

**CITY OF FIRCREST  
ORDINANCE NO. 1654**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, RELATING TO LAND USE AND ZONING, RENEWING THE SIX-MONTH MORATORIUM ADOPTED ON OCTOBER 8, 2019 FOR AN ADDITIONAL SIX-MONTHS, 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 19<sup>TH</sup> 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 35A.63.220 and Section 36.70A.390 of the Revised Code of Washington authorize 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**, on October 8, 2019, the City Council approved Ordinance No. 1644, adopting a 6-month moratorium on the property identified on Exhibit "A;" and

**WHEREAS**, as required by State law, the Fircrest City Council held a public hearing on November 12, 2019 where no comments were received; and

**WHEREAS**, the current moratorium is set to expire on April 8, 2020; and

**WHEREAS**, Section 35A.63.220 and Section 36.70A.390 of the Revised Code of Washington authorize the City Council to renew a moratorium for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

**WHEREAS**, as required by State law, the Fircrest City Council held a public hearing on March 24, 2020 with the intent to renew the moratorium for 6-months; 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 19<sup>th</sup> 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 November 26, 2019, the Fircrest City Council adopted amendments to the Fircrest Comprehensive Plan designating the property located at 19<sup>th</sup> and Mildred to be a "Countywide Center" as identified in Exhibit "A"; 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

1 **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

2 **WHEREAS**, a moratorium on new development, additions, and alterations is required in the  
3 Proposed Center in order to allow sufficient time to consider potential amendments to the  
4 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

5 **WHEREAS**, without a renewal of the moratorium the City could, in the near future, receive  
6 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

7 **WHEREAS**, the City has been following a developed a work plan for the related studies and  
8 amendment review; and

9 **WHEREAS**, The City has demonstrated progress by hiring Rangwala Associates to evaluate the  
10 existing conditions, identify potential, and develop a draft ordinance; and

11 **WHEREAS**, the City has engaged the public through a series of workshops on January 21, 22, and  
12 23, 2020; and

13 **WHEREAS**, the City still needs to hold an open house/study session to receive the draft document  
14 from the consultant; and

15 **WHEREAS**, the Planning Commission and the City Council need to schedule public hearings in  
16 order to obtain public input prior to considering the proposed amendments; and

17 **WHEREAS**, the renewal of the moratorium for a period of up to six months beyond April 8, 2020,  
will enable the Planning Commission and City Council to complete the review and local adoption  
processes, as prescribed in Chapter 22.30 and Chapter 23.06, and is in the public interest; Now,  
Therefore,

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

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

- 20 A. Proposed Center – The property comprised of 44 acres, located at the northwest corner of the  
21 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 as identified on Exhibit “A.”
- 22 B. Development Permit Applications – Applications for building permits, conditional use permits,  
23 subdivisions (short plat, preliminary plat), variances, and other permit applications related to new  
development, addition, or alteration permits.
- 24 C. Exempt Permit Applications – The moratorium imposed under Section 4 of this Ordinance shall  
25 not apply to the following exempt permit applications: (1) Vested Applications, (2) application  
26 for tenant improvements of existing non-residential buildings, (3) applications for home  
occupations, (4) applications for sign permits, (5) applications for permits or approvals that are  
27 required for upkeep, repair or maintenance of existing buildings and properties or work mandated  
by the City to maintain public health and safety.

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

- 1 A. The purpose of this Moratorium Ordinance is to maintain the status quo while the City considers  
2 if the existing underlying zoning districts and land development codes associated with the  
3 Proposed Center are appropriate for these properties.
- 4 B. The City will continue to perform this evaluation during the next six months, while this  
5 Moratorium Ordinance is in effect. During this time, the City will consider whether there is any  
6 information (whether on the health, safety, environmental, secondary land use and/or economic  
7 impacts) associated with the vision and goals of the Proposed Center that should be integrated in  
8 any new land use and zoning regulations.
- 9 C. The City has demonstrated progress and is following the developed work plan.

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

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

20 **Section 4. Effect of Moratorium Ordinance.** The City Council renews the adopted Moratorium on  
21 the submission and acceptance of all new Development Permit Applications for six-months from  
22 April 8, 2020, as the same are defined in Section 1 of this Ordinance. All such development permit  
23 applications shall be rejected and returned to the applicant.

24 **Section 5. Duration of Moratorium Ordinance.** This Moratorium Ordinance commences on April  
25 8, 2020 and will be in effect for six months. The Council shall make the decision to terminate the  
26 Moratorium by Ordinance or renew the Moratorium after a subsequent public hearings and findings  
27 of fact are made prior to the renewal pursuant to RCW 36.70A.390 and RCW 35A.63.200.

28 **Section 6. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held  
29 to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or  
30 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
clause or phrase of this Ordinance.

**Section 7. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall  
be published in the official newspaper of the City. This ordinance shall be effective five (5) days  
after such publication.


Council.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a  
regular meeting thereof this 24th day of March 2020.

**APPROVED:**  
  
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Hunter T. George, Mayor

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**ATTEST:**

  
Jayne Westman, City Clerk

**APPROVED AS TO FORM:**

  
Michael B. Smith, City Attorney

**DATE OF PUBLICATION:** *March 26, 2020*

**EFFECTIVE DATE:** *March 31, 2020*

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**Exhibit "A"**  
**Proposed Countywide Center**

