



Legislation Passed March 7, 2023

The Tacoma City Council, at its regular City Council meeting of March 7, 2023, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 41146

A resolution authorizing an increase to the contract with CenturyLink, in the amount of \$1,000,000, plus applicable taxes, for a cumulative total of \$1,994,800, budgeted from various departmental funds, for telecommunication carrier services, for an additional one year period, with the option to renew for four additional one-year periods - Specification No. IT17-0315F.

[Brian Tetreault, Business Service Manager; Daniel Key, Director, Information Technology]

Resolution No. 41147

A resolution authorizing the execution of an amendment to the Purchase and Sale Agreement with Foss Harbor, LLC, for Sites 9 and 10 on the Foss Waterway, including a Lease Agreement with Foss Harbor Marine LLC, for a portion of the Municipal Dock pertaining to Sites 9, 10, and 11, for an initial contract period of ten years, with the option to renew for six additional five-year periods.

[Jennifer Hines, Assistant Division Manager; Josh Diekmann, P.E. PTOE, Interim Director, Public Works; Pat Beard, Business Development Manager; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 41148

A resolution authorizing the execution of a Collective Bargaining Agreement and Letter of Agreement with the Tacoma Firefighters Union, Local 31, retroactive to January 1, 2023, through December 31, 2025.

[Dylan Carlson, Labor Relations Division Manager; Bill Fosbre, City Attorney]

Resolution No. 41149

A resolution authorizing the execution of a Letter of Agreement with District Lodge No. 160 on behalf of Local Lodge No. 282 of the International Association of Machinists and Aerospace Workers, Supervisors' Unit, regarding deposits to a Voluntary Employee Beneficiary Association account for employees.

[Dylan Carlson, Labor Relations Division Manager; Bill Fosbre, City Attorney]

Resolution No. 41150

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$4,800, for two Commission on Immigrant and Refugee Affairs members and a Council Member to attend the 2023 Welcoming Interactive conference.

[Council Member Ushka]

Resolution No. 41151

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$12,000, for City membership in South Sound Together, for the year 2023.

[Deputy Mayor Walker]

Ordinance No. 28872

An ordinance amending Chapter 13.06 of the Municipal Code, relating to Zoning, by amending Section 13.06.070, entitled "Overlay Districts", to enact a moratorium on certain uses within the South Tacoma Groundwater Protection District, for an initial period of up to one year.

[Stephen Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 41146

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the increase of Contract
3 No. 4600013118 with CenturyLink, in the amount of \$1,000,000, plus
4 applicable taxes, for a cumulative total of \$1,994,800, budgeted from various
5 departmental funds, for telecommunication carrier services, for an additional
6 one year period, with the option to renew for four additional one-year
7 periods, pursuant to Specification No. IT17-0315F.

8 WHEREAS the City has complied with all applicable laws and processes
9 governing the acquisition of those supplies, and/or the procurement of those
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."
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Section 2. That the proper officers of the City are hereby authorized to increase Contract No. 4600013118 with CenturyLink, in the amount of \$1,000,000, plus applicable taxes, for a cumulative total of \$1,994,800, budgeted from various departmental funds, for telecommunication carrier services, for an additional one year period, with the option to renew for four additional one-year periods, pursuant to Specification No. IT17-0315F, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 41147

1 A RESOLUTION relating to economic development; authorizing the execution of an
2 amendment to the Purchase and Sale Agreement with Foss Harbor, LLC, for
3 Sites 9 and 10 on the Foss Waterway, including a Lease Agreement with
4 Foss Harbor Marine LLC, for a portion of the Municipal Dock pertaining to
5 Sites 9, 10, and 11, for an initial contract period of ten years, with the option
6 to renew for six additional five-year periods.

7 WHEREAS a Purchase and Sale Agreement (“Agreement”) for Sites 9 and
8 10 on the Foss Waterway (“Waterway”) with Foss Harbor, LLC (“Foss Harbor”)
9 was executed on July 27, 2022, and approved by the City Council, and

10 WHEREAS, among the terms of the Agreement was a call for 120 business
11 days of due diligence, and for the City to construct a new seawall on Site 10, and

12 WHEREAS construction of the seawall was completed by the City in 2022,
13 and resulted in a reconfiguration of Site 10 by relocating the shoreline, and

14 WHEREAS Foss Harbor has requested additional time to modify site designs
15 in order to accommodate the revised site, and staff is recommending that six
16 months be added to the due diligence period originally approved for the project to
17 allow time for a redesign of the Site 10 project, and

18 WHEREAS the Agreement also incorporates a Development Agreement
19 pertaining to Sites 9, 10, and 11 on the Waterway, and as part of the development
20 plan contemplates the continued leasing of a portion of the Municipal Dock to
21 Foss Harbor Marine LLC, and

22 WHEREAS the proposed lease has an initial term of ten (10) years, is tied
23 to Foss Harbor’s fulfillment of its obligation under the Development Agreement,
24 and as long as Foss Harbor is in compliance with its Development Agreement
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obligations, may extend the lease six (6) times for a period of five (5) years each,
1 and

2 WHEREAS if Foss Harbor fails to meet its obligations under the Development
3 Agreement, the lease may be terminated; Now, Therefore,
4

5 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

6 Section 1. That the proper officers of the City are hereby authorized to
7 execute an amendment to the Purchase and Sale Agreement with Foss Harbor,
8 LLC, for Sites 9 and 10 on the Foss Waterway, including a Lease Agreement
9 with Foss Harbor Marine LLC, for a portion of the Municipal Dock pertaining to
10 Sites 9, 10, and 11, for an initial contract period of ten years, with the option to
11 renew for six additional five-year periods, as more specifically set forth in the
12 document on file in the office of the City Clerk.
13

14 Section 2. That the City Manager, or designee, is hereby directed to
15 negotiate and execute agreements with Foss Harbor, LLC and Foss Harbor
16 Marine LLC, outlining the scope of work and deliverables outlined in Section 1.
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18 Adopted _____

19 _____
20 Mayor

21 Attest:

22 _____
23 City Clerk

24 Approved as to form:

25 _____
26 Deputy City Attorney



RESOLUTION NO. 41148

1 A RESOLUTION related to collective bargaining; authorizing the execution of a
2 Letter of Agreement and a three-year Collective Bargaining Agreement
3 between the City and the Tacoma Firefighters Union, Local 31, effective
retroactive to January 1, 2023, through December 31, 2025.

4 WHEREAS the City has, for years, adopted the policy of collective
5 bargaining between the various labor organizations representing employees and
6 the administration, and

7
8 WHEREAS this resolution allows for the execution of a three-year Collective
9 Bargaining Agreement (“CBA”) between the City and Tacoma Firefighters Union,
10 Local 31 (“Union”), on behalf of the employees represented by said Union, as well
11 as a Letter of Agreement between the City and the Union, and

12 WHEREAS the bargaining unit consists of approximately 450 budgeted,
13 full-time equivalent positions, and

14
15 WHEREAS, effective retroactive to January 1, 2023, the CBA provides for a
16 wage increase of 9.5 percent for all classifications, an amount equal to 100 percent
17 of the increase in the Consumer Price Index for Urban Wage Earners and Clerical
18 Workers (CPI-W), Seattle-Tacoma-Bellevue area, all items, measured from
19 June 2021 to June 2022, and

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21 WHEREAS, effective January 1, 2024, the CBA provides a minimum wage
22 increase of 1 percent and a maximum increase of 5 percent, based on the CPI-W,
23 measured from June 2022 to June 2023, and

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WHEREAS, effective January 1, 2025, the CBA provides a minimum wage increase of 1 percent and a maximum increase of 3 percent, based on the CPI-W, measured from June 2023 to June 2024, and

WHEREAS other changes include: (1) the deletion of the classification of Firefighter Paramedic Supervisor (CSC 4007) from the bargaining unit; (2) the addition of language related to pay differentials between certain classifications; (3) the addition of clarifying language regarding step progression for the classification of Firefighter (CSC 4001); (4) providing an increase effective January 1, 2024, to the amount of the employer paid match to employee deferred compensation contributions from \$211 per pay period to \$230 per pay period; (5) the agreement reached on comparable public fire department jurisdictions; (6) modification of criteria around deposits of sick leave and personal time off (PTO) to a Health Reimbursements Arrangement (HRA) upon retirement; (7) that employees formerly assigned to Haz-Mat and Tech Rescue teams who voluntarily elect to maintain their certifications may be assigned duties to meet operational needs, and would be eligible to receive the applicable application of rate of 5 percent, with a 4-hour minimum; (8) a Firefighter-Paramedic working up as a Paramedic Program Clinical Coordinator shall receive an additional 5 percent of base pay, and Paramedics assigned to Advanced Life Support (ALS) Transport Units shall receive an applied rate of 2.5 percent of base pay; and (9) the incorporation of the Juneteenth holiday into the agreement; and



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WHEREAS the Letter of Agreement provides for a one-time deposit of 64 hours of additional sick leave into the bank of eligible employees who meet specific qualifications, and

WHEREAS it appears in the best interests of the City that the CBA and the Letter of Agreement negotiated by said Union and the City be approved; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute the three-year Collective Bargaining Agreement between the City and the Tacoma Firefighters Union, Local 31, effective retroactive to January 1, 2023, through December 31, 2025, and the Letter of Agreement, said documents to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 41149

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a
2 Letter of Agreement negotiated between the City of Tacoma and the District
3 Lodge No. 160 on behalf of Local Lodge No. 282 of the International
4 Association of Machinists and Aerospace Workers, Supervisors' Unit
regarding deposits to a Voluntary Employee Beneficiary Association account
for employees.

5 WHEREAS the City has, for years, adopted the policy of collective
6 bargaining between the various labor organizations representing employees and
7 the administration, and

8
9 WHEREAS Resolution No. 40495, adopted December 3, 2019, authorized
10 the execution of the four-year Collective Bargaining Agreement ("CBA") between
11 the City of Tacoma and the District Lodge No. 160 on behalf of Local Lodge
12 No. 282 of the International Association of Machinists and Aerospace Workers,
13 Supervisors' Unit ("Union"), on behalf of the employees represented by said Union,
14 and
15

16 WHEREAS the City and Union have negotiated a Letter of Agreement
17 ("LOA") to the CBA which provides for the following: (1) the addition of a new
18 Article 19 – Health Reimbursement Arrangement to be added to the CBA, and
19 (2) that bargaining unit employees will no longer be eligible for the annual voluntary
20 personal time off cash out per Tacoma Municipal Code Section 1.12.248, and
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22 WHEREAS it appears in the best interest of the City that the LOA negotiated
23 by said Union and the City be approved; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute the Letter of Agreement negotiated between the City of Tacoma and the District Lodge No. 160 on behalf of Local Lodge No. 282 of the International Association of Machinists and Aerospace Workers, Supervisors' Unit regarding deposits to a Voluntary Employee Beneficiary Association account for employees, said document to be substantially in the form of the document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 41150

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER, DANIELS, RUMBAUGH,
2 AND USHKA

3 A RESOLUTION authorizing the one-time use of funds in the amount of \$4,800,
4 budgeted from the Council Contingency Fund, for the purpose of funding
5 two Commission on Immigrant and Refugee Affairs members and a Council
6 Member to attend the 2023 Welcoming Interactive conference.

7 WHEREAS in 2022, the Director of the Office of Equity and Human Rights,
8 as well as the staff liaison for the Commission on Immigrant and Refugee Affairs
9 ("CIRA"), attended the Welcoming Interactive conference ("Conference") to broaden
10 the understanding of how to better align the City's immigrant and refugee inclusion
11 efforts with other cities and initiatives from around the country, and

12 WHEREAS CIRA has identified areas of opportunity for the City Council to
13 consider that will help CIRA better serve as a liaison between the community and
14 the City, and support innovative welcoming and belonging strategies by sending
15 two CIRA members and one Council Member to the annual conference, with an
16 objective of learning from other municipalities and community groups about
17 strategies that will help create a more inclusive community, and

18 WHEREAS the Office of Equity and Human Rights staff will also be in
19 attendance at the Conference which will take place on April 26-28, 2023 in San
20 Jose, California, and

21 WHEREAS this funding would cover costs associated with flights, hotel
22 accommodations, registration, per diem, ground transportation, and any other
23 miscellaneous fees, and
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WHEREAS, at the February 28, 2023, Study Session, Council Member Blocker shared a Council Consideration Request on behalf of Council Member Ushka to authorize the one-time use of \$4,800 from the Council Contingency Fund to fund two CIRA members and a Council Member to participate in the 2023 Conference, and

WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the Council Contingency Fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from this fund; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That one-time funding in the amount of \$4,800, budgeted from the Council Contingency Fund, is hereby approved for the purpose of funding two Commission on Immigrant and Refugee Affairs (“CIRA”) members and a Council Member to attend the 2023 Welcoming Interactive conference.



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Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with the CIRA for the purposes hereinabove enumerated, and document as appropriate.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 41151

1 BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS
2 BLOCKER AND DANIELS

3 A RESOLUTION authorizing the one-time use of funds in the amount of \$12,000,
4 budgeted from the Council Contingency Fund, for City membership in South
5 Sound Together, for the year 2023.

6 WHEREAS South Sound Together (“SST”) was formed in 2015 and is a
7 community-focused group of business and institutional leaders that promotes the
8 South Puget Sound as a good place for business and a great place to live, and

9 WHEREAS since its formation, SST has provided seed money and launched
10 projects no one else was doing: they provided funding alongside University of
11 Washington Tacoma to start the South Sound Alliance; helped bring Sue’s Tech
12 Kitchen to the City; funded industrial jobs and a cultural sector study to help
13 organizations define an audience and future action; and sponsored the Next
14 Leaders Initiative to support the civic engagement of youth, and

15 WHEREAS SST has also undertaken several initiatives to showcase the
16 South Puget Sound since that time, including the “Live Like the Mountain’s Out”
17 campaign, and the initiative’s ongoing goals include engaging in partnerships and
18 building community that will positively impact the lifestyle and economy of South
19 Puget Sound, and

20 WHEREAS a \$12,000 Mt. Rainier Sponsorship/Membership would provide
21 the City with: (1) a seat on the SST 2023 Board, (2) sponsorship of a non-profit to
22 join the SST Board for a year, (3) a voice to help steer the direction of 2023
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1 projects, (4) inclusion in all presentations, promotions, and marketing, including
2 SST social media and the South Sound Proud website, (5) a feature in an issue of
3 South Sound and South Sound Business magazines, and (6) 44 individualized
4 sponsorship messages on KNKX, and
5

6 WHEREAS 2022 members of SST include Bates Technical College, CHI
7 Franciscan Health, City of Tacoma Economic Development, Columbia Bank,
8 JayRay, MultiCare Health System, Pacific Lutheran University, Rainier Connect,
9 Sound Credit Union, Tacoma Arts Live, Tacoma Community College, Tacoma
10 Public Schools, United Way of Pierce County, and University of Washington
11 Tacoma, and
12

13 WHEREAS by bringing together key leaders from across the region and
14 leveraging our investment of time and resources, SST aims to advance community
15 and economic goals and tell the region's story, and
16

17 WHEREAS, at the February 28, 2023, Study Session, Deputy Mayor Walker
18 shared a Council Consideration Request to authorize the one-time use of \$12,000
19 from the Council Contingency Fund for City membership in SST, for the year 2023,
20 and
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22 WHEREAS, City staff will negotiate and execute an agreement for services,
23 with terms and deliverables for the City's contribution, and
24

25 WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the
26 Council Contingency Fund for any municipal expense, the necessity or extent of



1 which could not have been foreseen or reasonably evaluated at the time of
 2 adopting the budget, and

3 WHEREAS Ordinance No. 22569 requires an affirmative vote of not less
 4 than six members of the Council in order to withdraw moneys from this fund; Now,
 5 Therefore,
 6

7 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

8 Section 1. That one-time funding in the amount of \$12,000, budgeted from
 9 the Council Contingency Fund, is hereby approved for the purpose of City
 10 membership in South Sound Together (“SST”), for the year 2023.
 11

12 Section 2. That the proper officers of the City are hereby authorized to
 13 confirm deliverables with SST for the purposes hereinabove enumerated, and
 14 document as appropriate.

15 Adopted _____
 16

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 18 _____
 Mayor

19 Attest:
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 21 _____
 City Clerk

22 Approved as to form:
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 24 _____
 Deputy City Attorney
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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
10

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
9

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
15

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,
20 and
21

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
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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,
15

16 BE IT ORDAINED BY THE CITY OF TACOMA:
17

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

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.

22 Section 3. Severability. If any section, subsection, paragraph, sentence,
23 clause, or phrase of this Ordinance or its application to any person or situation
24 should be held to be invalid or unconstitutional for any reason by a court of
25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the
26



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.

9 Passed _____

10 _____
11 Mayor

12 Attest:

13 _____
14 _____
15 City Clerk

16 Approved as to form:

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18 _____
19 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.

* * *

13.06.070 Overlay Districts

* * *

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



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

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



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

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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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