

EMERGENCY ORDINANCE

ORDINANCE NO. 1865

CITY OF FIFE, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, EXTENDING A MORATORIUM ON THE CREATION, ESTABLISHMENT, LOCATION, OPERATION OR PERMITTING OF GAMBLING PREMISES FOR AN ADDITIONAL SIX MONTH PERIOD AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECIVE IMMEDIATELY

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt moratoria; and

WHEREAS, on October 23, 2012 the City of Fife City Council passed Emergency Ordinance No. 1819 imposing an immediate six month moratorium prohibiting the creation, establishment, location, operation, or licensing of any “gambling premises” as defined in FMC 19.06.290, within any zoning district in the City of Fife; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing on the moratorium established by Emergency Ordinance No. 1819 was held on November 27, 2012 at Fife City Hall, 5411 23rd Street East, Fife, Washington, and

WHEREAS, on April 9, 2013, the Fife City Council passed Ordinance No. 1832 extending the moratorium on “Gambling Premises” established by Ordinance No. 1819 for an additional six month period to October 23, 2013; and

WHEREAS, Fife City Council’s passage of Ordinance No. 1832 followed a March 12, 2013 public hearing by the Fife City Council on the six month extension of Emergency Ordinance No. 1819; and

WHEREAS, on October 8, 2013 the Fife City Council passed Ordinance No. 1846 extending, for an additional six month period, the moratorium on “Gambling Premises” established by Emergency Ordinance No. 1819 and extended by Ordinance No. 1832; and

WHEREAS, Fife City Council’s passage of Ordinance No. 1846 followed a September 10, 2013 public hearing by the Fife City Council on the six month extension of Emergency Ordinance No. 1819 and extended by Ordinance No. 1832; and

WHEREAS, the moratorium extension provided for by Ordinance No. 1846 set April 23, 2014 as the moratorium expiration date and included a six month work program to complete the work; and

WHEREAS, the City of Fife Zoning Code currently provides that “gambling premises” as defined in FMC 19.06.290 and located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district are permitted subject to the granting of a conditional use permit in the “Regional Commercial” and “Business Park” zoning districts; and

WHEREAS, there are currently no non-tribal gambling premises operating within the City or any pending applications for new gambling premises; and

WHEREAS, RCW 9.46.295 provides that local governments may absolutely prohibit gambling activities for which state licenses are required; and

WHEREAS, the operation of gambling premises within the City can have social and public service impacts; and

WHEREAS, the City’s zoning code provisions regarding gambling premises were adopted in 1998; and

WHEREAS, the “Regional Commercial” and “Business Park” zoning districts are identified on the City of Fife Comprehensive Plan land use map as part of the “Downtown District Center”; and

WHEREAS, the Downtown District Center designation is being reviewed as part of the “City Center” concept the City is developing in order to create a vibrant, compact downtown area that is an inviting place to work, shop, live and socialize, and to encourage mixed-use development that balances residential, public, entertainment and business uses; and

WHEREAS, existing Tribal gambling facilities located within the Downtown District Center provide significant local opportunities for gambling for Fife and other area residents; and

WHEREAS, the City is currently working on a City Center vision and a City Center Plan that will more clearly geographically define a City Center within the City of Fife and include the identification of appropriate diversity of uses to support and be compatible with the City Center vision in light of the limited land area available and higher density mixed use expectations in both the “City Center” and “Downtown District Center”; and

WHEREAS, the City Center Visioning and Planning process, formally initiated in 2012, has involved community open houses including, most recently, an Open House held June 6, 2013, and the development of a draft City Center Subarea Plan that is currently undergoing review by the City Planning Commission; and

WHEREAS, the draft City Center Subarea Plan that is currently undergoing review by the Planning Commission includes a draft Policy and Discussion statement which speaks to an

evaluation of appropriate land uses in the City Center to avoid domination by certain types of land uses and states:

“POLICY LU-1

Establish and/or reinforce mixed use zoning districts

DISCUSSION

Allowing varied uses within the City Center is essential to encourage its use and reducing external automobile trips. The City Center needs to allow a mixture of compatible retail, office, services, and residential uses that can respond to the marketplace.

Allowable uses in the City Center need to be complementary to one another, build community and activity where people can shop, work, play and live. The type and amount of land uses, as well as permissible heights and intensity, may vary within the City Center to avoid domination by certain types of land uses.”

WHEREAS, the City Center Visioning and Planning process, will include code amendments to further implement the downtown and city center vision to include an assessment of gambling premises; and

WHEREAS, on January 6, 2014, as required by Fife Municipal Code section 19.92.040, the City of Fife Planning Commission held a public meeting on proposed amendments to the zoning code related to “gambling premises” and made a recommendation to the City Council on the approval of certain amendments; and

WHEREAS, in making that recommendation the Planning Commission took into consideration matters related to the Fife City Center and focused its deliberation on whether or not gambling premises should or should not be allowed as a principal use; and

WHEREAS, the Planning Commission recommendation would amend the City of Fife Zoning Code to delete “gambling premises” as a conditional use from the Regional Commercial and Business Park zoning districts and would, if passed, not allow gambling premises in the City; and

WHEREAS, on February 11, 2014, the Fife City Council held a public hearing on proposed Ordinance No. 1857 which included the proposed amendments as recommended by the Planning Commission; and

WHEREAS, on February 25, 2014, the Fife City Council passed proposed Ordinance No. 1857 for first reading; and

WHEREAS, on February 21, 2014 and February 22, 2014 the Fife City Council held a retreat, part of which included a detailed briefing on the status of the City Center Plan including vision, objectives, land use mix and a broad conceptual City Center boundary, the latter of which does not encompass all of the City of Fife Comprehensive Plan’s “Downtown District Center”; and

WHEREAS, one current business model for “gambling premises” is for their (“gambling premises”) development to be integrated as an complementary accessory use to a principal use of the property; and

WHEREAS, having had a detailed briefing on the status of the City Center Vision, the City Council desires that the Planning Commission conduct additional study on the issue of “gambling premises” and make a recommendation to the City Council, giving specific consideration to whether or not it would be appropriate to allow “gambling premises” as an accessory use to a principal use in a manner that does not conflict with the objectives of the City Center vision and to other considerations; and

WHEREAS, a moratorium extension is necessary to provide the City with sufficient time to achieve this evaluation; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390. a public hearing to accept public comment on the moratorium extension was held on April 22, 2014 at 6:00 P.M. or soon thereafter at Fife City Hall, in the City Council Chambers, at 5411 23rd Street East, Fife, Washington; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the immediate enactment of a moratorium on gambling premises is necessary to protect the public health, safety or welfare and is a legitimate exercise of the City’s police power; now therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON
DO ORDAIN AS FOLLOWS:

Section 1. The recitals set forth in Emergency Ordinance No. 1819, Ordinance No. 1832, Ordinance No. 1846 and as set forth above are hereby adopted as the City Council’s findings in support of the moratorium extension imposed by this Ordinance.

Section 2. The moratorium on the creation, establishment, location or permitting of Gambling Premises, passed by Emergency Ordinance No, 1819 on October 23, 2012, extended for a period of six months to October 23, 2013 by Ordinance No. 1832, and extended for an additional period of six months to April 23, 2014 by Ordinance No. 1846 is hereby extended for an additional six month period to October 23, 2014.

Section 3. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to law by

a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 4. This ordinance, passed by a majority plus one of the whole membership of the City Council, is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

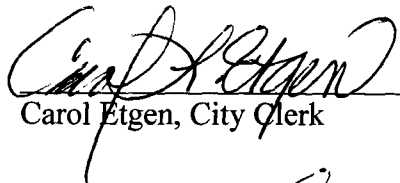
Section 5. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance shall be deemed to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Introduced the 22nd day of April, 2014.

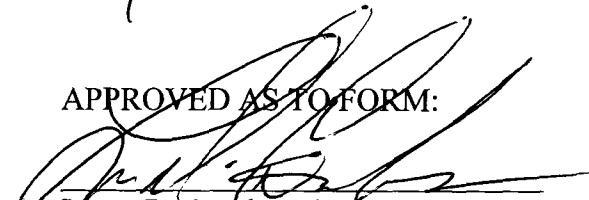
Passed by the City Council on the 23rd day of October 2014, BY UNANIMOUS VOTE


David K. Zabell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: April 24, 2014
Effective Date: April 22, 2014