RESOLUTION NO. 736

A RESOLUTION OF THE CITY COUNCIL OF UNIVERSITY PLACE, ACCEPTING THE PROPOSED SHORELINE MASTER PROGRAM UPDATE PACKAGE, DIRECTING ITS SUBMITTAL TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, AND DECLARING ITS INTENT TO ADOPT SHORELINE POLICIES AND REGULATIONS CONTAINED IN UPMC TITLE 18 SHORELINE MANAGEMENT USE UPON FINAL ACTION BY THE DEPARTMENT OF ECOLOGY

WHEREAS, the Shoreline Management Act (SMA) finds that shorelines of the state are among the most valuable and fragile of our natural resources; and

WHEREAS, the SMA requires that local governments prepare, and the state adopt, Shoreline Master Program (SMPs) for designated shoreline of the state; and

WHEREAS, the City of University Place (City) adopted its first SMP specifically tailored to the community pursuant to Ordinance No. 271, on December 28, 2000; and

WHEREAS, new state guidelines require that all jurisdictions review and update their Shoreline Master Programs (WAC 173-26); and

WHEREAS, the Washington State Department of Ecology (Ecology) is required to review and adopt those local Master Programs that meet the guidelines; and

WHEREAS, in 2009 Ecology provided a grant to the City to help undertake the SMP update and subsequently has provided additional funding and a high level of technical assistance during the development of the SMP; and

WHEREAS, on November 18, 2009, the Planning Commission approved an SMP Update Public Participation Plan (PPP) that recommended the formation of a Citizen Advisory Committee to assist the community with the Update process; and

WHEREAS, on August 16, 2010, the City Council appointed an ad hoc committee of the Planning Commission, the SMP Citizen Advisory Committee (CAC), to develop shoreline policies and regulations that would govern new development and use of "shorelines of the state" within University Place. The CAC held a series of 31 public meetings in 2010-2012 during which time it:

- Held a public community visioning workshop;
- Reviewed technical documents prepared by the City's shoreline consultant (ESA) and staff;
- Conducted field trips to the Day Island and Sunset Beach shorelines;
- Reviewed and refined three drafts of the SMP Policies and Regulations document; and
- Submitted its recommended Draft SMP Policies and Regulations document; to the Planning Commission for further review; and

WHEREAS, the Planning Commission initiated its work on the City's Shoreline Master Program Update on October 3, 2012; and

WHEREAS, the Planning Commission identified that the CAC's recommended SMP policies and regulations would require consideration of amendments to the City's Comprehensive Plan Land Use Element and Shoreline Management Element, and amendments to its zoning, shoreline use and critical area regulations, to ensure consistency among City policy and regulatory provisions; and

WHEREAS, the Planning Commission developed for public consideration a *Mixed Use – Maritime* land use designation and a *Mixed Use – Maritime* zoning classification that would apply to three

properties containing boating facilities (marinas and a yacht club) and associated uses located in the vicinity of the Day Island Waterway; and

WHEREAS, on March 8, 2013, a Public Notice was mailed directly to owners of property located within regulated shoreline areas and to agencies, organizations and other stakeholders with potential interests in the proposal and shoreline planning in the community, informing them of the availability of review documents, a public open house scheduled for March 20, 2013 and a public hearing scheduled for April 17, 2013; and

WHEREAS, on March 9, 2013, a Public Notice was published in the Tacoma News Tribune concerning the scheduled March 20, 2013 public open house; and

WHEREAS, in accordance with an adopted Public Participation Plan, the Planning Commission conducted a public open house on March 20, 2013 to disseminate information about the SMP Update process, various technical reports (Shoreline Inventory and Characterization, Cumulative Impact Analysis, and Shoreline Restoration Plan), proposed SMP policies and regulations, and proposed amendments to the City's Comprehensive Plan and development regulations; and

WHEREAS, the City's Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed SMP Policies and Regulations document and associated amendments on March 30, 2013 with a 14-day comment period; and

WHEREAS, generalized comments were received from the Department of Ecology pertaining to soil contamination from the former Asarco smelter, the potential risks to human health and the environment from such contamination, and the need to follow Ecology's recommended toxics cleanup program recommendations when projects located within the shoreline jurisdiction include grading; and

WHEREAS, a Public Hearing Notice was published in the Tacoma News Tribune on April 13, 2013, and posted at City Hall and locations on Day Island and the mainland side of the Day Island Waterway, regarding a scheduled public hearing on the proposed SMP and associated amendments; and

WHEREAS, the Planning Commission conducted a public hearing on April 17, May 1 and May 15, 2013 to consider written and oral public comments on the proposed SMP and associated amendments; and

WHEREAS, the City submitted a 60-day Notice of Intent to Adopt Amendments to Comprehensive Plan and Development Regulations to the Washington State Department of Commerce on May 14, 2013, and did not receive any formal comments in response to the Notice prior to the close of the public hearing; and

WHEREAS, after considering public comment, the Planning Commission determined that a number of revisions should be made to the draft policy and regulatory provisions, including ones that would result in the proposed *Mixed Use – Maritime* zoning classification being applied only to two properties containing boating facilities (one marina and one yacht club) on the mainland side of the Day Island Waterway; and

WHEREAS, after considering public comment, the Planning Commission voted unanimously to recommend to the City Council approval of the proposed amendments to the City's Comprehensive Plan Land Use Element and Shoreline Management Element, Title 19 Zoning regulations, Title 18 Shoreline Management Use regulations, and Title 17 Critical Area regulations, with modifications; and

WHEREAS, the City Council conducted public study session on the proposed SMP Update and associated comprehensive plan and development regulation amendments on August 12 and 26, 2013; and

WHEREAS, a Public Hearing Notice was published in the Tacoma News Tribune on September 23 and 30, 2013, and notices were mailed to 315 owners of property within the shoreline jurisdiction area and other nearby properties, surrounding jurisdictions, interest groups and other interested parties on September 25 and 26, 2013, regarding a scheduled public hearing on the proposed SMP and associated amendments; and

WHEREAS, the City Council conducted a public hearing on the proposed SMP Update and associated comprehensive plan and development regulation amendments on October 7 and 21, 2013; and

WHEREAS, after considering public testimony, the City Council determined that the proposed SMP policies and regulations will be supportive of and consistent with the City's land use designations, policies and goals contained within its Comprehensive Plan and its zoning and critical area regulations, upon adoption of amendments thereto; and

WHEREAS, after considering public testimony, the City Council determined that the proposed SMP and associated amendments recognize private property rights and are intended to be consistent with other property regulations and those rights afforded to property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Proposed Shoreline Master Program Policies and Regulations contained in UPMC Title 18 Shoreline Management Use, proposed amendments to the City's Comprehensive Plan Land Use Element and Shoreline Management Element, proposed amendments to UPMC Title 19 Zoning regulations and UPMC Title 17 Critical Areas regulations, and supporting technical documents (Shoreline Inventory and Characterization Report, Cumulative Impact Analysis, and Shoreline Restoration Plan), are hereby accepted for inclusion in the SMP update package; and

<u>Section 2</u>. The SMP Update package shall be submitted to the Washington State Department of Ecology for review and "final action" prior to formal adoption of UPMC Title 18 Shoreline Management Use by the City Council.

ADOPTED BY THE CITY COUNCIL ON OCTOBER 21, 2013.

Ken Grassi, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney