

Ordinance No. 00454

[City Council meeting minutes of Sept 4 2007](#)

ORDINANCE NO. 454

AN ORDINANCE of the City Council of the City of Lakewood, Washington, establishing a moratorium setting forth specific findings in support of the moratorium on the filing of applications for licenses, permits and approvals for new residential and commercial development in the City of Lakewood established under Ordinance No. 451.

WHEREAS, on July 16, 2007 the City Council for the City of Lakewood enacted Ordinance 451 whereby a moratorium was established upon the filing of applications for licenses, permits and approvals for new residential and commercial development in the area known as Tillicum in the City of Lakewood; and

WHEREAS, a public hearing was held August 20, 2007 during which hearing incorporated by Council action staff report and public testimony from a Study Session held on August 13, 2007; and,

WHEREAS, state law requires the City to conduct a public hearing and make findings and conclusions in support of the moratorium within sixty days of passage of the moratorium;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. Findings of Fact. The City Council does find that sufficient facts exist, as were found at a public hearing held on August 20, 2007, to continue the moratorium established in Ordinance No. 451 on July 16, 2007. Said moratorium applies to any and all applications for licenses, permits and approvals for new commercial and residential development in the area known as Tillicum in the City of Lakewood, specifically that geographic area designated in Exhibit A, attached hereto and hereby incorporated. The findings of fact are attached hereto, marked as "Exhibit B," and incorporated herein by this reference.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance and the moratorium provided for herein shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 4th day of September, 2007.

CITY OF LAKEWOOD

_____ Claudia B. Thomas, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney

"EXHIBIT B"

FURTHER FINDINGS OF FACT IN SUPPORT OF MORATORIUM COMMENCED
THROUGH ORDINANCE NO. 451

BASED UPON ORDINANCE 451, the public record created prior to adoption of that Ordinance on July 16, 2007, as well as the testimony and documents considered and reviewed during a public hearing held on August 20, 2007, the City Council for the City of Lakewood does hereby make the following findings of fact:

1. The statutorily required public hearing was held after sufficient and proper public notice, there having been approximately 300 individual notices sent out by the City, as testified to by Assistant City Manager for Development, David Bugher, various newspaper articles and an editorial, and the testimony of Homer Dodge, owner of numerous properties in the impacted area that 'everyone' had heard about the moratorium and was talking about it; and
2. That there is a sufficient record as a result of staff and public input; and
3. The proposed installation of sewer lines in the Tillicum and American Lake Gardens neighborhoods of the City of Lakewood present the potential of significant new development according to the staff report; and
4. That existing lots are not conducive to the potential development; the lots are substandard according to the staff report; and
5. That there is significant citizen support for infrastructure improvement and regulated development in these neighborhoods, as testified to by Alex Spearman, James Guerrero and others; and
6. That there is significant citizen concern that the moratorium be in place for as short a time as possible, as testified to by Alex Spearman, James Guerrero and others.

The City Council for the City of Lakewood thereby issues the following conclusions:

1. That the original moratorium, adopted July 16, 2007 is hereby amended to prohibit only new multifamily dwellings and new commercial development, as this will result in the most narrow moratorium possible while allowing the City to pursue the best development possible for Tillicum.

2. That the following use types and permits are specifically exempt from this moratorium:

- New public institutional use types;
- Shoreline development permits;
- Permits for properties previously or currently subject to abatement proceedings;
- Additions subject to the approval of the Tacoma Pierce County Health Department;
- Commercial tenant improvements to existing commercial buildings;
- Tree removal permits;
- Home occupation permits;
- Mobile home set up permits in existing mobile home parks as authorized by the Tacoma Pierce County Health Department;
- Utilities land use types;
- New civic use types;
- Lot line adjustments and/or parcel mergers;
- All types of remodels and repairs;
- Demolition permits;
- Business licenses;
- Daycare facilities;
- Transportation;
- Single family dwellings;