

**ORDINANCE NO. 532**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON RELATING TO LAND USE AND PLANNING; AFFIRMING THE CONTINUED VALIDITY OF THE TOWN CENTER PLANNED ACTION; AND AMENDING ORDINANCE 469.**

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Recitals. The City Council finds that:

A. The City adopted its Planned Action for the City of University Place Town Center by Ordinance 409 (March 2004). That ordinance also adopted Town Center Design Standards and Guidelines, and other measures to implement the City's Comprehensive Plan. Ordinance 409 adopted an "east side" preferred alternative, one of the alternatives evaluated in the University Place Town Center Environmental Impact Statement (February 10, 2004) ("EIS"); and, also identified and provided for appropriate mitigation for any significant adverse environmental impacts from the planned level of development within the preferred alternative.

B. In 2006, the City revisited the EIS, issuing an EIS Addendum (March 10, 2006). That EIS Addendum found, in part, that no additional adverse environmental impacts beyond those identified in the EIS existed from certain proposed changes to make height and density changes to the Town Center design standards and to revise the preferred alternative to an "east-side and west-side" alternative, also as evaluated in the EIS.

C. The EIS and EIS Addendum anticipated and predicted a certain level of background growth and factored that growth into the model used to establish the appropriate level of mitigation for the identified significant adverse environmental impacts associated with Town Center development.

D. The model assumed and planned for a background traffic growth rate of 1%. This growth rate was determined based upon the Pierce County regional traffic model. This rate remains accurate, effective, and applicable today to the conditions within the City's Town Center.

E. Consistent with the EIS and EIS Addendum, the City adopted Ordinance 469 (March 20, 2006). Ordinance 469 amended in part Ordinance 409; adopted the "east-side and west-side" alternative; and, directed review of the Town Center Planned Action no later than December 1, 2008 to determine its continuing validity with respect to the environmental conditions within the Planned Action area and in the vicinity and adequacy of the Planned Action requirements and mitigation.

F. In January 2008, the City terminated a development agreement. That agreement had provided for the purchase and development of certain City-owned parcels within the Town Center Planned Action area. The termination of that agreement has led to an unanticipated delay in the implementation of the planned development of Town Center.

G. Based upon the review of the EIS, EIS Addendum, associated traffic and other modeling for the Town Center Planned Action and, upon the unchanged environmental conditions within the Planned Action area and the vicinity, the City Council hereby determines and acknowledges the continuing validity and adequacy of the Planned Action and the environmental mitigation associated therewith.

H. Based upon a review of the background traffic and growth conditions in the Planned Action area and vicinity, the City Council further determines to specify another review period in approximately two years, prior to December 2010, for further review of the Planned Action, consistent with Ordinance 469.

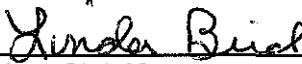
Section 2. Ordinance 469 Amended. Section 4 of Ordinance 469 is hereby amended to read as follows:

This Planned Action Ordinance shall be reviewed no later than December 1, 2010 by the City to determine its continuing validity with respect to the environmental conditions of the Planned Action Area and the vicinity and adequacy of the Planned Action requirements and mitigation. Based upon this review, this Ordinance may be amended as needed, and another review period may be specified.

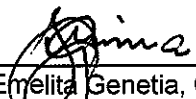
Section 3. Severability. Should any section, sentence, clause or phrase of this Ordinance or its application be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 8, 2008.**

  
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Linda Bird, Mayor

**ATTEST:**

  
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Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

  
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Jean Parker, City Attorney

Published: 09/08/08  
Effective Date: 09/15/08