#### **ORDINANCE NO. 640**

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON COMPLETING THE UNFINISHED PORTION OF THE COUNCIL'S 2013 UPDATE OF TITLE 16, THE COMPREHENSIVE PLAN, AND TITLE 19, THE ZONING CODE, OF THE UNIVERSITY PLACE MUNICIPAL CODE RELATING TO TWO PARCELS IN THE VICINITY OF 67TH AND BRIDGEPORT, TO COMPLY WITH THE REQUIREMENT TO UPDATE THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT, RCW 36.70A 130(5)(a)

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998 with amendments on May 1, 2000, August 4, 2003, December 6, 2004 and February 2012; and

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the Comprehensive Plan; and

WHEREAS, the Council referred proposed amendments to the zoning of the parcels located at 67th and Bridgeport as a part of the Planning Commission's work toward the 2013 Comprehensive Plan Amendments; and

WHEREAS, the Planning Commission held numerous public meetings beginning in 2012, including three public hearings; and

WHEREAS, the Planning Commission recommended amendments to the Zoning Code to ensure consistency with the City's Comprehensive Plan, including amendments to the zoning of the parcels at 67th and Bridgeport; and

WHEREAS, the Planning Commission also concurrently recommended the amendments to the Zoning Map to ensure consistency with the City's Comprehensive Plan; and

WHEREAS, a SEPA Determination of Non-Significance (DNS) was issued on for Zoning Text and Map Amendments; and

WHEREAS, the required State agency 60-day review period on the Zoning Text and Map amendments was commenced and concluded in 2013; and

WHEREAS, the University Place City Council held study sessions and Public Hearings in 2013 to take public comment and discuss proposed Zoning Text and Map amendments, including the proposed amendments to the 67th and Bridgeport parcels; and

WHEREAS, while the City Council approved the balance of the proposed amendments, the Council chose to withhold a decision on the rezone of the parcels at 67th and Bridgeport to a future date, neither approving, nor rejecting, the proposed amendments; and

WHEREAS, no facts or circumstances regarding the 67th and Bridgeport parcels have changed since the Planning Commission review, or public hearings; and

WHEREAS, the Council has now determined to complete this final open item from the 2013 Comprehensive Plan and Map Update; and

WHEREAS, the University Place City Council finds the proposed amendments attached in Exhibit A are: consistent with the goals, objectives and policies of the Comprehensive Plan; in the best interest of the citizens and property owners of the City; enhance the public health, safety, comfort, convenience, or

general welfare; and will not be materially detrimental to uses in the vicinity in which the subject properties are located; and

WHEREAS, the City Council has determined that subject to full satisfaction of the conditions specified below, amending the City of University Place Zoning Code Text and Zoning Map serves to comply with the Growth Management Act and this action shall be implemented as soon as possible under State law:

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

Section 1. <u>Legislative Findings</u>. The recitals and findings set forth above are hereby adopted as the City Council's legislative findings in support of the regulations adopted by this Ordinance.

Section 2. Execution of Release and Covenants. Following the effective date of this Ordinance, the owner of the parcels depicted on Exhibit "A" will execute and record, in a form approved by the City Attorney, a full release of all present and future mining rights, and written covenants running with the land in perpetuity that parcel 0220271062 will never have any type of 24 hour use, or any fueling station use, and that any buffers required by City code at the time of complete development permit application will be maintained in perpetuity. If full satisfaction of the conditions specified in this Section 2 is not complete within one (1) year from the effective date of this Ordinance, this Ordinance shall expire and be of no further force or effect.

Section 3. <u>Title 19 Zoning -- Section 19.20.050 Zoning Map Amendment</u>. University Place Municipal Code Section 19.20.050 Zoning Map is hereby amended and the Comprehensive Plan will be amended accordingly in conjunction with the current update required by RCW 36.70A.130 (5) prior to June 30, 2015, rezoning Parcels 0220271062, and 4001700700, as depicted in Exhibit "A" attached, to be implemented as soon after full satisfaction of the conditions specified in Section 2, as permitted under State law.

Section 4. Copy to be Available. One copy of this Ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 5. <u>Severability</u>. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 6. <u>Publication and Effective Date</u>. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 2, 2014.

Denise McCluskey, Mayor

ATTEST:

#### APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: 09/04/14 Effective Date: 09/09/14

# EXHIBIT A PROPERTY OWNER PREFERRED COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENTS

### Legend

Parcel

R1 Residential to Multifamily - Low

R2 Residential to Neighborhood Commercial

R1 Residential

R2 Residential

Neighborhood Commercial

Multi-Family - Low





Planning and Development Services August 28, 2014

