

RESOLUTION NO. 449

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, ADOPTING FINDINGS OF FACT IN SUPPORT OF ORDINANCE NO. 418**

WHEREAS, on May 3, 2004, by Ordinance No. 418 the City Council adopted an emergency moratorium and interim zoning control preventing construction above thirty feet or within a five feet setback area on the Day Island South Spit; and

WHEREAS, RCW 35A.63.220 requires the City to set a public hearing within sixty days of the adoption of such an interim zoning control to take testimony and adopt written findings and conclusions justifying the moratorium; and

WHEREAS, based on the record and testimony taken at a public hearing held on June 7, 2004, the City Council wishes to enter the required findings and conclusions; NOW THEREFORE,

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

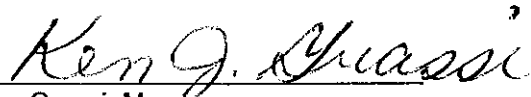
Section 1. Findings of Fact. The City Council of the City of University Place hereby makes the following findings and conclusions in support of Ordinance No. 418:

1. On February 26, 2001, the City Council adopted amendments to Title 19, UPMC, the City's zoning code. Among those amendments were changes to the manner in which height is measured and setback requirements in the Day Island South Spit.
2. The zoning code amendments changed the manner in which height is determined by measuring from the street center line instead of measuring according to lot elevation, and the amendments changed setbacks from an eight-foot side yard setback to zero and from a 25-foot front yard setback to zero.
3. Upon public comment at numerous city council meetings in 2003 regarding zoning issues on the Day Island South Spit, the City held a roundtable discussion meeting on December 1, 2003 and a study session on December 15, 2003. At the study session, several issues were identified as needing further consideration, including height limits, setbacks, nonconforming structures, public safety issues, environmental impacts and flooding.
4. While researching these issues, staff contacted the Fire Marshall. In response the Fire Marshall provided a letter on January 14, 2004 discussing the fire and life safety impacts at the Day Island South Spit.
5. The close proximity of the homes on the Day Island South Spit to the road on the west, combined with the lack of any access on the east seriously impacts fire fighting and rescue efforts.
6. The close proximity of the homes on the Day Island South Spit to one another increases the danger that, if a fire were to occur in one residence, it would spread quickly to the other homes. The close proximity of the homes increases the danger to life and safety.
7. The narrow road and close proximity of homes make it impossible to use the ladder truck for rescue purposes and more difficult to use the 34 foot ladder. In order to work from a fully extended 34 foot ladder, the bottom of the ladder must be safely placed approximately 9 feet from the building, which effectively reduces the effective height of the ladder.
8. Increased height of the homes on the Day Island South Spit could increase the danger to life and safety.
9. The moratorium and interim zoning control are necessary until the Planning Commission and City Council can consider more permanent regulations to prevent further fire and safety problems on the Day Island South Spit.

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

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

ADOPTED BY THE CITY COUNCIL ON JUNE 7, 2004.



Ken Grassi, Mayor

Attest:



Catrina Craig, City Clerk