

**CITY OF FIRCREST
ORDINANCE NO. 1658**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, RELATING TO LAND USE AND ZONING, RENEWING THE SIX-MONTH MORATORIUM ADOPTED ON OCTOBER 8, 2019 AND EXTENDED ON MARCH 24, 2020 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 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 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 moratorium was extended on March 24, 2020;

WHEREAS, the moratorium is set to expire on October 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 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 November 26, 2019, the Fircrest City Council adopted 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, 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

1 mix of business, residential, cultural, and recreational uses during both the day and night that provide
a sense of place and community; and

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

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

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

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

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

15 **WHEREAS**, the City has engaged the public through a series of workshops on January 21, 22, and
16 23, 2020; and

17 **WHEREAS**, on February 29, 2020, the State of Washington issued Proclamation 20-05,
18 proclaiming a state of emergency for all counties as a result of the coronavirus disease 2019
19 (COVID-19) and issued a stay home order; and

20 **WHEREAS**, the stay home order caused the cancellation of all in-person public meetings and a
21 delay in the moratorium schedule, including a schedule public workshop, and required public
22 hearings by the Planning Commission and the City Council; and

23 **WHEREAS**, the City has obtained the ability to move forward with online public meetings and
24 hearings; and

25 **WHEREAS**, the renewal of the moratorium for a period of up to six months beyond October 8,
26 2020, will enable the Planning Commission and City Council to complete the review and local
27 adoption processes, as prescribed in Chapter 22.30 and Chapter 23.06, and is in the public interest;
28 Now, Therefore,

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

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

A. Proposed Center – 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 as identified on Exhibit “A.”

B. Development Permit Applications – Applications for building permits, conditional use permits,
subdivisions (short plat, preliminary plat), variances, and other permit applications related to new
development, addition, or alteration permits.

1 C. Exempt Permit Applications – The moratorium imposed under Section 4 of this Ordinance shall
2 not apply to the following exempt permit applications: (1) Vested Applications, (2) application
3 for tenant improvements of existing non-residential buildings, (3) applications for home
4 occupations, (4) applications for sign permits, (5) applications for permits or approvals that are
5 required for upkeep, repair or maintenance of existing buildings and properties or work mandated
6 by the City to maintain public health and safety.

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

9 A. The purpose of this Moratorium Ordinance is to maintain the status quo while the City considers
10 if the existing underlying zoning districts and land development codes associated with the
11 Proposed Center are appropriate for these properties.

12 B. The City will continue to perform this evaluation during the next six months, while this
13 Moratorium Ordinance is in effect. During this time, the City will consider whether there is any
14 information (whether on the health, safety, environmental, secondary land use, and/or economic
15 impacts) associated with the vision and goals of the Proposed Center that should be integrated
16 into any new land use and zoning regulations.

17 C. Due to circumstances beyond the City’s control, specifically a State of Emergency issuing a
18 state home order due to COVID-19, the progress has been delayed.

19 D. The City has obtained the ability to hold public meetings online and is now on track to adopt
20 the amendments by the end of the year.

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

23 A. Study and draft potential amendments to the Comprehensive Plan, Title 22 Land Development
24 Code, the Commercial Mixed Use Zoning District, Residential-30 Zoning District, and other City
25 Code amendments that encourage and allow the implementation of the long-range vision and
26 goals of the Proposed Center.

27 B. Hold a public hearing(s) on the draft Ordinances, obtain public input on such Ordinances, allow
28 the Planning Commission to make recommendations to the City Council, for the City Council to
29 review the draft Ordinance and, if desired, to adopt new regulations or prohibitions in the
30 Proposed Center as prescribed in Chapter 22.30 and Chapter 23.06.

Section 4. Effect of Moratorium Ordinance. The City Council renews the adopted Moratorium on
the submission and acceptance of all new Development Permit Applications for six-months from
October 8, 2020, as the same is 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 commences on October
8, 2020, and will be in effect for six months. The Council shall decide to terminate the Moratorium
by Ordinance or renew the Moratorium after subsequent public hearings and findings of fact are
made prior to the renewal pursuant to RCW 36.70A.390 and RCW 35A.63.200.

Section 6. 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.

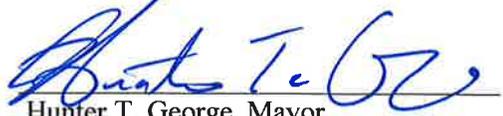
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Section 7. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after such publication.

Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 22nd of September 2020.

APPROVED:


Hunter T. George, Mayor

ATTEST:


Jayne Westman, City Clerk

APPROVED AS TO FORM:


Michael B. Smith, City Attorney

**DATE OF PUBLICATION:
EFFECTIVE DATE:**

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Exhibit "A"
Proposed Countywide Center

