

RESOLUTION NO. 16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING A MORATORIUM ON THE FILING OF APPLICATIONS WITH PIERCE COUNTY FOR SITE DEVELOPMENT PERMITS FOR CLEARING OF STANDING TIMBER.

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The City Council of the City of University Place hereby makes the following findings of fact:

1. The incorporation of the new city of University Place was overwhelmingly approved at an election held on November 8, 1995;
2. The City Council of the new city of University Place was duly elected on April 25, 1995 and sworn in on May 6, 1995;
3. One of the major concerns of residents of University Place leading to incorporation was the impact of land use decisions on the University Place community;
4. RCW 35.02.137 provides that during the interim period between the time the new City Council is sworn in and the date of incorporation, the new City Council may adopt resolutions establishing moratoria during the interim transition period on the filing of applications with the County for development permits or approvals, including but not limited to, subdivision approvals, short subdivision approvals, and building permits;
5. The authority granted by RCW 35.02.137 to adopt moratoria on applications for development permits includes the authority to adopt moratoria on applications for certain types of development permits, if reasonably related to serving the public health, safety or welfare;
6. The clearing of land, especially the removal of standing timber, has significant potential to affect the public interest in urban areas, such as University Place. Inadequately regulated clearing of standing timber may increase flooding and erosion, harm the quality of surface and ground water, increase the instability of slopes and the likelihood of landslides, result in inadequate buffering between land uses, and harm the aesthetic quality of the community;

7. The people and the City Council of the new city of University Place desire to protect their community from these harms, while insuring that the development of land in an appropriate manner is not unduly burdened;

8. In order to regulate the clearing of land appropriately, the Council must study and develop standards best suited to clearing timber for different types of residential, commercial and industrial development in varying topography, land types and locations. In order to insure coordination of these restrictions with other land use policies and controls, permanent land clearing regulations should be adopted as part of the City's overall comprehensive plan and zoning regulations;

9. Section 2.00 of the Pierce County Site Development Regulations defines clearing as the "removal of vegetative material such as timber (including stumps), brush, sod, etc., that does not require reforestation per an approved Forest Practices Application/notification issued by the Department of Natural Resources";

10. If current Pierce County regulations governing clearing remain in place while the City is considering rules best suited to its own community needs and vision, it is likely that a substantial amount of land clearing will take place under the County regulations before the effective date of incorporation;

11. If the moratorium contained in this Resolution is not adopted, the clearing of timber under County regulations is likely to frustrate effective long-term planning, result in the status quo not being preserved during consideration of the City's permanent regulations, and harm the City's ability to guard against the harms listed in Finding 6, above, by adopting its own permanent regulations governing land clearing;

12. To preserve the City's ability to adopt reasonable and appropriate regulations governing land clearing, it is in the interest of the public health, safety and welfare to suspend temporarily the filing with Pierce County of applications for site development permits for land clearing involving the removal of standing timber. This measure is necessary to preserve the City's ability to effectuate long-term planning decisions and to plan in a rational manner. For the reasons set out in these Findings, these circumstances constitute an emergency;

13. Except in sensitive areas and in or near wetlands, Section 1.02 C. of the Pierce County Site Development Ordinance exempts clearing or grubbing of a parcel less than two acres in size. Consequently, the moratorium established by this Resolution will not affect backyard or other small-scale clearing;

14. Under WAC 197-11-880, the adoption of this Resolution is exempt from the requirement of a threshold determination under the State Environmental Policy Act;

15. A public hearing on this Resolution was held before the City Council of University Place on June 7, 1995, at 7:30 p.m. pursuant to public notice.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Pursuant to RCW 35.02.137, Pierce County shall not accept any applications for site development permits involving the clearing of standing timber, as defined in §2.00 of the Pierce County Site Development Ordinance, within the city limits of the new city of University Place.

Section 2. This Resolution shall not affect rights which have vested under the vested rights doctrine of the State of Washington.

Section 3. The Interim City Manager is directed to file immediately a certified copy of this Resolution with the Pierce County Council and County Executive.

Section 4. This Resolution is effective immediately and shall continue in effect until the date of incorporation of University Place.

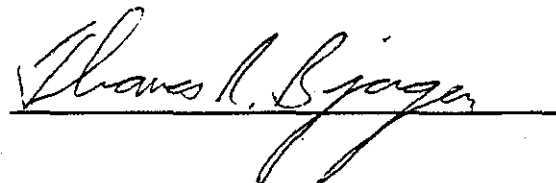
ADOPTED by the City Council of the City of University Place at its meeting of June \_\_, 1995.

  
STANLEY L.K. FLEMING, MAYOR

Attest:

  
Susan Matthew,  
INTERIM CITY CLERK PRO TEM

Approved as to form:



FILED WITH THE CITY CLERK:

ADOPTED BY THE CITY COUNCIL: June 7, 1995.

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