

RESOLUTION NO. 561

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING FINDINGS OF FACT IN SUPPORT OF RENEWAL OF THE CITY'S INTERIM ZONING CONTROLS FOR NON-CONFORMING SINGLE-FAMILY USES

WHEREAS, on October 27, 2006, by Ordinance No. 483, the City Council adopted interim zoning controls for Non-Conforming Single-Family uses; and

WHEREAS, the interim zoning controls are in effect through April 27, 2007; and

WHEREAS, pursuant to RCW 36.70A.390, interim zoning ordinances may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, the bases for adoption of the Ordinance No. 483, Interim Zoning Controls have not changed, it is desirable and necessary to renew said zoning controls; and

WHEREAS, based on the staff input, the information provided, and the testimony taken at the public hearing on April 16, 2007, the City Council wishes to and hereby does enter the required findings of fact:

Section 1. Findings of Fact. The City Council of the City of University Place hereby makes the following Findings of Fact:

1. The City, on October 27, 2006, adopted Resolution No. 544 containing Findings of Fact regarding interim zoning controls for Non-Conforming Single-Family Uses. These interim zoning controls expire on April 27, 2007.

2. Since the relevant circumstances have not changed, it is necessary and desirable to renew the interim zoning controls for another six-month period as allowed by State law.

3. The City Council has not completed its review of this matter, and so additional time is needed to evaluate alternative zoning controls.

4. The City Council reaffirms the Findings made on November 13, 2006, namely:

"1. The City has adopted University Place Municipal Code Title 19 – Zoning, for the purposes set forth in UPMC 19.05.030, which include but are not limited to providing for the "orderly development and redevelopment through harmonious groupings of compatible land uses while also ensuring the provision of adequate space for residential, commercial, light-industrial, recreational, and other activities necessary for public welfare", and to "provide for the efficient and effective administration of zoning regulations."

2. There are zones within the City where a single-family residential use is a nonconforming use in the zone.

3. Under the existing zoning code, a use that is destroyed by more than 50% of the improvement value as shown by the county Assessor's data must be rebuilt in conformance with the underlying zone, which means that single family residential homeowners are prevented from rebuilding a home in these zones if it is destroyed by more than 50%.

4. Such nonconforming use regulation is consistent with the City's comprehensive plan to concentrate growth in commercial areas and to convert existing nonconforming uses over time within those areas as the uses are redeveloped.

5. Current lending practices require that a home must be able to be rebuilt if destroyed in order to qualify for a home loan.


6. The lending practices, in concert with the zoning nonconforming use ordinance, works to prevent single family residential property owners within those zones from selling or refinancing their existing homes, which is not consistent with the overarching intent throughout the comprehensive plan to protect single family residential uses within the City, especially because for many homeowners, their home is the single largest asset and investment that they own.

7. In order to best serve the community of the City of University Place, it is urgent to enact an interim zoning ordinance to address this issue until such time as the Planning Commission and City Council can consider more permanent regulations that balance these two important comprehensive plan goals to meet the City's vision.

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 APRIL 16, 2007.



Gerald Gehring, Mayor

ATTEST:



Sarah Ortiz, CMC, City Clerk