

# Ordinance No. 00419

[City Council meeting minutes of July 17 2006](#)

## ORDINANCE NO. 419

AN ORDINANCE of the City Council of the City of Lakewood, Washington, extending the moratorium commenced in Ordinance No. 390 and previously extended in Ordinance No. 406, regarding correctional facilities located within Public Institutional Zoning Districts

WHEREAS, pursuant to sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington, a moratorium or interim official control can be renewed 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, the City of Lakewood enacted Ordinance No. 390 on August 15, 2005, which commenced a six-month moratorium on the filing of applications for licenses, permits and approvals for correctional facilities located within Public Institutional zoning districts of the City; and,  
WHEREAS, on February 6, 2006, through City of Lakewood Ordinance No. 406, this moratorium was extended for an additional six month period; and,  
WHEREAS, it is the belief of the Lakewood City Council that the moratorium commenced herein and the continuation of this moratorium is within the constitutional authority of the City under Article XI, section 11, of the Washington State Constitution, which provides that any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws; and,  
WHEREAS, regarding the extension of this moratorium, a public fact finding hearing was held at 7 p.m. on Wednesday, July 5, 2006, at which time the City Council of the City of Lakewood heard and considered information and testimony relevant to whether the moratorium should be extended; and,  
WHEREAS, as shown in a document entitled Findings of Fact in Support of Extension of Moratorium, a copy of which is attached hereto, marked as Attachment A and incorporated herein by this reference, the City Council finds that sufficient facts exist upon which to extend the moratorium for an additional six months.  
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD DO ORDAIN AS FOLLOWS:

Section 1. The Moratorium is Hereby Extended. Sufficient facts are found to extend the moratorium created in Ordinance No. 390. These facts are shown in Attachment A to this Ordinance, and these findings of facts are hereby adopted by the Lakewood City Council. Said moratorium pertains to any and all applications for licenses, permits and approvals related to correctional facilities located within the City's Public Institutional zoning districts.

Section 2. Term of Extension. The moratorium shall remain in effect for six (6) months from the date hereof unless repealed, further extended or modified by the City Council pursuant to RCW 35A.63.220 or 36.70A.390.

Section 3. Severability. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 4. Effective Date. That, upon passage and signatures hereon, this Ordinance shall be in full force and effect..

PASSED by the City Council this 17<sup>th</sup> day of July, 2006.

Attest:

Claudia Thomas, Mayor

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

### **Attachment A?**

### **Findings of Fact in Support of the Second Extension of a Moratorium Commenced in Ordinance No. 390**

IN SUPPORT of extending the moratorium upon correctional facilities within the City's Public Institutional zoning districts, as commenced in Ordinance No. 390, the City Council of the City of Lakewood does make the following Findings of Fact:

1. IT IS HEREBY A FINDING OF THE LAKEWOOD CITY COUNCIL that the moratorium commenced in Ordinance No. 390 originally was based upon the findings of fact contained in City of Lakewood Resolution No. 2005-13 and Attachment A to Ordinance No. 390. The City Council of the City of Lakewood does hereby affirm that the reasons for commencing the moratorium as stated in these prior findings of fact also establish a basis for extending this moratorium.
2. IT IS HEREBY A FINDING OF THE LAKEWOOD CITY COUNCIL that the moratorium commenced in Ordinance No. 390 previously was extended based upon findings of fact stated in Attachment A to Ordinance No. 406. The City Council of the City of Lakewood does hereby affirm that the findings of fact supporting the first extension of this moratorium continue to this day and support a second extension of the moratorium.
3. IT IS HEREBY A FINDING OF THE LAKEWOOD CITY COUNCIL that the circumstances leading to the enactment of the moratorium have continued to this time, and that the City's Planning Advisory Board is engaged in the process of reviewing zoning in the City's Public Institutional and Commercial zoning districts in regard to how those districts allow for the locating and siting of essential public facilities and correctional facilities. The minutes and records of the Planning Advisory Board demonstrate the work and progress obtained in this effort. This process has included public hearings, an assessment of ordinances from other cities, and a review of work release facilities generally and a review Washington state work release facilities specifically. It is the expectation of the City Council that the Planning Advisory Board's role will end upon submission of a draft ordinance and recommendation to

the City Council regarding uses and development regulations related to the City's Public Institutional and Commercial zoning districts. This draft ordinance and recommendation is being prepared.

4. IT IS HEREBY A FINDING OF THE LAKEWOOD CITY COUNCIL that at the public hearing in this matter, held on July 5, 2006, that a representative from the Washington State Department of Corrections addressed the Lakewood City Council and objected to the City's planning and study in this matter as contrary to the state Growth Management Act. The City of Lakewood City Council, however, disagrees with this statement from the Department of Corrections. The Lakewood City Council does find this study and review of zoning is a valid and constitutional police power exercise intended to protect the health, safety and welfare of the Citizens of the City of Lakewood.
5. IT IS HEREBY A FINDING OF THE LAKEWOOD CITY COUNCIL that this planning study supports the City's Comprehensive Plan and is necessary to facilitate the state Growth Management Act requirement stated in RCW 36.70A.200, wherein it is stated that all comprehensive plans must contain a process for identifying and siting essential public facilities.

**"Attachment A"**

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