

RESOLUTION NO. 444

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING FINDINGS OF FACT IN SUPPORT OF ORDINANCE NO. 410

WHEREAS, on March 15, 2004, by Ordinance No. 410 the City Council adopted an emergency ordinance amending Chapter 14.20 UPMC to allow retaining wall construction to exceed height standards for emergency slope stabilization in landslide areas; and

WHEREAS, RCW 35A.63.220 requires the City to enter Findings of Fact in support of any interim zoning controls at a public meeting held within sixty days of the adoption of such an interim zoning control; and

WHEREAS, based on testimony taken at a public hearing held on May 3, 2004, the City Council wishes to enter the required Findings of Fact; NOW THEREFORE,

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

Section 1. Findings of Fact. The City Council of the City of University Place hereby makes the following Findings of Fact in support of Ordinance No. 410:

1. Steep terrain and landslide hazard areas exist within the areas of the City of University Place. These areas pose a special danger to both upslope and downslope properties and structures.
2. These landslide hazard areas may necessitate the use of retaining walls to prevent erosion and stabilize slopes.
3. Retaining walls can present particular dangers to public health and safety due to the nature of the materials used, the loading of materials on the retaining wall structure and seismic hazards.
4. The regulation of retaining walls is necessary to protect the public health, safety, and welfare.
5. Chapter 14.20 UPMC provides standards for retaining wall construction associated with private development, including a maximum height.
6. These standards also provide for a variance procedure, with public notice and hearing before the City's Hearing Examiner if there are unique constraints that would prohibit full compliance with the provisions of Chapter 14.20 UPMC.
7. When an imminent danger of slope failure occurs, emergency construction or repair of retaining walls may be necessary to prevent harm to life or property. In those circumstances, the variance procedure could unduly delay emergency repairs.
8. A public hearing on this Resolution was held before the City Council of University Place on the evening of May 3, 2004, pursuant to public notice.

Section 2. Resolution Recorded. The City Clerk is directed to immediately have a certified copy of this Resolution recorded with the Pierce County Auditor.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON MAY 3, 2004.

Ken Grassi
Ken Grassi, Mayor

Attest:

Catrina Craig
Catrina Craig, City Clerk