

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 18 SHORELINE MASTER PROGRAM CHAPTER 18.10 DEFINITIONS AND CHAPTER 18.15 ADMINISTRATION, AND TITLE 19 ZONING CHAPTER 19.80 NONCONFORMING LOTS, USES, AND STRUCTURES, IN ACCORDANCE WITH THE SHORELINE MANAGEMENT ACT AND THE DEPARTMENT OF ECOLOGY SHORELINE MASTER PROGRAM GUIDELINES

WHEREAS, the Shoreline Management Act (SMA) finds that shorelines of the state are among the most valuable and fragile of our natural resources; and

WHEREAS, the SMA requires that local governments prepare, and the state adopt, Shoreline Master Programs (SMPs) for designated shoreline of the state; and

WHEREAS, the City completed a comprehensive update of its SMP pursuant to WAC 173-26 and Ordinance No. 652, on March 16, 2015; and

WHEREAS, the Washington State Department of Ecology (Ecology) reviewed and adopted the City's SMP effective April 17, 2015; and

WHEREAS, the City is undertaking a periodic review of its SMP, as required by SMA, RCW 90.58.080(4) wherein the SMA requires each SMP be reviewed, and revised if needed, on an eight-year schedule established by the Legislature; and

WHEREAS, this schedule directs Pierce, King and Snohomish counties, and the municipalities within these counties, to complete their periodic reviews, and adopt amendments if warranted, no later than June 30, 2019; and

WHEREAS, this review ensures the SMP stays current with changes in laws and rules, remains consistent with other City plans and regulations, and is responsive to changed circumstances, new information and improved data; and

WHEREAS, in 2018 Ecology provided a grant to assist the City in undertaking and completing its SMP periodic review; and

WHEREAS, the Planning Commission initiated its work on the City's periodic review on February 7, 2018 when it reviewed and adopted a public participation plan that identifies steps the City would take to fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program; and

WHEREAS, on April 6, 2018, the City mailed a public notice to owners of property located within regulated shoreline areas and to agencies, organizations and other stakeholders with potential interests in the proposal and shoreline planning in the community, informing them of the availability of review documents and a public open house scheduled for April 18, 2018; and

WHEREAS, on April 8, 2018, the City published a public notice in the Tacoma News Tribune concerning the scheduled April 18, 2018 public open house; and

WHEREAS, in accordance with the adopted public participation plan, the Planning Commission held a public open house on April 18, 2018 to disseminate information about the SMA and SMP periodic review process, potential SMP amendments, and future steps in the review and amendment process; and

WHEREAS, the City's Responsible Official issued a *SEPA Determination of Nonsignificance* with a 14-day comment period on May 3, 2018 and received written comment from the Department of Ecology concerning future recommended policy development and implementation relating to the Tacoma Smelter Plume; and

WHEREAS, the City submitted a *Notice of Intent to Adopt Amendment* to the Department of Commerce on May 2, 2018 to initiate a 60-day state agency review period, and no comments have been received; and

WHEREAS, the City elected to use the optional joint review process that combines a joint Planning Commission/Ecology public hearing and the local and state public comment periods required by RCW 90.58.090; and

WHEREAS, on May 4, 2018 and May 25, 2018, the City published a public notice in the Tacoma News Tribune concerning the scheduled June 6, 2018 joint public hearing and the combined comment period that ran from May 4, 2018 through the June 6, 2018 hearing; and

WHEREAS, on May 4, 2018, the City mailed a public notice to owners of property located within regulated shoreline areas and to agencies, organizations and other stakeholders with potential interests in the proposal and shoreline planning in the community, informing them of the availability of review documents, the comment period, and the joint public hearing scheduled for June 6, 2018; and

WHEREAS, after considering public comment at the June 6, 2018 hearing, the Planning Commission determined that the City's SMP, as amended, will remain supportive of and consistent with the City's Comprehensive Plan goals, objectives and policies; and

WHEREAS, the Planning Commission determined that the SMP, as amended, will recognize private property rights and be consistent with other property regulations and those rights afforded to property owners; and

WHEREAS, the Planning Commission determined that the SMP, as amended, will protect the public health, safety and welfare and comply with the Shoreline Management Act and Shoreline Master Program Guidelines;

WHEREAS, the Planning Commission found that City had reviewed amendments to chapter 90.58 RCW and Ecology guidelines that have occurred since its SMP was last amended, and determined that local amendments are needed to maintain compliance; and

WHEREAS, the Planning Commission found that the City had reviewed changes to its comprehensive plan and development regulations and determined that the City's SMP policies and regulations remain consistent with them; and

WHEREAS, the Planning Commission found that the City had determined during its periodic review that changed circumstances, new information or improved data do not warrant additional amendments to the SMP; and

WHEREAS, on June 6, 2018, the Planning Commission voted unanimously to recommended approval of amendments to UPMC Title 18 Shoreline Master Program and associated amendments to Title 19 Zoning; and

WHEREAS, on June 14, 2018, the City submitted a *Responsiveness Summary* to Ecology that summarized public comment received at the Planning Commission's public hearing and provides responses to this comment; and

WHEREAS, Ecology reviewed the Planning Commission's recommended amendments and *Responsiveness Summary* and issued an *Initial Compliance Determination* that the proposal is consistent with state shoreline planning policies and guidelines; and

WHEREAS, the City Council conducted a public hearing on proposed SMP amendments on July 16, 2018, and after considering public testimony, Council concurred with each of the findings made by the Planning Commission when that body issued its recommendation to the City Council on June 6, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Title 18 Shoreline Master Program -- Text Amendments. University Place Municipal Code Title 18 Shoreline Master Program is hereby amended as set forth in Exhibit "A" attached.

Section 2. Title 19 Zoning -- Text Amendments. University Place Municipal Code Title 19 Zoning is hereby amended as set forth in Exhibit "A" attached.

Section 3. Severability. If any section, sentence, clause or phrase of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.

Section 4. Publication and Effective Date. A summary of this ordinance, consisting of its title, shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON JULY 16, 2018.

Kent Keel, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Published: 07/xx/18

Effective Date: 07/xx/18