ORDINANCE NO. 652

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REPEALING IN ITS ENTIRETY TITLE 18 OF THE UNIVERSITY PLACE MUNICIPAL CODE, SHORELINE MANAGEMENT USE, AND ENACTING IN ITS PLACE A NEW TITLE 18 SHORELINE MANAGEMENT TO COMPLY WITH REQUIREMENTS TO UPDATE THE SHORELINE MASTER PROGRAM IN ACCORDANCE WITH THE SHORELINE MANAGEMENT ACT AND THE DEPARTMENT OF ECOLOGY SHORELINE MASTER PROGRAM GUIDELINES

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 Programs (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 has provided 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 held numerous public meetings beginning in October 2012, including three public hearings on April 17, May 1, and May 15, 2013; and

WHEREAS, on June 19, 2013 the Planning Commission unanimously recommended approval of amendments to UPMC Title 18 that would establish updated SMP policies and regulations; and

WHEREAS, the City Council conducted a public hearing on proposed SMP policies and regulations on October 7 and 21, 2013; and

WHEREAS, after considering public testimony, the City Council determined that the proposed SMP policies and regulations would 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 adopted Resolution No. 736, thereby locally adopting updated SMP policies and regulations; and

WHEREAS, subsequent to receiving Resolution No. 736 and all required submittal documentation, Ecology reviewed the locally adopted SMP and provided the City with lists of recommended and required changes that should, or would, need to be made to ensure consistency with the SMA and SMP Guidelines; and

WHEREAS, Ecology mailed or emailed an Interested Parties letter on January 16, 2015 to all parties on the City’s Interested Parties list, which includes:

- All owners of property located within the City’s regulated shoreline;
- Additional owners of property located near regulated shorelines that were the focus of extensive deliberation;
- All individuals who testified in person or in writing during Planning Commission or Council hearings in 2013; and
- Agencies, tribes, organizations and other stakeholders; and

WHEREAS, Ecology distributed its Interested Parties letter to the State’s Interested Parties lists, which include the following:

- Puget Sound Energy;
- Muckleshoot, Puyallup and Nisqually Tribes;
- WA DOT, WA DAHP, Commerce, WDFW, DNR, WA State Parks;
- Pierce County Surface Water Management;
- Point no Point Treaty Council;
- SECOR International;
- Larry Tornberg;
- Olympia National Forest;
- NWIFC;
- NMFS;
- Futurewise;
- Pacific Coast Shellfish Growers Association;
- Stateside Associates; and
- Legislature (Council for House Republican Caucus); and

WHEREAS, the Interested Parties letter distributed by Ecology summarizes the status of the state’s review process, provides links to Ecology documents that summarize recommended and required changes to the SMP, and identifies the remaining actions that will need to occur prior to final state approval of the SMP; and

WHEREAS, neither Ecology nor the City has received any comment in response to the Interested Parties notification that pertains to the proposed revisions to the SMP; and

WHEREAS, the City is required to satisfy Growth Management Act Periodic Update requirements by amending its critical areas regulations in accordance with Department of Commerce timelines in 2015; and

WHEREAS, such critical area amendments would require a subsequent amendment to the City’s SMP shortly after its anticipated effective date according to Department of Ecology requirements; and

WHEREAS, City adoption of an alternative proposal in accordance with RCW 90.58.090 (2) (e), would satisfy conflicting GMA Periodic Update and SMA/SMP Update timelines and other approval requirements of the Department of Commerce and the Department of Ecology; and
WHEREAS, the City Council conducted a public hearing on proposed revisions to SMP policies and regulations on March 16, 2015; and

WHEREAS, after considering the recommendations of the Planning Commission and public testimony, the City Council determined that the Ecology-recommended and required revisions to SMP policies and regulations would 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; and

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

WHEREAS, the City Council has determined that amending the City of University Place Municipal Code Title 18 protects the public health, safety and welfare and complies with the Shoreline Management Act and Shoreline Master Program Guidelines;

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

Section 1. Title 18 Shoreline Management Use -- Text Amendments. University Place Municipal Code Title 18 Shoreline Management Use is hereby repealed in its entirety and replaced by a new Title 18 Shoreline Management as set forth in Exhibit “A” attached.

Section 2. Alternative Proposal. Pursuant to RCW 90.58.090 (2) (e), the City declares its intent to submit to the Department of Ecology for final approval an Alternative Proposal that includes all SMP changes recommended and required by the Department of Ecology plus one additional change that would amend the City’s Critical Areas definition of fish and wildlife habitat areas to ensure consistency with RCW 36.70A.030 (5).

Section 3. Severability. If any section, sentence, clause or phrase of this Title 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 Title.

Section 4 Publication and Effective Date. A summary of this ordinance, consisting of its title, shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON MARCH 16, 2015.

Denise McCluskey, Mayor

ATTEST:

Emelia Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Publication Date: 03/18/15
Effective Date: 03/23/15