

ORDINANCE NO. 769

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 17 CRITICAL AREAS AND TITLE 21 SUBDIVISION REGULATIONS TO BEGIN IMPLEMENTATION OF THE HOUSING ACTION TOOLKIT ADOPTED BY ORDINANCE 955 ON JUNE 21, 2021

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter "GMA") the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state;" and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multi-county and countywide planning policies, and comprehensive plan goals and policies; and

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and preparing development regulations for the City and making recommendations to the City Council on amendments to these regulations; and

WHEREAS, during the 2019 State Legislative Session, the Washington State Legislature passed House Bill (HB) 1923 and provided grant funds to local government for activities to increase residential building capacity, streamline development, or develop a Housing Action Plan (HAP); and

WHEREAS, upon receiving the State grant, the City developed a Housing Action Toolkit (HAT) in accordance with HB 1923; and

WHEREAS, on June 21, 2021, the City Council adopted Resolution No. 955 adopting the University Place Housing Action Toolkit to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market; and

WHEREAS, on; December 6, 2021, the City Council adopted Resolution No. 965 establishing the 2022 Planning Commission Workplan to review and recommend development regulations amendments, including studying the implementation of the Housing Action Toolkit; and

WHEREAS the Planning Commission held two hybrid public meetings to study the HAT and proposed amendments before holding a public hearing on November 2, 2022; and

WHEREAS, on November 2, 2022, the Planning Commission adopted Commission Resolution 2022-02 forwarding recommendations for implementing the HAT with supporting findings in accordance with UPMC 22.25.030(E); and

WHEREAS, on December 16, 2022, the City issued a *SEPA Determination of Non-significance* with a 14-day comment period ending on December 30 with no comments received; and

WHEREAS on December 29, 2022, the City submitted a set of draft amendments to the Department of Commerce to initiate an expedited 14-day state agency review period and received no comments; and

WHEREAS, the City Council considered the recommended amendments during their regular meeting held on March 6, 2023; and

WHEREAS, the City Council adopts the findings in Planning Commission Resolution and finds the proposed amendments are in the best interest of the citizens and property owners of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. University Place Municipal Code Chapter 17.40 Amended. The University Place Municipal Code subsection 17.40.045 entitled “Categorical exemptions” is hereby amended as set forth in Exhibit A attached hereto.

Section 2. University Place Municipal Code Chapter 21.10 Amended. University Place Municipal Code subsection 21.10.010 entitled “Definitions” is hereby amended as set forth in Exhibit B attached hereto.

Section 3. University Place Municipal Code Chapter 21.25 Amended. The University Place Municipal Code subsection 21.25.050 entitled “Council review” is hereby amended as set forth in Exhibit C attached hereto.

Section 4. University Place Municipal Code Chapter 21.35 Amended. The University Place Municipal Code subsection 21.35.010 entitled “Applicability” is hereby amended as set forth in Exhibit D attached hereto.

Section 5. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance and exhibit, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules or regulations.

Section 7. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON MARCH 20, 2023.

Steve Worthington, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 03/22/23

Effective Date: 03/27/23

UNOFFICIAL DOCUMENT

Exhibit A
Ordinance No. 769

Chapter 17.40 ENVIRONMENTAL REGULATIONS

Section .045 is amended to read as follows:

17.40.045 Categorical exemptions.

The City of University Place adopts by reference WAC 197-11-300 and 197-11-800. In addition thereto, University Place establishes the following exempt levels for minor new construction under WAC 197-11-800(1):

- A. For residential dwelling units in WAC 197-11-800(1)(b)(i): ~~40~~30 dwelling units or less if within one structure;
- B. For construction of an office, school, commercial, recreational, service or storage building and associated parking lots in WAC 197-11-800(1)(b)(iv): buildings with 10,000 square feet or less of gross floor area, and with ~~30~~40 or fewer associated automobile parking spaces;
- C. For landfills and excavations in WAC 197-11-800(1)(b)(v): ~~250~~ 750 cubic yards or less.

Exhibit B
Ordinance No. 769

Chapter 21.10 DEFINITIONS

Section .010 is amended to read as follows:

21.10.010 Definitions.

As used in this title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

“Binding site plan” means a division of land for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4), divisions of property for lease as provided in RCW 58.17.040(5), and divisions of properties as provided for in RCW 58.17.040(7).

“Block” means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

“City Engineer” means a licensed professional engineer appointed by the City Manager as the City Engineer or authorized designee.

“Council” means the City Council.

“County Assessor-Treasurer” means the Pierce County Assessor.

“County Auditor” means the Pierce County Auditor.

“Dedication” is the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or large lot subdivision showing the dedication thereon; and the acceptance by the City shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

“Department” means the City of University Place Department of Community and Economic Development.

“Developer” shall mean the person, party, firm, or corporation who applies for approval of a subdivision, short plat, or large lot subdivision.

“Development regulations” means any of the City’s regulations that specify how land can be developed and/or used, including but not limited to the zoning code, subdivision regulations, shoreline regulations, critical area regulations, building codes, and public works code.

“Director” means the Director of the City of University Place Department of Community and Economic Development or authorized designee or representative.

“Electric utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

“Examiner” means the Land Use Hearings Examiner who is herein authorized to approve subdivisions and hear appeals on short subdivisions, large lot divisions, and other administrative decisions.

“Final plat” is the final drawing of the subdivision and dedication drawn to a scale not smaller than one-inch equals 100 feet unless approval of another scale is given by the director, on standard 18-inch by 24-inch sheet size, prepared for filing for record with the county auditor, and containing all elements and requirements set forth in state law and in this title.

“Improvement” shall mean anything or structure constructed for the benefit of all or some residents of a subdivision, short subdivision, or binding site plan or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, storm drainage containment facilities, and recreational facilities.

“Land division” shall mean a subdivision, short subdivision, binding site plan, or boundary line adjustment.

“Lot” is a fractional part of divided lands having fixed boundaries, and of sufficient area and dimension to meet minimum zoning requirements for width and area. The term “lot” includes tracts or parcels. Lots shall also include those lots legally established prior to the effective date of this title.

“Model home” means a dwelling unit(s) used to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios, etc.

“Original tract” means all contiguous units of land that the applicant(s) own(s), or in which the applicant(s) holds controlling ownership and all contiguous lands under separate ownership when said owners have a direct or indirect common property interest in the subdivision or where a husband and wife own contiguous lots in separate or community ownership.

“Personal wireless services” means any federally licensed personal wireless service facility including unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

“Planning agency” means the Department of Community and Economic Development or other such department designated by the City Manager.

“Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

“Preliminary plat” is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and the restrictive covenants applicable to a subdivision. A preliminary plat furnishes a basis for the approval or disapproval of the general layout of a subdivision.

“Short plat” is the map or representation of a short subdivision.

“Short subdivision” is any voluntary or involuntary division or redivision of land into nine or fewer lots, tracts, parcels, sites, or subdivisions for the purpose of sale, lease, or transfer of ownership ~~provided a maximum of four lots can be used as residential building sites~~. Other lots, tracts, or parcels created by the short subdivision shall be used exclusively for roads, utilities, open space, or protection of critical areas including but not limited to wetlands, and determined unbuildable or do not have the potential for future development as a residential building site.

“Subdivision” is any voluntary or involuntary division or redivision of land into ~~five~~-ten or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership, or which do not otherwise satisfy the requirements for a short subdivision.

Unlisted words and phrases: The definition of any word or phrase not listed in this chapter that is in question when administering this regulation shall be defined from one of the following sources, which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source A, but if it is not available there, then source B may be used and so on. The sources are as follows:

- A. City development regulations;
- B. Any City resolution, ordinance, code, or regulation;
- C. Any statute or regulation of the State of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. Webster’s Third New International Dictionary of the English Language, Unabridged, copyright 1986.

Exhibit C
Ordinance No. 769

Chapter 21.25 FINAL PLAT – FILING AND REVIEW PROCEDURES

Section .050 is amended to read as follows:

21.25.050 ~~Council~~ Director review.

A. ~~When~~ Upon receipt of a final plat and all required information, the final plat shall be reviewed by the Director. ~~finds that the plat complies with this chapter, the Director shall forward the final plat to the City Council for approval.~~ The ~~City Council~~ Director shall ~~review~~ approve final plats in accordance with Chapter 58.17 RCW and this title.

B. After the ~~City Council~~ Director approves the final plat, the Department shall forward the original to the applicant. The applicant shall have the original plat recorded with the county auditor and shall provide two reproducible copies to the Department and one paper copy to the county assessor-treasurer.

Exhibit D
Ordinance No. 769

Chapter 21.35 SHORT SUBDIVISION

Section .010 is amended to read as follows:

21.35.010 Applicability.

Every short plat and short subdivision shall comply with the provisions of this chapter.

A. Exemptions. The provisions of this chapter are not applicable to the following:

1. All exemptions listed in UPMC 21.05.060.
2. Deed releases, for the purpose of obtaining building financing; provided, that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.
3. Divisions that were surveyed in accordance with the Survey Recording Act and are recorded with the auditor prior to August 13, 1974.
4. Up to four model homes may be established on a single tract of land without short platting; provided, the City has approved a preliminary subdivision that includes the specific lots upon which the model homes are to be located.
5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.
6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.
7. Any division or divisions of land for the sole purpose of enabling the City of University Place or other public agency to acquire land, either by outright purchase or exchange, for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

B. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application.

C. Further Divisions. Land within a short subdivision shall not be further divided in any manner for a period of five years from the date said approved short plat is recorded with the auditor without the filing of a final plat on the land that is proposed to be further divided, except that when the short plat contains fewer than ~~four~~nine residential building lots, the owner who filed the short plat may file an alteration within the five-year period to create a total of up to ~~four~~nine lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.