



ORDINANCE NO. 28872

1 AN ORDINANCE relating to zoning; amending Chapter 13.06 of the Tacoma
2 Municipal Code relating to Zoning by amending Section 13.06.070, entitled
3 "Overlay Districts," to enact interim land use regulations temporarily
4 prohibiting the establishment of new, or expansion of, existing underground
5 storage tanks, metal recycling, and auto wrecking facilities within the South
6 Tacoma Groundwater Protection District, for an initial period of up to one
7 year, to maintain the current level of those activities and uses until the South
8 Tacoma Groundwater Protection District periodic code review and
9 amendment process initiated by Amended Substitute Resolution No. 40985
10 is completed.

11 WHEREAS the City Council adopted Amended Substitute Resolution
12 No. 40985 on June 28, 2022, approving the Work Plan for the South Tacoma
13 Groundwater Protection District Code Amendments ("Work Plan"), and directing
14 the Planning Commission ("Commission") to "... conduct a public process to
15 develop findings of fact and recommendations as to whether a moratorium on
16 heavy industrial uses and storage of hazardous materials within the South
17 Tacoma Groundwater Protection District ("District") is warranted, and if so, to
18 recommend the scope, applicability, and duration for City Council consideration
19 within 60 days of the effective date of this resolution," and

20 WHEREAS the Commission completed its review and deliberations of the
21 matter through a public process and forwarded to the City Council the
22 Commission's Findings of Fact and Recommendations Report on consideration
23 for a moratorium within the District, along with a letter of recommendations, both
24 dated August 17, 2022, and

25 WHEREAS the Commission's recommendations to the City Council were
26 presented at a study session on September 20, 2022, and following that



1 presentation, the City Council referred the recommendations to the Infrastructure,
2 Planning, and Sustainability Committee ("Committee") for further consideration,
3 and

4 WHEREAS the Commission recommended actions in addition to the
5 consideration of a moratorium, including coordination with Pierce County to ensure
6 consistent best management practices countywide for aquifer recharge protection,
7 the identification of funding opportunities to advance more proactive soil
8 remediation within South Tacoma, and the consideration of climate science in
9 future water system planning and groundwater protection, and
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11 WHEREAS the Commission's Findings of Fact and Recommendations are
12 incorporated herein, as modified by the Committee, and

13 WHEREAS after review of the Commission's recommendations, the
14 Committee did not find sufficient risk to groundwater resources from the
15 establishment or expansion of vehicle service and repair or industrial vehicle
16 service and repair uses to warrant a temporary prohibition, and recommended
17 that the temporary prohibition should apply only to metal recycling, auto
18 wrecking, and underground storage tanks, and

19 WHEREAS the Committee further found that a temporary prohibition, if too
20 restrictive on the expansion of existing uses, could have the unintended effect of
21 prohibiting improvements that provide environmental benefit or reduce the risks
22 and impacts of existing uses, and
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1 WHEREAS, the moratorium should allow for reasonable facility and site
2 development that improves environmental outcomes while avoiding the
3 introduction of new risks to the City's groundwater resources, and
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5 WHEREAS, State law confers on the City the authority to enact interim
6 land use regulations as a procedural step to protect the viability and
7 effectiveness of the District's periodic code review and amendment process
8 initiated by Amended Substitute Resolution No. 40985, and
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10 WHEREAS, as acknowledged in Amended Substitute Resolution
11 No. 40985, the City Council's initiation of consideration of these temporary
12 restrictions was in response to public comments received by the Commission and
13 the City Council during the review and adoption processes for the 2022 Annual
14 Amendment to the Comprehensive Plan and Land Use Regulatory Code, and
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16 WHEREAS the Commission conducted four meetings on July 6, July 20,
17 August 3, and August 17, 2022, which were open to the public, with written
18 comments being accepted prior to each meeting, and Planning and Development
19 Services staff also conducted a community informational meeting on July 27, 2022,
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22 WHEREAS in developing its recommendations, the Committee held three
23 meetings between October 26 and November 30, 2022, to review the
24 Commission's findings, as well as to gain additional perspectives from community
25 members, and specifically, on November 9, the Committee conducted a panelist
26 discussion with representatives from the South Tacoma neighborhood as well as



1 representatives from both local, potentially affected businesses, and the Tacoma
2 Pierce County Chamber of Commerce, and

3 WHEREAS the City Council conducted a public hearing on February 7, 2023,
4 and public notice was sent to all taxpayers and occupants both within the District,
5 and within 2,500 feet of the District, and additional notification was provided to email
6 contact lists, including the potentially affected Neighborhood Councils and Business
7 Districts, and
8 Districts, and

9 WHEREAS the City Council, having considered the testimony of the public
10 at the hearing on the proposed interim land use regulations and the Work Plan
11 for the District periodic code review and amendment process initiated by
12 Amended Substitute Resolution No. 40985, finds it is in the interest of public
13 health, safety and welfare to enact interim land use regulations within the District;
14 Now, Therefore,
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16 BE IT ORDAINED BY THE CITY OF TACOMA:

17 Section 1. Legislative Findings. The recitals set forth above, are hereby
18 adopted as the City Council's legislative findings.
19

20 Section 2. That the interim land use regulations in Exhibit "A" are hereby
21 enacted for an initial period of up to one year.
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23 Section 3. Severability. If any section, subsection, paragraph, sentence,
24 clause, or phrase of this Ordinance or its application to any person or situation
25 should be held to be invalid or unconstitutional for any reason by a court of
26 competent jurisdiction, such invalidity or unconstitutionality shall not affect the



1 validity or constitutionality of the remaining portions of this Ordinance or its
 2 application to any other person or situation.

3 Section 4. Effective Date. This Ordinance shall be effective ten days after
 4 its publication.

5 Section 5. That the City Clerk, in consultation with the City Attorney, is
 6 authorized to make necessary corrections to this ordinance, including, but not
 7 limited to, the correction of scrivener's/clerical errors, references, ordinance
 8 numbering, section/subsection numbers, and any references thereto.
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 11 Passed March 7, 2023

M Woodard
 Mayor

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 13 Attest:

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 15 *Doris Soum*
 City Clerk

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 17 Approved as to form:

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 19 *[Signature]*
 Deputy City Attorney

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EXHIBIT "A"

CHAPTER 13.06
ZONING 1

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Sections:

- 13.06.010 General Provisions.
- 13.06.020 Residential Districts.
- 13.06.030 Commercial Districts.
- 13.06.040 Mixed-Use Center Districts.
- 13.06.050 Downtown.
- 13.06.060 Industrial Districts.
- 13.06.070 Overlay Districts.
- 13.06.080 Special Use Standards.
- 13.06.090 Site Development Standards.
- 13.06.100 Building Design Standards.

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13.06.070 Overlay Districts

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D. South Tacoma Groundwater Protection District (STGPD).116F

1. Applicability.117F

- a. The mandates of this chapter shall apply to new and existing developments and facilities as defined herein.
- b. All property within the South Tacoma Groundwater Protection District, as defined in Section 13.01.090, shall comply with the requirements of this chapter, the zoning requirements of the South Tacoma Groundwater Protection District, and any additional requirements of the zoning district where the property is presently located or may be located in the future. In the event of conflict with other regulations, the provisions of this chapter shall control.
- c. Map.

2. Background, purpose, and intent.118F

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as 40 percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

It has been found and determined that a major cause of historical groundwater contamination in the South Tacoma aquifer system is from accidental or improper release of hazardous substances from spillage, leaks, or discharges from local industry. Due to the large number of potential sources of toxic and hazardous substances within the area which recharges the aquifer system and the possibility of further contamination, the City of Tacoma found that it was necessary and in the public interest to establish the South Tacoma Groundwater Protection District in 1988.

The South Tacoma Groundwater Protection District is an overlay zoning and land use control district specifically designed to prevent the degradation of groundwater in the South Tacoma aquifer system by controlling the handling, storage and disposal of hazardous substances by businesses. The overlay zoning district imposes additional restrictions on high impact land use development in order to protect public health and safety by preserving and maintaining the existing groundwater supply for current and potential users and to protect the City of Tacoma from costs which might be incurred if



unsuitable high impact land uses were to reduce either the quality or quantity of this important public water supply source.

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It is the intent of this chapter to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, properties that have stormwater infiltration facilities and properties that store hazardous substances meet appropriate performance standards, and those properties are properly maintained, inspected, and tested when necessary.

3. Declaration of policy.119F

In order for the City of Tacoma to maintain its groundwater resources within the South Tacoma Groundwater Protection District as near as reasonably possible to their natural condition of purity, it is the policy of the City of Tacoma to establish strict performance standards which will reduce or eliminate threats to this resource from improper handling, storage, and disposal of hazardous substances by businesses. The City of Tacoma shall require use of all practical methods and procedures for protecting groundwater, while encouraging appropriate commercial and industrial uses to locate and conduct business within the South Tacoma Groundwater Protection District. The Tacoma-Pierce County Health Department (“TPCHD”) will be responsible for implementing the South Tacoma Groundwater Protection District regulations established in TMC 13.06.070. The Tacoma-Pierce County Board of Health may adopt regulations consistent with this section. It is recommended that the TPCHD work cooperatively through education with owners and operators of regulated facilities to voluntarily reach compliance before initiating penalties or other enforcement action.

4. General provisions.120F

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5. Prohibited uses.121F

a. The following “high-impact” uses of land shall hereafter be prohibited from locating within the boundaries of the South Tacoma Groundwater Protection District. Exceptions will be considered by Planning and Development Services, in consultation with the TPCHD, only upon conclusive demonstration that the high-impact use will result in no greater threat to the groundwater resource than that posed by a compliant nonprohibited use.

- (1) Chemical manufacture and reprocessing.
- (2) Creosote/asphalt manufacture or treatment.
- (3) Electroplating activities.
- (4) Manufacture of Class 1A or 1B flammable liquids as defined in the Fire Code.
- (5) Petroleum and petroleum products refinery, including reprocessing.
- (6) Wood products preserving.
- (7) Hazardous waste treatment, storage, or disposal facilities. (“Designated Facility” per Ecology’s Chapter 173-303 WAC et seq.).
- [\(8\) Underground storage tanks \(see e. below\)](#)
- [\(9\) Metal recycling/auto wrecking facilities \(see e. below\)](#)

b. The Director of Planning and Development Services, or designee, shall consult the North American Industry Classification System (“NAICS”) Manual for assistance in reviewing and making use interpretations pursuant to this subsection.

c. The above high impact uses should be periodically revised, updated, and amended, as appropriate, by Planning and Development Services or its successor agency in consultation with



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the TPCHD in order to take into account other potential high impact uses or improvements in technology, pollution control, and management.

d. Permanent or temporary storage of hazardous substances on sites with pervious surfaces, the disposal of hazardous substances, and the disposal of solid waste is prohibited, unless such discharge or disposal is specifically in accordance with a valid discharge permit, is approved for discharge into the City's municipal wastewater system pursuant to Chapter 12.08 of the Tacoma Municipal Code as may be amended from time to time or is conducted in compliance with the requirements of a solid waste handling permit issued by the TPCHD.

e. Per Ordinance No. 28872, the establishment of new underground storage tanks and metal recycling/auto wrecking facilities are temporarily prohibited. Expansion of existing underground storage tanks and metal recycling/auto wrecking facilities is prohibited, except insofar as existing uses may conduct normal maintenance, repair, and replacement activities, and may conduct site and facility improvements for the purpose of complying with building code, stormwater management requirements, or other environmental requirements that reduce risks to groundwater resources.

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City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli
FROM: Stephen Atkinson, Principal Planner, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance - Moratorium within the South Tacoma Groundwater Protection District -
February 21, 2023
DATE: February 2, 2023

SUMMARY AND PURPOSE:

This ordinance would establish a temporary pause on the permitting of new underground storage tanks and metal recycling/auto wrecking facilities within the South Tacoma Groundwater Protection District, for up to one year, and until such time as the South Tacoma Groundwater Protection District periodic code review and amendment process, as initiated by Amended Substitute Resolution No. 40985 is completed. In addition, the ordinance would prohibit the expansion of existing underground storage tanks and metal recycling/auto wrecking facilities, except insofar as existing facilities would be permitted to conduct normal maintenance, repair, and replacement activities, and conduct limited site and facility improvements for the purpose of complying with building code, stormwater management requirements, or other environmental requirements that reduce risks to groundwater resources.

BACKGROUND:

The City Council adopted Amended Substitute Resolution No. 40985 (resolution) on June 28, 2022, approving the Work Plan for the South Tacoma Groundwater Protection District (STGPD) Code Amendments (Work Plan), and directing 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 South Tacoma Groundwater Protection District 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."

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 South Tacoma Groundwater Protection District, 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 South Tacoma Groundwater Protection District:

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



The Planning Commission further recommended:

1. That the City work with the Tacoma-Pierce County Health Department to identify funding barriers and opportunities to expedite accelerate the cleanup and remediation of contaminated sites within the South Tacoma Groundwater Protection District.
2. That City staff and the City Council engage with countywide jurisdictions to jointly review development practices that may impact aquifer recharge and to recommend and coordinate improvements to Comprehensive Plan policies and development regulations.

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, approved the following amendments to the Planning Commission proposal, and forwarded the 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.

Enacting said moratorium requires amending certain relevant provisions of the Tacoma Municipal Code (TMC), Title 13 Land Use Regulatory Code. According to TMC 13.05.030.D and 13.05.030.B, the City Council shall conduct a public hearing prior to adopting such amendments.

COMMUNITY ENGAGEMENT:

City Council Process

The City Council conducted a public hearing on February 7, 2023. To support the proposed City Council public hearing, public notice was sent to all taxpayers and occupants both within, and within 2500' of, the South Tacoma Groundwater Protection District. Additional notification was provided to email contact lists, including the potentially affected Neighborhood Councils and Business Districts.

Community Informational Meeting

On February 2, 2023, Planning and Development Services staff conducted a community informational meeting to provide information on the proposed moratorium, the potential affect of the moratorium, and how to provide public comments to the City Council. The meeting also offered an opportunity for staff to answer community members' questions regarding the proposed moratorium.



IPS Committee Process

To develop these recommendations, the IPS Committee held three meetings between October 26 and November 30, 2022, to review the Commission’s findings as well as to gain additional perspectives from community members. Specifically, on November 9 the Committee conducted a panelist discussion with representatives from the South Tacoma neighborhood as well as representatives from both local, potentially affected businesses, and the Tacoma-Pierce County Chamber of Commerce.

Planning Commission Process

As acknowledged in Amended Substitute Resolution No. 40985, the City Council’s initiation of the STGPD moratorium consideration was in response to public comments received by the Planning Commission and the City Council during the review and adoption processes for the 2022 Amendment. The Commission conducted four meetings on July 6, July 20, August 3 and August 17, 2022. All meetings were open to the public and written comments were accepted prior to each meeting. Planning staff also conducted a community informational meeting on July 27, 2022.

2025 STRATEGIC PRIORITIES:

The STGPD would be 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:

- Environmental Remediation and Protection

Explain how your legislation will affect the selected indicator(s).

The moratorium would 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. | Denying the proposed moratorium would likely have a positive impact on business predictability in South Tacoma Groundwater Protection District. | Denying the proposed moratorium would potentially allow new vesting of underground storage tanks and metal recycling/auto wrecking facilities while the code review process is underway. |

EVALUATION AND FOLLOW UP:

If the legislation is adopted, staff will proceed with the implementation of the work plan for STGPD code amendments. Any issues identified or affected by the moratorium will be reviewed as part of the ongoing STGPD code review for further Council action.



City of Tacoma

City Council Action Memorandum

STAFF/SPONSOR RECOMMENDATION:

The IPS Committee recommends that the City Council consider adoption of the moratorium as proposed.

FISCAL IMPACT:

There is no fiscal impact related to this proposal.