

ORDINANCE NO. 281

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON AMENDING SECTION 2 OF ORDINANCE NO. 271 BY CLARIFYING AND PROVIDING THAT THE REPEAL OF THE CITY'S PRIOR SHORELINE MANAGEMENT USE REGULATIONS SHALL OCCUR AUTOMATICALLY AFTER THE WASHINGTON STATE DEPARTMENT OF ECOLOGY HAS APPROVED THE CITY'S NEW SHORELINE MANAGEMENT USE REGULATIONS IN ACCORDANCE WITH CHAPTER 90.58 RCW AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE BY THE CITY COUNCIL.

WHEREAS, on August 28, 1995, the City of University Place approved Ordinance No. 60 adopting an "Interim" Shoreline Master Program substantially based on Pierce County's adopted Shoreline Master Program, but slightly modified given time limitations to make it more relevant to University Place; and,

WHEREAS, Ordinance No. 60 specifically stated that the City of University Place intended to adopt its own Shoreline Master Program but that insufficient time existed to adopt a program in full compliance with State law and further indicated that the "Interim" Shoreline Master Program is to serve as the City's Shoreline Master Program until the City of University Place could adopt its own; and,

WHEREAS, on July 6, 1998 the City of University Place City Council adopted its GMA Comprehensive Plan and following adoption of the Comprehensive Plan the City began work on preparing implementing development regulations, including the Shoreline Master Program; and,

WHEREAS, the University Place City Council, following a study session on April 10, 2000, held a duly noticed public hearing on May 1, 2000; and,

WHEREAS, on May 1, 2000 the City Council adopted Ordinance No. 271 establishing the City of University Place Shoreline Management Use Regulations and included in Section 20 of the Ordinance No. 271 that it repealed Ordinance 60 and provided in Section 4 of Ordinance No., 271 that any provision of Ordinance No. 271 which was unlawful was declared severable and that the Ordinance should be read as if any invalid section was not a part of Ordinance No. 271; and,

WHEREAS, Section 3 of Ordinance No. 271 provided, as required by law, that the Shoreline Master Program adopted by the City Council be transmitted to the Department of Ecology for its review and approval review and approval pursuant to RCW 90.58, and

WHEREAS, applicable law requires the City to have in effect shoreline management use regulations at all times; and

WHEREAS, Section 2 of Ordinance No. 271 unnecessarily creates confusion about whether the old regulations are in effect pending Department of Ecology review and approval of the new regulations adopted in Ordinance No. 271; and

WHEREAS, a majority plus one of the City Council declare that an emergency occurs and that immediate passage of this clarifying ordinance is necessary to protect the natural environment of the City's shoreline and to protect the health, safety and welfare of the community; NOW THEREFORE,

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

Section 1. Amending Section 2 of Ordinance No. 271. Section 2 Of Ordinance No. 271 is hereby amended to read as follows:

Repealer. The City of University Place Interim Shoreline Use Regulations adopted by Ordinance No. 60 on August 28, 1995 shall be repealed automatically when the Department of Ecology provides the City with written notice that it approves the shoreline management use regulations adopted by the City Council in Section 1. Until such time as such approval is received, the regulations adopted in Ordinance No. 60 shall remain in full force and effect.

Section 2. Declaring an Emergency and Providing for An Immediate Effective Date for this Ordinance. Pursuant to RCW 35A.12.130, a majority plus one member of the City Council declare that an emergency exists and that an immediate effective date for this ordinance is necessary for the protection of public health, public safety, public property and public peace. Therefore, this Ordinance shall be effective immediately upon passage by the City Council.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance 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 Ordinance.

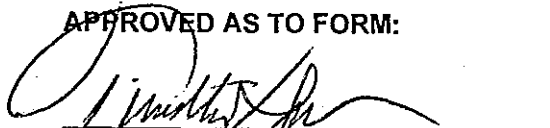
PASSED BY THE CITY COUNCIL ON JUNE 12, 2000


Lorna Smith, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

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