



ORDINANCE NO. 28958

1 AN ORDINANCE regarding groundwater protections: approving a six-month
2 extension of Ordinance No. 28872, which enacted interim land use
3 regulations within the South Tacoma Groundwater Protection District
4 (“STGPD”) to temporarily prohibit the establishment of new or the
5 expansion of existing underground storage tanks, metal recycling, and
6 auto wrecking facilities within the STGPD as approved by the City
7 Council on March 7, 2023.

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

17 (1) Phase 1 – South Tacoma Groundwater Protection District (“STGPD”)
18 Code Amendments: Update TMC 13.06.070.D pertaining to STGPD, to be done in
19 the future 2023 Amendment Cycle, with creation of a work plan to occur during the
20 2022 Amendment Cycle, developed in collaboration with the City’s Environmental
21 Services Department, Tacoma Public Utilities – Tacoma Water, and the Tacoma-
22 Pierce County Health Department (“TPCHD”); and

23 (2) Phase 2 – Creation of an Economic Green Zone (“EGZ”): Evaluate
24 the establishment of an EGZ to attract green industry to the City’s
25 manufacturing/industrial centers, taking into account the recently adopted 2030
26 Climate Action Plan and Climate Adaptation Strategy (Resolution No. 40878,



1 November 30, 2021), pending the commitment of budget and staff resources by the
2 City Council, and

3 WHEREAS upon completing technical analyses and factoring in public
4 comments, the Commission forwarded its recommendations to the City Council in
5 May 2022, and
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7 WHEREAS with respect to the STNC's application, the Commission
8 recommended that the City Council:

- 9 (1) Approve the work plan for STGPD code amendments; and
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11 (2) Consider the merits of a moratorium on future development projects,
12 given that significant permit activity and development during the phased process
13 could preempt the broader planning efforts, and

14 WHEREAS on June 28, 2022, the City Council adopted Amended Substitute
15 Resolution No. 40985, approving the work plan for the STGPD code amendments,
16 and directed the Commission to conduct a public process to develop findings of fact
17 and recommendations as to whether a moratorium on heavy industrial uses and
18 storage of hazardous materials within the STGPD is warranted, and if so, to
19 recommend the scope, applicability, and duration for City Council consideration
20 within 60 days of the effective date of this resolution, and
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22 WHEREAS the Commission completed its review and deliberations of the
23 matter through a public process and forwarded to the City Council the
24 Commission's Findings of Fact and Recommendations Report on Consideration for
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1 a Moratorium within the STGPD, along with a letter of recommendations, both
2 dated August 17, 2022, and

3 WHEREAS the Commission concluded that a broad moratorium could result
4 in detrimental, inequitable and/or disproportionate impacts to diverse businesses
5 and uses that are of various types, purposes, characteristics, operations and
6 maintenance needs, and risks to the environment, and recommended instead that a
7 targeted moratorium was warranted for the following uses within the STGPD:
8 underground storage tanks; metal recycling/auto wrecking; vehicle service and
9 repair; and vehicle service and repair – industrial, and

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12 WHEREAS staff presented the Commission’s recommendations to the City
13 Council at a study session on September 20, 2022, and in response, the City
14 Council referred the recommendations to the Infrastructure, Planning, and
15 Sustainability Committee (“Committee”) for further consideration, and

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17 WHEREAS following that referral, on November 30, 2022, the Committee
18 forwarded an amended moratorium proposal to the City Council:

19 (1) Use Categories: The Committee did not find sufficient risk to
20 groundwater resources from the establishment or expansion of vehicle service and
21 repair or industrial vehicle service and repair uses to warrant a moratorium,
22 therefore, the moratorium should apply only to metal recycling/auto wrecking and
23 underground storage tanks; and

24
25 (2) Existing Uses: The Committee found that a moratorium that is too
26 restrictive on the expansion of existing uses could have the counter effect of



1 prohibiting improvements that provide environmental benefit or reduce the risks and
2 impacts of existing uses, therefore, the moratorium should allow for reasonable
3 facility and site development that improves environmental outcomes while avoiding
4 the introduction of new risks to the City's groundwater resources, and
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6 WHEREAS on March 7, 2023, following a public hearing and substantial
7 public input, the City Council adopted Ordinance No. 28872, enacting a moratorium
8 within the STGPD as recommended by the Committee, and
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10 WHEREAS the moratorium in Ordinance No. 28872 became effective
11 March 20, 2023, and was enacted for an initial period of up to one year, to expire on
12 March 20, 2024, and applied to the following uses: underground storage tanks; and
13 metal recycling/auto wrecking, and
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15 WHEREAS following the adoption of the moratorium and in response to the
16 public comments received during the moratorium process, the Commission
17 recommended at its December 20, 2023, meeting, that the work plan be updated to
18 adopt a more comprehensive approach that considers both existing and upcoming
19 activities linked to the STGPD code update, and
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21 WHEREAS the Commission affirmed an updated timeline to complete the
22 South Tacoma Groundwater Protection District code review concurrent with the
23 One Tacoma update, scheduled to be completed by mid-2025, and
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25 WHEREAS the initial moratorium was intended to be in effect for the duration
26 of the South Tacoma Groundwater Protection District code review and amendment
process, and



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WHEREAS 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; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That a six-month extension of Ordinance No. 28872, which enacted interim land use regulations 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, is hereby approved.



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Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney