

# Ordinance No. 00497

## Council meeting minutes of July 20 2009

### ORDINANCE NO. 497

AN ORDINANCE of the City Council of the City of Lakewood, Washington, extending Interim Zoning Controls for Tillicum, as enacted under Ordinance No. 476 and extended previously under Ordinance No. 485, and continuing the preparation of a sub-area plan.

WHEREAS, on September 2, 2008, the Lakewood City Council enacted Ordinance No. 476, establishing a system of Interim Zoning Controls for Tillicum; and,

WHEREAS, on February 2, 2009, the Lakewood City Council enacted Ordinance No. 485, extending the Interim Zoning Controls for Tillicum for an additional six month term; and,

WHEREAS, pursuant to Revised Code of Washington sections 35A.63.220 and 36.70A.390, interim zoning controls may be extended for additional six-month periods if a subsequent public hearing is held and facts are found that support such an extension; and,

WHEREAS, on July 6, 2009, a duly noticed public hearing was held regarding this system of Interim Controls, which included discussion of the need for continuing interim regulations and the status of a sub-area plan for Tillicum; and,

WHEREAS, the City's Planning Advisory Board has continued preparing a detailed sub-area community plan for the Tillicum community, but this plan has not yet been completed; and,

WHEREAS, until the sub-area plan is complete, the City requires a system of interim zoning controls to guide the revitalization of the Tillicum area and redevelopment in a manner that facilitates improved quality of life for Tillicum residents, increased economic activity, and a development pattern that takes advantage of the increased intensity of uses made possible by the extension of sewer service; and,

WHEREAS, the extension of sewer service is a project conducted in the interest of protecting the public health, safety and welfare, and is expected to result in increased development potential for the Tillicum area; and,

WHEREAS, the City Council of the City of Lakewood has previously determined that uses inconsistent with the revitalization and redevelopment of the Tillicum area and uses inconsistent with the provision of sanitary sewers for this area are hereby found to be contrary to the public interest and safety and should be avoided and discouraged through this interim set of controls and the proposed sub-area plan.

NOW, Therefore, the City Council of the City of Lakewood, Washington, do hereby 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 July 6, 2009, to continue the Interim Zoning Controls for Tillicum as commenced in Ordinance No. 476. The findings of fact from the July 6, 2009, public hearing are attached hereto, marked as "Exhibit A," and incorporated herein by this reference.

Section 2. Extension of Interim Zoning Controls. Based upon the facts shown in "Exhibit A" hereto, the City Council does extend the system of Interim Zoning Controls for Tillicum for an additional six-month term from the effective date of the extension granted in Ordinance No. 485. Said Interim Zoning Controls for Tillicum, as established through Ordinance No. 476, are incorporated herein by this reference as if set forth in full.

Section 3. The City Council does hereby direct that the area designed as the Tillicum Community Planning Area shall remain as designated. Further, the City's Community Development Department is directed to continue with the preparation of a sub-area plan for the Tillicum Community Planning Area. The plan should focus on accommodation of land uses and redevelopment opportunities that take advantage of the extension of sewer service to the Tillicum area. The Community Development Department is further directed to use the "Progress!- A Vision for Tillicum" document (BCRA Architects, 2007) as one resource to form the development of the community plan.

Section 4. 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 5. Effective Date. That this Ordinance shall be in full force and effect upon passage and signatures hereon.

ADOPTED by the City Council this 20th day of July, 2009.

CITY OF LAKEWOOD

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Douglas G. Richardson, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to Form:

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Heidi Wachter, City Attorney

EXHIBIT A TO ORDINANCE NO. 497

FINDINGS OF FACT IN SUPPORT OF EXTENDING INTERIM ZONING CONTROLS FOR TILLICUM, AS COMMENCED IN ORDINANCE NO. 476 AND PREVIOUSLY EXTENDED THROUGH ORDINANCE NO. 485

BASED UPON ORDINANCE NOS. 476 and 485, the public record created prior to the adoption of Ordinance No. 476, and the testimony and documents considered and reviewed during public hearings held on October 6, 2008, January 20, 2009, and July 6, 2009, the City Council for the City of Lakewood does hereby make the following findings of fact in support of extending the interim zoning controls created through Ordinance No. 476 and previously extended for a six-month term through Ordinance No. 485, as follows:

1. That Ordinance No. 476 established appropriate interim controls within the Tillicum neighborhood of Lakewood. These interim controls were properly extended through Ordinance No. 485, as adopted on February 2, 2009.
2. That the interim zoning controls are necessary while the City's Community Development Department and Planning Advisory Board continue to prepare a sub-area plan for the Tillicum Community Planning Area to accommodate land uses and redevelopment anticipated when sewer service is provided to the area.
3. That, further, the interim development plan is further necessary to discourage uses that might be inconsistent or nonconforming with development and land use regulations that may soon be enacted.
4. As shown in testimony given during a public hearing on July 6, 2009, a report regarding the sub-area plan has been released to the public. Staff has met with the Board of the Tillicum Woodbrook Neighborhood Association (TWNA) and presented information to this Association on the proposed sub-area plan.
5. During the next six-month term of the interim plan, staff will continue to conduct workshops with citizens, business leaders and interested persons, explaining and refining the sub-area plan. Public hearings regarding the proposed sub-area plan will be held before the City's Planning Advisory Group in September of 2009.
6. The information provided to citizens, as shared with the TWNA, has raised issues in regard to accommodating and planning in conjunction with a substantial amount of rail road right of way located between Union Avenue and the Interstate 5 freeway.

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