ORDINANCE NO. 667

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON RELATING TO LAND USE AND PLANNING; AFFIRMING THE CONTINUED VALIDITY OF THE TOWN CENTER PLANNED ACTION; AND AMENDING ORDINANCE NO. 626

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

Section 1. Recitals. The City Council finds that:

- A. The City adopted its Planned Action for the City of University Place Town Center by Ordinance 409 (March 2004). That ordinance also adopted Town Center Design Standards and Guidelines, and other measures to implement the City's Comprehensive Plan. Ordinance 409 adopted an "east side" preferred alternative, one of the alternatives evaluated in the University Place Town Center Environmental Impact Statement (February 10, 2004) ("EIS"); and, also identified and provided for appropriate mitigation for any significant adverse environmental impacts from the planned level of development within the preferred alternative.
- B. In 2006, the City revisited the EIS, issuing an EIS Addendum (March 10, 2006). That EIS Addendum found, in part, that no additional adverse environmental impacts beyond those identified in the EIS existed from certain proposed changes to make height and density changes to the Town Center design standards and to revise the preferred alternative to an "east-side and west-side" alternative, also as evaluated in the EIS.
- C. The EIS and EIS Addendum anticipated and predicted a certain level of background growth and factored that growth into the model used to establish the appropriate level of mitigation for the identified significant adverse environmental impacts associated with Town Center development.
- D. The model assumed and planned for a background traffic growth rate of 1%. This growth rate was determined based upon the Pierce County regional traffic model. This rate has decreased to approximately 0.5%, effectively reducing the level of expected impacts associated with the City's Town Center Development.
- E. Consistent with the EIS and EIS Addendum, the City adopted Ordinance 469 (March 20, 2006). Ordinance 469 amended in part Ordinance 409; adopted the "east-side and west-side" alternative; and, directed review of the Town Center Planned Action no later than December 1, 2008 to determine its continuing validity with respect to the environmental conditions within the Planned Action area and in the vicinity and adequacy of the Planned Action requirements and mitigation.
- F. In January 2008, the City terminated a development agreement. That agreement had provided for the purchase and development of certain City-owned parcels within the Town Center Planned Action area. The termination of that agreement and the economic recession led to an unanticipated delay in the implementation of the planned development of Town Center.
- G. On September 8, 2008 the City Council passed ordinance 532 affirming the continued validity of the Town Center planned action and amending ordinance 469. Ordinance 532 provided for a review of the Town Center planned action no later than December 1, 2010. On November 29, 2010 the City Council affirmed the continued validity of the Town Center planned action and amended ordinance 532. Ordinance 577 provided for a review of the Town Center planned action no later than December 1, 2011. On September 14, 2011 the City Council reaffirmed the continued validity of the Town Center planned action and amended ordinance 577. Ordinance 601 provided for a review of the Town Center planned action no later than December 1, 2013. Subsequently, the City Council reaffirmed the continued validity of the Town

Center planned action and amended ordinance 601. Ordinance 626 provided for a review of the Town Center planned action no later than December 1, 2015,

H. Based upon the review of the EIS, EIS Addendum, associated traffic and other modeling for the Town Center Planned Action and the reduction in growth rates within the Planned Action area and the vicinity, the City Council hereby determines and acknowledges the continuing validity and adequacy of the Planned Action and the environmental mitigation associated therewith.

Section 2. Ordinance 626 Amended. Section 2 of Ordinance 626 is hereby amended to read as follows:

The City's administration shall monitor actual development within the Planned Action Area against the thresholds established in the EIS. Should future development trends within the Planned Action Area indicate that there is real potential that development will occupy seventy percent (70%) of any EIS threshold, or otherwise require revision of the Planned Action, the administration will recommend additional process and/or amendments to this ordinance as appropriate for consideration by the City Council.

Section3. <u>Severability.</u> Should any section, sentence, clause or phrase of this Ordinance or its application be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation.

Section 4. <u>Effective Date.</u> This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON MAY 2, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: 05/04/16 Effective Date: 05/09/16