City of Tacoma **City Council Action Memorandum**

TO: **Hyun Kim, City Manager**
FROM: **Robin Bolster-Grant, Land Use Division Manager, Planning and Development Services**
Peter Huffman, Director, Planning and Development Services
COPY: **City Council and City Clerk**
SUBJECT: **Ordinance – Adopting the Proposed Critical Areas Ordinance Update – June 16, 2026**
DATE: **May 27, 2026**

SUMMARY AND PURPOSE:

An ordinance amending sections of the Tacoma Municipal Code to incorporate updates to the Critical Areas Preservation Ordinance (TMC 13.11) and Definitions (TMC 13.01), a periodic update required by state law, to incorporate new scientific information and ensure consistency with other policy and laws, as recommended by the Planning Commission.

BACKGROUND:

Critical Areas Protection Ordinance Update Overview

The Growth Management Act (GMA), codified at RCW 36.70A, requires all Washington cities planning under the GMA to designate and protect critical areas including wetlands, streams, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas (CARAs) as defined at RCW 36.70A.030. The City of Tacoma is a fully planning jurisdiction under the GMA, and Tacoma's critical areas regulations are codified in Tacoma Municipal Code (TMC) Chapter 13.11. Under RCW 36.70A.130, the City is required to periodically review and, if necessary, revise its critical areas regulations to ensure continued compliance with state requirements.

The GMA further requires that development regulations protecting critical areas incorporate Best Available Science (BAS) to protect the functions and values of critical areas, pursuant to RCW 36.70A.172 and WAC 365-195. The current Critical Areas Ordinance (CAO) update was initiated as part of the City's 2025–2026 periodic review work program. The City retained a qualified consultant team to conduct a comprehensive gap analysis comparing Tacoma's existing regulations with current GMA requirements, applicable WAC provisions, and updated guidance from the Washington State Department of Ecology and Washington Department of Fish and Wildlife (WDFW). The scope of the update encompasses all five GMA critical area categories: wetlands, fish and wildlife habitat conservation areas (including streams), frequently flooded areas, geologically hazardous areas, and CARAs.

Planning Commission Recommendation

On April 6, 2026, Planning Commission Chair Robb Krehbiel transmitted the Commission's formal recommendation to Mayor Anders Ibsen and the City Council. The Planning Commission recommends that the City Council adopt the proposed amendments to TMC Chapter 13.01 Definitions and 13.11 Critical Areas Preservation, as detailed in the ***Planning Commission's Findings of Fact and Recommendations Report, April 1, 2026***. The Commission concluded that the proposed amendments bear a substantial relationship to the public health, safety, and welfare; are consistent with the GMA, applicable WAC provisions, the PSRC's Vision 2050 Multicounty Planning Policies, and the One Tacoma Comprehensive Plan; improve the clarity, predictability, and administrative effectiveness of the City's development regulations; and balance environmental protection with reasonable use of private property.

In transmitting its recommendation, the Commission highlighted several matters for Council consideration, including: the importance of government-to-government tribal consultation with the Puyallup Tribe of Indians as an ongoing and iterative obligation; continued and proactive post-adoption public engagement; improved pre-purchase disclosure and public education about critical areas; investment in accurate and publicly accessible GIS-based mapping tools, including the City's Atlas platform; timely maintenance of the CAO website as a living public resource; transparent engagement with the economic development community; and the importance of adequate Planning and Development Services (PDS) staffing to ensure the regulations are implemented and enforced effectively.
The proposed amendments include an expansion of the regulated critical aquifer recharge area into a portion of the Tideflats subarea. The Commission's January 21, 2026 direction confirmed that the draft CAO update should remain consistent with the regulatory approach established in the South Tacoma Groundwater Protection District, which limits certain high-impact uses within the CARA. The Commission further recommends that the City continue to evaluate, through future work program items, whether additional tools or criteria are appropriate to address site-specific conditions in industrial areas without undermining the protective intent of the CAO.

Pursuant to TMC 13.02.070.I.1, the City Council shall hold a public hearing before enacting any proposed amendments to the Comprehensive Plan and TMC. The City Council has fulfilled said requirement by conducting a public hearing on June 2, 2026, concerning the update to the Critical Areas Ordinance.

COMMUNITY ENGAGEMENT

Community engagement on broader environmental goals and policies began as part of the 2025 One Tacoma Comprehensive Plan update, which included public access to the consultant-drafted BAS and Gap Analysis documents. Outreach and engagement on the specific CAO update began in April 2025 and included:

- **Informational materials and website:** Creation of a CAO update webpage, FAQ document, and a one-page informational flyer translated into multiple languages, with listserv sign-up options and distribution via City and PDS social media and news releases.
- **Stakeholder outreach:** Emails and phone calls to interested parties including the Puyallup Tribe of Indians, agency contacts, developers, environmental groups, and neighborhood organizations; meetings with the Tribe, WDFW, Tacoma Permit Advisory Group (TPAG), Master Builders of Pierce County, Manufacturing and Industrial Council, Port of Tacoma, Climate and Sustainability Commission, and Parks Tacoma.
- **August 7, 2025 –** Virtual public open house (six attendees); informational event held prior to the public hearing to allow community members to review the draft code and prepare comments.
- **August 20, 2025 –** Planning Commission public hearing; 18 comments received from the Puyallup Tribe of Indians Fisheries Department, community members, environmental groups, and partner agencies.
- **September 22, 2025 –** Community meeting with Eastside Tacoma Community Leaders (16 attendees); materials translated into four languages for community distribution by community ambassadors.
- **October 18, 2025 –** Public meeting with a tour of Snake Lake at the Tacoma Nature Center.
- **May 2, 2026 –** South Sound Sustainability Expo
- **May 9, 2026** – Code Amendment Open House
- **Government-to-government consultation:** Two meetings with the Puyallup Tribe of Indians Fisheries Department following the July 25, 2025 consultation invitation.

2026 STRATEGIC PRIORITIES:
Adoption of the CAO Update directly supports the following priorities:

- Environmental Remediation and Protection – Updated regulations will strengthen protections for wetlands, streams, fish and wildlife habitat, the Central Pierce County Sole Source Aquifer, geologically hazardous areas, and flood hazard areas citywide, grounded in current best available science and aligned with One Tacoma Comprehensive Plan Goals EN-2 and EN-5.
- Equity and Accessibility – The update process included broad community engagement across Tacoma neighborhoods, including outreach to the Eastside Tacoma Community Leaders with materials in four languages and engagement with environmental justice communities, consistent with Comprehensive Plan Goal EN-2.
- Livability – Protecting critical areas supports clean water, healthy habitat, flood and landslide risk reduction, and the long-term livability of Tacoma's neighborhoods.
- Economic Prosperity for All – The CAO update improves regulatory clarity and predictability for the development community. The City engaged the Port of Tacoma, Master Builders, TPAG, and the Manufacturing and Industrial Council throughout the process.
- Public Participation and Outreach – The City and Planning Commission conducted extensive engagement throughout the CAO update process, consistent with GMA requirements for early and continuous public participation under RCW 36.70A.140.

Explain how your legislation will affect the selected indicator(s).
The Critical Areas Ordinance update ensures protection of vital environmental resources and protects the public from the potential harm to development near flood and geologic hazards. Clear and predictable environmental regulations improve predictability for development.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Schedule the first reading at a later date.	The City Council would have additional time to review and discuss input received in conjunction with the PUblic Hearing	Delay extends the period of regulatory uncertainty for applicants and property owners and risks additional non-compliance with the GMA periodic update schedule under RCW 36.70A.130.
Decline to schedule a First reading of the CAO Update	No immediate impact on the Council's schedule.	The City would fail to meet its GMA obligation to take legislative action on the CAO Update, exposing the City to a petition before the Western Washington Growth Management Hearings Board. Existing critical areas regulations in TMC Chapter 13.11 would remain in place, inconsistent with current state requirements and best available science.

EVALUATION AND FOLLOW UP:
If the legislation is adopted, staff will submit the notice of final adoption to the Washington Department of Commerce pursuant to RCW 36.70A.106 and will work with the City Clerk's Office to codify amendments to the Tacoma Municipal Code.

Implementation activities will include renewed communication and outreach to interested community and agency partners, updates to the City's Atlas mapping platform, the CAO website, and associated public-facing tip sheets and guidance materials, consistent with the Planning Commission's recommendations.

STAFF/SPONSOR RECOMMENDATION:
Staff recommends that the City Council adopt the Critical Areas Protection Ordinance update.

FISCAL IMPACT:
The proposed update to the Critical Areas Ordinance includes expanded review, mitigation, monitoring, and documentation requirements. Implementation of the updated regulations is anticipated to increase staff workload associated with permit review, technical analysis, compliance monitoring, enforcement, and public outreach, and may require evaluation of future staffing and resource needs. The anticipated impact of the increased scope of work is an addition of 0.75 FTE.