ORDINANCE NO. 28014

BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS MELLO, FEY AND CAMPBELL

AN ORDINANCE adopting an immediate six-month moratorium relating to land use and zoning, establishing a moratorium on the acceptance of applications for new building or other development permits associated with the establishment, location, or permitting of retail establishments that exceed 65,000 square feet in the aggregate, and establishing a plan and dates for review and development of regulations relating to these types of large retail establishments; referring the moratorium to the Planning Commission to hold a public hearing to develop findings of fact and recommendations by October 19, 2011, including the need for and the duration of the moratorium; setting October 25, 2011 as the date for a public hearing on the moratorium; declaring an emergency in the passage of this ordinance providing that the moratorium will take effect immediately upon adoption and publication and, unless extended, will sunset within six (6) months of the date of adoption; and providing for severability.

WHEREAS large retail sales establishments of various formats may have unintended and often unconsidered economic, environmental and social impacts which outweigh or diminish the benefits of such establishments, and

WHEREAS such impacts may include the increased costs of public infrastructure, such as roads, sewers, storm and water lines, increased costs for public services, such as law enforcement, fire, and other emergency services, and increased tolls on the environment, and such costs may diminish or exceed the public revenue generated from such establishments, and

WHEREAS the City requires time to conduct appropriate research and analysis of these types of uses and the impacts of this kind of development, and to ensure that such uses are developed in a manner that is consistent with the policies and intent of the Comprehensive Plan and in a manner that minimizes or mitigates any community impacts, and
WHEREAS the citizens of Tacoma are concerned about potential negative economic and environmental impacts of larger retail sales establishments on the community and existing businesses, particularly smaller local businesses, both in the retail sphere and in supporting areas, and

WHEREAS the City Council supports environmental responsibility and a sustainable, local economy, and

WHEREAS the City Council believes in promoting competition to protect and benefit the public interest, and such large retail sales establishments may limit competition by causing the loss of existing, smaller businesses, and

WHEREAS a moratorium on the issuance of permits for large retail sales establishments is necessary to enable the City Council to consider whether to amend the City’s development regulations to formulate criteria which will address economic, environmental and other impacts, and to hold a public hearing on the moratorium within 60 days of the commencement of the moratorium, and

WHEREAS, the potential adverse impacts on the economy, the environment, public health, public safety, public property and public peace justify the passage of an emergency ordinance, and

WHEREAS, pursuant to RCW 35.63.200 and RCW 36.70A.390, the City may adopt an immediate moratorium for a period of up to six months, provided that the City holds a public hearing on and adopts findings of fact related to the proposed moratorium within 60 days after its adoption; Now, Therefore

BE IT ORDAINED BY THE CITY OF TACOMA:
Section 1. That pursuant to the provisions of RCW 36.70A.390, a
moratorium is hereby imposed on the filing, acceptance, and processing of
applications for land use, building permits or other development permits associated
with the establishment, location, or permitting of retail sales establishments with a
floor area greater than 65,000 square feet in size, unless complete applications
were filed with the City prior to the effective date of this ordinance.

Section 2. That this moratorium shall be in effect for six (6) months
following the effective date of this ordinance, and may be renewed as provided by
law.

Section 3. That, pursuant to Section 13.02.055 of the Tacoma Municipal
Code, the City Council hereby refers the moratorium to the Planning Commission
for its review at its next available meeting on September 21, 2011, and to hold a
public hearing and develop findings of fact and recommendations, including the
need for and duration of the moratorium, by October 19, 2011.

Section 4. That as required by RCW 36.70A.390, within sixty (60) days of
passage of this ordinance the City Council will hold a public hearing on this
moratorium and will adopt the necessary findings required by law.

Section 5. That during the moratorium, the City Manager is authorized to
direct City staff to study and report both to the Planning Commission and to the
City Council at appropriate times and places as to whether the City code should be
amended to address the impacts, particularly economic, environmental and social,
and/or to provide mitigation requirements for large retail sales establishments.
Section 6. That this Ordinance shall be transmitted to Washington State Department of Commerce, pursuant to RCW 36.70A.106.

Section 7. That for the reasons set forth above, and to promote the objectives stated above, the City Council finds that a public emergency exists, necessitating that this ordinance take effect immediately upon its passage and publication unless repealed, extended, or modified by the Tacoma City Council after subsequent public hearings and entry of appropriate findings of fact pursuant to RCW 35.63.200.

Section 8. That if any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Passed AUG 3 0 2011

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney