

Note: Times are approximate and subject to change.

Town Hall Meeting Room
3715 Bridgeport Way West

- 6:30 pm
1. CALL REGULAR MEETING TO ORDER
 2. ROLL CALL
 3. PLEDGE OF ALLEGIANCE – Councilmember Grassi
 4. APPROVAL OF MINUTES – June 6, 2016
 5. APPROVAL OF AGENDA
- 6:35 pm
6. PUBLIC COMMENTS – (At this time, citizens have three minutes to address the Council on any matter not scheduled for Public Hearing or Council Consideration. State law prohibits the use of this forum to promote or oppose any candidate for public office, or ballot measure. Public comments are limited to three minutes. Please provide your name and address for the record.)

- 6:40 pm
- 7A-
7C. CONSENT AGENDA
Motion: Approve or Amend the Consent Agenda as Proposed

The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed for the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.

A. Receive and File: Payroll and Claims.

B. Authorize the City Manager to approve an increase of Forty-One Thousand Nine Hundred Dollars (\$41,900.00) to the Professional Services Agreement entered into by and between the City of University Place and AMEC Foster Wheeler on January 31, 2016 for construction monitoring of the Bridgeport LID Project, for a total contract amount not to exceed Seventy-One Thousand Seven Hundred Seventy-Five Dollars (\$71,775.00).

C. Authorize the City Manager to execute a contract with Bruce Dees and Associates for preliminary engineering for the Chambers Creeks Canyon Trail.

PUBLIC HEARING – (At this time, the City Council will obtain public testimony or comment from the public on the matter indicated below.)

- 6:45 pm
8. 2016 BUDGET CARRYFORWARD
• Staff Report • Public Hearing

COUNCIL CONSIDERATION – (The following item(s) will require Council action.)

- 6:55 pm
9. 2016 BUDGET CARRYFORWARD ADOPTION
• Staff Report • Council Consideration
- 7:00 pm
10. CRITICAL AREAS AND SHORELINE MASTER PROGRAM AMENDMENTS
• Staff Report • Public Comment • Council Consideration
- 7:15 pm
11. 27TH STREET TIB PROJECT BID AWARD
• Staff Report • Public Comment • Council Consideration

7:30 pm

RECESS AND CONVENE AS GOVERNING BOARD OF THE UNIVERSITY PLACE TOWN CENTER PROJECT AUTHORITY

1. **CALL TO ORDER**
2. **UNIVERSITY PLACE TOWN CENTER PROJECT AUTHORITY BOARD UPDATE**
3. **ADJOURN UPTCA BOARD**

RECONVENE TO REGULAR COUNCIL MEETING

7:40 pm

12. COUNCIL COMMENTS/REPORTS

RECESS TO STUDY SESSION – (At this time, Council will have the opportunity to study and discuss business issues with staff prior to its consideration. Citizen comment is not taken at this time; however, citizens will have the opportunity to comment on the following item(s) at future Council meetings.)

7:45 pm

13. TREE PRESERVATION

8:15 pm

14. STATE MANDATED BUILDING CODE AMENDMENTS

8:40 pm

15. USGA FUTURE EVENTS RESOLUTION

9:00 pm

16. ADJOURNMENT

***PRELIMINARY CITY COUNCIL AGENDA**

July 5, 2016
Regular Council Meeting

July 18, 2016
Regular Council Meeting

August 1, 2016
Regular Council Meeting

August 15, 2016
Regular Council Meeting

Preliminary City Council Agenda subject to change without notice*
Complete Agendas will be available 24 hours prior to scheduled meeting.
To obtain Council Agendas, please visit www.cityofup.com.

American Disability Act (ADA) Accommodations Provided Upon Advance Request
Call the City Clerk at 253-566-5656

APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Monday, June 6, 2016
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem Keel called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present (Arrived at 6:32 p.m.)
Councilmember McCluskey	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Keel	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Victor, Public Works Director Cooper, Deputy Finance Director Blaisdell and City Clerk Genetia.

Workshop Facilitator: Dr. Lowell Kuehn

3. PLEDGE OF ALLEGIANCE

Councilmember Worthington led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

MOTION: By Councilmember McCluskey, seconded by Councilmember Belleci, to approve the minutes of May 16, 2016 as submitted.

The motion carried.

5. APPROVAL OF AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approve the agenda.

The motion carried.

6. PUBLIC COMMENTS – The following individual provided public comment: *Mary Schmidtke, 5413 89th Avenue Court West.*

7. CONSENT AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approve the amended Consent Agenda as follows:

- A.** Receive and File: Payroll for the period ending 05/15/16, dated 05/20/16, in the total amount of One Hundred Ninety-Three Thousand Nine Hundred Eighty-Eight and 38/100 Dollars (\$193,988.38); Claims dated 05/31/16, check nos. 51978190 through 51978253, in the total amount of Six Hundred Seventy-Six Thousand Two Hundred Thirty-Seven and 04/100 Dollars (\$676,237.04).

- B.** Adopt a resolution appointing voting delegates to the Association of Washington Cities' Annual Business Meeting. **(RESOLUTION NO. 812)**

The motion carried.

STUDY SESSION

The Council recessed to study session at 6:34 p.m.

8. 2017-2018 COUNCIL GOALS WORKSHOP

Dr. Lowell Kuehn facilitated the 2017-2018 Council Goals Workshop. He guided the Council through strategic goal development exercises that brought critical components, process and principles to help them reflect on where they are right now, the long term future, and what they need to focus on to move forward. By means of Council's previous goals and concerns, he discussed the importance of acknowledging and celebrating their accomplishments; the distinction of values and assumptions; and the need to keep going and focus on their new goal. City Manager Sugg shared the generated list of goals and potential outcomes for Council to consider.

The 2017-2018 Council Goals discussion will continue at a later date and time.

9. 2016 BUDGET CARRYFORWARD

Deputy Finance Director Blaisdell presented the 2015-2016 budget adjustments reflecting the carryforward of funding from 2015 and re-appropriation in 2016. The re-appropriation is comprised primarily of beginning fund balance, LRF balances and new and continuing grant funding and capital improvement projects for Public Works and Parks that were appropriated in 2015 and will continue and be completed in 2016. Adjustments were made to inter-fund transfers as well as to sales, utility and liquor taxes, and fee revenues to better reflect current projections. This budget adjustment also includes the projected land sale cost for Lot 4, the proceeds from which are being transferred to the Municipal Facilities CIP Funds for the Civic Building tenant improvements and the Windmill Village site prep. Deputy Director Blaisdell also highlighted other significant changes to the 2016 budget.

A public hearing is scheduled for June 20, 2016.

At 8:59 p.m., a motion was made and was carried to extend the meeting to 9:05 p.m.

The meeting adjourned at 9:05 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

APPROVAL OF CONSENT AGENDA

City of University Place
Voucher Approval Document

#7A

Control No.: 5 Agenda of: 06/20/16	PREPAY
---	---------------

Claim of: Payroll for Pay Period Ending 05/31/16

Check #	Date	Amount	Check #	Date	Amount
318653	06/03/16	883.10	318655	06/03/16	116.36
318654	06/03/16	96.50	318656	06/03/16	1,108.20

06/03/16 **111,449.25** **DIRECT DEPOSIT**

EMPLOYEE NET 113,653.41

318657	06/03/16	274.50	IUOE LOCAL 612
318658	06/03/16	4,368.80	IUOE LOCALS 302/612 TRUST FUND
318659	06/03/16	155.00	MALAIER, TRUSTEE, MICHAEL G.
318660	06/03/16	250.00	NATIONWIDE RETIREMENT SOLUTION
318661	06/03/16	2,054.97	UNUM LIFE INSURANCE COMPANY
318662	06/03/16	738.61	UNUM LIFE INSURANCE COMPANY
WIRE	06/03/16	61,957.59	AWC EMPLOYEE BENEFIT TRUST
WIRE	06/03/16	21,971.76	BANK OF AMERICA
WIRE	06/03/16	18,322.63	- 106006, VANTAGEPOINT TRANSF
WIRE	06/03/16	6,622.47	- 304197, VANTAGEPOINT TRANSF
WIRE	06/03/16	4,064.25	- 800263, VANTAGEPOINT TRANSF
WIRE	06/03/16	27,371.29	WA STATE DEPT OF RETIREMENT SY
WIRE	06/03/16	736.25	PACIFIC SOURCE ADMINISTRATORS
WIRE	06/03/16	7.50	PACIFIC SOURCE ADMINISTRATORS
WIRE	06/03/16	254.17	- 705544, VANTAGEPOINT TRANSF
WIRE	06/03/16	2,788.11	- 106006 LOAN, VANTAGEPOINT
WIRE	06/03/16	79.90	AFLAC INSURANCE
WIRE	06/03/16	890.30	WA ST DEPT OF RETIREMENT SYS
WIRE	06/03/16	538.21	- 304197 LOAN, VANTAGEPOINT TR

BENEFIT/DEDUCTION AMOUNT 153,446.31
TOTAL AMOUNT 267,099.72

Preparer Certification:

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the above-named governmental unit, and that I am authorized to authenticate and certify to said claim.

Signed: _____ (Signature on file.)

_____ Date

Steve Sugg, City Manager

FINAL CHECK LISTING
CITY OF UNIVERSITY PLACE

Check Date: 06/15/16

Check Range: 51978254 – 51978314

Wire Transfer: 1815679

Claims Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of University Place, and that I am authorized to authenticate and certify to said claim.

I also certify that the following list of checks were issued to replace previously issued checks that have not been presented to the bank for payment. The original check was voided and a replacement check issued.

<u>Vendor Name</u>	<u>Replacement Check #</u>	<u>Original Check #</u>
Harbor Greens	51978254	51977642

Auditing Officer: _____ (Signature on file.)

Date: _____

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
1815679	6/10/2016	002072	WA STATE DEPT OF REVENUE	APR16	5/20/2016	APR16/B&O TAX/SWM FEES	10,123.34	10,123.34
		Voucher: 40720						
51978255	6/8/2016	024123	WESTERN WA CHAPTER OF ICC	JUNE16REG	6/8/2016	JUNE16/WESTERN WA CHAPTEF	125.00	125.00
		Voucher: 40724						
51978256	6/15/2016	002333	BANK OF AMERICA	548001400009914	5/22/2016	MASTERCARD/5-22-16	6,904.23	6,904.23
		Voucher: 40664						
51978257	6/15/2016	024926	BELLECI, CAROLINE	JUN16/AWC CON	6/7/2016	AWC CONF/PER DIEM & MILEAG	169.14	169.14
		Voucher: 40665						
51978258	6/15/2016	025428	CAPITAL ONE COMMERCIAL/COS7003-7301-0003-1		5/26/2016	7003-7301-0003-1024/COSTCO	120.73	120.73
		Voucher: 40666						
51978259	6/15/2016	001152	CENTURYLINK	1375782439	5/15/2016	PHONES/INTERNET/CITY WIDE	5,037.66	
		Voucher: 40667		1376665842	5/23/2016	PHONES/LONG DISTANCE & INT	1,577.95	6,615.61
51978260	6/15/2016	001152	CENTURYLINK	253-584-0775	6/1/2016	PHONE/KOBAYASHI	103.25	
		Voucher: 40668		206-Z20-0051	5/20/2016	PHONES/CITY WIDE	2,400.00	2,503.25
51978261	6/15/2016	001024	CITY TREASURER	100137272	6/2/2016	WATER & POWER/1901 SEAVIEW	918.74	
		Voucher: 40669		100565439	5/24/2016	WATER/3761 BP WAY W	388.45	
				100333844	5/18/2016	WATER/4951 GRANDVIEW DR W	321.83	
				100083325	5/18/2016	POWER/4910 BRISTONWOOD DF	317.55	
				100612293	6/1/2016	POWER/5103 BP WAY W	234.87	
				100808956	5/13/2016	WATER/8005 27TH ST W	169.25	
				100080586	5/18/2016	POWER/4951 GRANDVIEW DR W	92.24	
				100737063	5/18/2016	POWER/2715 ELWOOD DR W	78.17	
				100892486	6/1/2016	POWER/6400 BP WAY W	76.50	
				100125070	6/1/2016	POWER/5370 BP WAY W	72.00	
				100851341	6/1/2016	POWER/6420 CHAMBERS CREEK	64.68	
				100895144	5/16/2016	POWER/8300 CIRQUE DR W	53.59	
				100165190	5/24/2016	POWER/3761 BP WAY W	39.97	
				100456986	6/1/2016	POWER/5918 HANNAH PIERCE F	39.56	
				100445063	6/3/2016	POWER/3715 BP WAY W, #E2	26.17	
				100079031	5/4/2016	POWER/3715 BP WAY W, #D4	24.86	
				100737837	6/1/2016	POWER/5702 BP WAY W	23.62	
				100129708	5/18/2016	POWER/2702 ELWOOD DR W	19.68	
				100302273	5/4/2016	POWER/3715 BP WAY W, #D2	19.00	
				100615001	5/23/2016	POWER/2247 E DAY ISLAND BLV	2.78	2,983.51

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51978262	6/15/2016	023782	COMPLETE OFFICE SOLUTIONS,	1379308-0	5/26/2016	PAPER ROLL/GEL PEN/FINANCE	26.57	
	Voucher:	40670		1375010-0	5/17/2016	COPY PAPER	238.54	
				1375575-0	5/18/2016	INK CARTRIDGE	66.05	
				1377422-0	5/23/2016	INK CARTRIDGE	66.05	
				1378301-0	5/25/2016	PAPER/DUCK DAZE POSTERS	31.53	428.74
51978263	6/15/2016	024347	COPIERS NORTHWEST, INC.	INV1379399	6/2/2016	APR4-MAY3/OVERGE CHARGE/C	528.88	
	Voucher:	40671		INV1387759	5/24/2016	FEB22-MAY21/OVERAGE PERIOD	188.30	
				INV1387758	5/24/2016	MAY22-JUNE21/CONTRACT LEASE	105.46	822.64
51978264	6/15/2016	024894	FIGUEROA, JAVIER	JUN16/AWC CONF	6/7/2016	AWC CONF/PER DIEM/EVERETT	118.00	118.00
	Voucher:	40672						
51978265	6/15/2016	002198	FIRST AMERICAN TITLE INSUR.	C865-426950462	3/21/2016	TITLE PROCESSING FEE/XXX BF	382.90	
	Voucher:	40673		865-426950461	3/21/2016	TITLE PROCESSING FEE/6224 70	382.90	765.80
51978266	6/15/2016	003063	FURNEYS NURSERY	I-81350	5/10/2016	PLANTS/STREETS	849.33	849.33
	Voucher:	40674						
51978267	6/15/2016	025577	HASEMANN, SALLY	REFUND	5/23/2016	REFUND/#5262 - BRADY LAKE W	10.00	10.00
	Voucher:	40675						
51978268	6/15/2016	025991	HOLLAND, SUSAN	REFUND	5/18/2016	REFUND/BUSINESS LICENSE/EX	50.00	50.00
	Voucher:	40676						
51978269	6/15/2016	001222	HOME DEPOT CREDIT SERVICES	S6035-3225-0105-0	5/27/2016	MISC REPAIR/MAINT SUPPLIES	518.26	518.26
	Voucher:	40677						
51978270	6/15/2016	001223	HUMANE SOCIETY OF TACOMA	IVC0001646	6/1/2016	JUNE16/BOARDING CONTRACT	100.00	100.00
	Voucher:	40678						
51978271	6/15/2016	001971	INK INC	32113	5/31/2016	SCREEN PRINTED SHIRTS/UP S	120.89	120.89
	Voucher:	40679						
51978272	6/15/2016	021616	KELLEY IMAGING SYSTEMS	18823388	5/27/2016	LEASE/SHARP MX 5111N COPIER	386.69	386.69
	Voucher:	40680						
51978273	6/15/2016	023454	KELLMAN, DAVID	00000020	6/6/2016	VIDEOGRAPHY SERVICES/VARI	1,140.00	1,140.00
	Voucher:	40681						
51978274	6/15/2016	023246	KELLY-SAGE, DEBRA	JUNE16/URBAN F	4/20/2016	JUNE16//PER DIEM/URBAN RETA	310.50	310.50
	Voucher:	40682						
51978275	6/15/2016	023289	KIDZ LOVE SOCCER	2015FA-F86A	6/6/2016	EARLY FALL 2015/SOCCER CLAS	1,995.00	1,995.00
	Voucher:	40683						
51978276	6/15/2016	023115	LEMAY MOBILE SHREDDING	4479318	6/1/2016	MAY16/DOCUMENT SHREDDING	71.00	71.00
	Voucher:	40684						

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978277	6/15/2016	001243	LLOYD ENTERPRISES INC	195308	5/17/2016	OVERSIZE MAYTOWN RETAIL	98.81
	Voucher:	40685	195451	5/13/2016	PLAYFIELD SAND/CRUSHED	703.20	802.01
51978278	6/10/2016	001797	LOWE'S BUSINESS ACCOUNT/GE874-3507-900095-	6/12/2016	MISC REPAIR & MAINTENANCE S	721.40	721.40
	Voucher:	40686					
51978279	6/15/2016	001420	LYNCH CREEK QUARRY INC	93986	5/24/2016	MAN ROCK/LEMONS BEACH RD	211.48
	Voucher:	40687					211.48
51978280	6/15/2016	024217	MAYES TESTING ENGINEERS,INC0416T16088	4/30/2016	TESTING & INSPECTION SERVIC	1,254.00	1,254.00
	Voucher:	40688					
51978281	6/15/2016	001258	MCCARTHY & CAUSSEAU	232	5/31/2016	MAY16/HEARING EXAMINER SEF	805.96
	Voucher:	40689					805.96
51978282	6/15/2016	025977	MCCARTNEY INDUSTRIES, LLC	16-159	5/31/2016	REPAIR CONCRETE SIDEWALKS	4,370.53
	Voucher:	40690					4,370.53
51978283	6/15/2016	025291	MCCLUSKEY, DENISE	JUN16/AWC CON	6/7/2016	AWC CONF/PER DIEM/EVERETT	97.00
	Voucher:	40691					97.00
51978284	6/15/2016	001862	MILES SAND & GRAVEL COMPAN	1471436	5/17/2016	CRUSHED ROCK	124.06
	Voucher:	40692					124.06
51978285	6/15/2016	001378	MOUNTAIN MIST WATER	000648643	5/17/2016	#031650/BOTTLED WATER/SR CE	7.25
	Voucher:	40693	000675743	5/27/2016	#066460/BOTTLED WATER/FITNE	6.56	
			000675716	5/27/2016	#065205/BOTTLED WATER/COUM	1.51	
			000669938	5/27/2016	#068332/BOTTLED WATER/CM O	11.50	
			000642846	5/13/2016	#075361/BOTTLED WATER/CITY I	51.00	
			000669939	5/27/2016	#075361/BOTTLED WATER/CITY I	38.75	
			000642841	5/13/2016	#075361/BOTTLED WATER/PW SI	37.00	
			000664053	5/25/2016	#065205/BOTTLED WATER/COUM	25.00	
			000669933	5/27/2016	#075361/BOTTLED WATER/PW SI	23.00	
			000621539	5/3/2016	#031650/BOTTLED WATER/SR CE	21.25	
			000642845	5/13/2016	#068332/BOTTLED WATER/CM O	16.97	
			000642829	5/13/2016	#075361/BOTTLED WATER/REC C	16.00	255.79
51978286	6/15/2016	002156	NATIONAL ASSN OF TOWN WATC	NO2318	6/7/2016	2016 MEMBERSHIP DUES/J HALI	35.00
	Voucher:	40694					35.00
51978287	6/15/2016	001095	NEWS TRIBUNE	I02343796-03222C	4/5/2016	BID AD/BP WAY PH5	901.75
	Voucher:	40695	I02355575-03282C	3/28/2016	DNS HEARING NOTICE/APR20	220.45	
			I02377802-041120	4/11/2016	TIP HEARING NOTICE/APR 18	123.97	
			I02374943-04062C	4/6/2016	ORDINANCE PUBLICATION/ ORD	118.61	1,364.78

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978288	6/15/2016	001096	NORTHWEST CASCADE, INC.	2-1662423	5/5/2016	PORTA POTTY RENTAL/SKATE P	72.00
	Voucher:	40696		2-1669799	5/11/2016	PORTA POTTY RENTAL/NARROW	52.00
							124.00
51978289	6/15/2016	025561	NW PLUMBING CONNECTION, IN	24242	5/13/2016	INSTALLED 2" BRASS TEE	866.62
	Voucher:	40697					866.62
51978290	6/15/2016	001109	PIERCE COUNTY BUDGET & FIN	CI-217245	6/3/2016	MAY16/JAIL HOUSING	9,051.00
	Voucher:	40698		CI-213807	3/1/2016	2016 DIGITAL ORTHOPHOTOGR	7,500.00
				CI-216577	5/18/2016	MAR16/TRAFFIC OPER MAINTEN	1,158.18
				CI-216608	5/19/2016	1STQTR16/IT WIDE AREA NETW	144.00
				CI-216669	5/24/2016	APR16/ANIMAL CONTROL & SHE	9,239.53
							27,092.71
51978291	6/15/2016	001588	PIERCE COUNTY SEWER	00664685	6/1/2016	SEWER/4951 GRANDVIEW DR W	176.86
	Voucher:	40699		00566276	6/1/2016	SEWER/3715 BP WAY W	134.19
				00000591	6/1/2016	SEWER/2534 GRANDVIEW DR W	76.00
				01576739	6/1/2016	SEWER/3609 MARKET PL W/RET	37.22
				01576721	6/1/2016	SEWER/3609 MARKET PL W/RET	37.22
				01576712	6/1/2016	SEWER/3609 MARKET PL W/RET	37.22
				01571443	6/1/2016	SEWER/7520 CIRQUE DR W	33.34
				00604682	6/1/2016	SEWER/2917 MORRISON RD W	25.58
				01633279	6/26/2016	SEWER/1902 SEAVIEW AVE W	17.83
				01512692	6/1/2016	SEWER/3555 MARKET PL W	17.83
							593.29
51978292	6/15/2016	001114	PITNEY BOWES GLOBAL FIN. SV	MAY16	5/31/2016	MAY16/ACCT19533470/POSTAGE	1,000.00
	Voucher:	40700					1,000.00
51978293	6/15/2016	023882	PIVETTA BROTHERS CONST.,INC	5	6/2/2016	BRIDGEPORT WAY LID PROJECT	165,155.70
	Voucher:	40701					165,155.70
51978294	6/15/2016	025830	PPG ARCHITECTURAL COATINGS	5812502025152	6/2/2016	GRAFFITI CLEAN UP SUPPLIES/	350.74
	Voucher:	40702					350.74
51978295	6/15/2016	001161	PUGET SOUND ENERGY CORP	300000009641	5/31/2016	GAS/3715 BP WAY W, #D2 & #A3	84.93
	Voucher:	40703		200017087624	5/31/2016	GAS/2534 GRANDVIEW DR W	75.05
				200000971479	5/25/2016	GAS/4910 BRISTONWOOD DR W	67.41
				300000010987	5/31/2016	GAS/3715 BP WAY W, #E2	49.54
				200014542258	5/27/2016	GAS/7450 MARKET SQ W	43.81
				220008861142	5/27/2016	GAS/3715 BP WAY W, #BLDG D1	38.22
							358.96
51978296	6/15/2016	003165	RAINIER COMMUNICATIONS CEN	1STQTR16	6/7/2016	COMCAST/1STQTR16/PEG FEES	11,221.23
	Voucher:	40704		1STQTR16	6/8/2016	CLICK/1STQTR16/PEG FEES	2,077.00
							13,298.23
51978297	6/15/2016	001295	RANDLES SAND & GRAVEL INC	378821	5/24/2016	EXCAVATOR LOADED ROCK	184.58
	Voucher:	40705					184.58

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51978298	6/15/2016	024457	SONSRAY MACHINERY LLC	P14984-08	5/18/2016	SNAP RING PLIERS	47.91	47.91
		Voucher: 40706						
51978299	6/15/2016	024444	STAR RENTALS, INC.	124583-33	5/17/2016	THROTTLE SOLENOID	122.76	122.76
		Voucher: 40707						
51978300	6/15/2016	025311	TACOMA WINSUPPLY, INC.	027578-00	5/16/2016	MISC SUPPLIES/SHOP & WATER	542.89	
		Voucher: 40708		027786-00	5/20/2016	LINER/WATER FEATURE/CIVIC B	382.50	
				027401-00	5/12/2016	MISC SUPPLIES/WATER FEATUR	279.15	
				027783-00	5/20/2016	MISC SUPPLIES/WATER FEATUR	256.64	
				027886-00	5/24/2016	MISC IRRIGATION SUPPLIES/TO'	186.80	
				027852-00	5/23/2016	MISC SUPPLIES/WATER FEATUR	126.27	
				027771-00	5/20/2016	MISC IRRIGATION SUPPLIES/CIF	125.10	
				027694-00	5/18/2016	MISC SUPPLIES/WATER FEATUR	19.46	1,918.81
51978301	6/10/2016	025990	THE OUTBACK KANGAROO FARMADMISSION		6/7/2016	ADMISSION/SR DAY TRIP/RECRE	99.00	99.00
		Voucher: 40709						
51978302	6/15/2016	002823	THOMPSON ELECTRICAL CONST0516-8584CV		5/17/2016	CIVIC CENTER/ELEVATOR LOCK	503.13	503.13
		Voucher: 40710						
51978303	6/15/2016	025560	UNIVERSITY PLACE CIVIC BLDG 22		6/1/2016	2016 OPERATING ACCT FUNDING	102,633.66	102,633.66
		Voucher: 40711						
51978304	6/15/2016	001331	UNIVERSITY PLACE REFUSE SV,1906287		5/25/2016	JUN16/BILLING PERIOD/REFUSE	1,086.03	
		Voucher: 40712		906288	5/25/2016	JUN16/BILLING PERIOD/COMPAC	774.32	1,860.35
51978305	6/15/2016	001151	UNIVERSITY PLACE SCHOOL DIS#F 22569		5/18/2016	APR16/HONEY BUCKET/UP PRIM	109.37	109.37
		Voucher: 40713						
51978306	6/15/2016	025336	US BANK	745000006	5/31/2016	CUSTOMER #745000006/MAY16/I	24.00	24.00
		Voucher: 40714						
51978307	6/15/2016	025399	VASSEY NURSERY, LLC	13	5/25/2016	SUN & SHADE BASKETS	12,069.56	12,069.56
		Voucher: 40715						
51978308	6/15/2016	001153	VERIZON WIRELESS,LLC.	9765372494	5/12/2016	CELL PHONES/PW & PARKS MAI	704.71	704.71
		Voucher: 40716						
51978309	6/15/2016	025992	VIETENHANS, VIANNA	REFUND	5/23/2016	REFUND/#5262 - BRADLEY LAKE	10.00	10.00
		Voucher: 40717						
51978310	6/15/2016	025889	VORISE, KITTIE	REFUND	5/23/2016	REFUND/#5262 - BRADLEY LAKE	10.00	10.00
		Voucher: 40718						
51978311	6/15/2016	002935	WA ASSN OF CODE ENFORCEMEMBERSHIP		6/3/2016	2016 DUES/ANNUAL MEMBERSH	40.00	40.00
		Voucher: 40719						

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978312	6/15/2016	022590	WA STATE DEPT OF TRANSPORTRE-313-ATB60516	5/16/2016	PROJ MGMNT/MILDRED & 67TH	163.43	
	Voucher:	40721	RE-313-ATB60516	5/16/2016	PROJ MGMNT/BP PHASE5 ROAC	47.84	211.27
51978313	6/15/2016	001345	WA STATE TREASURER	1STQTR16	6/7/2016	1STQTR16/BUILDING CODE FEE	184.50
	Voucher:	40722					184.50
51978314	6/15/2016	024399	WELLS FARGO FINANCIAL LEASING	5003093034	5/23/2016	JUNE19-JULY18/LEMARK PRINTING	95.00
	Voucher:	40723					95.00
Sub total for BANK OF AMERICA:							376,942.53

61 checks in this report.

Grand Total All Checks: 376,942.53

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Authorize the City Manager to approve an increase of Forty-One Thousand Nine Hundred Dollars and Zero Cents (\$41,900.00) to the Professional Services Agreement entered into by and between the City of University Place and AMEC Foster Wheeler on January 13, 2016 for construction monitoring of the Bridgeport LID Project, for a total contract amount not to exceed Seventy-One Thousand Seven Hundred Seventy-Five Dollars (\$71,775).

Agenda No: 7B
Dept. Origin: Engineering
For Agenda of: June 20, 2016

Exhibits:

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to Form by City Atty.: _____
Approved by Finance Director: _____
Approved by Dept. Head: _____

Expenditure Required: \$41,900.00	Amount Budgeted: \$	Appropriation Required: \$0.00
--------------------------------------	------------------------	-----------------------------------

SUMMARY/POLICY ISSUES

The proposed amendment would increase the existing Professional Services Agreement with AMEC Foster Wheeler to allow for additional construction monitoring of the Bridgeport Way Low Impact Development project, which is covered in the project budget through the Department of Ecology grant and SWM funds.

Original Contract amount	\$29,875
<u>Additional amount</u>	<u>\$41,900</u>
Total contract	\$71,775

ALTERNATIVES CONSIDERED

None.

RECOMMENDATION / MOTION

MOVE TO: Authorize the City Manager to approve an increase of Forty-One Thousand Nine Hundred Dollars and Zero Cents (\$41,900.00) to the Professional Services Agreement entered into by and between the City of University Place and AMEC Foster Wheeler on January 13, 2016 for construction monitoring of the Bridgeport LID Project, for a total contract amount not to exceed Seventy-One Thousand Seven Hundred Seventy-Five Dollars (\$71,775.00).

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Authorize the City Manager to execute a contract with Bruce Dees and Associates for preliminary engineering for the Chambers Creek Canyon Trail.

Agenda No: 7C
Dept. Origin: Planning & Development Services
For Agenda of: June 20, 2016
Exhibits: Professional Services Agreement with attachments

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to Form by City Atty.: _____
Approved by Finance Director: _____
Approved by Dept. Head: _____

Expenditure Required: \$25,000.00	Amount Budgeted: \$25,000.00	Appropriation Required: \$0.00
--------------------------------------	---------------------------------	-----------------------------------

SUMMARY / POLICY ISSUES

The cities of University Place and Lakewood and Pierce County have executed the Interlocal Agreement for the Cooperative Planning, Design and Construction of the Chambers Creek Canyon Trail. The agreement stipulates the three partner jurisdictions will cooperate and participate in the planning, design and permitting work for the trail, boardwalk and bridges associated with the trail. Each partner will participate in funding and in the grant application process.

In accordance with the Chambers Creek Properties Joint Procedural Agreement, the City of University Place will act at the lead agency and provide project management necessary for planning, design and permitting work for the trail, boardwalk and bridges, and associated trail connections and amenities as necessary.

To begin the process, each partner pledged an initial contribution of \$25,000.00 to fund the preliminary engineering work needed to position the project to apply for grants. Each partner was able to secure their contributions during their previous budget approval processes.

After consulting with the partners, the City published a Request for Proposals on March 18, 2016. The City received five proposals and interviewed two firms. Bruce Dees and Associates, teamed up with BergerABAM, was selected by a panel of the partners. Following consultant selection, the scope of work, specific deliverables and project schedule were developed and are attached to the Professional Services Agreement.

RECOMMENDATION / MOTION

MOVE TO: Authorize the City Manager to execute a contract with Bruce Dees and Associates for preliminary engineering for the Chambers Creek Canyon Trail.

PROFESSIONAL SERVICES AGREEMENT

This Agreement ("Agreement") is dated effective this ____ day of ____ 2016. The parties ("Parties") to this Agreement are the City of University Place, a Washington municipal corporation ("City"), and Bruce Dees & Associates, ("Contractor").

A. The City seeks the temporary professional services of a skilled independent contractor capable of working without direct supervision in the capacity of an engineer, who is experienced in pedestrian trail projects and is familiar with the City's municipal code, resolutions, regulations and policies.

B. The Contractor has the requisite skill and experience necessary to provide such services.

NOW, THEREFORE, the Parties agree to the following terms and conditions:

1. SERVICES.

1.1 The Contractor agrees to furnish all personnel, materials, and services and to otherwise do all things necessary for or incidental to the performance of the work set forth in Attachment "A," and according to the schedule set forth in Attachment "C" both of which are attached hereto and incorporated by this reference ("Services").

1.2 Compliance With Laws. All duties of the Contractor or designees shall be performed in accordance with all applicable federal and state laws and city ordinances as now existing or hereafter adopted or amended.

1.3 Control of Work. The Contractor shall control and direct the performance of the work. The City reserves the right to inspect, review and approve the work to assure that it has been completed as specified prior to payment.

1.4 Performance Standard. All duties by the Contractor or his designees shall be performed in a manner consistent with accepted practices for other similar services, performed to the City's satisfaction, within the time period prescribed by this Agreement and pursuant to the direction of the City Manager or designee.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

2. TERM.

The Term of this Agreement shall commence upon the effective date of this Agreement and shall continue until the completion of the Services, but in any event no later than December 31, 2017. This Agreement may be extended for additional periods of time upon the mutual written agreement of the City and the Contractor.

3. TERMINATION.

During any term, this Agreement may be terminated, with or without cause by either Party, by giving thirty (30) days written notice to the other party.

4. COMPENSATION.

4.1 Total Compensation. In consideration of the Contractor performing the Services, the City agrees to pay an amount not to exceed \$75,000.00 (seventy-five thousand and no/hundredths dollars), which includes taxes, fees, and reimbursable expenses.

4.2 Compensation Rates. Compensation for Services shall be in accordance with the rates set forth in Attachment "B" attached hereto and incorporated by this reference.

4.3 Method of Payment. Payment by the City for the Services will only be made after:

- a. The work has been performed and/or items provided and an itemized invoice has been submitted which describes the specific work performed and/or items provided, the name of the entity or person performing the work or providing the services or items, and the cost broken down by work, hourly rate, or item cost as applicable; and
- b. The invoice has been submitted to and approved by the City representative who is managing the contract.

4.4 Contractor Responsible for Taxes. The Contractor shall be solely responsible for the payment of any taxes imposed by any lawful jurisdiction as a result of performance and payment under this Agreement.

5. REPRESENTATIONS.

The Contractor warrants that it has the requisite training, skill and experience necessary to provide the Services and is appropriately accredited and licensed by all applicable agencies and governmental entities.

The Contractor has a Business License from the City of University Place.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

6. INDEPENDENT CONTRACTOR.

It is the intention and understanding of the Parties that the Contractor shall be an independent contractor. The Contractor or his or her employees or agents performing under this Agreement are not employees or agents of the City. The Contractor will not hold himself or herself out as nor claim to be an officer or employee of the City. The Contractor will not make any claim of right, privilege, or benefit which would accrue to an employee under law. The City shall neither be liable for nor obligated to pay sick leave, vacation pay or any other benefit of employment, nor to pay any social security or other tax which may arise as an incident of employment. The Contractor shall pay all income and other taxes as due. Industrial or any other insurance which is purchased for the benefit of the Contractor shall not be deemed to convert this Agreement to an employment contract.

It is recognized that the Contractor may or will be performing professional services during the term for other parties and that the City is not the exclusive user of the Contractor's services; provided, however, that the performance of other professional services shall not conflict with or interfere with the Contractor's ability to perform the Services. The Contractor agrees to resolve any conflict in favor of the City.

7. INDEMNIFICATION.

Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Contractor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

8. INSURANCE.

8.1 Insurance Term

The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees.

8.2 No Limitation

Contractor's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the Public Entity's recourse to any remedy available at law or in equity.

8.3 Minimum Scope of Insurance

Contractor shall obtain insurance of the types and coverage described below:

- a. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability Coverage.
- b. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The Public Entity shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the Public Entity using an additional insured endorsement at least as broad as ISO CG 20 26.
- c. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- d. Professional Liability insurance appropriate to the Contractor's profession.

8.4 Minimum Amounts of Insurance

Contractor shall maintain the following insurance limits:

- a. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

- b. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
- c. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

8.5 Other Insurance Provision

The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

8.6 Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

8.7 Verification of Coverage

Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

8.8 Notice of Cancellation

The Contractor shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

8.9 Failure to Maintain Insurance

Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

8.10 City Full Availability of Contractor Limits

If the Contractor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the

Contractor are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Contractor.

9. EQUAL OPPORTUNITY EMPLOYER.

The Contractor agrees to take all steps necessary to comply with all federal, state, and City laws and policies regarding non-discrimination and equal employment opportunities. The Contractor shall not discriminate in any employment action because of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, or the presence of any sensory, mental or physical handicap. In the event of non-compliance by the Contractor with any of the non-discrimination provisions of this Contract, the City shall be deemed to have cause to terminate this Contract, in whole or in part.

10. CONFIDENTIALITY.

The Contractor agrees that all materials containing confidential information received pursuant to this Agreement shall not be disclosed without the City's express written consent. Contractor agrees to provide the City with immediate written notification of any person seeking disclosure of any confidential information obtained for the City.

11. WORK PRODUCT.

All work product, including records, files, documents, plans, computer disks, magnetic media or material which may be produced or modified by the Contractor while performing the Services shall belong to the City. Upon written notice by the City during the Term of this Agreement or upon the termination or cancellation of this Agreement, the Contractor shall deliver all copies of any such work product remaining in the possession of the Contractor to the City.

12. BOOKS AND RECORDS.

The Contractor agrees to maintain books, records, and documents that sufficiently and properly reflect all direct and indirect costs related to the performance of the Services and maintain such accounting procedures and practices as may be deemed necessary by the City to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject, at all reasonable times, to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

13. NON-APPROPRIATION OF FUNDS.

If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will not be obligated to make payments for Services or amounts incurred after the end of the current fiscal period, and this Agreement will terminate upon completion of all remaining Services for which funds are allocated. No penalty or expense shall accrue to the City in the event this provision applies.

14. GENERAL PROVISIONS.

14.1 Entire Agreement. This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior agreements shall be effective for any purpose.

14.2 Modification. No provisions of this Agreement may be amended or modified except by written agreement signed by the Parties.

14.3 Full Force and Effect. Any provision of this Agreement which is declared invalid or illegal shall in no way affect or invalidate any other provision hereof and such other provisions shall remain in full force and effect.

14.4 Assignment. Neither the Contractor nor the City shall have the right to transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other party.

14.5 Successors in Interest. Subject to the foregoing Subsection, the rights and obligations of the Parties shall inure to the benefit of and be binding upon their respective successors in interest, heirs and assigns.

14.6 No Waiver. Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

14.7 Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Washington.

14.8 Venue. The venue for any dispute related to this Agreement or for any action to enforce any term of this Agreement shall be Pierce County, Washington.

14.9 Authority. Each individual executing this Agreement on behalf of the City and the Contractor represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of the Contractor or the City.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

14.10 Notices. Any notices required to be given by the Parties shall be delivered at the addresses set forth below. Any notices may be delivered personally or may be deposited in the United States mail, postage prepaid, to the address set forth below. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

14.11 Performance. Time is of the essence of this Agreement in each and all of its provisions in which performance is a factor.

14.12 Remedies Cumulative. Any remedies provided for under the terms of this Agreement are not intended to be exclusive, but shall be cumulative with all other remedies available to the City at law or in equity.

14.13 Counterparts. This Agreement may be executed in any number of counter-parts, which counterparts shall collectively constitute the entire Agreement.

Executed on the dates written below.

CONTRACTOR

CITY OF UNIVERSITY PLACE

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Address: _____

Address: 3715 Bridgeport Way W.
University Place, WA 98466-4456

Date: _____

Date: _____

Approved as to form:

Steve Victor, City Attorney

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Attachment "A"

Scope of Services and Compensation Rates

Scope of Services

Contractor will provide preliminary engineering work to establish the Chambers Creek Canyon Trail route. This work will include:

Project Understanding

The City of University Place and its partner agencies, The City of Lakewood and Pierce County (Client), have proposed to construct the Chambers Creek Canyon Trail and is currently conducting a preliminary engineering design of the trail. In general the scope of work includes the following elements:

- Review the trail concept currently established by the Client and partner agencies, and if necessary find alternative routes to avoid/minimize impacts to critical areas.
- Prepare GPS/GIS base mapping of the current trail, including any field revisions, and establish stationing to reference trail design elements.
- Prepare a preliminary design report that summarizes field review and provides a matrix outlining potential permits the project will need to move forward to construction.
- Provide planning level design and cost estimates for the trail itself, four bridge locations, any board walk locations, and trail head locations with results summarized in a preliminary report.

Overall Project Assumptions

The following general assumptions were used to guide the scope of work.

- The Client will provide the conceptual trail layout in a GIS compatible version.
- The design team will prepare a GIS base map using existing data sources (e.g., City and Pierce County data, LIDAR, etc.).
- Resource surveys, such as wetland and stream delineation will not be conducted at this time; however, general observations of existing site conditions will be noted during field review and incorporated into the preliminary design report.
- A complete topographic site survey will not be included at this time.
- The design team will provide a matrix in the preliminary design report to identify applicable permits and appropriate steps to complete applications.
- No permits will be prepared or applied for at this time, nor will there be contact with any agency at this time to discuss project related permitting.
- There will be no coordination with local or state agencies to determine permitting requirements.

1. Trail Survey and Design

Task 1.1: GIS Base Mapping

The design team will prepare a GIS base map of the project area using publically available data sources, such as City or County critical area mapping, FEMA floodplains, and LIDAR derived topography.

Assumptions

- The preliminary base map is intended to provide a context for the conceptual trail location established by the partner agencies and for use in evaluating the potential routes. The conceptual layout will be identified by stationing (break points every 100 linear feet) for referencing during the field layout.

Deliverables

1.A. Copies of the base map will be provided prior to the field work.

2. Trail Route, Bridge and Boardwalk Locations

Task 2.1 Confirm the Trail Route Kick Off Meeting #1

The design team will attend one kick-off meeting with the Client at project startup to confirm the trail route review and approach for the Preliminary Design Report.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Task 2.2 Trail Layout Field Work

The design team will conduct a field visit with and Client representatives to review the conceptual trail layout. The proposed trail is approximately 2.5 miles in length. Access to the trail is challenging due to topography, Chambers Creek and associated wetlands. Given these constraints, we assume up to 1 mile of trail per day will be reviewed. Three days of field work to review the conceptual alignment with Client staff and other design team members. This includes time to review and discuss bridge crossing locations (up to 4 bridges are proposed).

Task 2.3 Reference Conceptual Trail Location on Ground and Collect Revised Trail Locations

A resource grade GPS will be used during fieldwork to reference the conceptual trail location on the ground and to collect revised trail locations that may be established during fieldwork. The trail may be re-routed for any number of reasons during field review. Examples include to relocations to avoid/minimize impacts to critical area, reduce the footprint within the floodplain, or to take advantage of other features observed during fieldwork.

Task 2.4 Update the Base Map

Following the completion of fieldwork, GPS data collected in the field will be used to update the base map.

Task 2.5 Prepare Final Trail Base Map

The design team will prepare a final trail base map following completion of the field work. The map will identify the portions that may be ADA accessible.

Task 2.6 Trail Cross Section Design

Prepare alternative concept designs for typical trail conditions. This will include cross and longitudinal slope conditions, alternates will address drainage options, and surfacing.

Task 2.7 Trail Cost Estimates

Estimates of Probable cost will consider access, site conditions, means and methods including the potential work by volunteer organizations.

Task 2.8 Present Final Trail Location to Client Agencies Meeting #2

A fourth day of field work will be held in reserve to present the final trail location, including walk through, to the Client agencies as needed.

Assumptions

- The design team will compile publically available GIS data to prepare the preliminary base map.
- The Client will provide conceptual trail locations in GIS compatible formats.
- The design team will provide up to 4 days (8 hours per day) of field work to review the conceptual trail by a biologist. We assume the remainder of the field review team will include staff from the Client.
- No critical areas will be formally delineated during conceptual trail review field work.

Deliverables

- 2.A. Conceptual trail base map in PDF format.
- 2.B. Revised trail base map (based on field route review) in PDF format in GEODA base format.
- 2.C. Trail cross sections and costs.
- 2.D. Trail Costs.

3. **Bridge, Boardwalk and Trailhead Design**

Task 3.1 Verify Bridge Locations

The design team will field verify bridge locations and preliminary geometry based on the results from the Trail Layout Fieldwork, environmental conditions, and Survey tasks.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Task 3.2 Establish Survey Control at Each of the Four Bridge Locations

The design team will establish survey control at each of the four bridge locations, tied to NAVD 88 vertical datum and State Plane Coordinates. A minimum of 2 points will be set near each bridge location (with rebar & control caps) to provide references for reviewing the available LIDAR data, to allow for future survey work, to provide a reference to FEMA flood elevations, and as a basis for taking limited preliminary survey measurements at each bridge location to confirm LIDAR data.

Task 3.3 Bridge Design

The design team will prepare alternative concept designs for each location. This will include typical cross sections and elevations for original designs or cut sheets for manufactured bridge designs.

Task 3.4 Bridge Estimate of Probable Construction Costs.

Prepare preliminary level estimates of construction costs considering access, construction, means and methods.

Task 3.5 Preliminary Design Report

The design team will develop a Preliminary Design Report that summarizes the results of the preliminary bridge designs. The report will include a brief discussion or matrix of alternative bridge designs, estimated costs, construction site access, assumed materials, and aesthetic considerations.

Task 3.6 Trailhead Design

Previously identified potential trail head locations will be evaluated for safety, constructability, capacity for parking and probable cost. Alternative layout designs (up to 3 each) will be developed. Plans will show access, parking, restroom location, signage location and landscape improvements.

Task 3.7 Trailhead Estimate of Probable Construction Costs

Preliminary level estimates of probable costs will be developed. It is assumed that restroom will be chemical toilets, or vault toilets, and estimates will not include sanitary sewer design.

Task 3.8 Boardwalk Design

The original preliminary route established by the agencies indicated that a boardwalk structure would be required in an area just downstream of Kobayashi park. As part of the trail location work, that area will be studied to determine if an alternate route is feasible in order to avoid construction in the creek. In the event a boardwalk is determined to be required, either in the creek or to cross wet areas, a preliminary level design will be developed for those areas.

Task 3.9 Estimate of Probable Cost

A preliminary level estimate of probable cost will be developed for the boardwalk structure location.

Task 3.10 Meet with Client to Review Bridge, Boardwalk and Trailhead Design Meeting #3

The design team will attend a meeting with the Client to review the Draft Preliminary Bridge, Boardwalk and Trailhead design.

Assumptions

- The design team will attend a meeting with the Client prior to preliminary bridge design to establish project goals and design parameters for the bridges.
- Calculations, sketches, and structural member sizes, cost estimates, and descriptions will be limited to a planning stage level of detail.
- Preliminary bridge design is assumed to be for four bridge locations and limited to three design alternatives for each location.
- The preliminary bridge designs and cost estimates will be based on best professional judgement and observed conditions during fieldwork. Geotechnical and hydraulic assumptions at this stage will be limited to field observations. Formal evaluations and full engineering designs are expected to occur in a future phase and may result in changes to the locations and designs.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Deliverables

- 3.A. Attendance at a project kick-off meeting with the Client and design team.
- 3.B. Draft Preliminary Design Report in electronic (Word and PDF formats) for review and comment.
- 3.C. Attendance at a Preliminary Design Report review meeting.
- 3.D. Final Preliminary Design Report in electronic (Word and PDF formats).

4. **Preliminary Design Report**

Task 4.1 Develop a Preliminary Design Report

Based on Client input, the design team will develop a Preliminary Design Report that summarizes the results of the trail route review exercise. The report will include a brief discussion of existing conditions along the trail route, including our best professional judgement on the presence and types of critical area.

Task 4.2 Prepare a Permit Matrix

As part of the Preliminary Design Report, the design team will prepare a permit matrix that summarizes the potential permits that are likely to be required to construct the trail and a planning level estimate of costs associated with obtaining the permits. Based on our current understanding of the project and site conditions, applicable permits are likely to include US Army Corps of Engineers (wetland fill permit), Washington Department of Fish and Wildlife (Hydraulic Project Approval) and local permits.

Task 4.3 Summarize the Impact of the Trail Subject to Permit Conditions / Define Potential Mitigation Needs

Where applicable, the permit matrix will summarize the impact of the trail subject to permit conditions in order to define potential mitigation needs. For example, the linear length of trails within critical areas may be calculated using GIS and included in the matrix.

Task 4.4 Draft Preliminary Design Report Meeting #4

The design team will attend a meeting with the Client to review the Draft Preliminary Design report.

Assumptions

- The design team will attend 2 meetings with the Client prior to fieldwork to establish goals for this phase of work.
- The design team staff members will attend 2, two-hour kick off and Draft Preliminary Design Report review meetings at the Client.
- The design team will not delineate critical areas during fieldwork. The identification of applicable permits will be based on best professional judgement of observed features during fieldwork. Formal delineation of critical areas is expected to occur in a future phase and may result in changes to the permit matrix.
- The design team will not conduct formal surveys of trail locations or critical areas. Any calculations made in GIS regarding potential project impacts are preliminary and will be used only to understand potential mitigation needs. Formal surveys will be completed in future engineering tasks and used to assess actual impacts of the project for permitting purposes.
- The design team will not develop conceptual mitigation plans at this time.

Deliverables

- 4.A. Attendance at a project kick-off meeting with the Client and design team.
- 4.B. Draft Preliminary Design Report in electronic (Word and PDF formats) for review and comment.
- 4.C. Attendance at a Preliminary Design Report review meeting.
- 4.D. Final Preliminary Design Report in electronic (Word and PDF formats) which will include all elements of the plan. The Client will be able to print the maps at various scales.

5. **Phasing**

Task 5.1 Phasing Plan

A preliminary phasing plan will be developed considering best use for the community, probable cost, ease of permitting, and construction and alignment with probable grant funding. After review by the partner clients, a final phasing plan will be developed showing the location and cost.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Task 5.2 Final Plan Meeting #5

The final phasing plan and final preliminary design report will be presented to the Client.

Deliverables

- 5.A. Graphic phasing plan showing suggested phasing.
- 5.B. Estimated probable cost for each phase.
- 5.C. Present final preliminary design report and phasing plan.

SCHEDULE

See attachment 'C'.

PROVIDED BY CLIENT

1. **Site Access**
Rights-of-entry upon all lands necessary for the performance of the above described Scope of Services.
2. **Topographic Survey**
The client will provide GIS data to prepare the preliminary base map.

EXTRA WORK

1. **Expanded Scope of Work**
If during the course of the project, the Client elects to expand the Scope of Work requiring additional design work, design fees for the additional work shall be negotiated.
2. **Schedule**
In the event the schedule is extended by the Client, fees for additional time shall be negotiated.
3. **Additional Meetings**
In the event additional meetings are requested by the Client, additional time shall be on a time and materials basis at the rates attached.

Contractor: Bruce Dees & Associates
Service: Engineering
Project: Chambers Creek Trail

Professional Services Agreement
(Revised 1/2016)

Attachment 'B'
City of University Place
CHAMBERS CREEK CANYON TRAIL
Compensation

TASK	PERCENTAGE	AMOUNT
I. Trail Survey and Design	13%	\$5,000.00
II. Trail Route, Bridges and Boardwalk	27%	\$22,300.00
III. Bridge, Boardwalk and Trailhead Design	27%	\$30,300.00
IV. Preliminary Design Report	27%	\$13,400.00
V. Phasing	7%	\$ 4,000.00
TOTAL	100%	\$75,000.00

The above scope of work will be furnished on a lump sum basis with payments made each month on a percent of completed work.

ATTACHMENT 'C'
CITY OF UNIVERSITY PLACE
CHAMBERS CREEK CANYON TRAIL SCHEDULE
June 14, 2016

2016	JUNE					JULY				AUGUST					SEPTEMBER				
	1 - 3	6 - 10	13 - 17	20 - 24	27 - 1	4 - 8	11 - 15	18 - 22	25 - 29	1 - 5	8 - 12	15 - 19	22 - 26	29 - 2	5 - 9	12 - 16	19 - 23	26 - 30	
1. TRAIL BASE MAPPING				=====															
2. TRAIL ROUTE						=====													
3. BRIDGE, BOARDWALK DESIGN						=====													
4. PRELIMINARY DESIGN REPORT											=====								
5. PHASING PLAN																=====			
						#1 2.1			#2 3.A			#3 3.C		#4 4.A		#5 4.C		#6 5C	

MILESTONES & MEETING DATES

<u>Meeting</u>	<u>Date</u>
1. 2.1 Confirm Route / Kick Off	Wednesday, July 6, 2016
2. 3.A Bridge/Boardwalk/Trailhead Kick Off	Wednesday, July 27, 2016
3. 3.C Preliminary Design Review	Wednesday, August 17, 2016
4. 4.A Preliminary Design Report	Wednesday, August 31, 2016
5. 4.C Preliminary Report Review	Wednesday, September 14, 2016
6. 5.C Final Report Presentation	Wednesday, September 28, 2016

COUNCIL CONSIDERATION

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an Ordinance amending the 2015-2016 Biennial Budget for the 2015 Carryforward appropriations and adjustments.

Agenda No: 8 and 9
Dept. Origin: Finance Department
For Agenda of: June 20, 2016
Exhibits: Ordinance
Exhibits A-1 and A-2

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to Form by City Atty.: _____
Approved by Finance Director: _____
Approved by Dept. Head: _____

Expenditure Required: \$115,959,436	Amount Budgeted: \$90,024,292	Appropriation Required: \$25,935,144
--	----------------------------------	---

SUMMARY / POLICY ISSUES

The attached budget ordinance recognizes the carry forward of funding from 2015 and re-appropriation in 2016. The re-appropriation is comprised primarily of beginning fund balance and capital improvement projects (public works, parks, and municipal facilities) that were appropriated in 2015 and will continue in 2016. Appropriations for capital improvement funds are continuing in nature and do not lapse at the end of the year. Adjustments also include revenue adjustments to various tax line items. The ordinance is now being forth to the City Council for approval.

ALTERNATIVES CONSIDERED

None.

BOARD OR COMMITTEE RECOMMENDATION

At their June 6, 2016 meeting, City Council reviewed and discussed these changes during Study Session.

RECOMMENDATION / MOTION

MOVE TO: Pass an Ordinance amending the 2015-2016 Biennial Budget for the 2015 Carryforward appropriations and adjustments.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, RELATING TO BUDGETS AND FINANCE, REVISING THE 2015/2016
BUDGET AMENDING SECTION 1 OF ORDINANCE NO. 656**

WHEREAS, certain revisions to the 2015/2016 biennial budget are necessary;

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

Section 1. 2015/2016 Amended Budget. Ordinance 656, Section 1, is amended to adopt the revised budget for the 2015-2016 biennium in the amounts and for the purposes as shown on the attached Exhibits A-1 and A-2.

Section 2. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Published 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 take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 20, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: XX/XX/XX

Effective Date: XX/XX/XX

**EXHIBIT A-1
CITY OF UNIVERSITY PLACE
2015 Amended Budget**

FUND	REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES			ENDING BALANCE
	Adopted	Adjust	Revised	Adopted	Adjust	Revised	Balance
Operating							
General							
001 General	14,291,418	-	14,291,418	10,619,374	-	10,619,374	3,672,044
Special Revenue							
101 Street	1,176,291	-	1,176,291	1,176,291	-	1,176,291	-
102 Arterial Street	228,147	-	228,147	212,000	-	212,000	16,147
103 Real Estate Excise Tax	1,145,615	-	1,145,615	794,323	-	794,323	351,292
104 Parks and Recreation	1,238,994	-	1,238,994	1,238,994	-	1,238,994	-
105 Traffic Impact Fees	1,320,844	-	1,320,844	530,000	-	530,000	790,844
106 Transportation Benefit District	469,226	-	469,226	181,526	-	181,526	287,700
107 Development Services	1,285,952	-	1,285,952	1,163,000	-	1,163,000	122,952
108 LRF	2,288,520	-	2,288,520	2,288,520	-	2,288,520	-
109 Police/Public Safety Fund	5,710,308	-	5,710,308	4,870,442	-	4,870,442	839,866
120 Path & Trails	-	-	-	-	-	-	-
188 Strategic Reserve	856,934	-	856,934	-	-	-	856,934
Sub-total Special Revenue	15,720,831	-	15,720,831	12,455,096	-	12,455,096	3,265,735
Enterprise							
140 Surface Water Mgmt	7,764,185	-	7,764,185	7,231,165	-	7,231,165	533,020
Sub-total Enterprise	7,764,185	-	7,764,185	7,231,165	-	7,231,165	533,020
Debt Service							
201 Debt Service	3,777,924	-	3,777,924	3,777,924	-	3,777,924	-
Sub-total Debt Service	3,777,924	-	3,777,924	3,777,924	-	3,777,924	-
Total Operating	41,554,358	-	41,554,358	34,083,559	-	34,083,559	7,470,799
Capital Improvement							
301 Parks CIP	527,451	-	527,451	483,251	-	483,251	44,200
302 Public Works CIP	19,636,327	-	19,636,327	19,636,327	-	19,636,327	-
303 Municipal Facilities CIP	1,038,235	-	1,038,235	1,038,235	-	1,038,235	-
Sub-total CIP	21,202,013	-	21,202,013	21,157,813	-	21,157,813	44,200
Internal Service							
501 Fleet & Equipment	898,074	-	898,074	280,350	-	280,350	617,724
502 Information Technology & Services	1,221,663	-	1,221,663	1,074,758	-	1,074,758	146,905
506 Risk Management	147,785	-	147,785	139,750	-	139,750	8,035
Sub-total Internal Service	2,267,522	-	2,267,522	1,494,858	-	1,494,858	772,664
Non-Annually Budgeted							
150 Donations and Gifts to University Place	72,295	-	72,295	72,295	-	72,295	-
Sub-total Non-Annually Budgeted	72,295	-	72,295	72,295	-	72,295	-
Total Budget	65,096,188	-	65,096,188	56,808,525	-	56,808,525	8,287,663

Assets

Assets

Assets

**EXHIBIT A-2
CITY OF UNIVERSITY PLACE
2016 Amended Budget**

FUND	REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES			ENDING BALANCE
	Adopted	Adjust	Revised	Adopted	Adjust	Revised	Balance
Operating							
General							
001 General	11,505,587	3,385,009	14,890,596	8,715,404	2,461,616	11,177,020	3,713,576
Special Revenue							
101 Street	1,124,087	122,358	1,246,445	1,124,087	36,504	1,160,591	85,854
102 Arterial Street	232,147	(8,428)	223,719	216,000	(8,281)	207,719	16,000
103 Real Estate Excise Tax	997,042	1,009,037	2,006,079	639,853	863,397	1,503,250	502,829
104 Parks and Recreation	1,222,321	96,823	1,319,144	1,222,321	51,831	1,274,152	44,992
105 Traffic Impact Fees	910,844	(54,619)	856,225	-	-	-	856,225
106 Transportation Benefit District	584,700	201,513	786,213	293,650	417,563	711,213	75,000
107 Development Services	1,293,051	5,306	1,298,357	1,151,212	64,804	1,216,016	82,341
108 LRF	500,000	1,570,409	2,070,409	500,000	1,570,409	2,070,409	-
109 Police/Public Safety Fund	5,633,223	695,591	6,328,814	4,835,667	(199,809)	4,635,858	1,692,956
120 Path & Trails	-	-	-	-	-	-	-
188 Strategic Reserve	856,934	-	856,934	-	-	-	856,934
Sub-total Special Revenue	13,354,349	3,637,990	16,992,339	9,982,790	2,796,418	12,779,208	4,213,131
Enterprise							
140 Surface Water Mgmt	3,342,456	3,668,894	7,011,350	2,779,230	3,520,824	6,300,054	711,296
Sub-total Enterprise	3,342,456	3,668,894	7,011,350	2,779,230	3,520,824	6,300,054	711,296
Debt Service							
201 Debt Service	3,563,103	2,000	3,565,103	3,563,103	2,000	3,565,103	-
Sub-total Debt Service	3,563,103	2,000	3,565,103	3,563,103	2,000	3,565,103	-
Total Operating	31,765,495	10,693,893	42,459,388	25,040,527	8,780,858	33,821,385	8,638,003
Capital Improvement							
301 Parks CIP	85,000	889,701	974,701	85,000	468,814	553,814	420,887
302 Public Works CIP	6,899,812	13,625,766	20,525,578	6,899,812	13,625,766	20,525,578	-
303 Municipal Facilities CIP	-	2,700,000	2,700,000	-	2,700,000	2,700,000	-
Sub-total CIP	6,984,812	17,215,467	24,200,279	6,984,812	16,794,580	23,779,392	420,887
Internal Service							
501 Fleet & Equipment	912,974	(2,545)	910,429	295,250	-	295,250	615,179
502 Information Technology & Services	893,333	232,638	1,125,971	746,428	325,526	1,071,954	54,017
506 Risk Management	156,785	(2,010)	154,775	148,750	-	148,750	6,025
Sub-total Internal Service	1,963,092	228,083	2,191,175	1,190,428	325,526	1,515,954	675,221
Non-Annually Budgeted							
150 Donations and Gifts to University Place	-	34,180	34,180	-	34,180	34,180	-
Sub-total Non-Annually Budgeted	-	34,180	34,180	-	34,180	34,180	-
Total Budget	40,713,399	28,171,623	68,885,022	33,215,767	25,935,144	59,150,911	9,734,111

Assets
Assets
Assets

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an Ordinance adopting amendments to Title 17 Critical Areas and Title 18 Shoreline Master Program of the University Place Municipal Code pertaining to Geologically Hazardous Areas and Wetlands Regulations.

Agenda No: 10
Dept. Origin: Planning & Development Services
For Agenda of: June 20, 2016
Exhibits: Proposed Ordinance and Exhibit A

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to Form by City Atty.: _____
Approved by Finance Director: _____
Approved by Dept. Head: _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
---------------------------------	----------------------------	-----------------------------------

SUMMARY / POLICY ISSUES

Amendments to the Title 17 Critical Areas wetland regulations are proposed in response to information received from the Department of Ecology stating that: the agency has repealed the state wetland delineation manual; municipalities should amend their code language as it pertains to wetland delineation reports; and the new language must require wetland delineation reports to comply with the “approved federal wetland delineation manual and applicable regional supplements” -- consistent with WAC 173-22-035.

Additional amendments are proposed consistent with Department of Ecology recommendations for updating the City’s wetland regulations to reflect *Best Available Science*, which is required under the Growth Management Act.

Also proposed are amendments to the City’s geologically hazardous areas regulations that would allow landowners to modify to steep slopes to accommodate rational and beneficial project designs, provided this does not increase geological hazards on or adjacent to a site.

Amendments to the Shoreline Master Program are necessary to reflect the adoption of the geologically hazardous areas and wetlands critical areas amendments and to ensure internal consistency with respect to code enforcement language.

ALTERNATIVES CONSIDERED

None proposed or recommended.

BOARD OR COMMITTEE RECOMMENDATION

The Planning Commission recommends approval of amendments to Title 17 Critical Areas and Title 18 Shoreline Master Program. These amendments are contained in Proposed Ordinance Exhibit A attached to this Council Bill.

RECOMMENDATION / MOTION

MOVE TO: Pass an Ordinance adopting amendments to Title 17 Critical Areas and Title 18 Shoreline Master Program of the University Place Municipal Code pertaining to Geologically Hazardous Areas and Wetlands Regulations.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 17 CRITICAL AREAS AND TITLE 18 SHORELINE MASTER PROGRAM OF THE UNIVERSITY PLACE MUNICIPAL CODE PERTAINING TO GEOLOGICALLY HAZARDOUS AREAS AND WETLANDS REGULATIONS

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, the Department of Ecology has informed the City that the agency has repealed the state wetland delineation manual, that municipalities should amend their code language as it pertains to wetland delineation reports, and the new language must require wetland delineation reports to comply with the "approved federal wetland delineation manual and applicable regional supplements" -- consistent with WAC 173-22-035; and

WHEREAS, the Department of Ecology has provided additional recommendations for updating the City's wetland regulations to reflect *Best Available Science*; and

WHEREAS, the City has identified a potential benefit from amending its geologically hazardous areas regulations to allow landowners to modify to steep slopes to accommodate rational and beneficial project designs provided this does not increase geological hazards on or adjacent to a site; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on February 25, 2016, which was issued to state agencies for a 60-day comment period ending April 25, 2016 as required pursuant to RCW 36A.70 RCW, and no state agency comment was received in response to this notice; and

WHEREAS, the City issued a *SEPA Determination of Non-significance* on February 25, 2016 with a 14-day comment period ending March 9, 2016, and comments were received from the Department of Ecology on March 9, 2016; and

WHEREAS, the City published a *Notice of Public Hearing* in the Tacoma News Tribune on February 25, 2016 regarding a March 16, 2016 Planning Commission public hearing to be held on the draft amendments; and

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2016 to consider written and oral public comments on the draft amendments, considered the approval criteria listed in UPMC 19.90.030, and voted unanimously to recommend to the City Council approval of the draft amendments with edits prepared by staff in response to Department of Ecology comments; and

WHEREAS, the City Council reviewed the recommended amendments at a public meeting study session on May 16, 2016; and

WHEREAS, the City Council conducted a public review of the recommended amendments on June 20, 2016; and

WHEREAS, the City Council has considered the approval criteria listed in UPMC 19.90.030 and adopted the following findings in support of the amendments:

1. The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan.

The proposed amendment to the wetland regulation provisions would be consistent with **Goal EN1**, which directs the City to use the best available science when promulgating requirements to protect, preserve, and enhance natural areas (including wetlands) that are sensitive to human activities. The amendment would be consistent with the following wetland policies:

Policy EN1M

Regulate development to protect the functions and values associated with wetlands. Wetland impacts must be avoided or mitigated consistent with federal and state laws. Consider the use of off-site mitigation for wetlands impact, such as creating a new wetland or enhancing an off-site wetland, when the watershed as a whole will benefit, consistent with best available science.

Policy EN1N

Provide for long-term protection and “no net loss” of wetlands by function and values. Encourage innovative and equitable wetland management methods. Protect the ability of wetlands to function naturally and provide landscape diversity through incentives and other effective programs. Encourage educational opportunities that increase public understanding and appreciation for the values of wetlands. Advise citizens of measures they can take to protect and enhance wetlands on their properties. Pursue public acquisition of high-value wetland areas.

Policy EN1O

Require effective buffering around wetlands to protect their natural functions. Ensure that all activities in wetlands and/or buffers are mitigated in accordance with applicable Washington State Department of Ecology wetland manuals. Regulated activities should not be permitted within wetlands and/or buffers unless all reasonable attempts have been made to avoid impacts to the wetland and/or buffer. Mitigation should be considered in order of preference below with (1) being most preferable and (5) being the least preferable:

- *Avoiding the impact altogether by not taking a certain action or parts of actions within the wetland and/or buffer;*
- *Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to reduce impacts;*
- *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*
- *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;*
- *Compensating for the impact by replacing or providing substitute resources or environments.*

The wetland regulation and geologically hazardous area amendments would be consistent with **Goal EN2**, which directs the City to preserve and conserve environmental resources to enhance natural elements of the community for plant and wildlife habitat. The proposed amendments would be consistent with the following policies:

Policy EN2A

Provide for maintenance and protection of habitat areas for fish and wildlife. Identify endangered or threatened species, and preserve their habitat through techniques such as acquisition or incentives.

Maintain fish and wildlife movement corridors to protect species. Retain buffers of undisturbed vegetation along streams, ponds, wetlands and Puget Sound. Periodically review development regulations and policies to determine whether they adequately protect critical fish and wildlife habitat areas. Assess new development on or near critical habitat areas to determine impacts on fish and wildlife. Mitigate potential impacts consistent with habitat management plans developed in accordance with critical area code requirements. Encourage retention of open space in new subdivisions and discourage incompatible uses near critical habitat areas.

Policy EN2B

Require buffer areas adjacent to steep slopes, wetlands, stream ravines, and stream corridors to protect wildlife and fish habitat. Encourage clustering of development away from these areas to maximize the effectiveness of buffers between the development and sensitive areas.

The geologically hazardous area amendment would be consistent with the environmental management policies that support **Goal EN1** (above) for managing steep slopes, landslide, erosion, and seismic hazards. This amendment would also be consistent with **Goal LU1**, which directs the City to provide sufficient land area and densities to meet University Place's projected needs for housing, employment and public facilities while focusing growth in appropriate locations.

2. The proposed amendment is in the best interest of the citizens and property owners of the City.

The proposed geologically hazardous area amendment will provide greater project design flexibility in a limited number of areas that have unique geological conditions while safeguarding nearby properties from landslide and erosion hazards that might result from inappropriately designed proposals. The proposed wetland regulation amendment will provide science-based protections for sensitive wetland areas while allowing for reasonable development of properties where potential impacts on wetlands and wetland buffers may be mitigated.

3. The proposed amendment enhances the public health, safety, comfort, convenience or general welfare.

The proposed geologically hazardous area amendment will offer increased design flexibility for steep slope areas while protecting public safety and the general welfare. The wetland regulation amendment will enhance the public health and welfare by ensuring that sensitive wetland areas are protected from the adverse impacts of development pursuant to the Best Available Science while ensuring that property rights will be respected by allowing reasonable use of property.

4. The proposed amendment to the Shoreline Master Program is necessary to reflect the adoption of the geologically hazardous area and wetland regulation amendments.

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

Section 1. University Place Municipal Code Title 17 Critical Areas and Title 18 Shoreline Master Program Amendments Adopted. The City of University Place Municipal Code is hereby amended as indicated in Exhibit "A" attached.

Section 2. 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 3. 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 JUNE 20, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: xx/xx/xx
Effective Date: xx/xx/xx

Exhibit A to Ordinance No. _____
City of University Place
Critical Areas and Shoreline Master Program
Code Amendments

UPMC Title 17 -- Critical Areas

GEOLOGICALLY HAZARDOUS AREAS

17.15.055 Regulation.

A. Department Approval. The development proposal may be approved, approved with conditions, or denied based on the Department's evaluation of the geotechnical report, including, but not limited to:

1. The ability of the proposed mitigation or engineering measures to reduce risks to the proposed structure and risks to the erosion or landslide hazard area; and adjacent property; and
2. The proposed development's conformance with the following performance standards.

a. Location and extent of development:

1. Development shall be located to minimize disturbance and removal of vegetation; and
2. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and
3. Structures shall conform to the natural contours of the slope and foundations should be tiered where possible to conform to existing topography of the site.

b. Design of development:

1. All development proposals shall be designed to minimize the building footprint and other disturbed areas; and
2. All development shall be designed to minimize impervious lot coverage; and
3. Roads, walkways and parking areas shall be designed to parallel the natural contours; and
4. Access shall be in the least sensitive area of the site, as feasible.

B. Buffer Requirement. A buffer, consisting of undisturbed natural vegetation and measured (as shown in Figure 15-1) in a perpendicular direction from all landslide and erosion hazard areas, shall be required. The buffer shall be required from the top of slope and toe of slope of all landslide or erosion hazard areas that measure 10 feet or more in vertical elevation change from top to toe of slope. The minimum buffer distance requirements from the top of slope and toe of slope of landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform-International Building Code, as amended from time to time.

Regulated uses/activities that occur outside the buffer required by this subsection, the setback required by subsection (C), and any potential landslide run-out do not require a geotechnical report. The other provisions of this chapter shall apply.

C. Building Setback and Construction Adjacent to Buffer. Eight-foot minimum setback lines (as shown in Figure 15-2) shall be required from the buffer area required in this section for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading, and filling within the eight foot setback shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged. The setback is required in addition to the buffer regardless of buffer width, except as provided in subsection (D) below.

D. Modifications ~~and Flexibility to Buffer Width~~. Alteration of a geologically hazardous area or an associated buffer or buffer setback may occur where:

1. A geotechnical report has been submitted showing, to the satisfaction of the City, that the proposal will have no adverse impact on the stability or erosion susceptibility of the adjacent hazardous slope area. ~~When the geotechnical report demonstrates that a lesser or eliminated buffer and/or setback, together with design and engineering solutions, will meet the intent of this chapter, such reduced or eliminated buffer and/or setback and design and engineering solutions may be permitted. A modified slope, a R~~reduced or eliminated buffer, and/or a reduced or eliminated setback ~~width~~ shall not be permitted unless the proposed design, engineering and mitigation ~~measures~~provisions pertaining to any modifications within a landslide or erosion hazard area adequately reduce risk to proposed structures, ~~and to~~ or from landslide and erosion hazard areas, and to adjacent areas. Should the geotechnical report indicate that a greater buffer than that required by this section is needed to meet the intent of this chapter, the greater buffer shall be required.;

2. The impacted area of disturbance totals no more than 20 percent of the project site;

3. The modification will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;

4. The activity will not adversely impact other critical areas as regulated in UPMC Title 17 or shorelands as regulated in UPMC Title 18;

5. The development will not decrease slope stability on adjacent properties;

6. Stormwater runoff from any new impervious surface is managed and accommodated through LID design to the extent practicable. Where LID design will not fully manage and accommodate this stormwater, at the discretion of the City it shall be directed to the City's storm drainage system or collected in a detention system and directed to an enclosed drainage system; and

7. For slopes of 40 percent or greater, the following conditions also apply:

a. The disturbed area is not connected to or associated with a larger ravine system, the Puget Sound shoreline or Chambers Creek Canyon bluffs; and

b. The slope is the result of human-caused activities, including regrading through mining, excavation and or filling.

E. Buffer protection. To increase the functional attributes of the buffer, the department may require that the buffer be enhanced through planting of indigenous species. The edge of the buffer area shall be clearly staked, flagged, and/or fenced prior to any site clearing or construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the applicant has submitted written

notice to the department that buffer requirements of this chapter are met. Field marking shall remain until all construction and clearing phases are completed, and the department has granted final project approval. Prior to final approval for subdivisions, short subdivisions binding site plans, planned development districts and commercial developments the buffer and slope shall be placed in a separate critical area tract or tracts, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the department. All protected areas identified above shall remain undeveloped in perpetuity, except as they may be altered pursuant to this title.

F. Temporary erosion and sedimentation control plan. Temporary erosion and sedimentation control plans shall be required for all regulated activities in landslide and erosion hazard areas. The temporary erosion and sedimentation control plan shall be consistent with the City's Public Works Standards and must be implemented prior to the start of development activity on-site.

UPMC Title 17 -- Critical Areas

WETLANDS

17.10.010 Acronyms.

“BMP” means best management practices.

“~~ECYDOE~~” means Department of Ecology.

“EIA” means Environmental Impact Assessment.

“EIS” means Environmental Impact Statement.

“ESA” means Endangered Species Act.

“FEIS” means Final Environmental Impact Statement.

“SEPA” means State Environmental Policy Act.

“TPCHD” means Tacoma Pierce County Health Department.

“UPMC” means University Place Municipal Code.

“WDF&W” means Washington Department of Fish and Wildlife.

17.35.020 Wetland categories.

Wetland categories shall be determined based upon the *Washington State Wetland Rating System for Western Washington*, current edition. Wetlands shall be generally categorized as follows:

A. Category I wetlands are:

1. Relatively undisturbed estuarine wetlands larger than one acre;
2. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR ~~as high-quality wetlands~~;
3. Bogs;
4. Mature and old-growth forested wetlands larger than one acre;
5. Wetlands in coastal lagoons; and
6. Wetlands that perform many functions well (scoring 2370 points or more).

These wetlands:

1. Represent unique or rare wetland types;
2. Are more sensitive to disturbance than most wetlands;
3. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
4. Provide a high level of functions.

B. Category II wetlands are:

1. Estuarine wetlands smaller than one acre, or disturbed estuarine wetlands larger than one acre; or

~~2. Interdunal wetlands larger than one acre; or~~

~~23.~~ Wetlands with a moderately high level of functions (scoring between ~~2054~~ and ~~2269~~ points).

C. Category III wetlands are:

1. Wetlands with a moderate level of functions (scoring between ~~1630~~ and ~~1950~~ points); or

2. Wetlands that often can be adequately replaced with a well-planned mitigation project. ~~and~~

~~2. Interdunal wetlands between 0.1 and one acre.~~

Wetlands scoring between ~~1630~~ and ~~1950~~ points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

D. Category IV wetlands have the lowest levels of functions (scoring less than ~~1630~~ points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases to be improved upon. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

17.35.025 Delineation and wetland analysis requirements.

Regulated activities shall comply with the following requirements:

A. The Department may require a delineation report ~~per~~ prepared in accordance with the approved federal wetland delineation manual and applicable regional supplements ~~Washington State Wetland Identification & Delineation Manual, latest edition,~~ to determine if a regulated wetland is present on the site or to determine if the proposed activity is within 200 feet of a wetland. All areas within the City meeting the wetland designation criteria in this procedure are hereby designated critical areas and are subject to the provisions of this chapter. A wetland delineation report shall be prepared by a qualified wetland specialist. The delineation report ~~shall~~ indicates wetland and/or buffer boundaries that may extend onto the site. While the delineation report shall discuss all wetland areas within 200 feet of the site, only those boundaries within the site property lines need be marked in the field. A preliminary site inspection may be required by the Department to determine whether a delineation report is needed.

B. If, on the basis of a delineation report, the Department determines that a regulated wetland is on the site, or within 200 feet of the site so that a wetland buffer boundary may extend onto the site, then the Department shall require a wetland analysis report. A wetland analysis report must be prepared by a qualified wetland specialist. A wetland analysis report shall include the following:

1. Vicinity map;

2. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and/or a City wetland inventory map identifying the wetlands on or adjacent to the site;

3. A site map setting forth all of the following:

- a. Surveyed wetland boundaries based upon a delineation by a wetland specialist;
- b. Site boundary property lines and roads;
- c. Internal property lines, rights-of-way, easements, etc.;
- d. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;
- e. Contours at the smallest readily available intervals, preferably at two-foot intervals;
- f. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area;
- g. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets;
- h. The Department may require an air photo with overlays displaying the site boundaries and wetland delineation;

4. A report that includes the following:

- a. Location information (legal description, parcel number and address);
- b. Delineation report. The wetland boundaries on the site established by the delineation shall be staked and flagged in the field. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within 200 feet of the site, but need only delineate those wetland boundaries within the site;
- c. General site conditions including topography, acreage, and surface areas of all wetlands identified in the City wetland atlas and water bodies within one-quarter mile of the subject wetland(s);
- d. Hydrological analysis, including topography, of existing surface and known significant subsurface flows into and out of the subject wetland(s);
- e. Analysis of functional values of existing wetlands, including vegetative, faunal, and hydrologic conditions;

5. A summary of proposed activity and potential impacts to the wetland(s);

6. Recommended wetland category, including rationale for the recommendation;

7. Recommended buffer boundaries, including rationale for boundary locations;

8. Proposed on-site residential density transfer from wetlands and/or buffers to upland areas;

9. Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.

C. The Department shall review and approve the wetland analysis report to determine the appropriate wetland category and buffer, and shall include the wetland in the City wetland maps

and inventory if not already included. The Department shall approve the report's findings and proposals unless specific, written reasons are provided which justify not doing so.

17.35.035 Establishing buffers.

A. ~~Buffers shall be measured perpendicularly to the wetland edge.~~ Buffer widths shall be determined according to Table 3 and the provisions of this section.

Table 3—Wetland Buffer Widths

	Category I	Category II	Category III	Category IV
High Impact Land Use	200' Buffer	150' Buffer	75' Buffer	50' Buffer
Low Impact Land Use	150' Buffer	100' Buffer	50' Buffer	35' Buffer

The standard buffer widths in Table 3 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.

1. The use of the standard buffer widths requires the implementation of the measures in Table 4, where applicable, to minimize the impacts of the adjacent land uses.
2. If an applicant chooses not to apply the mitigation measures in Table 4, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is un-vegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
4. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 9 points for habitat function would require a buffer of 225 feet (75 + 150).

Table 3 -- Wetland Buffer Requirements

<u>Wetland Category</u>	<u>Buffer Width (in feet) Based on Habitat Score</u>			
	<u>3-4</u>	<u>5</u>	<u>6-7</u>	<u>8-9</u>
<u>Category I:</u> <u>Based on total score</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category I:</u> <u>Bogs and Wetlands of</u> <u>High Conservation Value</u>	<u>190</u>			<u>225</u>
<u>Category I:</u> <u>Coastal Lagoons</u>	<u>150</u>		<u>165</u>	<u>225</u>
<u>Category I:</u> <u>Forested</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category I:</u> <u>Estuarine</u>	<u>150</u> <u>(buffer width not based on habitat scores)</u>			
<u>Category II:</u> <u>Based on score</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category III (all)</u>	<u>60</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category IV (all)</u>	<u>40 ft</u>			

Table 4 -- Required Measures to Minimize Impacts to Wetlands

<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques (per the <i>Low Impact Development Technical Guidance Manual for Puget Sound</i>, prepared by the Washington State University Extension and Puget Sound Partnership)</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>
<u>Disruption of corridors or connections</u>	<ul style="list-style-type: none"> • <u>Maintain connections to offsite areas that are undisturbed</u> • <u>Restore corridors or connections to offsite habitats by replanting</u>

B. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.

2. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

3. The total area of the buffer after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either 75% of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater. See Figure 35-1.

C. Buffer averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

2. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either 75% of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater. See Figure 35-1.

~~B. The Director shall determine that a use is either high impact or low impact based upon the following performance standards. A proposed use must satisfy five of the following seven criteria to be considered low impact. All other uses shall be considered high impact.~~

~~1. No more than 30 percent of the site may be covered with impervious surfacing.~~

~~2. Pier, piling or pin foundation systems or other measures that reduce on-site soil compaction shall be used where appropriate.~~

~~3. A minimum of 60 percent of the site shall be retained in an undisturbed naturally vegetated state.~~

~~4. Permeable paving systems shall be implemented where appropriate.~~

~~5. Measures shall be taken to ensure that use of pesticides, herbicides and fertilizers incompatible with wetland functions does not occur.~~

~~6. Bio-retention features shall be employed. Examples include rain gardens, roof gardens, tree filter boxes and similar vegetated systems.~~

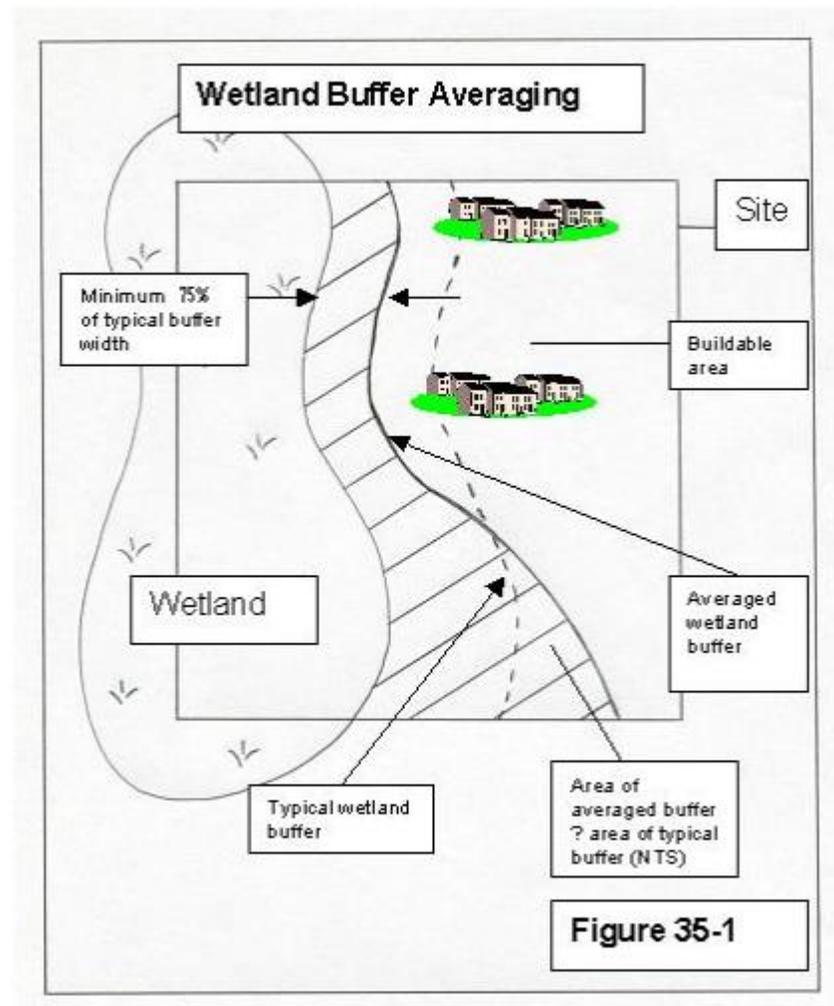
~~7. Roads, driveways and parking areas shall be minimized. Roads and driveways shall primarily run perpendicular to the wetland edge. Parking areas shall be located the maximum distance feasible from the buffer edge.~~

~~C. An applicant may propose an alternative plan for achieving low impact development. The Director and the City wetland specialist shall review the plan. If the alternative plan is determined to provide greater than or equal benefit to wetland functions than could be achieved by following the provisions of subsection (B) of this section, development activity implemented~~

subject to such plan shall be considered low impact and a low impact buffer, per Table 3, shall be permitted.

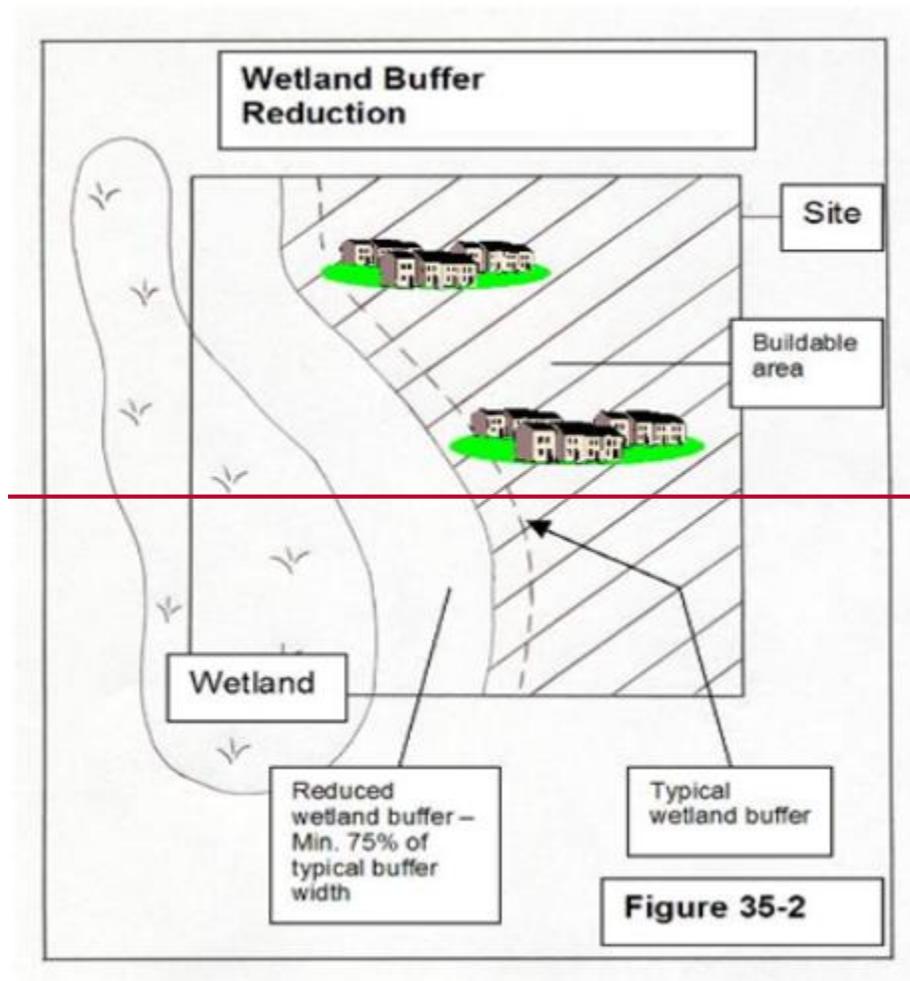
D. Buffer widths may be modified by averaging or reducing. Buffer averaging and buffer reduction shall not be applied to the same wetland.

1. Buffer width averaging may be allowed only where the applicant demonstrates the following:
 - a. The wetland contains variations in sensitivity due to existing physical characteristics; and
 - b. Width averaging will not adversely impact the wetland; and
 - c. The total buffer area after averaging is no less than the buffer area prior to averaging; and
 - d. The minimum buffer width will not be less than 75 percent of the width established in subsection (A) of this section. See Figure 35-1.



2. Buffer width reduction may be allowed only where the applicant demonstrates the following circumstances. Such reduction shall not result in greater than a 25 percent reduction in the buffer width established in subsection (A) of this section. See Figure 35-2.

- a. ~~The proposed buffer area is extensively vegetated and has less than 15 percent slopes, and the reduction will not result in adverse impacts to the wetland; or~~
- b. ~~The project includes a buffer enhancement plan, as part of the mitigation required by UPMG 17.35.045. The buffer enhancement plan shall use plant species which are indigenous to the project area, and shall substantiate that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetland functional values; or~~
- c. ~~The acreage included in the buffer would substantially exceed the size of the wetland and the reduction will not result in adverse impacts to the wetland or the project includes a buffer enhancement plan that ensures the reduction will not result in adverse impacts to the wetland.~~



~~DE.~~ The Department may require increased buffer width on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall demonstrate that:

- 1. ~~A larger buffer is necessary to maintain viable populations of existing species; or~~
- 12. The wetland is used by a plant or animal species listed by the Federal government or the State as endangered, ~~or~~ threatened, candidate, sensitive, monitored or documentary priority

species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting tree areas; or

23. The adjacent land is susceptible to severe erosion, and erosion control measures will not effectively prevent adverse wetland impacts; or

34. The adjacent land has minimal vegetative cover or slopes greater than 30-45 percent.

E. To facilitate long-range planning using a landscape approach, the Department may identify and pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Department will prepare maps of wetlands that have been pre-assessed in this manner.

F. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

G. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

H. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the financial guarantee required in UPMC 17.35.045.

I. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

17.35.045 Mitigation.

Regulated activities within wetlands and buffers shall be mitigated pursuant to this chapter. Where SEPA environmental review is required, a threshold determination may not be made prior to Department review of the mitigation plan.

A. All activities in wetlands and/or buffers shall be mitigated according to this section and the Department of Ecology manual: *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance* (Version 1, Publication No. 06-06-011a, March 2006) and *Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans* (Version 1, Publication No. 06-06-011b, March 2006). Except as specifically exempted, regulated activities shall not be permitted within wetlands and/or buffers unless an applicant demonstrates that all reasonable attempts have been made to avoid impacts to the wetland and/or buffer. Mitigation is considered in order of preference as noted below with (1) being most preferable and (5) being the least preferable. Applicants must establish that mitigation has been considered in order of preference prior to permit issuance. There may be circumstances when an alternative mitigation strategy is preferable.

1. Avoiding the impact altogether by not taking a certain action or parts of actions within the wetland and/or buffer;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments;

6. Monitoring the required compensation and taking remedial or corrective measures when necessary.

Mitigation for individual actions may include a combination of the above measures. Monitoring may be a part of one or more of the above measures.

B. Regulated activities which occur in buffers, and which will not eliminate wetland habitat, shall be mitigated according to a mitigation plan approved by the Department. A mitigation plan for regulated activities in buffers shall contain the following components:

1. General goals of the mitigation plan;
2. Approximated site topography before and after alteration;
3. Location of proposed mitigation area;
4. General hydrologic patterns on the site before and after construction;
5. General plant selection and justification, planting instructions, and approximate planting sequencing and schedule;
6. A maintenance plan;
7. A monitoring and contingency plan;
8. A financial guarantee to ensure maintenance and/or implementation of the contingency plan. The financial guarantee must be equal to or greater than 20 percent of the estimated cost of the mitigation work, but in no case shall be less than is necessary to implement the contingency plan.

C. Compensatory mitigation shall be required for filling wetlands and for other regulated activities in wetlands. Compensatory mitigation shall be accomplished per the Department of Ecology manual: *Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals*, current edition. The above-referenced document was developed jointly by six agencies including the Washington State Department of Ecology and Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service. These agencies, together with the City, have regulatory authority over wetland filling and related mitigation. Consistency with the above-referenced document will ensure that submitted plans are adequately detailed for review by all responsible agencies. Replacement ratios for compensatory mitigation shall be pursuant to the subsection below.

1. When regulated activities occur in wetlands, the applicant shall preserve, restore, create, or enhance equivalent areas of wetlands. Equivalent areas shall be determined according to

acreage, functional value, type, location, time factors, and projected success. No overall net losses shall occur in wetland acreage, functions and/or values, and any restored, created, or enhanced wetland shall be as persistent as the wetland it replaces. Buffers pursuant to UPMC [17.35.035](#) shall be provided for created, restored or enhanced wetlands.

2. When an applicant proposes to alter or eliminate wetland, the applicant shall replace, restore and/or enhance acreage at the following ratios:

Table 54 – Wetland Mitigation Replacement Ratios*

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage site	Not considered possible	6:1	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

*Ratios read as follows: Acreage replaced: Acreage lost

3. Ratios provided are for proposed projects with in-kind replacement that occurs prior to regulated activities on the site. Replaced, restored or enhanced wetlands must be located within the same drainage basin as the filled wetland, but are not required to be located on the same property. The Department may increase the ratios under the following circumstances:

- a. Uncertainty as to the probable success of the proposed restoration, enhancement or creation; or
- b. Significant period of time between destruction and replication of wetland functions; or
- c. Projected losses in wetland functional value; or
- d. Out-of-kind compensation.

4. The Department may allow the minimum acreage replacement ratio to be decreased if the applicant provides findings of special studies coordinated with agencies with expertise, which demonstrate that no net loss of wetland function or value results from the decreased ratio. In no case shall the Department approve a ratio less than 1:1.

5. In-kind compensation shall be provided except where the applicant demonstrates that:

- a. Greater functional and habitat values can be achieved through out-of-kind mitigation; or

- b. The wetland system is already significantly degraded; or
- c. Problems such as the presence of exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation infeasible; or
- d. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).

D. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication No. 06-06-011a-b, Olympia, WA, March, 2006), the ~~Department Administrator~~ may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Operational Draft,” (Ecology Publication No. 10-06-011, Olympia, WA, February 2011, or as revised).

E. Financial Guarantees. Mitigation shall be accomplished prior to the start of any regulated activity that impacts wetland area.

1. If development permits are issued prior to completion of mitigation work, financial guarantees shall be required to ensure mitigation is completed. Financial guarantees shall be 125 percent of the estimated cost of implementation of the mitigation plan.
2. Appropriate financial guarantees shall be in place to ensure that maintenance, monitoring and/or contingency plans shall be accomplished. Financial guarantees for contingency plans should be 20 percent of the cost of implementation of the mitigation plan.

F. Wetland mitigation banking may be permitted as a flexible alternative to standard compensatory mitigation. Wetland mitigation banking shall be conducted per the requirements of Chapter [173-700](#) WAC.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. The bank is certified under State rules;
 - b. The ~~Department Administrator~~ determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank’s certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank’s certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

G. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop a program which prioritizes wetland areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved

through a public process and be consistent with State and Federal rules. The program should address:

1. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account wetland functions, potential for wetland degradation, and potential for urban growth and service expansion; and
2. The use of fees for mitigation on available sites that have been identified as suitable and prioritized.

H. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to State and Federal rules.

I. Alternative Mitigation Plans. The Department Administrator may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter.

The Department Administrator shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publication No. 09-06-32, Olympia, WA, December 2009);
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
3. Mitigation according to subsection (E) of this section is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards;
4. There is clear potential for success of the proposed mitigation at the proposed mitigation site;
5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in subsection (J) of this section;
6. The plan shall be reviewed and approved as part of overall approval of the proposed use, Wetlands Guidance for Small Cities Western Washington Version Page A-23;
7. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative;
8. Mitigation guarantees shall meet the minimum requirements as outlined in subsection (B)(8) of this section;
9. Qualified professionals in each of the critical areas addressed shall prepare the plan;
10. The City may consult with agencies with expertise and jurisdiction over the resources during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

J. Monitoring Program and Contingency Plan.

1. If the wetland mitigation plan includes compensatory mitigation, a monitoring program shall be implemented to determine the success of the compensatory mitigation project.
2. Specific criteria shall be provided for evaluating the mitigation proposal relative to the goals and objectives of the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
3. A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails.
4. Requirements of the monitoring program and contingency plan are as follows:
 - a. During monitoring, use scientific procedures for establishing the success or failure of the project;
 - b. For vegetation determinations, permanent sampling points shall be established;
 - c. Vegetative success equals 80 percent per year survival of planted trees and shrubs and 80 percent per year cover of desirable understory or emergent species;
 - d. Submit monitoring reports of the current status of the mitigation project to the Department Administrator. The reports are to be prepared by a qualified wetland specialist and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:
 - (1) At time of construction;
 - (2) Thirty days after planting;
 - (3) Early in the growing season of the first year;
 - (4) End of the growing season of first year;
 - (5) Twice the second year;
 - (6) Annually;
 - e. Monitor a minimum of three and up to 10 growing seasons, depending on the complexity of the wetland system. The time period will be determined and specified in writing prior to the implementation of the site plan;
 - f. If necessary, correct for failures in the mitigation project;
 - g. Replace dead or undesirable vegetation with appropriate plantings;
 - h. Repair damages caused by erosion, settling, or other geomorphological processes;
 - i. Redesign mitigation project (if necessary) and implement the new design;
 - j. Correction procedures shall be approved by a qualified wetland specialist and the City's environmental official.

UPMC Title 18 -- SHORELINE MASTER PROGRAM

GENERAL POLICIES AND REGULATIONS

18.15.100 Inspections.

Pursuant to RCW [90.58.200](#), the Administrator or authorized representatives may enter land or structures to enforce the provisions of this Shoreline Program. ~~Such entry shall follow the provisions set forth in Chapter [1.20](#) UPMC.~~

18.15.110 Penalties and enforcement.

B. Enforcement action may be taken by the City or Department of Ecology whenever a person has violated any provision of the Shoreline Management Act or this Shoreline Program or other regulation promulgated under the Act. Enforcement action by the City shall be in accordance with Chapter [1.20](#) UPMC ~~and/or Chapter [1.30](#) UPMC~~ for enforcement procedures and penalties.

18.25.070 Shoreline ecological protection and mitigation.

D. Regulations – Critical Areas.

1. The City's critical areas regulations, codified under UPMC Title [17](#), apply to critical areas in the shoreline jurisdiction. Chapters [17.05](#), [17.10](#), [17.15](#), [17.20](#), [17.25](#), [17.30](#) and [17.35](#) UPMC are herein incorporated into this SMP, except as noted in subsection (D)(5) of this section. The critical areas regulations being incorporated into the SMP are those referenced in Ordinance No. 630, effective October 28, 2013 ~~and Ordinance No. _____, effective month day, 2016~~. In the event these regulations are amended, the edition referenced herein will still apply in shoreline jurisdiction. Changing this reference to recognize a new edition will require a master program amendment.

2. If there are any conflicts or unclear distinctions between this Shoreline Program and the critical areas regulations, the requirements that are the most specific shall apply.

3. All uses and development occurring within the shoreline jurisdiction shall comply with the City's critical area regulations as adopted herein.

4. Nonconforming structures and uses within critical areas that are within shoreline areas shall be subject to the provisions of this Shoreline Program.

5. Critical areas provisions that are not consistent with the SMA, Chapter [90.85](#) RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:

a. Critical area provisions do not extend shoreline jurisdiction beyond the limits specified in this Shoreline Program. For regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see UPMC Title [17](#).

b. Provisions relating to variance procedures and criteria in Chapter [17.10](#) UPMC do not apply in shoreline jurisdiction. Variance procedures and criteria have been established in UPMC [18.15.050](#) and in WAC [173-27-170](#).

c. Reasonable uses exceptions in Chapter [17.10](#) UPMC are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.

d. Provisions relating to the substitution of Army Corps of Engineers Section 404 individual permits for City of University Place wetland reviews do not apply in shoreline jurisdiction, as the Section 404 individual permit review process may not fully address requirements of this Shoreline Program.

e. In shoreline jurisdiction, identification of wetlands and delineation of their boundaries shall be done in accordance with the approved Federal wetland delineation manual and applicable regional supplements, per WAC [173-22-035](#). Specifically, the delineation and wetland analysis requirements in UPMC [17.35.025](#)(A) do not apply.

f. In shoreline jurisdiction, the wetland point scale used to separate wetland categories in UPMC [17.35.020](#)(A) through (D) does not apply. Category I wetlands are those that score 23 or more points, category II wetlands are those that score between 20 and 22 points, category III wetlands are those that score between 16 and 19 points, and category IV wetlands are those that score between nine and 15 points.

g. In shoreline jurisdiction, fish and wildlife habitat areas as defined in UPMC [17.10.005](#) shall not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Authorize the City Manager to award the 27th TIB project to Tucci & Sons in the amount of \$1,839,873.78 and execute all necessary contract documents.

Agenda No: 11
Dept. Origin: Engineering
For Agenda of: June 20, 2016
Exhibits: Bid Tabulation Sheet

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to form by City Atty.: _____
Approved by Finance Director: _____
Approved by Department Head: _____

Expenditure Required: \$1,839,873.78	Amount Budgeted: \$2.1M	Appropriation Required: \$0.00
---	----------------------------	-----------------------------------

SUMMARY / POLICY ISSUES

The bid opening for the 27th Street TIB project was held on May 17, 2016. Six bids were received. Tucci & Sons has submitted the lowest responsive, responsible bid in the amount of \$1,839,873.78. The project includes construction of curb, gutter, sidewalks, bike lanes, storm drainage improvements, street lights, landscaping, and a pedestrian crossing signal. The project also includes construction of a new water main that will be paid for by Tacoma Public Utilities.

This project is funded through a Transportation Improvement Board grant that covers the cost of Schedule A. The costs associated with Schedule B will be reimbursed by Tacoma Public Utilities.

ALTERNATIVES CONSIDERED

Company	Schedule A - Street	Schedule B - Water	Total Bid
<i>Tucci & Sons</i>	<i>1,211,417.55</i>	<i>628,456.23</i>	<i>\$1,839,873.78</i>
RW Scott Construction	1,322,872.00	581,793.00	1,904,665.00
Miles Resources	1,368,195.08	570,157.79	1,938,352.87
Active Construction	1,447,911.33	563,995.50	2,011,906.83
Northwest Cascade	1,511,683.00	711,583.55	2,223,266.55
Ceccanti	1,671,658.00	750,209.41	2,421,867.41
<i>Engineer's Estimate</i>	<i>1,306,230.00</i>	<i>561,507.53</i>	<i>\$1,867,737.53</i>

BOARD OR COMMITTEE RECOMMENDATION

Representatives from TIB have reviewed and approved the low bid proposal. Tacoma Public Utilities has reviewed the bids and concurs award to Tucci & Sons.

RECOMMENDATION / MOTION

MOVE TO: Authorize the City Manager to award the 27th TIB project to Tucci & Sons in the amount of \$1,839,873.78 and execute all necessary contract documents.

City of University Place																				
27th Street West Improvements																				
Bid Analysis for Tuesday, May 17, 2016 Bid Opening																				
Item	Plan		Engineer's Estimate				Tucci & Sons		RW Scott		Miles Resources		Active Construction		Northwest Cascade		Cecanti			
No.	Item Description	Schedule A	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount		
1	Mobilization		1	LS	\$100,000.00	100,000.00		114,500.00		114,500.00		175,000.00		177,250.00		235,192.83		\$ 111,000.00	\$ 127,000.00	\$127,000.00
2	Roadway Surveying		1	LS	\$30,000.00	30,000.00	15,000.00	15,000.00	20,000.00	20,000.00	22,500.00	22,500.00	20,000.00	20,000.00	20,000.00	20,000.00	\$ 22,600.00	\$22,600.00	\$ 20,600.00	\$20,600.00
3	Locate Existing Utilities		1	LS	\$5,000.00	5,000.00	1,000.00	1,000.00	6,000.00	6,000.00	25,500.00	25,500.00	6,500.00	6,500.00	6,500.00	6,500.00	\$ 10,000.00	\$10,000.00	\$ 9,810.00	\$9,810.00
4	Temporary Traffic Control		1	LS	\$140,000.00	140,000.00	143,000.00	143,000.00	150,000.00	150,000.00	128,000.00	128,000.00	135,000.00	135,000.00	135,000.00	135,000.00	\$ 131,000.00	\$131,000.00	\$ 178,000.00	\$178,000.00
5	Cleaning & Grubbing		1	LS	\$20,000.00	20,000.00	15,700.00	15,700.00	24,000.00	24,000.00	21,300.00	21,300.00	65,000.00	65,000.00	65,000.00	65,000.00	\$ 47,900.00	\$47,900.00	\$ 33,975.00	\$33,975.00
6	Removal of Structures and Obstructions		1	LS	\$30,000.00	30,000.00	43,250.00	43,250.00	56,000.00	56,000.00	56,500.00	56,500.00	60,000.00	60,000.00	60,000.00	60,000.00	\$ 81,000.00	\$81,000.00	\$ 78,600.00	\$78,600.00
7	Sawcutting		5200	LF	\$3.00	15,600.00	3.10	16,120.00	2.50	13,000.00	2.50	13,000.00	2.50	13,000.00	2.50	13,000.00	\$ 4.00	\$20,800.00	\$ 1.00	\$5,200.00
8	Roadway		800	CY	\$40.00	32,000.00	29.00	23,200.00	39.00	31,200.00	56.75	45,400.00	28.50	22,800.00	28.50	22,800.00	\$ 60.00	\$48,000.00	\$ 280.00	\$224,000.00
9	Crushed Surfacing Top Course		867	TN	\$50.00	43,350.00	55.65	48,248.55	34.00	29,478.00	25.00	21,675.00	35.50	30,778.50	48.00	41,416.00	\$ 48.00	\$41,616.00	\$ 62.00	\$53,754.00
10	HMA 1/2" PG 64-22		294	TN	\$175.00	51,450.00	105.00	30,870.00	150.00	44,100.00	172.00	50,568.00	135.00	39,690.00	161.00	47,334.00	\$ 161.00	\$47,334.00	\$ 155.00	\$45,570.00
11	HMA 1/2" PG64-22 for Driveways		68	TN	\$200.00	13,600.00	158.00	10,744.00	175.00	11,900.00	172.00	11,696.00	200.00	13,600.00	254.00	17,272.00	\$ 175.00	\$17,272.00	\$ 175.00	\$17,900.00
12	Cold Mix Asphalt HMA		5	TN	\$250.00	1,250.00	200.00	1,000.00	200.00	1,000.00	100.00	500.00	270.00	1,350.00	\$ 525.00	\$2,625.00	\$ 340.00	\$340.00	\$ 1,700.00	\$1,700.00
13	Temporary Commercial HMA		10	TN	\$200.00	2,000.00	200.00	2,000.00	200.00	2,000.00	150.00	1,500.00	210.00	2,100.00	\$ 419.00	\$4,190.00	\$ 240.00	\$2,400.00	\$ 2,400.00	\$2,400.00
14	Underdrain Pipe 4 In. Diam.		187	LF	\$15.00	2,805.00	9.30	1,739.10	12.00	2,244.00	22.00	4,114.00	1.00	187.00	\$ 2.00	\$374.00	\$ 26.00	\$2,600.00	\$ 4,862.00	\$4,862.00
15	Gravel Backfill for Drains		13	TN	\$50.00	650.00	55.00	715.00	40.00	520.00	19.00	247.00	61.00	793.00	\$ 47.00	\$611.00	\$ 49.00	\$490.00	\$ 637.00	\$637.00
16	Solid Wall PVC Storm Sewer Pipe 12 In. Diam.		165	LF	\$100.00	16,500.00	101.50	16,747.50	80.00	13,200.00	97.00	16,005.00	111.00	18,315.00	\$ 90.00	\$14,850.00	\$ 105.00	\$11,025.00	\$ 13,325.00	\$13,325.00
17	Catch Basin Type 1		16	EA	\$1,200.00	19,200.00	2,325.00	37,200.00	1,300.00	20,800.00	1,450.00	23,200.00	1,600.00	25,600.00	\$ 1,400.00	\$22,400.00	\$ 960.00	\$9,600.00	\$15,360.00	\$15,360.00
18	Remove Existing Catch Basin		6	EA	\$500.00	3,000.00	500.00	3,000.00	400.00	2,400.00	192.00	1,152.00	250.00	1,500.00	\$ 517.00	\$3,102.00	\$ 540.00	\$540.00	\$3,240.00	\$3,240.00
19	Connect to Existing Drainage Structure		6	EA	\$500.00	3,000.00	250.00	1,500.00	500.00	3,000.00	875.00	5,250.00	950.00	5,700.00	\$ 1,280.00	\$7,680.00	\$ 990.00	\$990.00	\$5,940.00	\$5,940.00
20	Install/Solid Locking Lid		12	EA	\$500.00	6,000.00	500.00	6,000.00	700.00	8,400.00	675.00	8,100.00	350.00	4,200.00	\$ 721.00	\$8,652.00	\$ 700.00	\$7,000.00	\$8,400.00	\$8,400.00
21	Adjust Catch Basin		3	EA	\$500.00	1,500.00	350.00	1,050.00	500.00	1,500.00	1,660.00	4,980.00	600.00	1,800.00	\$ 503.00	\$1,509.00	\$ 550.00	\$550.00	\$1,650.00	\$1,650.00
22	Trench Excavation Safety System		1	LS	\$1,000.00	1,000.00	500.00	500.00	1,000.00	1,000.00	1.00	1.00	200.00	200.00	\$ 4,000.00	\$4,000.00	\$ 1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
23	Temporary Water Pollution/Erosion Control		1	LS	\$5,000.00	5,000.00	5,300.00	5,300.00	7,500.00	7,500.00	13,825.00	13,825.00	44,000.00	44,000.00	\$ 58,200.00	\$58,200.00	\$ 40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
24	Sod Installation		312	SY	\$5.00	1,560.00	8.25	2,574.00	10.00	3,120.00	9.50	2,964.00	8.00	2,496.00	\$ 10.00	\$3,120.00	\$ 13.00	\$4,056.00	\$4,056.00	\$4,056.00
25	Seeding and Fertilizing		100	SY	\$15.00	1,500.00	1.25	125.00	10.00	1,000.00	1.50	150.00	3.50	350.00	\$ 1.50	\$150.00	\$ 10.00	\$1,000.00	\$ 10.00	\$1,000.00
26	Topsoil Type A		290	CY	\$50.00	14,500.00	42.50	12,325.00	45.00	13,050.00	48.75	14,137.50	43.00	12,470.00	\$ 48.00	\$13,920.00	\$ 60.00	\$17,400.00	\$17,400.00	\$17,400.00
27	Bark or Wood Chip Mulch		97	CY	\$83.00	8,041.00	55.00	5,335.00	55.00	5,335.00	63.25	6,135.25	40.00	3,880.00	\$ 62.00	\$6,014.00	\$ 71.00	\$6,923.00	\$6,923.00	\$6,923.00
28	Norway Maple		50	EA	\$500.00	25,000.00	525.00	26,250.00	450.00	22,500.00	600.00	30,000.00	500.00	25,000.00	\$ 591.00	\$29,550.00	\$ 1,310.00	\$6,550.00	\$6,550.00	\$6,550.00
29	Kinnikinnick (1 gal)		3209	EA	\$12.00	38,508.00	10.50	33,694.50	11.00	35,299.00	11.75	37,705.75	13.00	41,717.00	\$ 12.00	\$38,508.00	\$ 12.00	\$38,508.00	\$ 12.00	\$38,508.00
30	24" Root Barrier		1000	LF	\$15.00	15,000.00	8.50	8,500.00	10.00	10,000.00	9.75	9,750.00	5.00	5,000.00	\$ 10.00	\$10,000.00	\$ 20.00	\$20,000.00	\$20,000.00	\$20,000.00
31	Frontage Restoration		1	FA	\$1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	\$ 1,000.00	\$1,000.00	\$ 1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
32	Watering Bags		50	EA	\$25.00	1,250.00	167.00	8,350.00	75.00	3,750.00	190.00	9,500.00	130.00	6,500.00	\$ 200.00	\$10,000.00	\$ 43.00	\$4,300.00	\$2,150.00	\$2,150.00
33	Sleeving		1	LS	\$10,000.00	10,000.00	5,350.00	5,350.00	25,000.00	25,000.00	6,500.00	6,500.00	5,800.00	5,800.00	\$ 23,200.00	\$23,200.00	\$ 13,000.00	\$13,000.00	\$13,000.00	\$13,000.00
34	Cement Concrete Curb & Gutter		5070	LF	\$15.00	76,050.00	11.50	58,305.00	11.00	55,770.00	10.00	50,700.00	13.00	65,910.00	\$ 15.00	\$76,050.00	\$ 12.00	\$60,840.00	\$60,840.00	\$60,840.00
35	Cement Concrete Extruded Curb		200	LF	\$15.00	3,000.00	28.00	5,600.00	24.00	4,800.00	25.25	5,050.00	23.00	4,600.00	\$ 25.00	\$5,000.00	\$ 23.00	\$4,600.00	\$4,600.00	\$4,600.00
36	Cement Concrete 12" Barrier Curb		250	LF	\$20.00	5,000.00	33.75	8,437.50	28.00	7,000.00	29.50	7,375.00	18.00	4,500.00	\$ 38.00	\$9,500.00	\$ 31.00	\$7,750.00	\$7,750.00	\$7,750.00
37	Cement Concrete Driveway Approach		1502	SY	\$65.00	97,630.00	42.70	64,135.40	38.00	57,076.00	38.00	57,076.00	45.50	68,341.00	\$ 53.00	\$79,606.00	\$ 43.00	\$64,586.00	\$64,586.00	\$64,586.00
38	Cement Concrete Sidewalk		2422	SY	\$40.00	96,880.00	40.00	96,880.00	34.00	82,348.00	34.00	82,348.00	40.50	98,091.00	\$ 42.00	\$101,724.00	\$ 36.00	\$87,192.00	\$87,192.00	\$87,192.00
39	Mailbox Support		5	EA	\$250.00	1,250.00	300.00	1,500.00	300.00	1,500.00	450.00	2,250.00	800.00	4,000.00	\$ 582.00	\$2,910.00	\$ 360.00	\$360.00	\$1,800.00	\$1,800.00
40	Illumination System		1	LS	\$160,000.00	160,000.00	150,000.00	150,000.00	147,000.00	147,000.00	145,500.00	145,500.00	138,500.00	138,500.00	\$ 158,546.00	\$158,546.00	\$ 170,300.00	\$170,300.00	\$170,300.00	\$170,300.00
41	Pedestrian Signal		1	LS	\$150,000.00	150,000.00	125,000.00	125,000.00	151,650.00	151,650.00	158,700.00	158,700.00	151,000.00	151,000.00	\$ 158,366.00	\$158,366.00	\$ 141,200.00	\$141,200.00	\$141,200.00	\$141,200.00
42	Regents Blvd.		1	LS	\$2,000.00	2,000.00	850.00	850.00	4,000.00	4,000.00	4,000.00	4,000.00	3,700.00	3,700.00	\$ 4,200.00	\$4,200.00	\$ 1,090.00	\$1,090.00	\$1,090.00	\$1,090.00
43	Speed radar Sign		2	LS	\$10,000.00	20,000.00	7,000.00	14,000.00	15,600.00	15,600.00	16,300.00	16,300.00	15,500.00	15,500.00	\$ 8,200.00	\$16,400.00	\$ 15,130.00	\$15,130.00	\$15,130.00	\$15,130.00
44	Permanent Signage		1	LS	\$5,000.00	5,000.00	5,100.00	5,100.00	9,000.00	9,000.00	10,100.00	10,100.00	4,000.00	4,000.00	\$ 8,600.00	\$8,600.00	\$ 9,280.00	\$9,280.00	\$9,280.00	\$9,280.00
45	Paint Line Incl RPM's		9000	LF	\$1.00	9,000.00	0.30	2,700.00	0.35	3,150.00	0.35	3,150.00	0.30	2,700.00	\$ 0.35	\$3,150.00	\$ 0.30	\$2,700.00	\$2,700.00	\$2,700.00
46	Painted Wide Line		6200	LF	\$1.00	6,200.00	0.30	1,860.00	0.35	2,170.00</										

**UNIVERSITY PLACE
TOWN CENTER
PROJECT AUTHORITY
BOARD**

Memo

DATE: June 20, 2016

TO: University Place Town Center Authority Board

FROM: Leslie Blaisdell, Deputy Finance Director 

SUBJECT: University Place Town Center Authority Update

On August 24, 2009, the City Council designated a Revitalization Area named "Town Center Revitalization Area" to include properties extending from 35th Street south to 40th Street along Bridgeport Way and Drexler Drive within the greater Town Center District. The City applied for and was eligible to receive up to \$500,000 a year in LRF Tax funding.

In 2011 the UPTCA issued a \$5,885,000 Revenue Bond for funding projects within the Town Center Revitalization Area. Of that amount \$4,963,627 was available for projects. Annual debt service payments on the bond average \$400,000 a year. Any revenues received in excess of the \$400,000 annual debt service payment are deposited in the debt service reserve account for future payments should the tax revenues ever drop below the required annual debt service payment amount. Additionally, a portion of the original bond proceeds was set aside in the reserve account. The current balance in the debt service reserve account is \$1,454,284.

LRF tax revenues received to date for debt repayment are as follows:

September 2011 to June 2012	\$438,081
July 2012 to June 2013	\$500,000
July 2013 to June 2014	\$497,000
July 2014 to June 2015	\$500,000
July 2015 to June 2015	\$500,000

All funds available for project spending have been allocated by the UPTCA Board to projects. Status of those projects is as follows:

	Life to Date 2011-2015	2016 Carryforward Budget	Project Totals
Market Place Street Pedestrian	432,604	50,000	482,604
Lot 10 Staircase	9,720	35,000	44,720
Garage/Elevator Improvements	350,444	124,712	475,156
Market Place Ph. 5	137,236	10,000	147,236
Lot 10A Sprinkler	5,212	-	5,212
Garage TI Design	49,283	-	49,283
Lot 8 Garage Improvements	1,441,354	-	1,441,354
FlagPole	10,316	-	10,316
Lot 10 Parking	1,702,904	-	1,702,904
Briarview Demo	87,233	-	87,233
Drexler Power Vault	15,809	-	15,809
Debt Service Payment	501,800	-	501,800
	4,743,915	219,712	4,963,627

Remaining projects are estimated to be completed in 2016.

STUDY SESSION

No.	Amendments / Questions	Staff Response
1	What was the date of the original tree preservation provisions?	August 31, 1995 (Ordinance 58).
2	Add new purpose statements re: Scenic views Community enjoyment Aesthetics Wildlife Preservation	The requested purpose statements were added.
3	Questions the validity of the added purpose statements and suggested that source citations should be added.	The recommended additional purpose statements are found in numerous cities' codes because they are widely accepted benefits. Sources are attached.
4	How does the tree retention provisions preserve neighborhood character?	The code currently requires the preservation of 25% of healthy trees and the replacement of trees that cannot be preserved.
5	Is there a preference for conifer trees over evergreen?	There is no stated preference for evergreens or deciduous trees
6	What is the cost for tree removal permits?	\$650 < 1/2 acre \$687.70 = 1/2 to 2 acres \$1,375.40 > 2 acres
7	Provide details about options available to developers, and also about tree-trading, how will that work	The 5 tree preservation options include: 35% of all trees. All trees ≥ 20" DBH and 20% of total DBH on site. 50% of all trees ≥ 20" DBH and 25% of total DBH on site. 30% of DBH if all trees are < 20" DBH. 35% of tree canopy if site is > 2 acres.
8	How do new options benefit tree retention?	Provides more flexibility to preserve the best trees.
9	Two councilmembers opposed increasing the size of trees to be retained.	Council should decide whether or not to maintain the existing definition of a tree.
10	Should not allow removal of invasive trees without counting them.	Removing invasive species promotes a healthy native urban forest.
11	Take into account lot size when determining number of trees that are allowed to be removed on a lot.	The code takes into account the size of the average lot in the City and allows a reasonable amount of tree removal without a permit. The proposed amendments will increase that number.
12	Is there anything in the wording that exempts trees that come down in windstorms, "acts of God"?	Added removal of wind throw to trees which are allowed to be removed.
13	To what extent were trees preserved at The Knolls (Woodside Creek & Orchard Ridge)?	77 initially required. 29 preserved. 144 replacement trees planted, total trees planted 1,340.
14	Have any other cities established a definition for hazardous tree?	Most cities including University Place use the same industry standard definition.
15	Add criteria staff is to use when making an administrative determination that a tree is hazardous and can be removed without the need for a permit.	Criteria from Arborist's Guide to Assessment of Hazardous Trees added for staff to use when making hazard tree determinations.
16	Document administrative hazardous tree determinations.	Staff will open an investigation file for each evaluation allowing tracking.
17	Will the City need to develop a data base of trees, listing which ones are hazardous, historic or topped and monitor properties to ensure tree retention?	Trees are evaluated on a tree by tree bases. Opening an investigation file will allow the city to track evaluations.
18	Concerned about utilities topping trees (i.e. Asplundh).	Added USDA pruning standards under Tree Maintenance and Pruning.

CITY COUNCIL APRIL 4TH STUDY SESSION SUMMARY AND STAFF RESPONSE

No.	Amendments / Questions	Staff Response
19	How many tree cutting complaints has the city received?	26 written complaints.
20	How much staff time is involved in enforcement of tree code complaints?	Less than 1%.
21	How much have we collected?	\$8,530.69 since 2007
22	Consider increasing fines.	Fines range in severity, depending on the ability the City to determine the value of the tree illegally cut.
23	Does the tree fine system work?	Not very well. It is costly and cumbersome to determine the higher fines.
24	Allow replanting in lieu of fines.	Require replanting in addition to fines.
25	Requests Council to study heritage tree program.	See Council rules.
26	Consider a tree planting program.	Council may consider a planting program.
27	To maintain the green wooded character of the City during winter months the City should encourage the planting of evergreens over deciduous trees.	Planting evergreens have multiple benefits. The current code requires like for like replacement.
28	Educate the public on the value of trees.	Staff can write a newsletter article following adoption of the amended landscaping / tree provisions.
	Expected to see provisions relating to scenic preservation.	Council report on March 3, 2014 no further action requested.

PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT TO THE CITY COUNCIL
June 20, 2016

TREE PRESERVATION AMENDMENTS

SUBJECT: Tree Preservation Amendments, UPMC 19.65

INTRODUCTION: The City Council will study tree retention amendments recommended by the Planning Commission in response to City Council Resolution 698 and in consideration of Staff's experience administering existing code provisions.

BACKGROUND:

On July 29, 2012, the City Council held a study session to discuss the protection of scenic views and raised questions concerning the City's tree retention provisions. The Council requested Planning Commission review of existing regulations and adopted Resolution No. 698, which directed the Commission to recommend language to clarify existing Zoning Code provisions regarding:

- a. The number of trees that property owners are allowed to cut down in a three-year period; and
- b. City staff's availability to consult on the determination of what constitutes a dangerous or hazardous tree.

The Commission initiated its review of existing code provisions and a discussion draft of possible amendments at its August 5, 2015 meeting. The Commission continued with its review during its September and October meetings and conducted a public hearing on proposed amendments on October 7, 2015. After considering public testimony, the Commission voted on October 21, 2015 to recommend to Council approval of a set of tree retention code amendments. Adopted minutes from each of the Commission meetings where possible amendments were discussed are provided in attachments 3-7.

The City Council studied the Planning Commission's recommendation on January 19, 2016. Each Councilmember asked several questions regarding the proposed amendments. The purpose of this report is to answer those questions and seek direction from the Council to either prepare an ordinance to adopt the Planning Commission's recommendations with any changes the Council specifies or prepare for additional study.

PROCEDURAL COMPLIANCE:

On September 23, 2015, the City submitted a set of draft amendments to the Department of Commerce to initiate the mandatory 60-day state agency review period. This period ended on November 22nd and no agency comments were received. The City also submitted required SEPA documentation to the Department of Ecology on September 13, 2015 to initiate a 14-day SEPA review period. General comments concerning clean-up of properties contaminated by the ASARCO plume that might be affected by tree removal were provided by Ecology.

ORGANIZATION OF THE STAFF REPORT

The questions posed by each Councilmember are underlined then followed by a Staff response and recommendation, if appropriate. Referring to the referenced pages in the Code (Exhibit A) as you review this report will assist in understanding staff responses and Councilmember requested amendments.

Councilmember Belleci:

1. A question was raised as to the extent to which significant trees were being retained in the Orchard Ridge and Woodside Creek projects on Orchard Street.

Staff response:

For both projects, the applicable 2007 regulations required 75% retention of perimeter trees and 25% retention of interior trees (≥ 6 inches dbh).

For Orchard Ridge (the southerly portion of the site) the Code required 20 perimeter trees and 15 interior trees to be retained. The approved plan calls for 19 perimeter and 14 interior trees to be retained, two short of the Code requirement. This two tree deficiency requires 6 replacement trees to be planted (3 per tree). The applicant proposes to plant two trees per lot as part of the overall PDD landscape design. These trees will more than satisfy the replacement tree requirement.

Woodside Creek Tree Preservation. The Code required 19 perimeter trees and 23 interior trees to be retained. The approved plan calls for 13 perimeter and 17 interior trees to be retained, 12 short of the Code requirement. This 12 tree deficiency requires 36 replacement trees to be planted (3 per tree). The applicant proposes to plant these 36 trees in common open space areas, plus an additional two trees per lot as part of the overall PDD landscape design. These trees will more than satisfy the replacement tree requirement.

2. How do the new options for tree retention benefit the City and preserve trees?

Staff response: The Commission recommends establishing 5 options for applicants to identify regulated trees that would be retained. The idea is to provide greater flexibility for identifying specific trees for removal or retention.

One approach may prove more beneficial than another at accommodating a superior project design or retaining better trees. Ideally, one option can be identified as the best way of achieving both goals. The options are intended to be roughly comparable in terms of the extent to which existing tree canopy would be preserved. Overall, the options encourage the retention of higher percentages of larger trees on a site and provide greater ability to eliminate relatively smaller trees. The percentages required to be retained are higher than the current code requires, partly to compensate for the proposed increase in tree diameter for regulated trees, from 6" dbh to either 9" dbh (evergreen) or 12" dbh (deciduous).

3. How many complaints has the City received regarding tree removal since the tree preservation provisions in the Code were adopted?

Staff response: Since 1995 the City has received 26 formal complaints about trees being removed without a permit. About 12 have gone to violation actions where fines of \$1,000 per tree have been levied. These complaints are typically filed after trees are removed. The City enforces illegal tree removal by responding immediately to informal tree removal complaints if staff is available to respond (i.e., Monday – Friday). This proactive enforcement may allow the City to intercede while the cutting is occurring and hopefully stop the activity before it becomes illegal. If a property owner is proposing to cut more than 5 trees they are informed of the tree removal permit requirement and asked to halt cutting until a permit is obtained.

4. How much staff time is involved in enforcement of tree code complaints?

Staff response: Overall, less than 1%.

Councilmember Nye:

1. What is the cost for tree removal permits?

Staff response: The cost of an *Urban Forest Management (Administrative Use Permit)* depends on the size of the property, as follows:

Tree Preservation Plan (1/2 acre or less) - \$650.00

Tree Preservation Plan (1/2 acre to 2 acre) - \$687.70

Tree Preservation Plan (over 2 acres) - \$1,375.40

2. What was the date of the original tree preservation provisions?

Staff response: Ordinance 58, which included significant tree preservation provisions, was adopted on August 31, 1995, the same day the City incorporated.

Councilmember McCluskey:

1. Expected to see provisions relating to scenic preservation included in the tree retention amendments.

Staff response: The Planning Commission's review of view protection regulations was conducted from October 2013 to February 2014 and the results and recommendations were reported to the City Council on March 3, 2014. The Commission recommended minor amendments to the decision criteria for processing CUPs and administrative design reviews for development proposals to ensure consideration of view impacts. The Commission recommended against establishing view corridors or enacting additional view protection regulations. The City Council accepted the recommendations of the Commission and provided no further direction to staff or Commission on this topic.

2. Add new purpose statements to landscaping/trees section 19.65.010, including:
 - a. Preservation of scenic views, including views from public property and the City right-of-way
 - b. Community enjoyment
 - c. Aesthetics
 - d. Wildlife preservation

Staff response: Items relating to preservation of scenic views, community enjoyment and aesthetics have been added to the purpose statement -- see Page 1 19.65.010(B) and (L). Wildlife preservation is addressed in 19.65.010.D.

3. Determine a definition for a heritage or significant tree and begin a list. Councilmember McCluskey may propose for the City Council to study and perhaps implement a heritage tree program.

Staff response: The Commission discussed the idea of creating a list and/or program of heritage or significant trees but has recommended against establishing a program at this time. Such a program would likely require considerable staff resources to develop and administer. Further study would be needed to determine whether the program should be regulatory or educational in nature, what the criteria would be for including a tree on a list, and who would administer or manage the program. The Commission left the definition of significant tree in the Code as a placeholder, in the event Council were to provide direction to Administration, staff and the Commission to proceed with developing a program in the future.

4. Add criteria for staff to use when making an administrative determination that a tree is hazardous and can be removed without the need for an arborist report. Document all administrative hazardous tree removal determinations.

Staff response: A number of cities reference criteria that are drawn from *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas* (International Society of Arboriculture). These relate to tree characteristics, tree health, site conditions, target (the type of land use under a tree) and tree defects. Seattle tree regulations state that in order to qualify for removal as a hazard, a protected tree must generally meet all three of the following criteria:

- The tree has structural defects and/or other conditions that make it likely to fall or break;
- There is a permanent structure or an area of moderate-to-high use by people, such as sidewalks or public trails, that would be impacted if the tree failed; and
- The danger cannot be mitigated by pruning the tree or moving the structure or activity.

The following has been added to UPMC 19.65.070 on page 7:

“City staff should consider the following conditions when conducting a tree risk assessment:

- Is the tree dead, diseased, decayed, burned or otherwise damaged;
- Are there multiple weak branch attachments, broken and/or hanging limbs;
- Is the foliage sparse, and/or discolored;
- Is there evidence of root rot/exposed, undermined or pruned roots or a restricted root area;
- If leaning what is the degree of lean. Are roots broken or is the soil heaving or cracking;
- Is the top broken on conifers; and
- Are there targets such as buildings, parking, or traffic or pedestrian facilities below the tree? Can the target(s) be moved?”

Staff will institute a policy to require an investigation case file be opened for all future administrative hazardous tree removal determinations. The City’s permit tracking system includes an investigation entry type that can be used for this purpose.

5. Opposes increasing the size threshold for trees to be retained.

Staff response: More than one Councilmember indicated a preference to maintain the existing 6” tree diameter. The City Council should decide whether or not to maintain the existing definition of a tree.

The recommendation to increase the minimum tree size for regulation stems from the requirement to preserve a higher percentage of larger trees.

6. Provide details about 3 options available to developers, and also about tree-trading, how will that work?

Staff response: The following provision recommended by the Commission includes five options:

19.65.270 Tree retention in development situations.

B. The applicant must show how existing trees, excluding invasive trees, nuisance trees and hazard trees, will be preserved by choosing one of the following options to identify those trees to be retained. Trees located within a critical area or associated buffer are excluded from the following calculations:

1. Preserve at least 35% of the trees located on the site;
2. Preserve all trees \geq 20 inches DBH and at least 20% of the total tree diameter on the site, where there are at least 4 trees \geq 20 inches DBH on the site;
3. Preserve at least 50% of all trees \geq 20 inches DBH and at least 25% of the total tree diameter on the site, where there are at least 4 trees \geq 20 inches DBH on the site;
4. Preserve at least 30% of the total tree diameter on the site, where all trees are $<$ 20 inches DBH; or
5. Preserve at least 35% of the total regulated tree canopy area on the site, if the site is larger than two acres.

Option 1 is the most similar one to the current Code, which requires 25% of interior trees and 75% of perimeter trees to be saved. Under today's Code, the 75% provision rarely applies since a substantial perimeter buffer is rarely required for new development— and it is this buffer requirement that triggers the 75% retention requirement. Therefore, option 1 (35% of 12" evergreen trees and 9" deciduous trees) is viewed as roughly comparable to the current 25% of 6" interior trees requirement.

7. It appears there is a preference of conifer trees over evergreen. Is this true? To maintain the green wooded character of the City during winter months the City should encourage the planting of evergreens over deciduous trees.

Staff response: The Code distinguishes between evergreen trees (some of which are conifers that bear cones) and deciduous trees (which lose their leaves in winter). The proposed Code does not intentionally express a preference, although it would regulate somewhat smaller deciduous trees (9 inch) than evergreen trees (12 inch). Many deciduous trees tend to grow more slowly, so the smaller threshold for deciduous trees may be roughly equivalent to the larger threshold for faster growing evergreen trees. In effect, the removal of deciduous trees, which are far less common than evergreens in the City, would be more stringently regulated – meaning there would be more protection for somewhat smaller deciduous trees.

The following Comprehensive Plan policy, located in the Environmental Management Element, was adopted in November 2015:

Policy EN3J

Encourage preservation of significant trees and planting of new trees in locations that allow normal growth patterns, support energy conservation and complement view access, light, privacy and safety needs. Plant deciduous trees where summer shade, winter solar gain, and seasonal change will be beneficial or desired. Plant evergreen trees where year-around beauty, visual screening and noise buffering are desired. Require street trees along all new and substantially modified arterial, collector and local streets.

It notes that both evergreen and deciduous trees provide benefits to the community. Deciduous trees provide seasonal color and sometimes an added wildlife benefit in terms of making different types of nuts and fruits available to wildlife. Having greater canopy diversity is important for the health of an urban forest. If the City's urban forest is a monoculture and disease strikes, the forest could be significantly impacted. This has occurred with elm, chestnut, and more recently ash populations elsewhere.

Planting evergreens can certainly be beneficial for numerous reasons, but many of the dominant evergreens in the City's forests (Douglas fir, hemlock, etc.) are not always good "city" trees for planting in new development or existing developed neighborhoods. This is due to their unstable characteristics, large scale, and incompatibility with other landscaping. This being said, current regulations *do* encourage like-for-like planting of evergreens intended to replace those evergreens being lost due to development.

8. How do the tree retention provisions preserve neighborhood character?

Staff response: The City's Comprehensive Plan Vision Statement calls for the retention of the green, partially wooded and landscaped character of the City. To realize this Vision, the Plan includes goals and policies that direct the City to protect and enhance the wooded character of the community through the preservation of significant trees. To achieve the Vision and Plan goals and policies, the provisions contained in UPMC 19.65 require the preservation of trees, and replacement of trees that cannot be preserved, with appropriate tree types and sizes.

These implementing regulations are intended to strike a balance with protecting individual property rights and the ability of property owners to manage their trees to their perceived benefit. When the provisions were originally adopted, Council did not wish to impose excessive regulation on small lot owners. As a result, the

preservation of a wooded neighborhood character will depend in large part on how individuals in those neighborhoods feel about their trees.

9. The Councilmember would like to see the options to be provided for tree removal in development situations.

Staff response: See No. 6 above

10. Concern was expressed about the loss of tree canopy in the City. Allowing invasive trees to be cut without counting them as trees that must be preserved may significantly reduce the tree canopy in the City. An invasive tree canopy is better than no tree canopy.

Staff response: None of the invasive species listed in proposed Section 19.65.330 is common in University Place. Occasional and limited removal of these trees should have little impact on the overall canopy. Removing these trees should be encouraged to promote a healthy native urban forest.

11. Tree-topping: Noting the destruction tree topping for utility line protection causes, it would be beneficial to place in the Code some standards for pruning trees in the right-of-way.

Staff response: After consulting with the State Department of Natural Resources Urban Forestry Division the following sentence was inserted on Page 19 in Section 19.65.210.

All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 How to Prune Trees available on-the web.

A new UPMC 19.65.320 on Page 25 was also added

19.65.320 Tree Maintenance and Pruning

Trees which are required to be maintained and replacement trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 How to Prune Trees available on-the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture's Best Management Practices – Utility Pruning of Trees.

12. To discourage the removal of trees, the City should increase fines, educate the public on the value of trees, and consider a tree planting program. Consider the option of requiring replacement tree planting in lieu of fines. If a tree is illegally removed, require a tree be planted in its place.

Staff response: The current fines for removing a tree or trees illegally is:

A monetary penalty shall be assessed that is the greater of:

1. One thousand dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation; or
2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged, or removed. The replacement value shall be determined using the methods described in the Guide for Plant Appraisal published by the International Society of Arboriculture, most current edition; or
3. An amount reasonably determined by the Director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator.

C. In the case of urban forest management, the City shall impose a six-year moratorium on the development of the subject property when a property owner either fails to obtain a tree removal permit or violates the provisions of a valid tree removal permit, including failure to disclose the intended use of the property.

In most cases the first option is applied. In two cases the second option was initially applied, but lower fines were negotiated in exchange for replanting. The third option has not been applied because of the cost and difficulty associated with determining a defensible fine amount.

Rather than replace a fine with the ability to replant, staff recommends the following new provisions. See Page 3 UPMC 19.65.040.

In addition to the monetary penalties above, each tree illegally removed shall be replaced with new trees of the same species at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

Once the tree protection provisions of the Code are amended by the City Council, staff will prepare an article for publication in the UP Press.

13. Has there been any consideration of how trees absorb water in areas that tend to be very wet, and how run-off is impacted when those trees are removed? It would be good to provide some discussion of the benefits of trees in wet areas, not necessarily wetlands. This would be a good public education item and could easily be included as a newspaper article in UP Press.

Staff response: Staff will write a newspaper article, once Council adopts the amendments. .

Mayor Figueroa:

1. Have any other cities established a definition for hazardous tree? If not, look for minimal characteristics that most people would agree with that identify a hazardous tree.

Staff response: Most cities reference the criteria described in the ISA Guide rather than establish a more generalized list of criteria. This may be because few cities provide the latitude for staff to make a determination in obvious cases. As noted in a response to a comment from Councilmember McCluskey above, Seattle rules state that a hazard tree must meet three criteria:

- The tree has structural defects and/or other conditions that make it likely to fall or break;
- There is a permanent structure or an area of moderate-to-high use by people, such as sidewalks or public trails, that would be impacted if the tree failed; and
- The danger cannot be mitigated by pruning the tree or moving the structure or activity.

Staff proposes criteria similar to those found in the ISA guide UPMC 19.65.070(D) for guidance on page 7.

2. The Mayor reiterated his desire to alleviate the burden of the cost of hiring an arborist to make a hazardous tree evaluation by authorizing staff to make such determinations where appropriate.

Staff response: See No. 1 above.

3. The Mayor suggested that staff document administrative hazardous tree determinations.

Staff response: Staff will institute a policy to require an investigation case file be opened for all future administrative hazardous tree removal determinations.

4. The Mayor questioned the validity of the added purpose statements and suggested that source citations should be added.

Staff response: The recommended additional purpose statements are found in numerous cities' codes because they are widely accepted benefits. Scientific literature identifies environmental benefits associated with trees, including their absorption of pollutants and contamination, their capture of carbon dioxide, their reduction of energy demand through shading in the summer and protection from wind in the winter. Urban heat islands are documented to exist in many metropolitan areas that have high levels of impervious surface and minimal tree canopy compared to surrounding countryside. Temperatures may be up to 10 degrees warmer in some metro areas compared to surrounding, less developed areas as a result of this effect. Maintenance or expansion of an urban tree canopy can reduce this effect.

The Arbor Day Foundation has provided the following statistics suggesting the importance of trees in a community setting:

- The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day. *U.S. Department of Agriculture*
- If you plant a tree today on the west side of your home, in 5 years your energy bills should be 3% less. In 15 years the savings will be nearly 12%. *Dr. E. Greg McPherson, Center for Urban Forest Research*
- A mature tree can often have an appraised value of between \$1,000 and \$10,000. *Council of Tree and Landscape Appraisers*
- In one study, 83% of realtors believe that mature trees have a 'strong or moderate impact' on the salability of homes listed for under \$150,000; on homes over \$250,000, this perception increases to 98%. *Arbor National Mortgage & American Forests*
- Landscaping, especially with trees, can increase property values as much as 20 percent. *Management Information Services/ICMA*
- One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is enough to meet the annual needs of 18 people. *U.S. Department of Agriculture*
- There are about 60– to 200-million spaces along our city streets where trees could be planted. This translates to the potential to absorb 33 million more tons of CO² every year, and saving \$4 billion in energy costs. *National Wildlife Federation*
- Trees properly placed around buildings can reduce air conditioning needs by 30 percent and can save 20–50 percent in energy used for heating. *USDA Forest Service*
- Trees can be a stimulus to economic development, attracting new business and tourism. Commercial retail areas are more attractive to shoppers, apartments rent more quickly, tenants stay longer, and space in a wooded setting is more valuable to sell or rent. *The Arbor Day Foundation*

- Healthy, mature trees add an average of 10 percent to a property's value. *USDA Forest Service*
- The planting of trees means improved water quality, resulting in less runoff and erosion. This allows more recharging of the ground water supply. Wooded areas help prevent the transport of sediment and chemicals into streams. *USDA Forest Service*
- In laboratory research, visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension. *Dr. Roger S. Ulrich Texas A&M University*
- Nationally, the 60 million street trees have an average value of \$525 per tree. *Management Information Services*

The sources for purpose statements are not typically cited in regulations. However, staff can provide source information in background and supporting documentation that is contained in the official record, which is kept in the project file in accordance with State Records Management requirements.

The following Comprehensive Plan policy was adopted by Council in 2015. The additional purpose statements are generally consistent with this policy direction.

Policy EN3I

Protect and enhance the natural green and wooded character of University Place. Retain an abundance of mature trees and a healthy understory to maintain community identity and contribute to a healthy environment by cleaning the air, producing oxygen, reducing surface water run-off, providing wildlife habitat, absorbing sound and masking noise, and reducing energy costs through shading and windbreak functions.

Mayor Pro-Tem Keel

1. Add criteria staff is to use when making an administrative determination that a tree is hazardous and can be removed without the need for a permit.

Staff response: Please see previous discussions of this item, above.

2. Will the City need to develop a data base of trees, listing which ones are hazardous, historic or topped and monitor properties to ensure tree retention?

Staff response: It would be impractical for the City to inventory all the trees in the City and monitor them to ensure tree preservation compliance. Although Development Services staff spends less than 1 % of their time administrating the City's tree preservation provisions, by in large, the City retains its natural, green and wooded character in line with the City's Vision and meeting the Comprehensive Plan goal.

Councilmember Grassi

1. Does the tree fine system work? How much have we collected?

Staff response: A Tree Account revenue code was set up in 2007. The City has received \$8,530.69 since its establishment.

2. Opposed to the provision that allows property owners to remove trees that were required for preservation within 3 years of purchase.

Staff response: Staff shares some of this concern given the opening this creates for tree removal a short period of time after a project has been constructed. The proposed revision to this section would establish a requirement that replacement trees be planted in exchange for those proposed to be removed. Perhaps this would provide a disincentive to tree removal in some cases. At the very least it would help reestablish and maintain tree canopy. The current Code does not require any replacement trees. See UPMC 19.65.300 on page 25.

3. Opposes increasing the size of trees to be retained.

Staff response: More than one Councilmember indicated a preference to maintain the existing 6" tree diameter. The City Council should decide whether or not to maintain the existing definition of a tree.

The recommendation to increase the minimum tree size for regulation stems from the requirement to preserve a higher percentage of larger trees.

Councilmember Worthington

1. Concerned about utilities topping trees (i.e. Asplundh).

Staff response: The following new provision added at UPMC 19.65.320 on Page 25 was to address this concern:

19.65.320 Tree Maintenance and Pruning

Trees which are required to be maintained and replacement trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 How to Prune Trees available on-the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture's Best Management Practices – Utility Pruning of Trees.

2. Is there anything in the wording that exempts trees that come down in windstorms, "acts of God"?

Staff response: An existing provision allowing the removal of obviously dead or diseased trees, which is in conflict with the preceding exception provision regarding the removal of dead and diseased hazardous trees was amended to allow the removal of wind throw.

3. It is important to take into account lot size when determining number of trees that are allowed to be removed on a lot.

Staff response: Some cities establish a range of thresholds to allow more trees to be cut on larger properties. What may seem reasonable on a 9,000 square foot lot (where 5 trees may be removed without a permit) may seem overly restrictive on a 2-acre site.

To provide a balance between the desire to protect the community character and honor individual property rights, in 1995 the City Council enacted tree preservation regulations that allow a maximum of five trees to be removed in a three year period. On lots larger than ½ acre or commercial properties with more than 15 trees, tree retention plans are required where a minimum number of trees must be retained depending on their location.

The logic of requiring tree preservation plans on lots greater than ½ acre and commercial developments with more than 15 trees was based on the size of most lots in the City. The City Council did not want this to be a burden on most single family property owners. The Planning Commission is recommending removal of the provision Page 23 UPMC 19.65.280 subjecting all properties to this requirement. (it is possible the Planning Commission did not know the history behind this provision when reviewing this section).

City of University Place
Tree Retention Code Amendments
Planning Commission Recommended Draft
and City Council-Requested Amendments
April 4, 2016

Chapter 19.65 Landscaping/Trees

19.65.010 Purpose.

The purposes of this chapter are:

A. To implement the City’s vision statement and the goals and policies of the Comprehensive Plan;

B. To protect and enhance the natural green and wooded character of University Place for aesthetics and community enjoyment;

C. To promote the compatibility between land uses and zones by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;

D. To protect critical areas from the impacts of development, by facilitating aquifer recharge, protecting urban wildlife habitat, reducing stormwater runoff and pollution of surface waters, and controlling dust, erosion and sedimentation;

E. To promote the use and protection of vegetation native and common to the Puget Sound region;

F. To promote the application of water-efficient techniques in the design, installation and maintenance of landscaping; ~~and~~

G. To provide physical safety of pedestrians and motorists through the proper location and placement of vegetation; ~~;~~

H. To protect public health through the absorption of air pollutants and contamination, and by capturing carbon dioxide;

I. To provide visual screening and summer cooling;

J. To reduce energy demand and urban heat island impacts; ~~and~~

K. To enhance property values; ~~and;~~

L. To preserve scenic views, including views from public property and the City right-of-way.

19.65.020 Authority.

The Department shall review and may approve, disapprove or approve with modification all permits, site plans, and/or landscape plans for all uses and developments which are required to comply with the provisions of this section. This section includes landscaping requirements and urban forest management. Chapter [76.09](#) RCW and Chapter [222-20](#) WAC authorize the urban forest management provisions of this chapter.

19.65.030 Disclaimer of liability.

The City is not liable for any damage to property or injury to persons that results because of landscaping or trees that must be retained as required by this section whether by natural and/or other causes. It shall be the responsibility of property owners to question the safety of landscape requirements or the health and safety of trees and to request modification of landscape requirements or review of diseased and/or dangerous trees as provided for in this section.

19.65.040 Enforcement and penalties.

A. It shall be unlawful to remove any tree or vegetation in a manner inconsistent with this chapter, an approved tree preservation plan and/or a plat note which requires the preservation of trees and/or vegetation.

B. In addition to any other sanction or penalty or any remedial or administrative procedure available under the University Place Municipal Code or State law for a violation of any provision of this chapter or failure to comply with any permit or other written order or decision issued pursuant to this chapter, a monetary penalty shall be assessed that is the greater of:

1. One thousand dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation; or
2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged, or removed. The replacement value shall be determined using the methods described in the Guide for Plant Appraisal published by the International Society of Arboriculture, most current edition; or
3. An amount reasonably determined by the Director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator.

C. In the case of urban forest management, the City shall impose a six-year moratorium on the development of the subject property when a property owner either fails to obtain a tree

removal permit or violates the provisions of a valid tree removal permit, including failure to disclose the intended use of the property.

D. In addition to the monetary penalties above, each tree illegally removed shall be replaced with new trees of the same species at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

19.65.050 Permits.

A. Tree Removal Permit. A tree removal permit is required to cut or otherwise remove six or more trees in any consecutive 36-month period. An application for a tree removal permit and any information required by this section shall be submitted for any tree removal activity not exempt by this section. If six or more trees are to be removed, a tree removal permit application shall be submitted at the same time an application for a building permit, development permit or land use permit is submitted. The application shall be on a form provided by the City and shall be accompanied by documents and information as are determined to be necessary by the Director. Notification of abutting and adjacent property owners is required.

B. The City may refer applications to an urban forester for comments. Any permit granted shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the Director for one six-month period. The permit may be suspended or revoked by the Director because of incorrect information supplied or any violation of the provisions of this chapter. No work shall begin until a public notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

19.65.060 Definitions.

“Brushing” means the practice of removing significant groundcover by hand or hand-operated equipment to create better visibility on a property for purposes such as marketing or surveying of said property.

“Christmas tree” means any evergreen tree or the top thereof, commonly known as a Christmas tree, with limbs and branches, with or without roots including fir, pine, spruce, cedar and other coniferous species.

“Clearing” means the cutting, moving on site, or removal of standing or fallen timber (including stumps); the removal or moving on site of stumps; or the cutting or removal of brush, grass, groundcover, or other vegetative matter from a site in a way which exposes the earth’s surface of the site.

“Conversion” means converting the use of land from forestry to non-forestry uses.

“Critical root zone” is an area where the tree’s roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one-foot radius for every diameter-inch measured at breast height (DBH) or four and one-half feet above ground.

Formatt

“Crown” is the area of a tree containing leaf- or needle-bearing branches.

“Development” is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargements of any structure; any mining, excavation, landfill, stockpiling, clearing or land disturbance; and any use or extension of use of the land.

“Diameter at breast height” (DBH) is a tree’s diameter in inches at four and one-half feet above the ground. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at four and one-half feet above ground.

Formatt

“Drip line” of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.

“Forest practices” means any activity relating to growing trees and harvesting or processing timber including but not limited to road and trail construction; harvesting; thinning; reforestation, fertilization, prevention and suppression of diseases and insects; salvage of trees; and brush control.

“Groundcover” means types of vegetation which are normally terrestrial such as shrubs, vines, grasses, and herbaceous plants.

“Hazard tree” is any tree with a structural defect and/or disease which makes it subject to a high probability of failure and with a proximity to persons or property that makes it an imminent threat.

“Invasive tree” is a species that was introduced by humans to locations outside of their native range that spread and persist over large areas. Invasive species negatively impact natural ecosystems by displacing native species, reducing biological diversity, and interfering with natural succession. Tree species known to be invasive in the Pacific Northwest are listed in UPMC 19.65.330.

Formatt

“Limited tree removal” is the removal of five trees or less in any 36 consecutive months for the purposes of property development, solar access, general property and utility maintenance, landscaping or gardening. ~~Tree removal in a landslide and erosion hazard area, a wildlife habitat area or a wetland or wetland buffer is prohibited unless specified otherwise.~~

Formatt
by

Formatt

“Nuisance tree” is a species that is known to be weak-wooded and unstable, or one that exhibits other traits that render it prone to creating nuisance conditions for persons and property located in close proximity to such trees. Tree species categorized as nuisance trees in University Place are listed in UPMC 19.65.340.

Formatt

Formatt
by

Formatt

“Outdoor storage area” means an area on a site where materials, merchandise and/or equipment is stored outdoors.

“Remove” or “removal” is the act of removing a tree by digging up, cutting down, or any act which causes the tree to die within a period of three years, including, but not limited to, damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree’s root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; topping; paving with concrete, asphalt, or other impervious material within the drip line; or any other action which is deemed harmful to the tree.

“Replacement tree” means any self-supporting perennial woody plant that ~~matures at a height greater than six feet and~~ measures at least six feet in height at the time of planting and at 24 inches above the root ball has a diameter of at least three inches for evergreen trees, and is fully branched and has a minimum caliper of two inches and a minimum height of 10 feet at time of planting ~~one and one-half inches~~ for deciduous trees.

“Significant tree” means a tree identified on the City’s inventory of significant trees.

“Tree” means ~~any~~ living woody plant characterized by one or more main stems or trunks and many branches, with the trunk or at least one main stem having a diameter of at least twelve six inches DBH or more at breast height (DBH) for evergreen trees and at least nine inches DBH for deciduous trees. ~~Invasive, nuisance or hazard trees, of any size, as determined by the City, are not considered trees for the purposes of this chapter.~~

• **“Tree removal permit”** means a permit issued by the City to permit clearing and/or tree removal pursuant to the provisions of this chapter.

“Tree Topping” is an extreme form of crown reduction that removes whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader – the vertical stem at the top of the trunk. Tree topping severely cuts back large trees to a predetermined size in a manner that:

- leaves large exposed wounds that can become infested;
- ruins tree structure;
- removes too much foliage, disrupting the tree’s energy storage;
- stimulates vigorous new growth, which is prone to breakage;
- increases tree maintenance costs; and
- destroys a tree’s appearance and value.

“Understory” means small trees and shrubs growing below the canopy of larger trees.

“Urban forest management” means the management of trees in the City, whether on public or private property, for the purposes of but not limited to maintaining the wooded character of

the City and property values; providing wildlife habitat, buffering, and wind protection; facilitating aquifer recharge and slope stabilization and enhancing our healthy, safe, and attractive environment.

“Urban forester” is a licensed professional approved by the City with academic and/or field experience that makes him or her a recognized expert in tree preservation and management. For City approval, an urban forester shall be a Society of American Foresters (SAF) Certified Forester, a certified arborist with the an International Society of Arboriculture (ISA) Certified Arborist, or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist. ~~Submittal of additional credentials including those of a registered arborist with the American Association of Consulting Arborists is encouraged. An urban forester shall have the necessary training and experience to use and apply the International Society of Arboriculture’s guide to evaluation and management of trees, “Guide to the Evaluation of Hazard Trees in Urban Areas,” and to successfully provide the necessary expertise relating to management of trees specified in this chapter.~~

19.65.070 Exemptions.

The following shall be exempt from the tree removal permit requirements of this chapter but shall satisfy all standards and requirements of UPMC 19.65.240 and other sections as noted below. Except for limited tree removal, a written exemption must be obtained from the City prior to commencing any clearing or tree removal.

A. Limited tree removal except in the following critical areas: landslide and erosion hazard area, fish and wildlife habitat area or its buffer, and/or wetland or wetland buffer -- unless authorized pursuant to Title 17 Critical Areas otherwise specified. ~~City notification is required to assist in record keeping.~~

B. Removal of trees where the trunks are located and groundcover in conjunction with new construction within a maximum of 10 feet of an existing the perimeter of the new building that will remain on a site, and any area proposed to be cleared for driveway and septic purposes as indicated on a plot plan submitted with a building permit application; provided, however, the Director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems where such modifications will promote the goals of this chapter and still satisfy the need and function of improvements. This exemption does not allow tree removal prior to preliminary plat, final plat, or short plat approval.

C. Removal of hazard trees and groundcover in emergency situations involving immediate danger to life or property or substantial fire hazards as determined by the City. Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.

D. Removal of a hazard tree(s) following an affirmative recommendation by an ISA-Certified Arborist or ASCA Registered Consulting Arborist that the tree is a safety hazard and should be removed. The Certified arborist shall conduct an assessment in accordance with ANSI A300

(Part 9) – 2011 Tree Risk Assessment and provide a written report that includes: identification and location of the specified trees; a description of the methods used; tree risk assessment data; recommendations for mitigating risk or additional assessments; and, recommendations for monitoring and follow-up. The arborist performing this work shall have a Tree Risk Assessment Qualification (TRAQ) or equivalent. The City may, at its discretion and in consideration of ISA tree risk assessment guidance, waive the certified or registered arborist requirement if City staff conducts an on-site inspection and determines that a tree clearly and obviously constitutes a hazard. City staff should consider the following conditions when conducting a tree risk assessment:

- Is the tree dead, diseased, decayed, burned or otherwise damaged;
- Are there multiple weak branch attachments, broken and/or hanging limbs;
- Is the foliage sparse, and/or discolored;
- Is there evidence of root rot/exposed, undermined or pruned roots or a restricted root area;
- If leaning what is the degree of lean. Are roots broken or is the soil heaving or cracking;
- Is the top broken on conifers; and
- Are there targets such as buildings, parking, or traffic or pedestrian facilities below the tree? Can the target(s) be moved

Upon such inspection, staff may determine that further review by a certified or registered arborist is required before making a determination as to whether a tree constitutes a hazard. use the most recent edition of the Photographic Guide to the Evaluation of Hazard Trees in Urban Areas and the Tree Hazard Evaluation Form published by the International Society of Arboriculture.

E. Removal of ~~obviously dead or diseased groundcover or windthrow trees.~~ Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.

F. Emergencies. Removal of trees necessary to protect public safety or public or private property from imminent danger in response to emergencies declared by the City, County, State or Federal governments. In the case of a declared emergency, the written approval requirement shall be waived.

G. Removal of street trees, when performed by or on behalf of the City to maintain rights-of-way and in the interest of public safety.

H. Removal of trees that interfere with existing utility transmission lines when pruning is not sufficient to alleviate the interference condition. Topping is prohibited. Utility pruning shall be conducted in accordance with the latest edition of the United States Department of Agriculture’s Publication NA-FR-01-95 How to Prune Trees available on-the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture’s Best Management Practices – Utility Pruning of Trees.

19.65.080 Required water conservation.

During periods when water conservation is required, new landscaping and maintenance of existing required landscaping shall not be required. However, following the lifting of water restrictions, any landscaping required during the period of the required conservation shall be installed and all required landscaping shall be restored to a healthy condition. Any required landscaping that has died shall be replaced in accordance with UPMC [19.65.220](#).

19.65.090 Landscaping.

Landscaping shall be located along street frontages, around the perimeter, in parking areas and/or on other areas of a site in accordance with the following sections and the landscape tables in UPMC [19.65.150](#)(A) and (B). This subsection shall apply to the following:

A. New Development. All new-uses shall provide landscaping in accordance with the requirements of this chapter. The landscape tables indicate the particular landscape category which applies to proposed uses. The tables and other sections of this chapter shall be used as standards when landscaping requirements are imposed as part of a discretionary permit review process.

B. Expansions of or Alterations to Existing Uses. The requirements of this section shall apply to remodeling or expansion of existing uses under either of the following conditions: (1) when the remodeling or expansion results in the remodeling of or addition of 10 percent or more of the gross floor area of the existing principal building or, collectively, to any principal buildings in a ~~development project~~commercial center; or (2) when the remodeling or expansion results in cumulative improvements to the interior and/or exterior of a structure (except for normal maintenance, repair, and life/safety improvements including but not limited to reroofing, painting, recarpeting, fire sprinkler installation, and improved exiting and accessibility), which within a 12-month period exceeds a cumulative value of 10 percent of the assessed value of the structure as assessed by the Pierce County Assessor's Office. All landscape requirements of this section shall apply to the entire property. The landscape tables indicate the particular landscape category which applies to proposed expansion or alteration. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the Director shall determine how the code is to be applied. The Director shall use landscape averaging by requiring more landscaping in one area and reducing it in another. In determining how to apply the landscaping requirements in such circumstances, the Director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

1. Compliance with street frontage landscaping standards;
2. Compliance with perimeter landscaping standards;
3. Compliance with internal area of parking lot standards;

4. Compliance with other landscaping standards of this title.

C. Change of Use or Occupancy. When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in subsection (B) of this section, such use need not provide additional landscaping except under the following circumstances:

1. Additional off-street parking is required, in which case the landscaping required by UPMC [19.65.110](#) shall be required for all new parking spaces or parking facilities provided.

2. The use is subject to special use permit in which case the review authority shall establish the minimum landscape requirements for the specific use.

3. New uses, storage or other activities will take place outdoors, in which case the requirements of UPMC [19.65.120](#) shall apply.

4. The previous use did not comply with the requirements of the landscaping regulations in effect at the time it was established.

5. Difference of Standards. Where there is a difference in the standards listed in this section and the specific requirements listed for specific uses, the more stringent will apply. The Director may permit alternative landscaping, as provided in UPMC [19.65.170](#), when the overall site development plan proposed provides equivalent or better results than required by this title.

6. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not be required.

7. No street frontage landscaping is required for single-family or ~~duplex two-family~~ dwellings constructed on a lot of record that existed on the effective date of this code.

19.65.095 Difference of standards.

Where there is a difference between the standards listed in this chapter and the specific requirements listed for specific uses, the more stringent will apply. Landscaping design standards and guidelines specified for small lot development, multifamily development, and projects located within the Town Center, Mixed Use, Mixed Use – Office, Mixed Use – Maritime, or Community Commercial zones shall prevail when conflicts between this chapter and these specific requirements exist. The Director may permit alternative landscaping, as provided in UPMC [19.65.170](#), when the overall site development plan proposed provides equivalent or better results than required by this title.

19.65.100 Street frontage landscaping.

Any portion of any use, except individual single-family or ~~duplex two-family~~ lots, that abuts a public right-of-way shall install Level III landscaping unless otherwise specified. See Figure 1 in UPMC [19.65.140](#).

19.65.105 Transition landscaping requirements.

Development or redevelopment of uses not permitted in the R1 or R2 zones on those portions of properties that abut or are across a local street (as defined in Chapter [13.20](#) UPMC) from an R1 or R2 zoned property shall:

A. Install Level I landscaping within the front yard setback abutting all local streets. See Figure [13](#) in UPMC [19.65.140](#).

B. Install a solid 100 percent sight-obscuring six-foot-high fence or wall within or along the required setback along all local streets. The location of the fence or wall shall be approved by the Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence.

19.65.110 Parking lot and impervious surface area landscaping.

A. The intent of this section is to break up and reduce the barren appearance of parking, circulation, loading, storage and other large impervious surface areas of a site. To the extent practicable, landscaped areas shall be dispersed throughout the impervious surface area.

B. Perimeter Street Landscaping. Any portion of a parking lot, outdoor sales area or other large impervious surface area that is within 20 feet of a public road right-of-way shall install Level III landscaping along that portion of the parking lot perimeter. See Figure 3 in UPMC [19.65.140](#).

C. Interior Landscaping. All surface parking lots with 10 or more spaces or combined outdoor sales areas greater than 1,600 square feet must provide interior landscaping as follows:

1. Row Requirement. The maximum number of consecutive vehicle parking or sales display spaces without an intervening island or peninsula is 10, unless the row fronts on a landscaping area with a minimum planting width of eight feet. For such rows, the maximum consecutive parking spaces without an intervening island or peninsula is 20 spaces. A landscaping island or peninsula is required at the end of each row of four or more automobile parking spaces that terminates within a parking or circulation area.

2. Island/Peninsula Requirement. Landscape islands and peninsulas shall have a minimum planting width and length of eight feet and minimum planting area of 120 square feet. There shall be at least one tree planted on every island and peninsula.

3. Planting Type and Density. The following landscaping is the minimum required for each 300 square feet of impervious surface landscaping: one two-inch caliper deciduous tree or one six-foot-tall evergreen tree; five five-gallon shrubs; and groundcover. There shall be a minimum of one deciduous canopy tree per four parking spaces or vehicle storage or sales display spaces. Deciduous canopy trees shall be selected in accordance with the Approved Street Tree Palette provided in the streetscape standards adopted pursuant to Chapter [19.54](#) UPMC.

4. Curb/Curb Edge. Planting areas shall be fully protected by curbs as a means of preventing injury to plants from pedestrian or vehicular traffic and to prevent landscaping material from entering the storm drainage system. No trees or shrubs shall be planted within two feet of a curb edge. Groundcover is required within this two-foot area.

19.65.120 Perimeter landscape buffering.

A. Intent. The intent of this section is to provide for a physical, visual and noise buffer and transition between uses. Different landscape/buffer levels are used to address different uses, compatibility and in conjunction with new subdivisions.

B. General Requirements. Refer to the tables in UPMC [19.65.150](#)(A) and (B) for the landscape level required by the proposed use, expansion or alteration. Each lot line will have a required landscape level based on the abutting land use except that, when two or more properties abut and share a common driveway or parking area, perimeter landscaping along the shared property line may be waived. Pedestrian walkways shall be permitted to cross required landscape areas. Refer to Figures 1, 2, and 3 in UPMC [19.65.140](#) for illustration of perimeter landscaping requirements.

C. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not apply.

D.Maintenance: Where landscaping has been required or a natural buffer has been set aside, no other use including, but not limited to, the construction of structures is allowed unless authorized by the original permit.

19.65.125 Residential development canopy tree requirement.

A minimum of one deciduous tree per 3,000 square feet of lot area shall be planted on each new single-family or duplex lot created through the short plat or conventional preliminary plat/final plat process after the effective date of the ordinance codified in this section. In addition, a minimum of one deciduous or evergreen tree per 2,000 square feet of dedicated common open space shall be planted within a project's open space area. If the calculation of the number of trees results in a fraction of one-half or greater, the fraction and the number of trees shall round up to the next whole number. If this calculation results in a fraction of less than one-half, the fraction and the number of trees shall round down to the previous whole number.

Planting on an individual lot shall occur prior to the building permit being finalized for a new dwelling unit on the lot. Trees required under this provision shall be in addition to any street trees required to be planted within a public street right-of-way or replacement trees required to be planted in accordance with UPMC [19.65.310](#). This section shall not apply to small lot developments designed in accordance with Chapter [19.53](#) UPMC.

19.65.130 Interior landscaping/site stabilization.

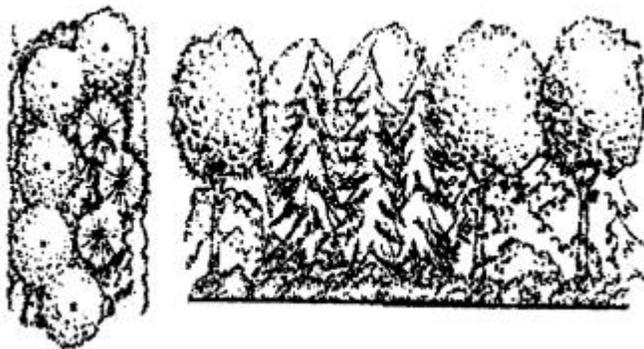
All interior portions of lots, parcels or tracts which are not developed with buildings, parking areas and/or accessory uses or where other more specific landscaping regulations are required shall be landscaped with Level IV landscaping, unless native vegetation already exists, and shall be maintained. This includes temporary stabilization of development sites.

19.65.140 Landscape levels.

A. Level I: Visual Screen. Level I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and groundcovers. The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting. Where a sight-obscuring fence is required, chain-link fencing with slats shall not be considered to be sight-obscuring. Level I landscaping shall consist of the following:

1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen, which creates a solid sight-obscuring barrier within three years of planting. Evergreen trees shall be planted no greater than 15 feet on center in each row.
2. The width of a Level I landscape buffer shall be no less than 20 feet. The area which is not planted with trees shall be planted with shrubs and groundcover. Shrubs shall be spaced no greater than five feet on center. Shrubs and groundcover shall be planted to attain a coverage of 90 percent of the planting area within three years.
3. Lawns may be used to cover up to 75 percent of the landscape area which is not planted with trees or shrubs.

Figure 1. Landscaping Level I, Visual Screen

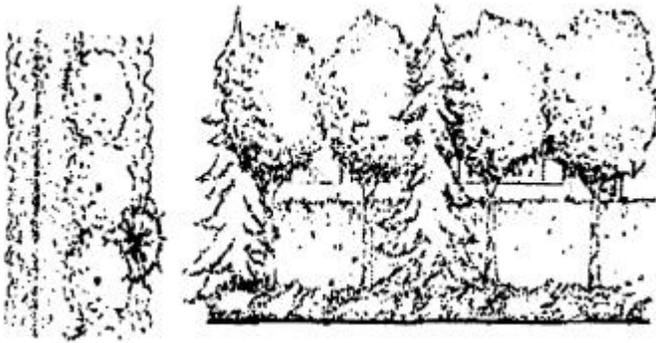


B. Level II: See-Through Buffer. Level II landscaping is intended to create a visual separation between uses and zones. Level II landscaping shall consist of:

1. A mix of evergreen and deciduous trees, with no more than 30 percent being deciduous. All trees shall be planted at intervals no greater than 10 feet on center.

2. The width of a Level II landscape buffer shall be no less than 12 feet. The area which is not planted with trees shall be planted with a mix of evergreen and deciduous shrubs, with not more than 30 percent being deciduous, planted at a density of seven per 100 square feet of planting area, together with other living groundcover planted to attain a coverage of 90 percent within three years of planting.

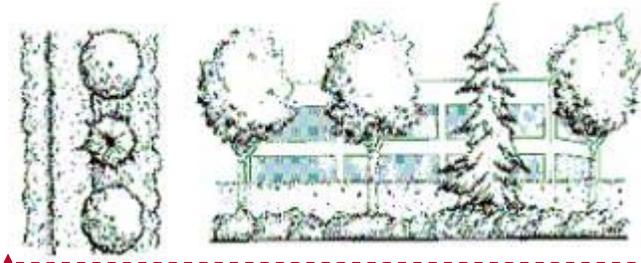
Figure 2. Landscaping Level II, See-Through Buffer



C. Level III: Ornamental Effects Landscaping. Level III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Level III landscaping shall consist of:

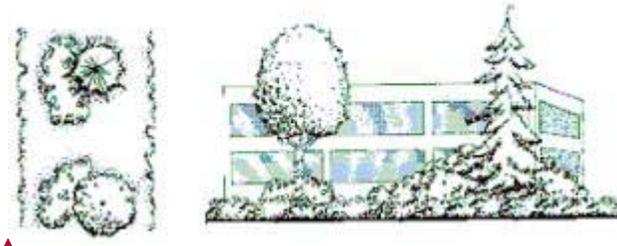
1. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. Up to 100 percent of the trees may be deciduous. Trees shall be spaced at intervals no greater than 30 feet on center.
2. The width of a Level III landscape buffer shall be no less than five feet. The area which is not planted with trees shall be planted with shrubs and living groundcover chosen and planted to attain a coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to 75 percent of the required groundcover.
3. Landscaping located within public rights-of-way shall be approved by the Department, prior to planting, as part of the review of landscape plans required by UPMC [19.65.200](#). Landscaping in the public right-of-way shall be in accordance with the “Design Standards and Guidelines for Streetscape Elements” adopted pursuant to Chapter [19.54](#) UPMC.

Figure 3. Landscaping Level III, Ornamental Effects



D. Level IV: Soil Stabilizing Vegetation/Landscaping. Level IV landscaping is intended to provide soil stability, prevent erosion and prevent sedimentation of off-site properties and improvements. Level IV landscaping shall consist of lawn, other living groundcover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices. Level IV landscaping shall be established on all portions of development sites that are or have remained undeveloped for a period of six months.

Figure 4. Landscaping Level IV, Soil Stabilizing



19.65.150 Perimeter landscape tables.

A. Residential, Commercial and Industrial Table.

Existing Uses						
	School or Park	Single- or Two-Family <u>or Duplex</u> Dwellings	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses
Proposed Uses						
Single- or Two-Family <u>or Duplex</u> Subdivisions	L3	X	L3	L1	L1	L1
Short Plats**	L3		L3	L3	L3	L3
Multifamily and Senior Housing*	L1	L1	L2	L1	L1	L1
Mixed Use	L1	L1	L1/L2***	L3	L3	L2
Religious Assembly and Day Care	L1	L1	L2	L1	L1	L1
Offices and Services	L1	L1	L1	L3	L3	L2
Commercial Uses	L1	L1	L1	L3	L3	L2
Industrial Uses	L1	L1	L1	L2	L2	L3

*Includes mobile home parks

**Required on newly created vacant lots only as a condition of building permit issuance. Installation required prior to building permit final.

***Mixed use projects that are predominantly commercial shall use an L1 buffer. Mixed use projects that are predominantly residential shall use an L2 buffer.

Note: Perimeter landscaping not required when development is adjacent to vacant land.

B. Public Facilities and Utilities Table.

Existing Uses						
	Single- or Two-Family or Duplex Dwellings	Single- or Two-Family or Duplex Subdivisions	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses
Proposed Uses						
Government and Utility Offices	L1	L1	L1	L3	L3	L2
Schools and Parks	L1	L1	L1	L2	L2	L1
Government and Utility Maintenance Facilities	L1	L1	L1	L2	L2	L3
Sewage Treatment Plants	L1	L1	L1	L1	L1	L1
Accessory Utility Facilities	L2	L2	L2	L3	L3	L3

19.65.160 Not required in wetlands or across streams.

The landscape requirements of this chapter are not required in a wetland, wetland buffer, fish and wildlife buffers or across streams.

19.65.170 Modification of landscaping requirements.

A. Upon written request supported by one or more of the following instances the Director may authorize a reduced width of planting or waive some or all of the landscaping requirements:

1. Where, except those areas where Level IV landscaping is required, the requirement of this chapter would require more than 50 percent of the site area (excluding parking lots) to be landscaped, the Director may modify the requirements so that not more than 50 percent of the site area (excluding parking lots) must be landscaped. The Director may require more intensive landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape level cannot be satisfied.

2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this chapter in achieving the intent of the required landscape level.

3. When existing conditions on or abutting the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this chapter ineffective.

4. When Level I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the Director shall consider the applicant's request in light of the intent of Level I landscaping and the nature of the use or development which is being screened.

5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which the Director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.

6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.

B. When approving a request for a modification of landscaping requirements, the Director shall issue findings upon which the approval is based. The Director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape level and any modification thereof is maintained.

19.65.180 Planter boxes.

In limited circumstances the director may approve the use of planter boxes in lieu of Level III landscaping where such planter boxes will not obstruct sight distance.

19.65.190 Sizes and types of landscaping.

Landscape areas required pursuant to UPMC [19.65.090](#) through [19.65.150](#) shall conform to the following standards. All plant material shall meet or exceed ANSI Z60.1-1996 American Standards for Nursery Stock.

A. Trees, Evergreen. Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than six feet in height at time of planting. Tree material at time of planting shall be of a sufficient size to meet applicable the minimum height and landscape buffer or screening requirements within 10 years of installation.

B. Trees, Deciduous. Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of two inches and a minimum height of 10 feet at time of planting unless the City determines that a particular species or cultivar, which is available only in a smaller size, is the preferred selection for a specific location. Tree material at time of

Formatt
Formatt
Formatt
Formatt

planting shall be of a sufficient size to meet ~~any applicable the minimum height and landscape buffer or~~ screening requirements within 10 years of installation.

C. Shrubs and Hedges. Size: Shrubs may be comprised of a mixture of sizes but shall not be less than 24 inches at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within three years of installation.

D. Groundcover, Vegetative. Size: Groundcover shall be planted to achieve a minimum planting area coverage of 90 percent of required coverage within three years of installation and shall achieve 100 percent of required coverage within five years of installation.

E. Groundcover, Inert. Wood chips, bark, decorative rock or other appropriate inert organic material may be used.

F. Lawn Sodded and Seeded. Newly seeded lawns or installed sod shall be comprised of drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use.

19.65.200 Landscape plans.

A. A Landscape plan includes a planting plan and an irrigation plan and is required to be prepared for any landscape areas required in UPMC [19.65.100](#) through [19.65.130](#) including active recreation areas in formal subdivisions and short subdivisions. Other areas require only a planting plan. Plans shall be submitted to the Department for review and approval.

B. Landscape plans shall be prepared by a Washington State registered landscape architect, a Washington State certified nurseryperson, or a Washington State certified landscaper, except that landscape plans for short subdivisions and for street tree requirements may be prepared by the applicant. A certified irrigation designer shall prepare the irrigation plan.

C. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

1. The location of existing vegetation to be retained, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.
2. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.
3. Whenever possible the landscape plan shall incorporate the recommendations contained in the City's publication on root control, water conservation and suggested plant material.

D. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. All landscaped areas must provide an irrigation method as stated below:

1. Option 1. A permanent underground irrigation method with an automatic controller plus an overriding rain switch.
2. Option 2. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant materials selected are determined to be drought-tolerant by the Department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought-tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

E. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The Director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarantees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued or final inspection. However, the Director may approve an alternative timeline associated with a phased project.

F. Following installation of the landscaping and irrigation, the person or persons who prepared the planting and irrigation plans shall submit, within 30 days, a signed affidavit that the landscaping and irrigation system has been installed per the approved plans. The City will conduct an inspection prior to final approval of the landscape plan.

19.65.210 Maintenance.

A. The following standards shall be followed for all required landscaping:

1. The property owner shall maintain all landscaping for the life of the land use.
2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. [Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 *How to Prune Trees* available on-the web.](#)
3. All landscape areas shall be kept free of trash.

B. Uses permitted by special use permits issued before the City's incorporation where landscaping was required as a condition of approval shall be subject to the maintenance provisions of this section.

19.65.220 Replacement.

The following standards apply to the replacement of vegetation within required landscape areas:

A. Any installed plant material located within required landscape areas which dies shall be replaced during the spring or fall growing season following plant loss but not greater than 180 days from time of loss. This standard applies for the life of the project.

B. Any tree existing on site at the time of development, greater than four inches DBH, located within a required perimeter landscape buffer or parking lot landscape areas, shall be replaced during the spring or fall growing season following death or following a determination by an urban forester or the City that the tree is diseased or damaged and has a significant chance of toppling in high winds, but not greater than 180 days from time of loss. The existing tree shall be replaced on a two-for-one basis. Any future replacement of the initial replacement trees shall occur at a one-for-one ratio. This standard applies for the life of the project.

19.65.230 Financial guaranty.

A. Performance bonds or other appropriate security (including but not limited to an assignment of funds) in the amount of 125 percent of the approved estimated landscaping cost shall be required if landscaping is not installed. The financial guaranty shall be provided prior to issuance of occupancy, for nonresidential building permits, before final inspection of residential construction, and prior to final subdivision or short plat approval, whichever is applicable. Prior to accepting a financial guaranty, the City shall have approved the landscape plans and a cost estimate for completing the landscaping. The cost estimate shall include the cost of plant material, irrigation and labor, installation, and materials.

B. For all projects which require landscaping except short plats, an 18-month landscaping maintenance guaranty equal to the cost of the landscaping less the irrigation system shall be required prior to final project approval or release of the landscape performance bond. At the end of the 18-month period, the applicant shall request that the City inspect the landscaping to ensure all planted material is alive and healthy. Any plant material needing replacement shall be replaced in accordance with UPMC [19.65.220](#) and inspected prior to the release of the maintenance guaranty. After the maintenance bond is released, landscaping shall be maintained in accordance with UPMC [19.65.210](#).

19.65.240 Urban forest management.

The intent of this section is best stated in Comprehensive Plan policy EN316, which states, "Protect and enhance the natural green and wooded character of University Place." Therefore, projects shall be designed around existing trees, preserving the maximum ~~number~~ amount of ~~significant~~ trees and ~~retaining~~ existing native vegetation ~~to the extent as~~ possible. The intent is ~~not to discourage~~ ~~allow~~ clear-cutting of a project site, mass grading and ~~reliance on then~~ replanting with smaller trees ~~as mitigation for the loss of tree canopy~~. Forest practices except

for Christmas tree cultivation are prohibited in University Place. Because of the likelihood that much of the remaining undeveloped privately-owned ~~all~~ lands within the City will be converted to urban development in the foreseeable ~~near~~ future, all trees shall be managed in accordance with this chapter.

19.65.250 City tree account.

Funds kept for planting and maintenance of trees on City property and in public rights-of-way shall be kept in a City tree account. Funds shall be placed in the account by the City Council, from fines collected as a result of violations of this chapter, from payments in lieu of replacement trees, from private donations and from grants and loans for the purpose of establishing and maintaining trees in the City. A schedule of tree costs including tree purchase, installation and maintenance is adopted by separate resolution.

19.65.260 Significant trees.

The City may maintain an inventory of significant trees.

19.65.270 Tree retention in development situations.

A. This section regulates the removal of trees associated with the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or larger trees, into a design. It is the intent of these provisions to lessen the aesthetic and ecological impacts of tree removal.

~~A. Except as provided in subsection (C) of this section, a maximum of five trees may be removed within a 36 month period without a permit. Additional trees can only be removed in accordance with this chapter.~~

B. The following trees shall be retained: The applicant must show how existing trees, excluding invasive trees, nuisance trees and hazard trees, will be preserved by choosing one of the following options to identify those trees to be retained. Trees located within a critical area or associated buffer are excluded from the following calculations:

1. Preserve at least 35% of the trees located on the site;
2. Preserve all trees ≥ 20 inches DBH and at least 20% of the total tree diameter on the site, where there are at least 4 trees ≥ 20 inches DBH on the site;
3. Preserve at least 50% of all trees ≥ 20 inches DBH and at least 25% of the total tree diameter on the site, where there are at least 4 trees ≥ 20 inches DBH on the site;
4. Preserve at least 30% of the total tree diameter on the site, where all trees are < 20 inches DBH; or
5. Preserve at least 35% of the total regulated tree canopy area on the site, if the site is larger than two acres.

~~1. The maximum number of trees located within any required perimeter landscaping area and in no case less than 75 percent;~~

~~2. Twenty five percent of the trees located in the interior of the lot, excluding critical areas or their buffers;~~

C. In addition to those trees identified for retention in subsection B, the following trees shall be retained:

~~31. All trees within a critical area including wetlands or wetland buffers, fish and wildlife habitat buffers, or landslide and erosion hazard areas with slopes requiring preservation, (trees and vegetation shall be maintained in these critical areas in accordance with unless removal is authorized pursuant to UPMC Title 17). If the city determines that a tree located within a critical area is a hazard, the city may authorize conversion of the tree to a "habitat snag" by cutting the tree at the highest point possible that still eliminates a tree's hazard risk. The lower portion of the tree remains in place as a habitat snag to provide habitat value for fish and wildlife. In addition, the upper portion of the tree is usually left on the ground to provide extra habitat value. Also, in order to compensate for the loss in habitat value, additional tree plantings in the critical area and/or buffer may be required as mitigation;~~

~~42. All trees within an identified scenic road corridor, wildlife corridor, or scenic trail identified in the City's Parks, and Recreation and Open Space Plan or the Comprehensive Plan;~~

~~53. All significant trees; and~~

~~64. Trees located within a shoreline vegetation conservation area except when their removal is authorized in accordance with UPMC 18.25.100(F) and (G).~~

~~6D. Except as provided in subsection (C)(1)(B)(3) of this section, trees to be retained shall not include hazard trees that are determined to be exempt under UPMC 19.65.070(D), following inspection and a report in the format recommended by the International Society of Arboriculture's Guide to the Evaluation of Hazard Trees in Urban Areas prepared by an urban forester and reviewed and approved by the City, are determined to be: Hazard trees may include:~~

~~1. Damaged or diseased trees;~~

~~2. Trees that pose a safety hazard due to potential root, trunk or primary limb failure; or~~

~~3. exposure of mMature trees that which have grown in a closed, forested situation dense stand of trees and recently become exposed to windthrow due to nearby development activity.~~

~~D. The urban forester shall use the most recent guidelines established by the International Society of Arboriculture in its guide to the professional evaluation of landscape trees, shrubs and evergreens to make the determination that a tree is either damaged, diseased and/or a safety hazard.~~

~~DE. At the discretion of the City, damaged or standing dead trees may be retained~~

and counted toward the tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as hazard trees.

E. A tree removal permit is required when the development activity will result in the removal of more than five trees. Up to 5 trees may be removed in development situations before calculating the number of trees that shall be retained as set forth in UPMC 19.65.270(B).

19.65.275 Tree retention – No Associated Development.

A. The purpose of this section is to manage and conserve the urban forest when development activity is neither proposed nor occurring.

B. Trees listed in UPMC 19.65.270(C) shall be retained.

C. A maximum of five trees not listed in UPMC 19.65.270(C) may be removed within a 36-month period without a tree removal permit. In addition, trees determined to be hazard trees as provided in UPMC 19.65.270(D), invasive trees as provided in UPMC 19.65.330, and nuisance trees as provided in UPMC 19.65.340 may be removed and will not count toward the five-tree limit.

D. Removal of additional trees beyond those provided for in subsection B may only be authorized through issuance of a tree removal permit in accordance with the tree retention standards set forth in UPMC 19.65.270 and this chapter.

19.65.280 Tree retention plans.

~~On timbered property greater in size than one-half acre or commercial property with more than 15 trees, or other sites the City deems it necessary because of special circumstances or complexity, the City shall review the site and be involved~~The City shall participate in the following three phases of tree retention described below. The City may retain an urban forester consulting arborist to work on the City's behalf. The urban forester consulting arborist shall be paid by the City and the applicant shall reimburse the City for all urban forester consulting arborist costs. Urban forester consulting arborist expenses shall be reimbursed prior to the issuance of any building permits or final approval, whichever is first required following the work done by the urban forester consulting arborist.

A. Survey and Evaluation Planning Phase.

1. Individual tree survey. The applicant shall provide a survey of the location of all trees and place them on the site plan. ~~If there is an overwhelming number of trees, the City may do a preliminary site evaluation to delineate where the better trees are located based on species, condition, size, soils, and exposure.~~2. All trees located near existing and proposed future buildings, roads, common open space areas, and high to moderately used areas other activity areas shall be evaluated. The tree identification number, species, size, condition, vigor, structure, risk of failure, and maintenance recommendations shall be documented in the plan.

2. Statistical sampling. For large stands of trees proposed to be retained in their entirety or largely in their entirety, statistical sampling may be used to estimate the total tree DBH and total number of trees present. Sampling must be carried out by an SAF Certified Forester based on standard methodologies. Statistical sampling may be used in these stands in lieu of individual tree survey.

3. Tree canopy. When calculating the amount of regulated tree canopy on a site, the total canopy area must be based on the most recent aerial photograph available. The aerial photograph must be no more than five years old. Other data such as LiDAR may be used to help in calculating tree canopy as appropriate. Regulated tree canopy excludes invasive trees, nuisance trees, hazard trees and trees within critical areas or their buffers.

~~3. once the survey and evaluation is completed, the applicant can begin to plan the project to avoid the more favorable trees and vegetation. The applicant shall work with the City to help determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.~~

B. Planning and Design Phase.

1. Detailed planning and design should not proceed until the survey and evaluation phase is completed so that the project design may achieve the most beneficial tree retention plan from the standpoint of maximizing ecological and aesthetic benefit to the community. The applicant shall work with the City to determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.

2.1. The critical root zone (CRZ) of all trees to be retained near clearing, grading, or other disturbances shall be shown on all site plan construction documents. Any grading, construction, or utility installation within the CRZ shall be called out on the plan. Required work in these areas shall be under the direction or instruction of the City.

3.2. The locations of the tree protection barriers shall be shown on the clearing and grading plans. The tree protection barriers shall be shown along the edge of the CRZ or adjusted under the direction of the City.

C. Construction Phase.

1. A preconstruction meeting is required before any clearing takes place. The City shall point out retained trees to the general contractor, review tree preservation guidelines, and answer questions regarding tree protection.

2. The City shall inspect and approve the tree protection barrier prior to any work on the site, make adjustments where necessary, and discuss techniques to work within CRZs as needed.

3. The City shall establish a schedule to periodically monitor the tree retention plan based on the number of trees and difficulty of protecting trees during construction.

4. When clearing and grading activities are completed, the applicant shall request an inspection. The City may require tree maintenance and remedial action to improve tree health and vigor. If any unauthorized trees are removed, the City shall take action in accordance with UPMC [19.65.040](#).

19.65.290 Tree protection.

A. To provide the best protection for remaining trees:

1. No tree removal that requires a permit shall be allowed on a site until approval of the tree removal permit.
2. An area free of disturbance, generally corresponding to the CRZ of each tree, shall be identified on the site plan. During construction a temporary five-foot-high chain link or plastic net fence shall be installed around the trees or group of trees to be retained.
3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area enclosed by such fencing.
4. A rock wall shall be constructed if the grade level around a tree is to be raised by more than one foot. The inside diameter of the wall shall be equal to the diameter of the drip line of the tree.
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - a. The drip line of the tree(s); or
 - b. An area around the tree equal to one-foot diameter or each inch of tree trunk diameter measured four feet above the ground.

B. The City may approve use of tree protection techniques, other than those listed above, if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques shall be those recommended by an urban forester.

C. No impervious surface or fill shall be placed within the drip line of the tree unless the City determines that the long-term health of the tree will not be significantly harmed.

19.65.300 Tree removal in subdivisions.

When subdividing property by preliminary plat, trees and groundcover shall not be removed prior to preliminary plat approval. When subdividing property by either short or preliminary plat, no clearing of trees or groundcover may take place until a tree preservation plan and site development permit have been approved by the City. Road locations must be staked prior to clearing. Prior to issuance of a building permit, a title notification shall be recorded that states:

Formatted

Trees which are required to remain on this lot pursuant to the city's tree preservation regulations (Chapter [19.65](#) UPMC) shall not be removed for a period of three years from the date of original purchase by individual lot owners except as provided for in UPMC [19.65.270](#)(~~ED~~) and only then following consent by the city. Regulated trees removed subsequent to this three year period shall be replaced in accordance with UPMC 19.65.190 and UPMC 19.65.310.

19.65.310 Tree replacement.

A. When the required number of trees cannot be retained as determined at the sole discretion of the City, trees that are removed shall be replaced with new trees of the same species ~~in accordance with UPMC 19.65.220,~~ at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

B. When the required number of trees cannot be physically retained or replaced on site, the applicant has the option of:

1. Planting the required number of replacement trees at locations approved by the City prior to the time of occupancy of the building or final approval of the subdivision at the same rate as the replacement rate required for on-site replacement of trees; or

2. Payment in lieu of replacement may be made to the City tree account for planting of trees in priority off-site locations various areas of within the City. These are public street rights-of-way, public parks, and other public open spaces. The payment is an equivalent amount to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's tree replacement cost schedule. The payment in lieu of planting trees on site shall be made prior to the issuance of any building permit or final subdivision approval.

19.65.320 Tree Maintenance and Pruning

Trees which are required to be maintained and replacement trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 *How to Prune Trees* available on-the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture's Best Management Practices – Utility Pruning of Trees.

19.65.3320 Common area management plans.

In those cases where a ~~subdivision or planned residential~~ development has common areas ~~that, which~~ are managed by a homeowner’s association, a common area management plan may be developed in lieu of obtaining consecutive tree removal permits. A common area management plan shall be developed by a certified or registered arborist and submitted to the City for review and approval.

19.65.3340 Invasive tree species list.

Tree species known to be invasive in the Pacific Northwest are listed below. The City may determine that additional tree species should be classified as invasive if the species clearly exhibits the detrimental characteristics of invasive species.

<u>Common Name</u>	<u>Species Name</u>
<u>Norway maple</u>	<u><i>Acer platanoides</i></u>
<u>Sycamore maple</u>	<u><i>Acer pseudoplatanus</i></u>
<u>Horse chestnut</u>	<u><i>Aesculus hippocastanum</i></u>
<u>Tree-of-heaven</u>	<u><i>Ailanthus altissima</i></u>
<u>European white birch</u>	<u><i>Betula pendula</i></u>
<u>English/European hawthorn</u>	<u><i>Crataegus monoqyna</i></u>
<u>English holly</u>	<u><i>Ilex aquifolium</i></u>
<u>Princess tree</u>	<u><i>Paulownia tomentosa</i></u>
<u>White poplar</u>	<u><i>Populus alba</i></u>
<u>Sweet cherry</u>	<u><i>Prunus avium</i></u>
<u>Cherry laurel</u>	<u><i>Prunus laurocerasus</i></u>
<u>Portugal</u>	<u><i>Prunus lusitanica</i></u>
<u>Black locust</u>	<u><i>Robinia pseudoacacia</i></u>
<u>European mountain ash</u>	<u><i>Sorbus aucuparia</i></u>
<u>Siberian elm</u>	<u><i>Ulmus pumila</i></u>

19.65.3450 Nuisance tree species list.

Tree species categorized as nuisance trees in University Place are listed below. The City may determine that additional tree species should be classified as nuisance trees if the species clearly exhibits the detrimental characteristics of nuisance species.

<u>Common Name</u>	<u>Species Name</u>
<u>Red alder</u>	<u>Alnus rubra</u>
<u>Black cottonwood</u>	<u>Populus trichocarpa</u>

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an Ordinance Amending Ordinance No. 623, Amending Title14, Chapter 14.05 related to Building and Construction to comply with RCW 19.27 the State Building Code by adopting the 2015 Editions of the International Code, 2015 Edition of the State Energy Code and the 2015 Edition of the Uniform Plumbing Code.

Agenda No: 14
Dept. Origin: Planning & Development Services
For Agenda of: June 20, 2916
Exhibits: Proposed Ordinance
Exhibit A

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to Form by City Atty.: _____
Approved by Finance Director: _____
Approved by Dept. Head: _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
---------------------------------	----------------------------	-----------------------------------

SUMMARY / POLICY ISSUES

Every three years the State Building Code Council (SBCC) advises the State Legislature on updates to the State Building Code. Since 2003 the SBCC has advised the State Legislature to adopt the International Code developed by the International Code Council (ICC) as the State Building Code. The ICC develops the codes and standards used to construct residential and commercial buildings including homes and schools. The International Codes or I-Codes provide the minimum safeguards for people at home at school and in the workplace. The I-Codes are a complete set of comprehensive, coordinated building safety and fire prevention codes. Fifty states and the District of Columbia have adopted the I-Codes at the state or jurisdictional level.

ALTERNATIVES CONSIDERED

The Revised Code of Washington Chapter 19.27 RCW the State Building Code requires the State Building Code be in effect in all counties and all cities in the State.

BOARD OR COMMITTEE RECOMMENDATION

The City Council reviewed the proposed amendments during a study session on June 20, 2016 and directed staff to bring the proposed amendments forward for consideration on July 5, 2016.

RECOMMENDATION/MOTION

MOVE TO: Pass an Ordinance Amending Ordinance No. 623, Amending Title14, Chapter 14.05 related to Building and Construction to comply with RCW 19.27 the State Building Code by adopting the 2015 Editions of the International Code, 2015 Edition of the State Energy Code and the 2015 Edition of the Uniform Plumbing Code.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, RELATING TO BUILDING AND CONSTRUCTION CODES, AMENDING TITLE 14 OF THE UNIVERSITY PLACE MUNICIPAL CODE BY AMENDING CHAPTER 14.05, EXCEPT FOR VESTED PERMIT APPLICATIONS, AND BY ADOPTING A NEW CHAPTER 14.05, BUILDING AND CONSTRUCTION CODES, WHICH SHALL APPLY TO NEW PERMIT APPLICATIONS

WHEREAS, the Revised Code of Washington Chapter 19.27 RCW the State Building Code requires the State Building Code be in effect in all counties and all cities in the State; and

WHEREAS, RCW 19.27.040 authorizes cities to amend the State Building Code as it applies within their jurisdiction; and

WHEREAS, the City Council finds that the public health, safety, and general welfare are best served by adopting and enforcing building and construction codes that require minimum performance standards for construction and construction materials, consistent with accepted standards of engineering, fire and life safety, and to permit the use of modern technical methods, devices and improvements.

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

Section 1. Preserving Vested Permit Applications, the City's Authority to Enforce Prior Building and Construction Codes. The amendment of Chapter 14.05, Uniform Codes, of the University Place Municipal Code as provided for in Section 2 shall not apply: (1) to any vested permit application that is lawfully entitled to be processed under the prior Building and Construction Code; or (2) to any enforcement action taken by the City to enforce the provisions of prior Building and Construction Code

Section 2. Amend Chapter 14.05, Building and Construction Code, to the University Place Municipal Code. The University Place Municipal Code, Chapter 14.05, Building and Construction Code, is hereby amended as shown in Exhibit A.

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 take effect five (5) days after publication.

PASSED BY THE CITY COUNCIL ON _____, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: 05/18/16

Effective Date: 05/23/16

Chapter 14.05

BUILDING AND CONSTRUCTION CODE

Sections:

- 14.05.010 Short title.
- 14.05.020 Purpose.
- 14.05.030 Adoption of codes by reference.
- 14.05.040 Conflicts between codes.
- 14.05.050 Fire Code Official designated.
- 14.05.060 Fees.
- 14.05.070 Hours of construction.
- 14.05.080 Codes – Copies on file.
- 14.05.090 Administrative provisions.
- 14.05.100 Building code amendments.
- 14.05.110 Fire code amendments.
- 14.05.120 Violations and penalties.
- 14.05.130 Liability.
- 14.05.140 Hearings Examiner – Powers and duties.

14.05.010 Short title.

This chapter is known as and may be referred to as the “building and construction code.”

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.020 Purpose.

The purpose of the codes and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of University Place. It is not the purpose or intent to create or designate any particular class or group of persons to be especially protected or benefited, nor is it intended to create any special relationship with any individual.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.030 Adoption of codes by reference.

The following codes are hereby adopted by this reference as if fully set forth in this chapter and as specifically modified or amended as set forth in this chapter:

A. The ~~2012~~ 2015 Edition of the International Building Code, including Appendix Chapter E, and ICC/ANSI A117.1-2009, and the 2015 International Existing Building Code and International Swimming Pool and Spa Code published by the International Code Council is hereby adopted by reference with the exceptions noted in Chapter 51-50 WAC and subsequently amended by this chapter.

B. The ~~2012~~ 2015 Edition of the International Residential Code including Appendices F, ~~G, R~~ and SQ as published by the International Code Council is hereby adopted as amended by the Washington State Building Code Council in Chapter 51-51 WAC and as subsequently amended by this chapter; provided, that Chapters 11 and 25 through 43 of this code are not adopted.

C. The ~~2012~~ 2015 Edition of the International Mechanical Code including adoption of 2015 International Fuel Gas Code. –published by the International Code Council and 2014 NFPA 58 & 2014 NFPA 54, published by the National Fire Protection Association is hereby adopted by reference with the exceptions noted in Chapter 51-52 WAC.

D. The ~~2012~~ 2015 Edition of the International Fire Code published by the International Code Council is hereby adopted by reference with the additions, deletions, and exceptions contained in Chapter 51-54A WAC, including Appendices B, C, D (Sections 105 and 106 only), E, F and G.

E. The ~~2012~~ 2015 Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the additions, deletions and exceptions contained in Chapter 51-56 WAC; ~~provided, that Chapters 12 and 15 of this code are not adopted; provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.~~

F. The 2015 Edition of the Washington State Energy Code including commercial and residential provisions and appendices, is hereby adopted by reference with the additions, deletions and exceptions contained in Chapters 51-11C and 51-11R WAC.

~~F. The 2012 Edition of the International Conservation Code, Commercial, as amended by the Washington State Building Code Council in Chapter 51-11C WAC, is hereby adopted.~~

~~G. The 2012 Edition of the International Conservation Code, Residential, as amended by the Washington State Building Code Council in Chapter 51-11R WAC, is hereby adopted.~~

~~H. The 2012 Edition of the International Existing Buildings Code, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted.~~

I. The National Electrical Code, published by the National Fire Protection Association, as adopted and enforced by Tacoma Public Utilities, is hereby adopted.

~~J. The 2013 National Fire Protection Association Standards, 13, 13D, 13R and 72 are hereby adopted.~~

(Ord. 623 § 2 (Exh. A), 2013; Ord. 591 § 1, 2011; Ord. 587 § 2, 2011*; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

*Code reviser's note: Section 1 of Ordinance 587 states: "The amendment of Chapter 14.05 Building and Construction Code of the University Place Municipal Code as provided for in Section 2 shall not apply: (1) to any vested permit application that is lawfully entitled to be processed under the prior Building and Construction Code; or (2) to any enforcement action taken by the City to enforce the provisions of prior Building and Construction Code."

14.05.040 Conflicts between codes.

In case of conflict among the building code, the residential code, the mechanical code, the fire code, and the plumbing code, the first named code shall govern over those following. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most specific, as determined by the Building Official, shall apply.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.050 Fire Code Official designated.

Inspections and code enforcement of the fire code shall be conducted by the University Place Fire Code Official. Conflicts of code interpretation shall be determined by the Building Official.

(Ord. 662 § 1 (Exh. A), 2015; Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.060 Fees.

~~Any fee schedule in the codes listed in UPMC 14.05.030 shall be void.~~ All fee schedules shall be listed in a fee resolution adopted by the City Council of the City of University Place.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.070 Hours of construction.

Except as otherwise provided in this chapter and in UPMC 9.05.040, the activities regulated by this chapter shall be limited to the following hours:

A. Monday through Saturday: 7:00 a.m. to 7:00 p.m.

B. Sunday and legal holidays: 8:00 a.m. to 5:00 p.m.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.080 Codes – Copies on file.

The City Clerk is to maintain one copy on file of each of the codes adopted by this chapter for public inspection and photocopying. These copies may be kept in the care of the Building Official.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.090 Administrative provisions.

The administrative provisions as specified in Chapter 1 of the International Building Code as adopted and as subsequently amended by this chapter shall be used as the general administrative provisions for the codes listed in UPMC 14.05.030. As such, these provisions shall supersede conflicting provisions listed in other adopted codes.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.100 Building code amendments.

The following sections in the adopted International Building Code are hereby amended:

A. Section 105.2, item #4 is amended to read:

Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, provided the wall is set back from any adjacent property lines or structures a distance at least equal to the height of the wall and the material retained slopes 1:2 (or less) up and away from the wall, unless supporting a surcharge or impounding Class I, II or II-A liquids.

B. Section 111.2 is amended to read:

After the building official inspects the building or structure and finds no violations of the provisions of the codes adopted by Chapter 14.05 UPMC or other pertinent laws that are enforced by the jurisdiction, the building official shall issue a certificate of occupancy on a form developed by the City to display the information pertinent to identify the facility and code requirements.

C. Section 903.2 is amended by the addition of the following paragraphs:

The provisions of this Section shall apply to existing buildings which are altered, repaired or remodeled to more than fifty percent of its county assessment value at the time of the first permit application, or within any seventy month period of time thereafter. Any additions to an existing structure shall be considered new construction and subject to the requirements of this Section.

D. Appendix Chapter J of the International Building Code is hereby amended as follows:

A grading permit shall not be required for the following:

Mining, quarrying, excavation, processing or stock piling rock, sand, gravel aggregate or clay controlled by other regulation, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties or cause erosion or sedimentation on adjoining properties.

E. The following sections in the adopted International Residential Code are hereby amended:

1. Section 105.2 of the International Residential Code (Work exempt from a permit) is hereby deleted and replaced with Section 105.2 (Work exempt from a permit) of the International Building Code.

2. Appendix S of the International Residential Code is hereby amended by adding the following:

An approved automatic fire sprinkler system shall be installed throughout every building which is a group of townhouses as defined in the 2012 International Residential Code, which contains three (3) or more townhouse units.

3. Appendix R of the International Residential Code is hereby amended by deleting Section 29104.1.1 Exception 4.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 591 § 2, 2011; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 463 § 1, 2005; Ord. 408 § 3, 2004).

14.05.110 Fire code amendments.

The following sections in the International Fire Code are hereby amended:

A. Section 105.2 is amended by addition of a new subsection 105.2.15 to read:

Permit Fees. The City ~~or Fire District~~ shall collect fees for permits, plan review and inspection services as prescribed in the City of University Place "Fee Schedule."

B. Section 202 is amended as follows:

Fire Wall. A fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side of the wall without collapse of the wall. A Fire Wall shall not be allowed to create a separate building that avoids the requirement for approved automatic fire sprinkler systems.

C. A new Section 503.2.1.1 is added as follows:

Number of Accesses. More than one Emergency Vehicle Access may be required for commercial developments when it is determined that an access by a single street may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access, unless acceptable mitigation is provided.

D. The following new subsections are added to Section 503.3:

503.3.1 Striping. Painted lines of red traffic paint shall mark fire apparatus access six (6) inches in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" shall appear in four (4) inches of white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

503.3.2 Signs. Signs shall read "NO PARKING FIRE LANE" and shall be twelve (12) inches wide and eighteen (18) inches high. The signs shall have letters and background of contrasting colors, readily legible from a fifty (50) foot distance. Signs shall be permanently affixed to a stationary post and bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty (50) feet apart. Signs may be installed on permanent buildings or walls or as approved by the code official.

E. Section 505.1 is amended as follows:

New and existing commercial/multifamily buildings shall have approved address numbers, building numbers or approved building identification placed high on the building to be plainly legible and visible for the street or road fronting the property. These numbers shall contrast

with the background. Address numbers shall be Arabic numerical or alphabet letters. Numbers shall be a minimum of twelve (12) inches high. Individual unit/suite or space numbers or letters shall be 4" in size and contrasting with the background and visible for the approach side or angle.

New and existing residential structures shall have approved address numbers placed in a position that is plainly legible and visible for the street or road fronting the property. These numbers shall contrast with the background. Address numbers shall be a minimum of four (4) inches high with a minimum stroke of (.05) inch for buildings that are under fifty (50) from the street, six (6) inches high with a minimum stroke of (.05) inch for buildings that are more than fifty (50) from the street. Where access is by means of a private road or driveway and the structure can't be viewed from a public way, a monument, pole or other sign shall be used to identify the structure.

F. A new Section 507.5.4.1 is added reading:

Fire protection equipment and fire hydrants. Fire protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking or other obstruction. A minimum unobstructed distance of 15 feet shall be maintained on both sides of a fire hydrant along the access roadway.

~~G. Section 601 is amended by the addition of a new Subsection 601.1.1 as follows:~~

~~601.1.1 Commercial Kitchen Hoods. All kitchen hoods and cooking surfaces where grease-laden vapors are produced shall be protected by an approved UL300 system by January 1, 2012.~~

H. Section 901 is amended by the addition of a new Section 901.118.2 to read:

In the event of more than two false alarms in any 90-day period the Chief may charge a fee for fire department response as specified in the City of University Place "Fee Schedule."

EXCEPTIONS: False alarms resulting from the failure of a fire alarm service technician notifying the central proprietary or remote monitoring station shall be billed at the rate specified in the City of University Place "Fee Schedule."

For the purpose of this Section, a false alarm shall be defined as any unintentional activation of the fire alarm or detection system which is the result of improper installation, maintenance or use of that system.

Fire alarm system control units shall be provided with an approved sign indicating such fees will be imposed.

I. Section 903.2.8 is amended by the addition of a new Section 903.2.8.1 reading:

All Group R-3 occupancies requiring 2,000 gallons per minute of fire flow per Appendix B of the International Fire Code shall install an approved fire sprinkler system.

J. Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An approved automatic sprinkler system shall be provided throughout buildings and portions thereof as provided in 903.2.1.1 – 903.2.1.3 below. For group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

K. Section 903.2.1.1 is amended to read as follows:

903.2.1.1 Group A-1. An approved automatic sprinkler system shall be provided for Group A-1 where one of the following conditions exists:

1. The building exceeds 5,000 square feet;
2. The building has an occupant load of 300 or more;
3. The building contains a multi-theater complex.
4. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

L. Amend Section 903.2.1.2 to read as follows:

903.2.1.2 Group A-2. An approved automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The building exceeds 5,000 square feet;
2. The building has an occupant load of 100 or more.

M. Amend Section 903.2.1.3 to read as follows:

903.2.1.3 Group A-3. An approved automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The building exceeds 5,000 square feet;
2. The building has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

4. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

N. Amend Section 903.2.1.4 to read as follows:

903.2.1.4 Group A-4. An approved automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The building exceeds 5,000 square feet;
2. The building has an occupancy load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

O. Amend Section 903.2.2 with a new subsection 903.2.2.1 to read as follows:

903.2.2.1 Group B. An approved automatic sprinkler system shall be provided for Group B occupancies where one of the following conditions exists:

1. The building exceeds 5,000 square feet.

Exception: Building containing Group B occupancies and with construction Type IA/IB, Type IIA/IIB, Type IV/VA, or Type IIB/IIIB; and the building does not exceed 12,000 square feet.

P. Amend Section 903.2.3 to read as follows:

903.2.3 Group E. An approved automatic sprinkler system shall be provided for Group E occupancies where one or more of the following conditions exists:

1. The building exceeds 5,000 square feet or there are 50 or more occupant load as calculated in accordance with Table 1004.1.2.
2. Throughout every portion of educational buildings below the level of exit discharge.

Q. Amend Section 903.2.4 to read as follows:

903.2.4 Group F. An approved automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one or more of the following conditions exists:

1. The building exceeds 5,000 square feet.

Exception: Buildings containing Group F-2 occupancies and with the construction Type IA/IB, Type IIA/IIB, Type IV/V-A or Type IIB/IIIB; and the building does not exceed 12,000 square feet.

2. The building exceeds 2,500 square feet and contains a woodworking operation which generates finely divided combustible waste or which use finely divided combustible materials.
3. Where a Group F occupancy is located more than three stories above grade.
4. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 2,500 square feet.
5. The building exceeds 2,500 square feet and is used for the manufacture of upholstered furniture or mattresses.

R. Amend Section 903.2.7 to read as follows:

903.2.7 Group M. An approved automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet;
2. Where the Group M is located more than three stories above grade.
3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 5,000 square feet.
4. A Group M occupancy is used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.

S. Amend Section 903.2.9 to read as follows:

903.2.9 Group S. An approved automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet.
2. Where a Group S area is located more than three stories above grade.
3. Where the combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 5,000 square feet.

4. A Group S used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet.

5. A Group S occupancy is used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet.

Exception: Buildings containing Group S-2 occupancies and with the construction Type IA/IB, Type IIA/IIB, Type IV/V-A or Type IIB/IIIB; and the building does not exceed 12,000 square feet except as provided in Section 903.2.9.

T. Amend Section 903.2.9.1 to read as follows:

903.2.9.1 Repair garages. An approved automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with International Building Code to read as follows:

1. Buildings exceeding 5,000 square feet.
2. Buildings with a repair garage servicing vehicles parked in the basement.
3. A Group S used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet.

U. Amend Section 903.2.9.2 to read as follows:

Buildings and structures where the area used for the storage of tires exceeds 20,000 cubic feet shall or 5,000 square feet shall be equipped throughout with an automatic fire sprinkler system in accordance with 903.3.1.1.

V. Add Section 903.2.13 to read as follows:

903.2.13 Spray booths and rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

W. Amend Section 903.3.1.1.1 to read as follows:

903.3.1.1.1 Exempt locations. Sprinklers shall not be omitted from any room merely because it is damp, or has fire-resistance rated construction or contains electrical equipment. The following conditions may be exempt if approved by the fire code official.

1. Any room where the application of water, or flame and water, constitutes a serious threat to life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents in the room or space.
3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

X. Add Section 907.1.4 to read as follows:

907.1.4 Fire alarm control panel. Information provided by the fire alarm control panel when a signal(s) is/are received from a device or other system equipment shall include the location of the signal(s) in a manner as specific as the fire alarm system allows. The location description of the signal(s) shall be written in English, not code, and provide the location of the device to fire department personnel.

Y. Add Section 907.1.5 to read as follows:

907.1.5 Design standards. All alarm systems, new or replacement, serving 30 or more alarm actuating devices, shall be addressable fire detection systems. Alarm systems serving more than seventy-five (75) smoke detectors or more than 200 total alarm activating devices shall be analog intelligent fire detection systems. EXCEPTIONS:

1. Existing systems need not comply unless the total system remodel or expansion initiated after adoption of this code exceeds thirty (30) percent of the building.
2. When building remodel or expansion exceeds fifty (50) percent, the building must comply within 18 months of permit application.

Z. Section 901.7.0.1, Fire watch, is amended to add a new subsection:

The Fire Chief, or his or her designee, shall determine when Fire Department personnel must conduct a fire watch due to code requirements, excessive occupant load, the unusual nature of the event, the use of pyrotechnics or fireworks, the existence of hazardous condition, the inoperability of the fire protection system, or other conditions affecting safety at the event or at the property. The person responsible for the facility shall pay a fee per the fee schedule for associated costs. If more than one person is required for the fire watch, the person responsible for the facility shall pay a fee per the fee schedule. The Fire Chief or designee may notify the responsible person of the period of the fire watch and the resulting fee prior to the event.

AA. Amend Section 907.5 to add:

5. Where a new building has installed a fire suppression system, an occupant notification alarm system shall also be installed. Tenant improvements in sprinklered buildings shall require that space to provide an occupant notification system.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.120 Violations and penalties.

A. Civil Violation. Except as otherwise provided in this chapter, any violation of any of the provisions of this chapter shall constitute a civil violation subject to the penalties and abatement process detailed in Chapter 1.20 UPMC.

B. Criminal Penalty. Except as otherwise provided, in addition to or as an alternative to any other penalty provided for in this chapter, any person, partnership, firm, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable as provided for in RCW 9A.20.021.

C. Additional Remedies. In addition to any other remedies provided by this chapter, the City may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person, partnership, firm, association, or corporation who violates or fails to comply with any provision of this chapter, or any code adopted herein, to prevent, enjoin, abate, or terminate such violation or to restore a condition which existed prior to the violation. In all injunction, abatement and nuisance proceedings, the violator shall be required, in addition to any other relief, to pay the costs of such action, including reasonable attorneys' fees.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.130 Liability.

The express intent of the City of University Place is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

14.05.140 Hearings Examiner – Powers and duties.

All appeals authorized by the international codes as to suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing the codes shall be to the City's Hearings Examiner as established by Chapter 2.20 UPMC. The Hearings Examiner shall utilize

the procedures and penalties set forth in Chapter 1.20 UPMC. The Hearings Examiner shall serve in lieu of all boards of appeals mentioned or described in the international codes as adopted and amended by the City.

(Ord. 623 § 2 (Exh. A), 2013; Ord. 570 § 2, 2010; Ord. 497 § 3, 2007; Ord. 408 § 3, 2004).

RESOLUTION NO. _____

A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND THE COUNCILS OF THE CITIES OF LAKEWOOD, TACOMA, UNIVERSITY PLACE AND THE TOWN OF STEILACOOM IN SUPPORT OF FUTURE UNITED STATES GOLF ASSOCIATION EVENTS AT THE CHAMBERS BAY GOLF COURSE

WHEREAS, in 2015, the United States Golf Association (USGA) presented the 115th U.S. Open Championship at the publicly owned Chambers Bay Golf Course; and

WHEREAS, the 2015 U.S. Open Championship represents the first time in the one hundred and fifteen year history of the Championship that this prestigious American event has been held in the state of Washington; and

WHEREAS, Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom each undertook important work in support of the 2015 U.S. Open Championship; and

WHEREAS, the 2015 U.S. Open Championship was a great success for the region and the State; and

WHEREAS, based on experiences and feedback from the USGA, Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom learned a great deal from their work on the 2015 U.S. Open Championship, both in terms of what was done well and areas for improvement; and

WHEREAS, a primary goal of Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom is to work collaboratively and cooperatively in support of future USGA events at the Chambers Bay Golf Course and in the region; and

WHEREAS, by this resolution the elected leaders of Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom jointly express their intent and commitment to work together to make the USGA's interactions with government simple, efficient, and effective.

NOW, THEREFORE, THE PIERCE COUNTY COUNCIL AND THE COUNCILS OF THE CITIES OF LAKEWOOD, TACOMA, UNIVERSITY PLACE AND THE TOWN OF STEILACOOM HEREBY RESOLVE AS FOLLOWS:

1. Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom hereby jointly express their appreciation to the United States Golf Association for presenting the 2015 U.S. Open Championship at the Chambers Bay Golf Course.

2. Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom hereby jointly express their intent and commitment to work together as a region to attract another U.S. Open or other USGA Championship and to ensure that all future USGA interactions with local government are simple, efficient, and effective.

3. Pierce County and the cities of Lakewood, Tacoma, University Place and the town of Steilacoom hereby jointly express their intention to have their respective administrations work collaboratively to develop such agreements amongst the jurisdictions as may be necessary and desirable to achieve the intent of this resolution.

4. This Resolution shall take effect immediately upon adoption by all participating jurisdictions.

ADOPTED THIS _____ DAY OF _____, 2016 by the Pierce County Council.

Douglas Richardson, Council Chair

Pat McCarthy, County Executive

APPROVED AS TO FORM:

_____, Deputy Prosecutor

ADOPTED THIS _____ DAY OF _____, 2016 by the City Council of the City of Lakewood, Washington.

Don Anderson, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, City Attorney

ADOPTED THIS _____ DAY OF _____, 2016 by the City Council of the Town of Steilacoom, Washington.

Ron Lucas, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, City Attorney

ADOPTED THIS _____ DAY OF _____, 2016 by the City Council of the City of Tacoma, Washington.

Marilyn Strickland, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, City Attorney

ADOPTED THIS _____ DAY OF _____, 2016 by the City Council of the City of University Place, Washington.

Javier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney