

ORDINANCE NO. 1213

AN ORDINANCE EXTENDING THE INTERIM ZONING CONTROL IMPOSED BY ORDINANCE 1195 FOR A PERIOD NOT LONGER THAN SIX (6) MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE OR UNTIL THE AMENDED ZONING CODE IS ADOPTED, WITH MODIFICATIONS THAT ALLOW COMMERCIAL PUBLIC CARD ROOMS WITHIN THE ENTIRE HIGHWAY COMMERCIAL (C-2) DISTRICT, AND THAT ELIMINATE INTERIM ZONING POLICIES RELATED TO PARKING AND DISTANCE FROM PARTICULAR LAND USES; AND AUTHORIZING PUBLICATION BY SUMMARY.

WHEREAS, pursuant to RCW 35A.11.020 and the Constitution of the State of Washington, Article 11, Section 11, cities have the power to enact regulations in the interest of the health, safety, and welfare of their residents;

WHEREAS, pursuant to the State Growth Management Act (GMA) Planning Goal, RCW 36.70A.020 (5), cities subject to the GMA should encourage economic development throughout the state that is consistent with adopted Comprehensive Plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities;

WHEREAS, pursuant to RCW 36.70A.390, part of the State Growth Management Act (GMA), a city governing body is authorized to adopt moratoria or interim zoning controls;

WHEREAS, pursuant to Woodland Comprehensive Plan Land Use Goal H (Page 1-47), the City should develop and secure Woodland's position as the commercial center serving southern Cowlitz County and the recreation trade of the upper Lewis River and Mount Saint Helens area;

WHEREAS, pursuant to Woodland Comprehensive Plan Land Use Goal H (Page 1-47), the City should work in partnership with downtown businesses, property owners, and community interest groups to maintain and enhance the downtown area as a retail trade, service, professional office, financial office, governmental office, and cultural center of the city;

WHEREAS, Ordinance No. 1188 repealing the citywide prohibition on public card rooms, WMC 3.04.020, was approved on December 6, 2010 and became effective December 20, 2010;

WHEREAS, Ordinance No. 1195 imposing a six-month interim zoning control on commercial public card rooms expires on June 20, 2011;

WHEREAS, pursuant to Woodland Comprehensive Plan Land Use Goal E (Page 1-47), the City should ensure that incompatible land uses are separated to enhance the security, value and stability of land uses and improvements and provide for the general health, safety, and welfare of the community;

WHEREAS, on March 16, 2011 a representative from the Washington State Gambling Commission gave a public presentation before the City Council and Planning Commission;

WHEREAS, on April 11, 2011, the City Council held a workshop to discuss a permanent zoning ordinance for commercial public card rooms;

AND WHEREAS, on April 18, 2011, during a regularly held public meeting, the City Council approved a motion to authorize staff to initiate the planning process to allow commercial public card rooms in the Highway Commercial (C-2) district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following definition shall apply:

A. **Commercial public card room:** "Commercial public card room" means that area of the business being commercially set aside for the playing of card games.

Section 2. Purpose. The purpose of this Interim Zoning Control is to encourage economic development consistent with the City's Comprehensive Plan while allowing the City adequate time to develop and adopt amendments to WMC 17, the Zoning Code, that will permit commercial public card rooms in the Highway Commercial (C-2) district and develop any necessary development standards for commercial public card rooms. It is the intent of the City Council to treat the applicants of commercial public card rooms in a manner consistent with the applicable laws of the State of Washington. It is the intent of the City Council that the Interim Zoning Control be extended for no longer than six (6) month or until amendments to the Zoning Code are adopted.

Section 3. Findings of Fact. Based on the motion to establish a six (6) month Interim Zoning Control, the Council makes the following Findings of Fact:

1. The City of Woodland is subject to the State Growth Management Act (GMA), RCW 36.70A;
2. Pursuant to its authority, the City has promulgated Chapter 17 of the Woodland Municipal Code (WMC), which the City Council believes allows commercial public card rooms under a category of “commercial recreation and entertainment facilities” in the Central Business District (C-1) and Highway Commercial (C-2) per 17.32.020.21 and 17.36.020.6 respectively;
3. The City Council finds commercial public card rooms can be permitted in the Heavy Industrial (I-2) zoning district per WMC 17.46.030.2;
4. The City Council believes commercial public card rooms can be permitted under a category of “recreational uses requiring extensive covered facilities such as for indoor tennis, roller or ice skating, or swimming” in the Light Industrial (I-1) zoning district per WMC 17.44.020.22 and as a Conditional Use under a category of “public parks and public recreation facilities” in the Low Density Residential (LDR-6, LDR-7.2, and LDR8.5) zoning districts per WMC 17.16.040.M and the Medium Density Multifamily Residential (MDR) and High Density Multifamily Residential (HDR) zoning districts per WMC 17.20.040.Q;
5. Repeal of WMC 3.04.020, which prohibits commercial public card rooms within city limits, without amending WMC 17, the Zoning Code, would result in commercial public card rooms being permitted in the majority of the area within city limits;

6. The State GMA requires the City's Zoning Code be consistent with the Comprehensive Plan. Amending WMC 17, the Zoning Code, to allow commercial public card rooms in the Highway Commercial (C-2) zoning district would not result in the Zoning Code being inconsistent with the Comprehensive Plan;
7. The Council finds the Highway Commercial (C-2) zoning district is the only desirable zoning district in which commercial public card rooms can be located given the public comments submitted, current development standards, the intent of each zoning district outlined in pages 1-40 through 1-42 of the City's Comprehensive Plan, and the land use goals of the Comprehensive Plan. The City's Comprehensive Plan on page 1-41 states "the Highway Commercial District is mostly oriented to automobile access and convenience. It is intended to accommodate automobile oriented and land-consumptive commercial needs. A wide range of commercial uses and activities are encouraged";
8. The Council desires that staff amend WMC 17, the Zoning Code, to allow commercial public card rooms in the Highway Commercial (C-2) district; for code amendments to address any necessary zoning standards applicable to commercial public card rooms; and for the Planning Commission to review and make a recommendation to Council regarding proposed code amendments;
9. Inasmuch as the public demands appropriate consideration for commercial public card rooms, the City Council finds that the present code does not afford exaction of appropriate consideration. Failure to immediately establish a procedure whereby the citizens may receive appropriate consideration for commercial public card rooms creates an emergent situation contrary to the health, safety, and welfare of the public.

Section 4. Staff and Planning Commission Review and Recommendations. The Council hereby directs staff to draft proposed code amendments; fulfill requirements of the State Environmental Policy Act, and the State Growth Management Act; present an ordinance addressing the proposed revisions before the Planning Commission for their review and recommendation; and, upon completion, present proposed code amendments to Council for adoption.

Section 5. Effects of the Interim Zoning Control on land-use permits or building permit application acceptance and permit issuance. Commercial public card rooms are prohibited outside of the Highway Commercial (C-2) zoning district. This prohibition of and moratorium on commercial card rooms includes the acceptance or issuance of any land-use permit or building permit applications related to commercial public card rooms outside of the C-2 zone. This Interim Zoning Control shall expire exactly six (6) months from the effective date of this Ordinance, unless otherwise extended pursuant to Washington law, or upon adoption of the revised zoning code, whichever comes first.

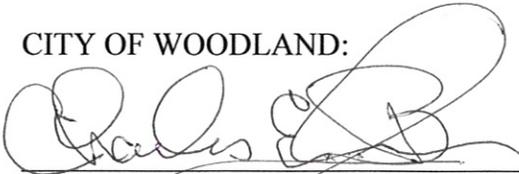
Section 6. Interim Zoning Policies.

- a) Commercial public card rooms shall be permitted uses in the Highway Commercial (C-2) zoning district as accessory to eating and or drinking establishments and as regulated by the Washington State Gambling Commission.
- b) A Commercial Public Card Room shall comply with all applicable Building Code provisions and requirements from the City Fire Department.
- c) Any other provisions in the City's zoning code, Comprehensive Plan, and other adopted plans, and city, state and federal laws may apply to commercial public card room.

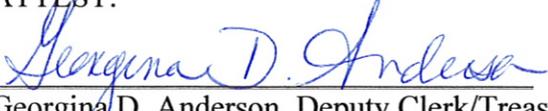
Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance shall become effective five (5) days after its publication in the media or paper of record as required by law.

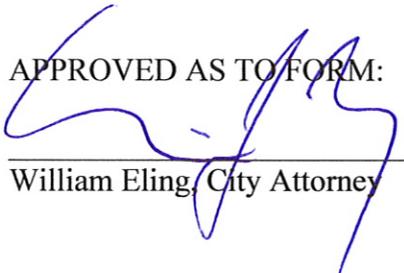
ADOPTED this 6th day of June, 2011.

CITY OF WOODLAND:


Charles E. Blum, Mayor

ATTEST:


Georgina D. Anderson, Deputy Clerk/Treasurer

APPROVED AS TO FORM:


William Eling, City Attorney

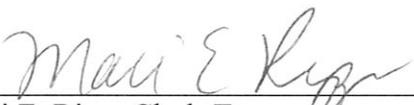
SUMMARY OF ORDINANCE NO. 1213
OF THE CITY OF WOODLAND, WASHINGTON

On June 6, 2011 the City Council of the City of Woodland, Washington, approved Ordinance No. 1213 the main point of which may be summarized by its title as follows:

AN ORDINANCE EXTENDING THE INTERIM ZONING CONTROL IMPOSED BY ORDINANCE 1195 FOR A PRIOD NOT LONGER THAN SIX (6) MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE OR UNTIL THE AMENDED ZONING CODE IS ADOPTED, WITH MODIFICATIONS THAT ALLOW COMMERCIAL PUBLIC CARD ROOMS WITHIN THE ENTIRE HIGHWAY COMMERCIAL (C-2) DISTRICT AND THAT ELIMINATE INTERIM ZONING POLICIES RELATED TO PARKING AND DISTANCE FROM PARTICULAR LAND USES; AND AUTHORIZING PUBLICATION BY SUMMARY.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of June 6, 2011.



Mari E. Ripp, Clerk-Treasurer

Published: June 15, 2011
Effective: June 20, 2011