance – Extending the Duration of the Current Moratorium in the South Tacoma Groundwater Protection District by Six Months – February 27, 2024
DATE: February 9, 2024

SUMMARY AND PURPOSE:

An ordinance adopting a six-month extension of Ordinance No. 28872, enacting a moratorium within the South Tacoma Groundwater Protection District (STGPD) to temporarily prohibit the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD as approved by the City Council on March 7, 2023.

BACKGROUND:

South Tacoma Neighborhood Council Application and Work Plan

In March 2021, the South Tacoma Neighborhood Council (STNC) submitted an application to the Planning Commission for consideration during the 2022 Annual Amendment process. The Planning Commission conducted an assessment of the STNC’s application, pursuant to Tacoma Municipal Code (TMC) 13.02.070.E, and considered public comments received through a public scoping hearing in June 2021, and made a determination in July 2021 to move the application forward for technical analysis following a two-phased approach:

1. **Phase 1 - STGPD Code Amendments:** Update TMC 13.06.070.D pertaining to STGPD, to be done in the future 2023 Amendment Cycle, with creation of a work plan to occur during the 2022 Amendment cycle, developed in collaboration with the City of Tacoma Environmental Services Department, Tacoma Public Utilities – Tacoma Water, and the Tacoma-Pierce County Health Department.
2. **Phase 2 - Creation of an Economic Green Zone:** Evaluate the establishment of an Economic Green Zone (EGZ) to attract green industry to the City’s manufacturing/industrial centers, taking into account the recently adopted 2030 Climate Action Plan and Climate Adaptation Strategy (Resolution No. 40878, November 30, 2021), pending the commitment of budget and staff resources by the City Council.

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

1. Approve the Work Plan for STGPD code amendments.
2. Consider the merits of a moratorium on future development projects, given that significant permit activity and development during the phased process could pre-empt the broader planning efforts.

On June 28, 2022, the City Council adopted [Amended Substitute Resolution No. 40985](#), approving the Work Plan for the STGPD 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, and if so, to recommend the scope, applicability, and duration for City Council consideration within 60 days of the effective date of this resolution.

Consideration of a Moratorium

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. 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 STGPD:

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

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, forwarded an 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.

On March 7, 2023, following a public hearing and substantial public input, 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 was enacted for an initial period of up to one year, to expire on March 20, 2024, and applied to the following uses:

- Underground storage tanks
- Metal recycling/auto wrecking



STGPD Work Plan Update

Following the adoption of the moratorium, the Planning Commission recommended at its meeting on December 20, 2023, that the Work Plan be updated to adopt a more comprehensive approach that considers both existing and upcoming activities linked to the STGPD code update. This recommendation is based on the following assumptions and resources that have changed since the initial Work Plan was adopted:

1. Tacoma Water has allocated funding to secure an external consultant to update the Integrated Resource Plan (IRP). The scope of work for this consultant will include a review and recommendations regarding the STGPD Standards as well as developing new information on groundwater supply and demand forecasts with consideration of climate change.
2. Planning and Development Services has received funding to support a Health Impact Assessment (HIA) associated with the STGPD code amendments and is in discussions with the Tacoma Pierce County Health Department to partner on that work.
3. The City is in the process of the Comprehensive Plan and Critical Areas Code update which will be completed by mid-2025, and which includes a review of critical aquifer recharge areas.
4. The City and partners are currently engaged in a number of programmatic and regulatory updates that relate to and support the goals of the Groundwater Protection District, including the Wellhead Protection Plan, Urban Waters Protection Plan, and Stormwater Comprehensive Plan.
5. Finally, expanding the scope of work of the STGPD code review to include landscaping and tree canopy standards with a particular focus on industrial areas and the Tacoma Mall Regional Growth Center.

The IRP, HIA, and Urban Waters Protection Plan deliverables are expected to be completed by mid to late 2024, leading to policy and regulatory amendments that will be considered as part of the Comprehensive Plan update for Council adoption in 2025. Staff is therefore asking for an extension of the current moratorium, 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 another six months.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

City Council Process:

The City Council conducted a public hearing on February 20, 2024. To support the proposed City Council public hearing, public notice was sent to all taxpayers and occupants inside the STGPD, and those within 2500 feet of the STGPD. Additional notification was provided to email contact lists, including the potentially affected Neighborhood Councils and Business Districts. Notifications were also sent through news releases and social media.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

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).

The moratorium extension would continue to 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 extension	Denying the proposed moratorium extension would likely have a positive impact on business predictability in the STGPD.	Denying the proposed moratorium extension would potentially allow the establishment of new or the expansion of existing underground storage tanks, metal recycling, and auto wrecking facilities within the STGPD beginning March 21, 2024.

EVALUATION AND FOLLOW UP:

If the legislation is adopted, staff will proceed with the implementation of the updated work plan for STGPD code amendments.

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.

RECOMMENDATION:

Conduct the first reading of ordinance on February 27, 2024, followed by final reading on March 5, 2024.

FISCAL IMPACT:

There is no fiscal impact related to this proposal.