

RESOLUTION NO. 17

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 BUILDING AND OTHER DEVELOPMENT PERMITS FOR CERTAIN COMMERCIAL DEVELOPMENT PURSUANT TO RCW 35.02.137.

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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 building permits and other development permits or approvals;
5. The authority granted by RCW 35.02.137 to adopt moratoria on applications for all development approvals includes the authority to adopt moratoria on applications for certain types of development approvals, if reasonably related to serving the public health, safety or welfare;
6. The University Place area has experienced and will continue to experience a significant level of growth and accompanying commercial development;

7. If not managed properly, this level of commercial development is likely to cause increased traffic congestion, increased risks to pedestrian and vehicular safety, inadequate channels of transportation for bicyclists and other alternative modes of transportation, unsightly development and other problems;

8. To properly manage growth and prevent these harms from occurring, the people and the City Council of the new city of University Place desire to be able to choose the appropriate locations for commercial development in the community and to choose the zoning and design standards which reasonably should govern this type of growth. These standards should be enacted as part of the permanent comprehensive plans, zoning regulations and other land use controls to be adopted after the effective date of incorporation;

9. There are two major commercial zoning districts in University Place under the current Pierce County Zoning Ordinance: Community Center and Mixed Use. In addition, limited commercial uses may be allowed in the current residential districts under the Pierce County Zoning Ordinance;

10. If the current pace of population growth and commercial development continues during the period in which University Place is considering and adopting its permanent comprehensive plans and land use regulations, the ability of the people of University Place to plan for and achieve the type of commercial growth they desire, consistent with all applicable law, will be jeopardized;

11. The types of commercial development in University Place which have the greatest potential to cause the harms listed above and to jeopardize the ability of University Place to plan for and achieve the type of commercial growth they desire are those of the type, size and intensity included in the moratorium adopted by this Resolution;

12. If the moratorium contained in this Resolution is not adopted, the filing of development applications under County regulations for commercial development 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 adopt its own permanent comprehensive plans and land use regulations;

13. To preserve the City's ability to adopt reasonable and appropriate plans and regulations governing commercial development, it is in the interest of the public health, safety and welfare to suspend temporarily the filing with Pierce County

of applications for building permits and other development approvals for the commercial uses with greatest potential to cause the harms listed in Finding 7 and 10, above. 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;

14. The City Council desires to insure that no property owner is deprived of all reasonable economic use of any property by this Resolution or the accompanying moratoria. This Resolution, together with the accompanying resolutions imposing other moratoria, insures ample remaining uses of all property, so that no owner is deprived of economic use of any parcel;

15. 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;

16. 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 building permits or other development approvals within areas designated community center or mixed use, within the city limits of the new city of University Place, except for the following:

- (a) adult day care centers,
- (b) banks and savings and loans,
- (c) business and professional offices,
- (d) conservatories of music, drama and instrument instruction,
- (e) branch post offices,
- (f) studios, such as record recording, couturier, artist, music, dancing and photographic,
- (g) accessory uses,
- (h) group residence - institution,
- (i) gymnasium or physical culture studio,
- (j) parking lots as defined in Pierce County Code 18.10.331 B. 1. r.,
- (k) swimming pools,
- (l) trade schools,
- (m) mortuaries,
- (n) pet hospitals

- (o) churches,
- (p) public utility facilities,
- (q) community club,
- (r) hospitals,
- (s) libraries,
- (t) medical and dental clinics, and
- (u) lodging and rooming houses.

Section 2. Pursuant to RCW 35.02.137, Pierce County shall not accept any applications for building permits or other development approvals within areas designated Moderate Density Single Family or High Density Residential by the Pierce County Zoning Ordinance, within the city limits of the new city of University Place, for barber and beauty shops, mobile home parks, or for uses listed in Pierce County Code §18.10.620 A.

Section 3. Sections 1 and 2 of this Resolution do not apply to

(a) home occupations as defined in Pierce County Code §18.10.208.055;

(b) expansions of a legal structure existing on the date of adoption of this Resolution housing a commercial use subject to the moratorium established in Sections 1 or 2, if the expansions, in total, do not increase the building footprint by more than 10% during the period in which this Resolution is in effect; and

(c) remodels or tenant improvements.

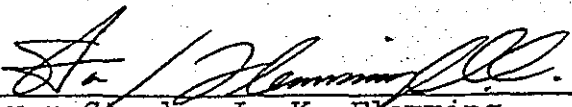
Section 4. This resolution shall not forbid the filing of development applications to rebuild a legal structure substantially destroyed by fire or other casualty if the use of the structure does not change and the building footprint is not increased by more than 10%.

Section 5. This Resolution shall not affect rights which have vested under the vested rights doctrine of the State of Washington.

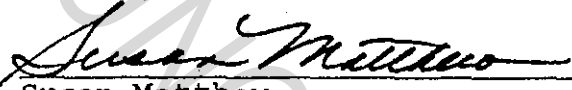
Section 6. The Interim City Manager is directed to file immediately a certified copy of this Resolution with the Pierce County Council and County Executive.

Section 7. 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.

  
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Mayor Stanley L. K. Fleming

Attest:

  
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Susan Matthew,  
INTERIM CITY CLERK PRO TEM

Approved as to form:

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FILED WITH THE CITY CLERK:

ADOPTED BY THE CITY COUNCIL: June \_\_\_\_\_, 1995.

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