



City of Tacoma

City Council Action Memorandum

TO: Hyun Kim
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: Resolution – Set Public Hearing on Consideration of Adoption of the Critical Areas Ordinance Update – May 12, 2026
DATE: April 27, 2026

SUMMARY AND PURPOSE:

A resolution setting Tuesday, June 2, 2026, as the date for a public hearing before the City Council on consideration of the Planning Commission’s recommendation for adoption of the Critical Areas Protection Ordinance update to Tacoma Municipal Code Chapter 13.11.

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 Review Process

The Planning Commission conducted a thorough public review of the CAO update through eight meetings spanning May 2025 through March 2026:

- May 21, 2025 – Introductory briefing on the CAO periodic update
- June 18, 2025 – Review of gap analysis and key policy issues
- July 16, 2025 – Direction to set public hearing
- August 20, 2025 – Public hearing conducted
- September 17, 2025 – Debrief of public testimony
- October 15, 2025 – Continued review of comments and revisions
- January 21, 2026 – CARA-focused policy direction



- March 18, 2026 – Final review prior to recommendation

Throughout this process, the Commission reviewed draft code language, technical materials, and Tribal, public, and agency input from a broad range of stakeholders, including the Puyallup Tribe of Indians, environmental advocates, property owners, the development community, the Port of Tacoma, the Master Builders of Pierce County, the Tacoma Permit Advisory Group, the Manufacturing and Industrial Council, the Climate and Sustainability Commission, and members of the public.

Environmental Review

Pursuant to WAC 197-11 and the City's State Environmental Policy Act (SEPA) procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) on the CAO update was issued on August 7, 2025 (SEPA File No. LU25-0155; State Department of Ecology SEPA Record No. 202503286). The DNS and environmental checklist were distributed to agencies and individuals on the City's SEPA Review Stakeholders list and published for public review. One comment was received by the August 21, 2025 deadline, raising concerns about the time available to review the environmental checklist and whether significant impacts could result from draft code provisions allowing certain wetland fill subject to full mitigation. After consideration, the DNS was retained with the understanding that the draft code requires full mitigation for any allowed impacts. The preliminary DNS became final on August 22, 2025.

GMA Notice to the Department of Commerce and Tribal Consultation

A Notice of Intent to Adopt Amendment was filed with the Washington State Department of Commerce on July 25, 2025, pursuant to RCW 36.70A.106, providing the required minimum 60-day advance notice prior to final adoption. A letter was also sent to the Chairman of the Puyallup Tribe of Indians on July 25, 2025, formally inviting the Tribe's government-to-government consultation on the CAO update. The City subsequently met with the Puyallup Tribe of Indians Fisheries Department twice to discuss proposed amendments, potential impacts to critical areas, and areas of shared interest related to habitat protection and water resources. Tribal input was solicited and considered in the development of the proposed amendments.

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 13.11, 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.

COMMUNITY ENGAGEMENT

Planning Commission Public Process

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.
- **Government-to-government consultation:** Two meetings with the Puyallup Tribe of Indians Fisheries Department following the July 25, 2025 consultation invitation.

City Council Process

To support the proposed June 2, 2026 public hearing, public notice will be distributed consistent with GMA and City requirements. Notification will be provided to Neighborhood Councils, Business Districts, and other interested parties on City contact lists, and distributed via social media and news releases. All required SEPA public notice procedures were completed during the Planning Commission review process.

2026 STRATEGIC PRIORITIES:

Setting this public hearing is a required procedural step under state law and will not have a significant independent impact on the City's Strategic Priorities. However, 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).

There is no significant impact on the equity indicators associated with setting the public hearing date. The public hearing will provide an additional opportunity for community members, including those from historically underserved neighborhoods, to participate in the legislative process for the CAO update.

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 review the Planning Commission’s recommendation and the Findings of Fact and Recommendations Report prior to conducting the public hearing.	A second 60-day Commerce notice under RCW 36.70A.106 may be required if the hearing is delayed significantly. Delay also extends the period of regulatory uncertainty for applicants and property owners and risks non-compliance with the GMA periodic update schedule under RCW 36.70A.130.
Decline to schedule a public hearing.	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.



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EVALUATION AND FOLLOW UP:

Staff will support the City Council in facilitating first and final readings of the ordinance adopting the CAO Update. Following adoption, staff will submit the notice of final adoption to the Washington Department of Commerce pursuant to RCW 36.70A.106.

Staff will continue to coordinate with the Washington Department of Ecology, Washington Department of Fish and Wildlife, and Washington Department of Commerce through the adoption process and into implementation. Implementation activities will include updates to the City's Atlas mapping platform, the CAO website, and associated public-facing guidance materials, consistent with the Planning Commission's recommendations.

STAFF/SPONSOR RECOMMENDATION:

Staff recommends the City Council set the public hearing on the Critical Areas Protection Ordinance update for Tuesday, June 2, 2026.

FISCAL IMPACT:

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