

**CITY OF FIRCREST
ORDINANCE NO. 1644**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A SIX-MONTH MORATORIUM PROHIBITING THE SUBMISSION OR ACCEPTANCE OF ANY DEVELOPMENT APPLICATIONS FOR NEW DEVELOPMENT, ADDITIONS, AND ALTERATIONS IN THE PROPERTY COMPRISED OF 44 ACRES, LOCATED AT THE NORTHWEST CORNER OF THE CITY, BOUNDED BY 19TH STREET WEST AND MILDRED STREET WEST, ZONED COMMERCIAL MIXED USE AND RESIDENTIAL-30, AND PROPOSED TO BE DESIGNATED AS A COUNTYWIDE CENTER IN THE COUNTYWIDE PLANNING POLICIES, SAID MORATORIUM TO BE IN EFFECT WHILE THE CITY PERFORMS THE ACTIVITIES DESCRIBED IN THIS ORDINANCE.

WHEREAS, Section 36.70A.390 of the Revised Code of Washington authorizes the City Council to adopt a moratorium for a period of six months, as long as the City holds a public hearing within sixty days, and adopts findings and conclusions to support such moratorium; and

WHEREAS, the City of Fircrest has applied to the Pierce County Regional Council for the area that is 44 acres in size, bounded by Mildred Street West and 19th Street West, which is currently zoned as Community Mixed Use and Residential-30 and is identified on Exhibit "A" to be designated a "Countywide Center" in the Countywide Policies and the City's Comprehensive Plan; and

WHEREAS, on October 1, 2019, the City of Fircrest Planning Commission recommended amendments to the Fircrest Comprehensive Plan designating the property located at 19th and Mildred to be a "Countywide Center" as identified in Exhibit "A"; and

WHEREAS, on July 18, 2019, the Pierce County Regional Council recommended approval of the proposed designation of the "Countywide Center" as part of the amendments to the Countywide Planning Policies; and

WHEREAS, the amendments to the Countywide Planning Policies will be adopted through interlocal agreement upon ratification of 60 percent of member jurisdictions in Pierce County representing 75 percent of the total population;

WHEREAS, the Proposed Center is to be the priority for accommodating growth as laid out under Vision 2040 and the Pierce County Countywide Planning Policies and shall include a high density mix of business, residential, cultural, and recreational uses during both the day and night that provide a sense of place and community; and

WHEREAS, the applicable provisions of the Fircrest Municipal Code do not adequately address the needs for meeting the vision and goals of the Proposed Center; and

WHEREAS, a moratorium on new development, additions, and alterations is required in the Proposed Center in order to allow sufficient time to consider potential amendments to the Comprehensive Plan, Land Development Code, Zoning Districts and other City Code amendments that encourage and allow implementation of the long-range vision, and to present such amendments to the Planning Commission and City Council through the City's amendment process; and

WHEREAS, without a moratorium the City could, in the near future, receive applications for new development, additions, and alterations in the Proposed Center that would conflict with the achievement of the long-range vision for this area; and

WHEREAS, as required by RCW 35A.63.220, the Fircrest City Council will hold a public hearing within sixty days of the passage of this Ordinance. Now, Therefore,

1 **THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

2 **Section 1. Definitions.** The following definitions apply to the terms used in this Ordinance:

- 3 A. Proposed Center – The property comprised of 44 acres, located at the northwest corner of the
4 City, bounded by 19th Street West and Mildred Street West, zoned Commercial Mixed Use and
5 Residential-30, and proposed to be designated as a Countywide Center in the Countywide
6 Planning Policies as identified on Exhibit “A.”
- 7 B. Development Permit Applications – Applications for building permits, conditional use permits,
8 subdivisions (short plat, preliminary plat), variances, and other permit applications related to new
9 development, addition, or alteration permits.
- 10 C. Exempt Permit Applications – The moratorium imposed under Section 4 of this Ordinance shall
11 not apply to the following exempt permit applications: (1) Vested Applications, (2) application
12 for tenant improvements of existing non-residential buildings, (3) applications for home
13 occupations, (4) applications for sign permits, (5) applications for permits or approvals that are
14 required for upkeep, repair or maintenance of existing buildings and properties or work mandated
15 by the City to maintain public health and safety.

16 **Section 2. Findings.** The Council adopts all of the “whereas” sections of this Ordinance as findings
17 to support this Moratorium Ordinance, as well as the following:

- 18 A. The purpose of this Moratorium Ordinance is to maintain the status quo while the City considers
19 if the existing underlying zoning districts and land development codes associated with the
20 Proposed Center are appropriate for these properties.
- 21 B. The City will perform this evaluation during the next six months, while this Moratorium
22 Ordinance is in effect. During this time, the City will consider whether there is any information
23 (whether on the health, safety, environmental, secondary land use and/or economic impacts)
24 associated with the vision and goals of the Proposed Center that should be integrated in any new
25 land use and zoning regulations.

26 **Section 3. Moratorium Adopted.** This Moratorium Ordinance is hereby adopted for a period of six
27 months in order to provide the City adequate time to:

- 28 A. Study and draft potential amendments to the Comprehensive Plan, Title 22 Land Development
29 Code, the Commercial Mixed Use Zoning District, Residential-30 Zoning District and other City
30 Code amendments that encourage and allow implementation of the long-range vision and goals
of the Proposed Center.
- B. Hold a public hearing(s) on the draft Ordinances, obtain public input on such Ordinances, allow
the Planning Commission to make recommendations to the City Council, for the City Council to
review the draft Ordinance and, if desired, to adopt new regulations or prohibitions in the
Proposed Center as prescribed in Chapter 22.30 and Chapter 23.06.

Section 4. Effect of Moratorium Ordinance. The City Council imposes a six-month Moratorium
on the submission and acceptance of all new Development Permit Applications after the date of
passage of this Ordinance, as the same are defined in Section 1 of this Ordinance. All such
development permit applications shall be rejected and returned to the applicant.

Section 5. Duration of Moratorium Ordinance. This Moratorium Ordinance shall commence on
the effective date set forth herein and be in effect for six months. The Council shall make the decision
to terminate the Moratorium by Ordinance.

Section 6. Public Hearing on Moratorium Ordinance. Pursuant to RCW 36.70A.390 and RCW
35.63.200, the City Council shall hold a public hearing on this Moratorium Ordinance within sixty

(60) days of its adoption, or before December 7, 2019. The Council hereby schedules this hearing for November 12, 2019. During the next Council meeting immediately following this public hearing, the City Council shall adopt findings of fact on the subject of this Moratorium Ordinance and either justify its continued imposition or repeal this Ordinance.

Section 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Moratorium Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum. If this Moratorium Ordinance is not adopted immediately, applications for the prohibited uses could be submitted to the City and arguably become vested, leading to development that could be incompatible with the regulations eventually adopted by the City (after the process described herein). Therefore, the Moratorium Ordinance must be adopted immediately as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of Development Applications to the City in an attempt to vest rights for an indefinite period of time.

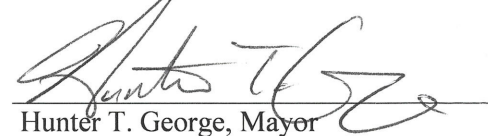
Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 9. Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City.


Section 10. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage, having received the vote of a majority plus one of the entire Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 8th day of October 2019.

APPROVED:


Hunter T. George, Mayor

ATTEST:


Jessica Nappi, City Clerk

APPROVED AS TO FORM:


Michael B. Smith, City Attorney

DATE OF PUBLICATION: 10/10/2019
EFFECTIVE DATE: 10/10/2019

Exhibit "A"

Proposed Countywide Center

