



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli
FROM: Maryam Moeinian, Senior Planner, Planning and Development Services
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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 – July 23, 2024.
DATE: July 8, 2024

SUMMARY AND PURPOSE:

A resolution setting Tuesday, August 13, 2024, as the date for a public hearing before the City Council on the consideration for extending an existing moratorium on certain high-impact uses within the South Tacoma Groundwater Protection District (STGPD).

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.

The City Council adopted [Amended Substitute Resolution No. 40985](#), on June 28, 2022, 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.



Adoption of the Initial Moratorium – March 7, 2023

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 these 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, 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 passed [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

At its meeting on December 20, 2023, the Planning Commission recommended an update to the work plan to adopt a more comprehensive approach that considers both current and upcoming initiatives linked to the STGPD code update. This recommendation was grounded in several significant changes and resource allocations since the initial adoption of the work plan.

Prior Moratorium Extension – March 5, 2024

Following the update to the STGPD work plan and the identification of ongoing research needs, the City Council voted on March 5, 2024, to extend the moratorium for six months, expiring on September 20, 2024.



Consideration of an Extension

Staff is now requesting an extension of the 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. This extension will allow the current level of these uses and activities to be maintained for an additional six months, facilitating the completion of necessary research initiatives and ensuring comprehensive evaluation of the STGPD code and other relevant policies and regulations.

Updates since March 2024

Following the moratorium extension in March 2024, significant progress has been made in several key areas:

1. Tacoma Water's Integrated Resource Plan (IRP) Update:

Tacoma Water has engaged an external consultant to update the IRP. The consultant's scope of work includes a comprehensive review and recommendations regarding the STGPD standards. Additionally, they will develop new insights into groundwater supply and demand forecasts, integrating considerations of climate change impacts. Tacoma Water has also established a Public Advisory Committee (PAC) to assist in this effort.

2. STGPD Health Impact Assessment (HIA):

Planning and Development Services (PDS) has allocated funding to support an HIA linked to the STGPD code amendments. PDS will collaborate with the Tacoma Pierce County Health Department (TPCHD) on this assessment, ensuring holistic considerations of public health within the code update. Since the last moratorium extension, TPCHD has formed a community advisory group to aid in this effort. The community engagement planning and scoping phase will start later in summer 2024.

3. Comprehensive Plan and Critical Areas Code Update:

PDS is currently working on updating the Comprehensive Plan and Critical Areas Code update, with an expected completion date of June 2025. This update includes a thorough review of critical aquifer recharge areas, aligning closely with the goals of the STGPD. In May and June 2024, eight visioning workshops were conducted in each neighborhood council district to gather public input for drafting the plan.

4. Other Programmatic and Regulatory Updates:

Significant efforts are underway by the City and its partners to update various programs and regulations that support the objectives of the Groundwater Protection District. Initiatives such as the Wellhead Protection Plan, Urban Waters Protection Plan, and Stormwater Comprehensive Plan are currently in progress to enhance the protection and sustainability of groundwater resources.

The Environmental Services Department has hired a consultant to help with the Stormwater Comprehensive Plan. They are currently gathering baseline information on stormwater utility functions from city departments responsible for implementation. The plan will be completed in 2025.

5. South Tacoma Landscaping Code Update:

Following the moratorium public hearing and community feedback, it has become evident that there is a strong desire to amend landscaping and tree canopy standards, particularly focusing on industrial areas and the Tacoma Mall Regional Growth Center. Since March 2024, PDS staff have been benchmarking City of Tacoma landscaping/tree canopy standards with other regional jurisdictions.



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.

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 September 20, 2024. Delays in the City Council’s consideration of extending the 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. |



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EVALUATION AND FOLLOW UP:

Staff will facilitate the City Council's debriefing of the public hearing input at a study session tentatively scheduled for August 20, 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 August 20, 2024, and August 27, 2024, respectively.

It is expected that more extensions will be needed until the STGPD code is updated after this 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 the City Council conduct the public hearing on August 13, 2024.

FISCAL IMPACT:

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