

1. 6:30 P.M. City Council Regular Meeting Materials

Documents:

[10-20-25 RM.PDF](#)

[AGENDA10-20-25.PDF](#)

**UNIVERSITY PLACE CITY COUNCIL
Regular Council Meeting
Monday, October 20, 2025, 6:30 p.m.**



Note: Times are approximate and subject to change.

PUBLIC NOTICE

The University Place City Council will hold its scheduled meetings to ensure essential city functions continue. Members of the public can attend and participate in a Council meeting in the following manners:

- In-person at the City Council Chambers at 3609 Market Place West, Third Floor;
- Watch live broadcast on University Place Television, Lightcurve (formerly Rainier Connect) Channel 12 or Comcast Channel 21 (SD) or 321 (HD);
- Watch live broadcast on the City's YouTube channel www.YouTube.com/UniversityPlaceTV;
- Watch live broadcast on the City's website www.cityofup.com/398/City-Council-Meetings;
- Listen by telephone by dialing 1 509-342-7253 United States, Spokane (Toll), Conference ID: 734 528 401#; or
- Attend virtually by clicking this hyper-link: [Click here to join the meeting.](#)

How to participate in Public Comment and public testimony on Public Hearings:

- In-person at the City Council Chambers.
- Written comments are accepted via email. Comments should be sent to the City Clerk at Egenetia@cityofup.com. Comments received up to one hour (i.e., 5:30 p.m.) before the meeting will be provided to the City Council electronically.
- Participation by telephone. Call the telephone number listed above and enter the Conference ID number. Once the Mayor calls for public comment, use the "Raise Hand" feature by pressing *5 on your phone. Your name or the last four digits of your phone number will be called out when it is your turn to speak. Press *6 to un-mute yourself to speak.
- Participation by computer. Join the meeting virtually by clicking on the hyper-link above. Turn off your camera and microphone before you press "Join Now." Once the Mayor calls for public comment, use the "Raise Hand" icon on the Microsoft Teams toolbar located at the top of your screen. Your screen name will be called out when it is your turn to speak. Turn on your camera and microphone (icon located at the top of your screen) to unmute yourself. Once you are done, turn off your camera and microphone.

In the event of technical difficulties, remote public participation may be limited.

AGENDA

- | | |
|---------|--|
| 6:30 pm | 1. CALL REGULAR MEETING TO ORDER |
| | 2. ROLL CALL |
| | 3. PLEDGE OF ALLEGIANCE – Councilmember McCluskey |
| | 4. APPROVAL OF AGENDA |
| 6:35 pm | 5. PRESENTATIONS <ul style="list-style-type: none">• 30th Birthday Bash Sponsorship Recognitions
– Honest Home Solutions and Alta University Place• University Place Historical Society's 25th Anniversary |
| 6:45 pm | 6. PUBLIC COMMENTS |
| 6:50 pm | 7A. – CONSENT AGENDA
7B. 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 from 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. [Approve the minutes of the October 6, 2025 Special and Regular Council meetings as submitted.](#)

6:55 pm	8. PURCHASE DEVELOPMENT AGREEMENT – 27TH STREET APARTMENTS, LLC • <u>Staff Report</u> • Public Comment • Council Consideration
7:25 pm	9. CITY MANAGER & COUNCIL COMMENTS/REPORTS - (Report items/topics of interest from outside designated agencies represented by Council members, e.g., AWC, PRSC, Pierce Transit, RCC, etc., and follow-ups on items of interest to Council and the community.)

7:45 pm	10.	<u>2025 SECOND QUARTER FINANCIAL REPORT</u>
8:00 pm	11.	<u>ZONING CODE AMENDMENTS</u>
9:00 pm	12.	ADJOURNMENT

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

CERTIFICATE OF RECOGNITION

The City Council of University Place proudly honors and congratulates

UNIVERSITY PLACE HISTORICAL SOCIETY

on its 25th anniversary – this milestone marks a profound legacy of dedication, resilience, and excellence. For a quarter of a century, the University Place Historical Society has worked tirelessly to preserve and share the rich heritage of our community—from the stories of Indigenous peoples to the pioneering spirit of early settlers. Through collaboration, perseverance, and thoughtful stewardship, you have secured vital resources to archive, display, and protect artifacts that illuminate our shared history. Your passion and commitment ensure that the cultural tapestry of University Place remains accessible to all—inviting residents and visitors alike to learn, reflect, and appreciate the diversity that shapes our present.

Thank you for 25 remarkable years of service. You embody the heart and spirit of University Place.

Presented on October 20, 2025.

Javier H. Figueora, Mayor



AGENDA

APPROVAL OF CONSENT AGENDA

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Special Meeting of the City Council
Monday, October 6, 2025**

1. CALL SPECIAL MEETING TO ORDER

Mayor Figueroa called the Special Meeting to order at 5:30 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Boykin	Present
Councilmember McCluskey	Present
Councilmember Flemming	Excused
Councilmember Grassi	Present
Mayor Pro Tem Wood	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Kaser, Administrative Services Director Petorak, and City Clerk Genetia.

Guest: Evan Chinn, Summit Law Group (virtual participation)

3. EXECUTIVE SESSION – At 5:31 p.m., the City Council recessed to Executive Session for approximately thirty minutes to discuss with legal counsel potential litigation to which the agency is likely to become a party, as allowed by RCW 42.30.110(1)(i). The Council is not expected to take further action following the Executive Session.)

4. ADJOURNMENT - The meeting was adjourned at 5:55 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Monday, October 6, 2025**

1. CALL REGULAR MEETING TO ORDER

Mayor Figueroa 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 Boykin	Present
Councilmember McCluskey	Present
Councilmember Flemming	Excused
Councilmember Grassi	Present
Mayor Pro Tem Wood	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Kaser, Public Works Director Ecklund, Administrative Services Director Petorak, Police Chief Burke, Public Safety Director Hales, and City Clerk Genetia.

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Wood led the Council in the Pledge of Allegiance.

4. APPROVAL OF AGENDA

MOTION: By Mayor Pro Tem Wood, seconded by Councilmember McCluskey, to approve the agenda.

The motion carried.

5. PRESENTATIONS

Deputy Sydney Davis Recognition – Police Chief Burke presented Deputy Sydney Davis with a Certificate of Recognition for her exceptional accomplishments and unwavering resilience.

Deputy Chris Rather's Retirement – On behalf of the City Council, Police Chief Burke presented a proclamation to Deputy Chris Rather for his unwavering dedication, exemplary service, and outstanding achievements. Deputy Rather has devoted the majority of his career – 26 years – to service the University Place community.

Indigenous Peoples's Day Proclamation – Mayor Pro Tem Wood presented a proclamation to Desiree Fagan, recognizing October 13, 2025 as Indigenous Peoples' Day, acknowledging this history and contributions of Native American communities and the ancestral homelands of the Coast Salish people.

Bridgeport Place Assisted Living & Memory Care's 25th Anniversary – Mayor Figueroa presented a Certificate of Recognition to Amber Olomon, Executive Director of Bridgeport Place Assisted Living & Memory Care, in recognition of its 25 years of service and its significance as a longstanding community institution.

6. PUBLIC COMMENTS – The following individual provided comments: Dan Novogrodsky, 9415 Columbine Circle, University Place.

7. CONSENT AGENDA

MOTION: By Mayor Pro Tem Wood, seconded by Councilmember McCluskey, to approve the Consent Agenda as follows:

- A. Approve the minutes of the 09/15/25 Council meeting as submitted.
- B. Receive and File: Payroll for periods ending 08/31/25 and 09/15/25; and Claims dated 09/15/25.
- C. Pass an Ordinance amending Section 5.05.060 of the University Place Municipal Code, relating to Business License Exemptions. **(ORDINANCE NO. 790)**
- D. Pass an Ordinance amending the Franchise Agreement with U.P. Refuse Services, Inc. to replace references for specific seasonal events with language that allows for broader option considerations as agreed to by the Company and the City. **(ORDINANCE NO. 791)**
- E. Authorize the City Manager to execute a Sponsorship Agreement with UP for Arts substantially in the form attached hereto.
- F. Authorize the City Manager to execute a Sponsorship Agreement with Dance Theatre Northwest substantially in the form attached hereto.

The motion carried.

PUBLIC HEARING AND COUNCIL CONSIDERATION

8. PARKS, RECREATION AND OPEN SPACE (PROS) PLAN AMENDMENT

Staff Report – Public Works Director Ecklund presented a resolution to amend the City's Parks, Recreation, and Open Space Plan (PROS) to facilitate property acquisition for Kobayashi Preserve and Adriana Hess Wetland parks. The amendment addresses previously identified needs, including additional parking, trail improvements, and expanded park amenities. To support this initiative, Director Ecklund detailed the necessary revisions to Section 6 of the PROS Plan. Funding for acquisitions will come from Park Impact Fees and surplus revenues, ensuring no immediate impact on the general budget.

Public Comment – The following individual provided comments: Ellen Kohjima

Council Consideration – **MOTION:** By Mayor Pro Tem Wood, seconded by Councilmember McCluskey, to adopt a Resolution amending the Parks, Recreation and Open Space (PROS) Plan.

The motion carried. (RESOLUTION NO. 1072)

9. REAL PROPERTY PURCHASE – FREDERICK PROPERTY

Staff Report – Public Works Director Ecklund presented the proposed acquisition of the Frederick property located at 6428 Chambers Creek Road West, adjacent to Kobayashi Park. The negotiated purchase price of \$735,000 is below the property's appraised value of over \$800,000. Director Ecklund stated that a formal budget allocation has not yet been made, and a budget adjustment will require an appropriation process. It is anticipated that approximately 50% of the funding will come from the Park Impact Fee, which has sufficient resources available. The remaining funds are expected to be sourced from the general fund, as confirmed by the Finance Director. This strategic acquisition aligns with the City's long-term objectives for land use, parks development, and community infrastructure, as outlined in its comprehensive planning documents.

Public Comment – None.

Council Consideration – **MOTION:** By Mayor Pro Tem Wood, seconded by Councilmember McCluskey, to approve the purchase of real property located at 6428 Chambers Creek Road West, University Place, WA 98467 currently owned by Joann D. Frederick, and authorize the City Manager to execute all necessary documents to complete the purchase.

The motion carried.

10. CITY MANAGER AND COUNCIL COMMENTS/REPORTS

City Manager Sugg informed Council that the City will be holding a Housing Development Forum, co-sponsored by the City of Lakewood, to discuss affordable housing strategies with developers, architects, and housing professionals, aiming to explore ways to expand housing opportunities in University Place and Lakewood. The event, which will be held at the City Council Chambers on November 13, 2025, aligns with the Council's 2025-2026 goals to address affordable housing, providing a platform for discussion and collaboration with industry stakeholders.

Councilmember Grassi thanked attendees and gave special recognition to Officer Rather for his service, Officer Davis for her resilience and leadership, and Ms. Fagan for her work on the Indigenous Peoples Day proclamation. She attended the ribbon cutting event of Pizza Pizzazz and Rainier Animal Eye Clinic and reminded residents about Friday's Oktoberfest at Market Square. She also highlighted her role in the Unified Regional Approach to Homelessness committee, stressing the need for awareness and practical solutions in Pierce County.

Councilmember McCluskey attended the University Place Historical Society's banner unveiling, commemorating its 25th anniversary. She also participated in the Pierce County Regional Council meeting, where she shared updates on the Alliance for Sustainable Action's presentation, the county's homelessness report, legislative priorities, the Park Authority's status, and committee discussions related to federal housing legislation. She also shared details about UP for Arts' upcoming concert and provided an update on the railroad crossing improvements at 6th Avenue and 19th Street.

Mayor Pro Tem Wood thanked community members for their input, assuring their concerns will be reviewed. He highlighted the proclamations as a reflection of the city's diversity and strengths. He expressed enthusiasm for the upcoming Housing Development Forum with Lakewood. Mayor Pro Tem Wood announced the October 13 ribbon cutting for the 36th Street and Grandview Roundabout, a project driven by community feedback. He also reported on the Alliance for Sustainable Climate Action's quarterly meeting, covering climate grants, EV roadmap planning, climate goals, and a draft legislative agenda.

Councilmember Boykin expressed gratitude for the evening's recognition event affirming what the City is all about. He reported attending the final meeting of the Economic Development Corporation of Pierce County and acknowledged PC Councilmember Ayala's contributions. Councilmember Boykin also participated in AWC advocacy session, attended the ribbon cutting event for Pizza Pizzazz and the first Puget Sound Regional Council transportation planning meeting. He concluded by addressing the U.P. Refuse proposal, reassuring residents that service levels will remain unchanged.

STUDY SESSION

11. 2026 LEGISLATIVE AGENDA

City Manager Sugg, along with Public Works Director Ecklund, led a discussion on the 2026 legislative agenda, referring to Assistant City Manager Faison's memo outlining the legislative session structure and key considerations, noting that the length of the session impacts the legislature's ability to pass bills and complete business. City Manager Sugg highlighted policy ideas for Council consideration which include financial support for public safety expenses, infrastructure funding for streets, sidewalks, and utilities—particularly for maintenance, operations, and expansion due to zoning mandates—and incentives to address state limitations on design standards. He also emphasized the importance of supporting partner organizations such as the Association of Washington Cities (AWC) and the South Sound Housing Affordability Partners (SSH³P). He referred to a copy of last year's legislative briefing sheets and AWC's 2026 legislative priorities noting that the list is more concise due to the short session and limited funding, focusing on four key areas: indigent defense, transportation, housing supply, and shared revenues. Policy advocacy is generally a collective effort among cities through AWC. He indicated that while the City typically aligns with AWC's collective policy efforts, Council may choose to highlight specific local issues if needed.

Public Works Director Ecklund discussed the project list which includes four items carried over from last year, which did not receive funding at the time. These are: Day Island Bridge Design; Traffic Signal Upgrade Project (which now include updates to unsupported video detection systems in addition to battery backups

and ADA improvements), Alameda Drive Street Lighting Improvements, and enhancements to Day Island Spit Road (including seawall improvements and elevation adjustments to address flooding and drainage issues). In addition, two new projects from the earlier Cirque Park improvement study were proposed: Cirque Park spray pad and an additional restroom, and construction of multi-use sport courts. These projects stem from a year-and-a-half-long effort by the Commission. The final recommended project is an emergency management initiative to install a battery backup system at City Hall, ensuring consistent power during outages. Director Ecklund noted that while the list is broader than in previous years, it allows flexibility to respond to any funding opportunities that may arise. City Manager Sugg added that Council has the option to prioritize, modify, or remove projects from the list. He stressed the importance of presenting these projects to Olympia representatives, as repeated visibility can help build support and increase the chances of future funding. Although the probability of receiving funds this year is low, both City Manager Sugg and Public Works Director Ecklund expressed readiness to act quickly should any opportunities present themselves.

Council reviewed a list of eight projects for potential state funding, agreeing to keep all projects on the list to maximize funding opportunities. They discussed five policy issues, with consensus to prioritize advocacy for local control over design standards, support AWC and SSHAP priorities, and streamline the list to avoid diluting their message to legislators.

12. ADJOURNMENT - The meeting adjourned at 8:31 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

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

Proposed Council Action:

Authorize the City Manager to execute Addendum 3 of the Lease Agreement between the City of University Place and Sanuk MM, LLC extending the first rent payment.

Agenda No:

7B

Dept. Origin:

Public Works

For Agenda of:

October 20, 2025

Exhibits:

Addendum 3

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

The City of University Place owns two commercial retail spaces located within the Library/Civic Building. Both spaces are currently leased to private businesses that contribute to local economic activity and generate sales tax revenue.

On May 1, 2024, the City entered into a lease agreement with Sanuk MM, LLC, a restaurant operator intending to establish a dining establishment within the Civic Building. The tenant has requested an extension of the lease commencement timeline due to delays in obtaining necessary approvals, including sewer permitting and clearance from the Tacoma-Pierce County Health Department.

This extension is being granted to accommodate these regulatory processes and to support the successful opening of the new restaurant, which is anticipated to further enhance the vibrancy of the Civic Building and contribute to the City's commercial tax base.

MOTION/RECOMMENDATION

MOVE TO: Authorize the City Manager to execute Addendum 3 of the Lease Agreement between the City of University Place and Sanuk MM, LLC extending the first rent payment.

**ADDENDUM 3 TO
SANUK MM, LLC LEASE**

[Amendment of Section 4(a)]

The following terms are made part of and incorporated by this reference into the Lease Agreement ("Agreement") dated May 1, 2024 between the City of University Place, a government entity (Landlord) and Sanuk MM, LLC, a Washington Limited Liability Company ("Tenant") concerning the leased commercial premises commonly known as Suite 102 ("Premises"), which are part of the real property located at 3609 Market Place West, Suite 102, University Place, WA 98466 and commonly known as the Civic Building ("Property").

Landlord and Tenant desire that Section 4(a) of the Lease dated May 1, 2024 between Landlord City of University Place and Tenant Sanuk MM, LLC be amended to change the first payment date from 30 days following Tenant opening for business to the public to January 1, 2026.

LANDLORD AND TENANT AGREE AS FOLLOWS:

Section 4(a) is hereby amended to read as follows:

- a. **Payment of Rent.** Tenant shall pay Landlord without notice, demand, deduction or offset, in lawful money of the United States, the monthly Base Rent stated in Section 1 in advance on or before the first day of each month during the Term beginning on January 1, 2026 and shall also pay any other additional payments, including Operating Costs, due to Landlord ("Additional Rent" and together with Base Rent, "Rent") when required under this Lease. Payments for any partial month during the Term shall be prorated. All payments due to Landlord under this Lease, including late fees and interest, shall also constitute Additional Rent, and upon Tenant's failure to pay any such costs, charges or expenses, Landlord shall have the same rights and remedies as otherwise provided in this Lease for the failure of Tenant to pay Rent.

All other terms and conditions of the Agreement remain unchanged and in full force and effect

INITIALS:

Landlord/Lessor: _____ Date: _____ Tenant/Lessee: _____ Date: _____

Landlord/Lessor: _____ Date: _____ Tenant/Lessee: _____ Date: _____

PUBLIC HEARING & COUNCIL CONSIDERATION

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

Proposed Council Action:

Approve the purchase of real property located at 2903 Morrison Rd W, University Place, WA 9846 and authorize the City Manager to execute the Purchase and Development Agreement substantially in the form attached hereto and execute all other necessary documents to complete the purchase.

Agenda No:

8

Dept. Origin:

Public Works Operations

For Agenda of:

October 20, 2025

Exhibits:

Purchase and Development Agreement, 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: \$164,380.00

Amount

Budgeted: \$0

Appropriation

Required: \$164,380.00

SUMMARY/POLICY ISSUES

The City of University Place has identified the property located at 2903 Morrison Road West, adjacent to Adriana Hess Park, as a strategic acquisition for public use and future development. The current owner of the property, 27th Street Apartments LLC, is currently developing an adjacent property as a multifamily and mixed-use development. Park Impact fees are required as a condition of development of this adjacent property. A Purchase and Development agreement has been negotiated that identifies the agreed upon purchase price of \$715,000.00 as well as a provision for crediting all Park Impact fees due by the Property Owner in conjunction with their development toward the purchase price of this property, resulting in a net purchase price of \$164,380.00. This acquisition not only directly benefits the new residents from this development but also supports the City's long-term goals for land use, parks, and community infrastructure, as outlined in its comprehensive planning documents.

RECOMMENDATION/MOTION

MOVE TO: Approve the purchase of real property located at 2903 Morrison Rd W, University Place, WA 9846 and authorize the City Manager to execute the Purchase and Development Agreement substantially in the form attached hereto and execute all other necessary documents to complete the purchase.

PURCHASE AND DEVELOPMENT AGREEMENT

This Purchase and Development Agreement ("Agreement") is made as of this ____ day of October, 2025, by and between 27th Street Apartments, LLC, a Washington limited liability company (referred to hereinafter as "Property Owner" or "Seller"), and the City of University Place, a Washington municipal corporation (referred to hereinafter as "City" or "Buyer").

WHEREAS, the Property Owner is the owner of a residential property within University Place located at the common address of: 2903 Morrison Rd. W., University Place, Washington, containing a Pierce County Tax Parcel No. 9435000077 and legally described as set forth in Exhibit A (the "Property"); and

WHEREAS, the Property Owner has applied for various permits to construct a multifamily residence upon adjoining properties; and

WHEREAS, in the course of the construction of these multifamily residences, the Property Owner is obligated to pay the City certain impact fees; and

WHEREAS, the Property Owner and the City desire to convey to the City the Property for the sum of seven hundred fifteen thousand dollars (\$715,000.00); and

WHEREAS, the Parties agree to offset the purchase price, in part, with a credit of impact fees which would otherwise be owed by the Property Owner to the City; and

WHEREAS, the Property is identified in the City's capital facilities plan and the dedication is required by the City as a condition of development activity;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

1. Incorporation of Recitals. The recitals are hereby incorporated herein as if set forth in full.

2. Exchange Terms.

The Parties covenant and agree as follows:

(A) The City shall pay to Property Owner the sum of seven hundred fifteen thousand dollars (\$715,000.00), less credits as set forth in Paragraph 2(B), resulting in a net purchase price of one hundred sixty-four thousand, three hundred eighty dollars (\$164,380.00) in cash at Closing, unless otherwise specified in this Agreement.

(B) The City will waive the following impact and other fees as set forth below, which shall serve as a credit against the purchase price:

Park Impact Fees:	Five hundred fifty thousand, six hundred twenty dollars (\$550,620.00)
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(C) Condition of Title. Unless otherwise specified in this Agreement, title to the Property shall be marketable at Closing. The following shall not cause the title to be unmarketable: rights, reservations, covenants, conditions and restrictions, presently of record and general to the area; easements and encroachments, not materially affecting the value of or unduly interfering with Buyer's reasonable use of the Property; and reserved oil and/or mining rights. Monetary encumbrances or liens not assumed by Buyer, shall be paid or discharged by Seller on or before Closing. Title shall be conveyed by a Statutory Warranty Deed.

(D) Closing and Possession. This sale shall be closed by Chicago Title (the "Closing Agent") on or before November 14, 2025 (the "Closing Date"). If the Closing Date falls on a Saturday, Sunday, legal holiday as defined in RCW 1.16.050, or day when the county recording office is closed, the Closing Agent shall close the transaction on the next day that is not a Saturday, Sunday, legal holiday, or day when the county recording office is closed. "Closing" means the date on which all documents are recorded, and the sale proceeds are available to Seller. Seller shall maintain the Property in its present condition, normal wear and tear excepted, until the Buyer is entitled to possession. Seller and Buyer shall each pay one-half of the escrow fee. Taxes for the current year, rent, interest, and lienable homeowner's association dues shall be prorated as of Closing.

(E) Upon recording of the Deed, the City shall be deemed to have accepted the Property in its "AS-IS, WHERE-IS" condition and state of repair and does hereby waive and release and agrees to defend, indemnify and hold the Seller, its officials, officers, employees and agents harmless from any and all damages, losses, liabilities, costs and expense whatsoever (including, without limitation, reasonable attorneys' fees and costs) and claims thereof, whether direct or indirect, known or unknown, foreseen or unforeseen, which may arise on account of or in any way arising out of or in connection with the physical or environmental condition of the Property or any requirements of law applicable thereto.

(F) Release of Impact Fee Deferral Agreements. In advance of closing, the City shall deliver to the Closing Agent mutually agreeable forms releasing the impact fee deferral previously recorded under Pierce County Auditor File No. 202508150212.

(G) The City will grant to Seller necessary temporary easements to facilitate requirements imposed pursuant to separately obtained permits for the development of the adjacent parcels by the Seller.

(H) The City will grant to Seller the use of the site's water connection for temporary irrigation for restored native plants.

3. Cooperation. The Parties hereto agree that they shall execute all documents and agreements and otherwise cooperate to effect the intent and purposes of this Agreement.

4. No Brokers. The Parties agree that no party hereto shall be liable for any real estate broker's commission, agent's commission, or finder's fee, in connection with the transaction contemplated by this Agreement.

5. Default. Time is agreed to be of the essence. In the event either party fails to comply with any of the material terms hereof, then the other party may declare a default and seek any remedy at law or in equity without notice or demand, including specific performance.

6. Severability. If any term or provision of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

7. Further Assurances. Each undersigned party will, except as otherwise provided herein, whenever it shall be necessary to do so by the other, promptly execute, acknowledge, and deliver, or cause to be executed, acknowledged, or delivered, documents as may be necessary or proper to effectuate the covenants, contingencies and agreements herein provided. The Property Owner and the City agree to use their best efforts in cooperation to carry out the intent of this Agreement.

8. Interpretations. Any uncertainty or ambiguity existing herein shall not be interpreted against either party because such party prepared any portion of this Agreement but shall be interpreted according to the application of rules of interpretation of contracts generally.

9. Entire Agreement. This Agreement contains the entire agreement of the Parties relating to the transaction contemplated hereby, and all prior or contemporaneous agreements, understandings, representations, warranties and statements, oral or written, are merged herein. This Agreement cannot be modified or altered unless reduced to writing and consented to by the Parties.

10. Notices. Any notice, demand, or other communication mandated by this Agreement by either party to the other shall be sufficiently given or delivered if it is sent by registered or certified mail, postage prepaid, return receipt requested, or delivered personally at the addresses stated below: City Representative:

Stephen P. Sugg, City Manager
City of University Place
3609 Market Place W., Suite 200
University Place, WA 98466-4456
Tel: (253) 460-2519

Property Owner & Representative:

John Wise
6824 – 19th Street W.
PMB 492
University Place, WA 98466
Tel: (253) 377-9505

15. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

16. Governing Law. All aspects of this Agreement shall be governed by the laws of the State of Washington with venue in Pierce County.

17. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective heirs, legatees, devisees, personal representatives, successors and assigns.

18. Memorandum of Agreement. Recording; No Third-Party Beneficiary. Pursuant to the Development Agreement Statute, RCW 36.70B.190, this Agreement or a memorandum thereof shall be recorded with the Pierce County Recorder's Office. This Agreement is made and entered into for the sole protection and benefit of the Parties, their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement

IN WITNESS WHEREOF, the Parties have executed this Agreement this ____ day of October, 2025.

27th Street Apartments, LLC

By: _____
John Wise
Member

CITY OF UNIVERSITY PLACE

By: _____
Stephen P. Sugg
City Manager

Approved as to form:

By: _____
Matthew S. Kaser, City Attorney

EXHIBIT "A"
Legal Description

For **APN/Parcel ID(s):** [943500-0077](#)

THE NORTH 150 FEET OF TRACT C; EXCEPT THE WEST 162 FEET OF WEST END ACRE ADDITION TO TACOMA, PIERCE COUNTY, WASHINGTON, ACCORDING TO PLAT RECORDED IN [VOLUME 8 OF PLATS AT PAGE 7](#), IN PIERCE COUNTY, WASHINGTON;

ALSO EXCEPT THAT PORTION OF THE NORTH 150 FEET OF TRACT C LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT C;
THENCE SOUTH 89°35'04" EAST A DISTANCE OF 214.67 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 64°58'02" EAST A DISTANCE OF 104.85 FEET;
THENCE SOUTH 1°19'27" WEST A DISTANCE OF 106.34 FEET TO THE SOUTH LINE OF THE NORTH 150 FEET OF SAID TRACT C AND THE TERMINUS OF THIS LINE;

TOGETHER WITH THE NORTH 24.00 FEET OF THE WEST 162.00 FEET OF THE NORTH 150.00 FEET OF TRACT C, WEST END ACRE ADDITION TO TACOMA, PIERCE COUNTY, WASHINGTON, ACCORDING TO PLAT RECORDED IN [VOLUME 8 OF PLATS AT PAGE 7](#), RECORDS PIERCE COUNTY, WASHINGTON;

EXCEPT THE WEST 10 FEET THEREOF CONVEYED TO PIERCE COUNTY FOR RIGHT-OF-WAY BY DEED RECORDED UNDER [RECORDING NUMBER 2070357](#).

(BEING PARCEL D OF CITY OF UNIVERSITY PLACE BOUNDARY LINE ADJUSTMENT NO. BLA23-0003 RECORDED NOVEMBER 11, 2024 UNDER [RECORDING NO. 202411145004](#), IN PIERCE COUNTY, WASHINGTON).

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STUDY SESSION

Q2 **FINANCIAL**
REPORT
June 30, 2025

INTRODUCTION

The second Quarter 2025 Financial Report is presented here for review. As in prior years, the report has been prepared on an accrual basis, ensuring that revenues are recorded in the period they are earned, regardless of when they are received.

Due to a standard lag in the receipt of revenues collected by external entities—such as the State of Washington (2-month lag) and Pierce County (1-month lag) - the City accrues these revenues back to the period in which they were deemed receivable. These accruals primarily include taxes and other state-shared revenues, ensuring a more accurate reflection of the City's financial position for the reporting period.

This report has been prepared in alignment with the City Council's request for detailed information on individual revenue sources and expenditures. It is intended to provide transparency and insight into the City's financial performance.

Overall, the City's second quarter general government revenues came in 6.01% above budget estimates. On the expenditure side, second quarter spending (excluding reserves and transfers) is 20.41% below budget, reflecting conservative spending patterns and timing differences in planned expenditures.

The City's current financial forecast indicates that existing revenues are sufficient to support ongoing services as well as legal and contractual obligations through the remainder of the current biennium. This reflects a stable fiscal position and effective budget management.

Please note that this report is a continuing work in progress. If there is any additional analysis, trend data, or specific information you would like to see included in future reports, we welcome your feedback and will make every effort to incorporate your requests.

If you have any questions regarding the information presented in this report, please do not hesitate to contact Leslie Blaisdell, Finance Director. We welcome your feedback and are happy to provide any additional details or clarification as needed.

ON-GOING OPERATING REVENUES

Overall, the City's on-going operating revenues are 6.01% above 2025 budget estimates. The table below lists all on-going revenues with a 2025 Budget to Actual Variance. Details of major variances are discussed following the table.

	2022	2023	2024	2025			2ndQtr Budget to Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
Property Tax	2,470,711	2,468,317	3,677,101	7,087,517	3,543,759	3,754,243	210,484	5.94%
Sales Tax - General	1,946,008	2,195,948	2,119,756	4,242,000	2,121,000	2,222,637	101,637	4.79%
Sales Tax - 1% for Parks	190,689	227,226	232,172	464,600	232,300	241,363	9,063	3.90%
Sales Tax - Affordable & Supportive Housing	8,084	6,562	5,842	25,413	6,099	6,558	459	7.52%
Utility Tax	2,089,772	2,478,685	2,478,679	4,778,045	2,389,023	2,626,693	237,670	9.95%
Leasehold Excise Tax - State Shared	2,566	3,085	1,734	5,200	2,600	3,366	766	29.45%
Admission Tax	101,719	119,451	135,579	241,894	120,947	135,277	14,330	11.85%
Solicitor Permit Fees	75	125	100	125	63	100	38	60.00%
Business License Fees	46,085	50,109	47,122	95,950	47,975	50,615	2,640	5.50%
Franchise Fees	1,786,018	1,916,801	1,916,801	3,925,754	1,962,877	1,981,889	19,012	0.97%
City Assistance - State Shared	127,170	46,940	47,470	120,063	60,032	65,940	5,908	9.84%
Liquor Excise Tax - State Shared	122,528	131,200	121,294	235,963	117,982	121,294	3,312	2.81%
Liquor Profits - State Shared	136,128	135,399	134,297	265,099	132,550	134,297	1,748	1.32%
Investment Interest	86,550	1,060,050	1,381,683	1,952,850	976,425	1,180,957	204,532	20.95%
Field Rentals	3,920	7,980	12,443	25,000	12,500	24,300	11,800	94.40%
Development Services - Fees	693,343	254,336	234,086	829,626	414,813	324,707	(90,106)	-21.72%
Fuel Taxes - State Shared	354,591	350,584	334,465	699,617	349,809	354,723	4,914	1.40%
ROW Vacation	-	-	13,000	-	-	-	-	n/a
Transportation Benefit District Fees	123,022	116,815	118,449	402,917	201,459	154,456	(47,002)	-23.33%
Real Estate Excise Tax	884,097	587,070	981,479	1,250,000	625,000	725,879	100,879	16.14%
Criminal Justice Sales Tax - State Shared	408,573	403,520	411,269	838,300	419,150	426,333	7,183	1.71%
Criminal Justice Funding - State Shared	64,821	67,926	72,232	146,431	73,216	76,650	3,434	4.69%
Gambling Tax	55,141	47,840	38,436	92,000	46,000	47,402	1,402	3.05%
Law Enforcement/DUI Restitution	-	-	-	-	-	-	-	n/a
SRO/UPSD Reimbursement	-	-	-	117,340	58,670	63,540	4,870	n/a
Alarm Permit Fees	45,002	41,105	44,818	78,780	39,390	48,784	9,394	23.85%
False Alarm Fees	7,450	4,400	4,600	12,120	6,060	1,550	(4,510)	-74.42%
Court Fees	26,819	21,371	15,147	34,416	17,208	28,773	11,565	67.21%
Animal Control - Pet Licenses	18,470	18,554	16,059	33,330	16,665	17,114	449	2.69%
Parking Meters	-	-	-	40,000	20,000	14,980	(5,020)	-25.10%
SWM Fees	1,537,081	1,570,695	1,649,094	3,964,955	1,982,478	2,103,825	121,347	6.12%
SWM - Drainage Inventory Fees	5,200	200	900	355	178	150	(28)	-15.49%
SWM - System Development Charges	-	-	-	126,483	-	6,418	-	-
Public Record/Tapes/Transcripts	18	-	-	-	-	-	-	n/a
Fines/Forfeitures	61	874	874	-	-	121	121	n/a
Insurance Recoveries	65,343	55,287	55,287	20,000	10,000	39,568	29,568	295.68%
Penalty & Interest	3,121	21,933	21,933	16,600	8,300	25,140	16,840	202.90%
Judgements & Settlements	4,958	61,073	61,073	9,309	4,655	2,231	(2,423)	-52.06%
Miscellaneous	5,821	15,777	15,777	87,400	43,700	16,966	(26,734)	-61.18%
Total	13,420,952	14,487,240	16,401,050	32,265,452	16,062,877	17,028,838	959,543	6.01%

General Sales Tax revenues for the second quarter of 2025 are 4.79% above budget estimates. The 1% Sales Tax for Parks outperformed expectations, coming in 3.90% above budget. Because sales tax revenues fluctuate month to month, a simple quarterly comparison may not fully reflect underlying trends. To provide a clearer picture of how 2025 revenues compare to typical monthly patterns, detailed monthly data and analysis are provided on page 7.

Utility Tax revenues for the second quarter of 2025 exceeded budget estimates by 9.95%, resulting in a positive variance of \$237,670. This strong performance reflects higher-than-anticipated collections across several utility categories. For a detailed breakdown of utility tax revenues by category, please refer to page 10 of this report.

Admission Tax revenues for the second quarter of 2025 are 11.85% above budget estimates. This variance is not unexpected, as a significant portion of admission tax revenue is typically generated during the spring/summer months.

Real Estate Excise Tax (REET) collections for the second quarter of 2025 totaled \$725,879 16.14% above budget estimates. All sales of real estate are taxed at 1.78%, of which 1.28% goes towards state funding of K-12 education and public works assistance and the city receives 0.5% for capital purposes.

Investment Interest revenues continue to perform strongly, totaling \$1,180,957 for the second quarter—exceeding budget estimates by 20.95%.

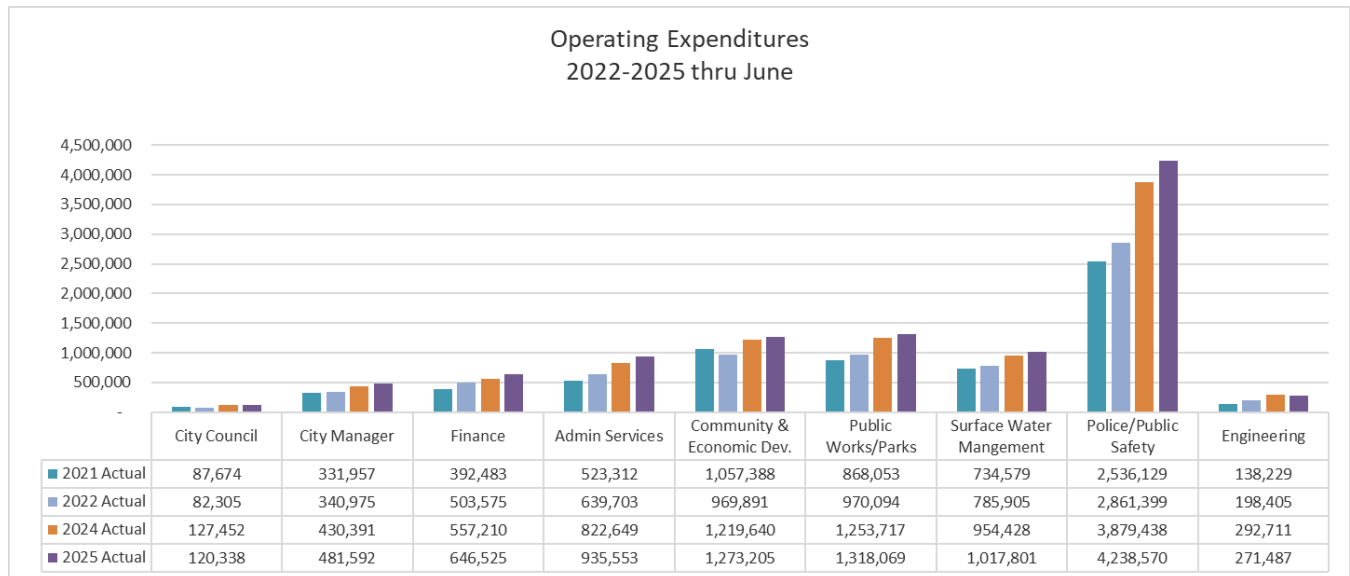
OPERATING EXPENDITURES

Overall, 2025 Second Quarter operating expenditures are 20.41% below budget (excluding Reserves and contingency). Expenditures are presented by department.

- City Manager's Office: City Manager, Assistant City Manager, Community Events and Beautification
- Finance
- Administrative Services: Human Resources, Reception, City Clerk and Communications
- Community and Economic Development: Economic Development, Development Services and Fire Code Official
- Public Works and Parks Maintenance: Public Works – Streets and Parks Maintenance
- Surface Water Management: Public Works – SWM and Engineering – SWM
- Police and Public Safety: Court, City Attorney, EOC, Police, Public Safety, Animal Control, Code Enforcement and Jail
- Engineering – General Fund

OPERATING EXPENDITURES 2nd Quarter Comparison 2022-2025

	2021	2022	2023	2024	2025			Budget to Actual Variance	
	Actual	Actual	Actual	Actual	Total Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
City Council	87,674	82,305	103,340	127,452	\$ 333,616	\$ 166,808	\$ 120,338	\$ (46,470)	-27.86%
City Manager's Office	331,957	340,975	376,675	430,391	1,408,717	\$ 704,359	481,592	(222,767)	-31.63%
Finance	392,483	503,575	568,611	557,210	1,192,042	\$ 596,021	646,525	50,504	8.47%
Administrative Svcs	523,312	639,703	733,834	822,649	2,474,773	\$ 1,237,387	935,553	(301,834)	-24.39%
Community & Economic Development	1,057,388	969,891	1,132,705	1,219,640	3,043,580	\$ 1,521,790	1,273,205	(248,585)	-16.34%
Public Works & Parks	868,053	970,094	940,269	1,253,717	4,486,494	\$ 2,243,247	1,318,069	(925,178)	-41.24%
SWM	734,579	785,905	883,781	954,428	2,351,786	\$ 1,175,893	1,017,801	(158,092)	-13.44%
Police/Public Safety	2,536,129	2,861,399	2,911,039	3,879,438	9,922,142	\$ 4,961,071	4,238,570	(722,501)	-14.56%
Engineering	138,229	198,405	224,542	292,711	676,731	\$ 338,366	271,487	(66,879)	-19.77%
	6,669,804	7,352,252	7,874,797	9,537,637	25,889,881	12,944,941	10,303,140	\$ (2,641,800)	-20.41%



POLICE/PUBLIC SAFETY FUND REVENUES AND EXPENSES

Public Safety revenues for the second quarter of 2025 are 5.29% above budget estimates, with mixed performance across individual revenue sources:

- Local Criminal Justice Sales Tax is 4.69% above budget.
- Court Fee revenues are 67.21% above budget, reflecting stronger-than-expected collections.
- Alarm Permit revenues exceed expectations, coming in 23.85% above the adopted budget.
- False Alarm Fees are 74.42% below estimates, continuing a trend of reduced false alarm incidents as permit holders take steps to avoid penalties.
- Animal Control revenues are 2.69% above budget, indicating increased compliance or service demand.

Total Public Safety expenditures for the second quarter of 2025 are 14.56% below budget estimates.

2ndQuarter

	2022	2023	2024	2025			Budget to Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
REVENUES								
Property Tax	2,470,711	2,468,317	3,677,101	7,087,517	3,543,759	3,754,243	210,484	5.94%
Local Criminal Justice Sales Tax	408,573	403,520	411,269	838,300	419,150	426,333	7,183	1.71%
Utility Tax - Water	177,573	261,529	281,760	606,208	303,104	310,276	7,172	2.37%
Gambling Tax	55,141	47,840	38,436	92,000	46,000	47,402	1,402	3.05%
Alarm Permit Fees	45,002	41,105	44,818	78,780	39,390	48,784	9,394	23.85%
Criminal Justice Funding - State Shared	64,821	67,926	72,232	146,431	73,216	76,650	3,434	4.69%
Liquor Profits Tax - Public Safety	30,261	30,099	30,099	58,932	29,466	29,807	341	1.16%
Law Enforcement Svcs/DUI Response	-	-	-	-	-	-	-	n/a
UPSD/SRO Reimbursement	-	-	-	117,340	58,670	63,540	4,870	8.30%
Personnel Services	-	-	-	-	-	500	500	n/a
SWM Administrative Fee - City Attorney	30,900	32,479	38,885	94,925	47,463	38,885	(8,578)	-18.07%
Drug Investigation Fund	-	6	6	-	-	6	6	n/a
False Alarms	7,450	4,400	4,600	12,120	6,060	1,550	(4,510)	-74.42%
Penalty/Interest	-	73	79	-	-	121	121	n/a
Court Fees	26,819	21,371	15,147	34,416	17,208	28,773	11,565	67.21%
Animal Control - Licenses	18,470	18,554	16,059	33,330	16,665	17,114	449	2.69%
Animal Control - Penalty/Int	27	-	-	-	-	-	-	n/a
ARPA	-	1,027,901	-	-	-	-	-	n/a
Grant - CJTC Wellness	-	-	-	840	420	-	(420)	-100.00%
Miscellaneous	277	10,000	3,150	-	-	-	-	n/a
Total Revenues	3,336,024	4,435,120	4,633,641	9,201,139	4,600,570	4,843,983	243,413	5.29%
Expenditures								
Municipal Court	148,409	157,657	169,973	376,720	188,360	163,700	(24,660)	-13.09%
Legal Services	187,275	205,760	238,094	678,780	339,390	278,714	(60,676)	-17.88%
Emergency Preparedness	615	12,845	18,494	85,250	42,625	154	(42,471)	-99.64%
Police	2,313,633	2,277,032	3,173,776	7,733,787	3,866,894	3,411,278	(455,616)	-11.78%
Public Safety	58,000	69,996	133,574	424,687	212,344	177,883	(34,460)	-16.23%
Animal Control	67,043	71,240	68,517	219,920	109,960	55,822	(54,138)	-49.23%
Code Enforcement	74,353	87,563	86,921	241,373	120,687	79,881	(40,806)	-33.81%
Jail	12,071	28,946	43,139	161,625	80,813	71,139	(9,673)	-11.97%
Total Expenditures	2,861,399	2,911,039	3,932,487	9,922,142	4,961,071	4,238,570	(722,501)	-14.56%

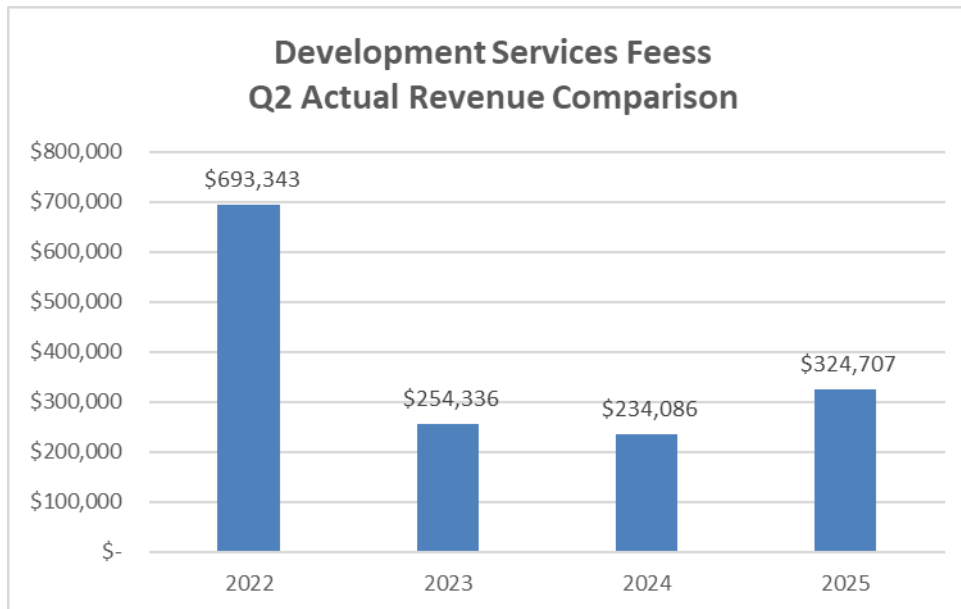
DEVELOPMENT SERVICES FUND REVENUES AND EXPENSES

Development Services revenues for the second quarter of 2025 are below budget estimates by 21.72%. These fees are collected for permits, planning, engineering, and fire code official reviews.

At the same time, expenditures are 16.34% below budget, reflecting cost savings or delays in planned spending.

Development Services

	2022	2023	2024	2025			Budget to Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
REVENUES								
<u>Fees</u>								
Building Fees	512,542	169,877	186,382	\$ 538,341	269,171	242,698	(26,473)	-9.83%
Planning Fees	26,097	21,051	6,367	61,577	30,789	21,737	(9,052)	-29.40%
Fire Fees	40,591	17,310	10,322	67,689	33,845	27,124	(6,720)	-19.86%
Engineering Fees	114,113	46,098	31,015	162,019	81,010	33,148	(47,862)	-59.08%
	693,343	254,336	234,086	829,626	414,813	324,707	(90,106)	-21.72%
<u>Other Sources</u>								
Transfer in: General Fund	-	-	-	-	-	-		
Transfer In: SWM Fund	-	-	-	-	-	-		
Grant - Housing Plan	-	-	-	-	-	-		
Grants	-	-	25,000	29,000	14,500	25,000		
Personnel Services	-	-	-	10,000	5,000	-		
Miscellaneous Revenue	-	1,516	216	-	-	-		
Total Revenues	693,343	255,852	259,302	868,626	\$ 434,313	349,707		
EXPENDITURES								
Development Services	782,539	953,742	1,013,675	\$ 2,917,341	1,458,671	1,215,171	(243,500)	-16.69%
Fire Control	36,902	52,111	62,372	126,239	63,120	58,034	(5,086)	-8.06%
Total Expenditures	819,441	1,005,853	1,076,047	3,043,580	1,521,790	1,273,205	(248,585)	-16.34%



INDIVIDUAL REVENUES

The information presented below provides a detailed look at the major revenues for the city.

Sales Tax

Sales tax is a cyclical revenue source, and as such, the City takes a conservative approach to budgeting in this area. Revenue collections tend to fluctuate throughout the year, with certain months generating significantly higher returns. Therefore, a simple budget-to-actual comparison for a single quarter may not provide a complete picture of overall performance.

As illustrated in the chart on page 3, second-quarter sales tax revenues exceed budget estimates by 4.79%, or \$101,637. Below are more detailed breakdowns by month of the figures shown on page 3.

Local Sales Tax Revenue Monthly Comparison

MONTH	2022 Actual	2023 Actual	2024 Actual	2025 Actual
January	\$ 296,637	\$ 328,091	\$ 338,991	\$ 324,652
February	286,402	345,634	325,862	314,703
March	354,243	366,674	354,752	385,902
April	338,672	368,415	350,714	372,709
May	319,972	386,171	369,946	411,077
June	350,082	400,963	379,491	413,594
Total	\$ 1,946,008	\$ 2,195,948	\$ 2,119,756	\$ 2,222,637

Taxable Sales	\$ 231,667,619	\$ 261,422,333	\$ 252,351,905	\$ 264,599,643
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Local Sales Tax Revenue 2nd Quarter By Category

Category	2022 Actual	2023 Actual	2024 Actual	2025 Actual	2025 vs 2024 2nd Qtr Actual	
					Variance	% Variance
Retail Trade	\$ 820,644	\$ 841,294	\$ 882,141	\$ 896,270	14,129	1.60%
Services	37,645	40,389	48,269	69,739	21,470	44.48%
Construction	367,626	523,638	376,706	437,035	60,329	16.01%
Accommodation and Food Svce	163,314	192,711	199,565	200,443	878	0.44%
Information	81,740	90,964	98,238	96,425	(1,813)	-1.85%
Arts, Entertain, Recreation	54,407	61,473	73,024	71,558	(1,466)	-2.01%
Admin, Supp, Med Svces	139,472	144,993	146,488	154,569	8,081	5.52%
Transp/Warehousing/Utilities	14,241	18,776	18,658	23,094	4,436	23.78%
Wholesaling	72,468	76,322	76,855	78,503	1,648	2.14%
Manufacturing	29,502	24,701	34,671	29,661	(5,010)	-14.45%
Other	113,911	135,427	113,949	108,843	(5,106)	-4.48%
Finance/Insur/Real Estate	50,287	44,528	47,394	51,791	4,397	9.28%
Government	751	732	3,798	4,706	908	23.91%
Total	\$ 1,946,008	\$ 2,195,948	\$ 2,119,756	\$ 2,222,637	\$ 102,881	4.85%

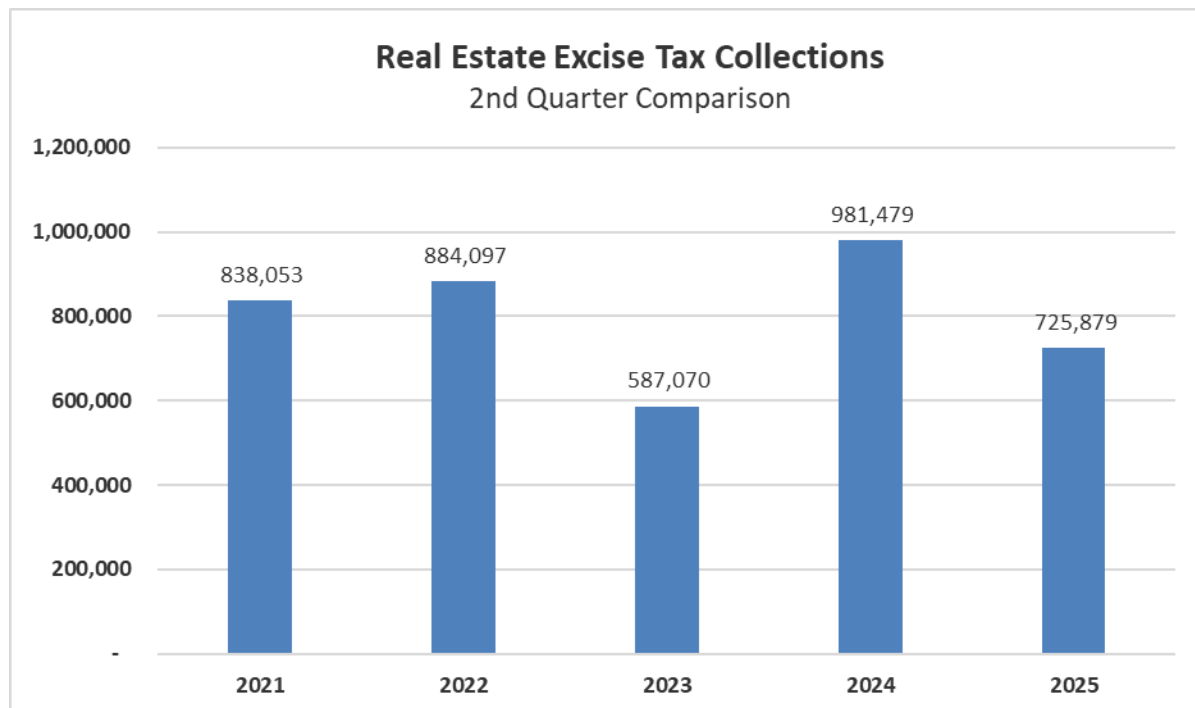
Sales tax by category is provided by TaxTools

Real Estate Excise Tax

Real Estate Excise Tax (REET) collections for the second quarter of 2025 totaled \$725,879, exceeding budget projections by 16.14% but marking a 26.04% decrease compared to the \$981,479 collected in Q2 of 2024. A large portion of last year's revenue was driven by a one-time, high-value transaction—the sale of a large multi-family and mixed-use retail property in 1st Quarter 2024.

REET Second Quarter Monthly Comparison

MONTH	2021 <i>Actual</i>	2022 <i>Actual</i>	2023 <i>Actual</i>	2024 <i>Actual</i>	2025 <i>Actual</i>
January	\$ 105,972	\$ 87,847	\$ 60,789	\$ 333,046	\$ 65,656
February	92,949	127,700	70,351	83,902	105,256
March	156,030	168,510	103,564	136,006	112,511
April	181,308	144,565	99,813	118,318	106,300
May	130,720	165,959	126,778	128,606	142,193
June	171,074	189,516	125,775	181,600	193,963
Total	\$ 838,053	\$ 884,097	\$ 587,070	\$ 981,479	\$ 725,879
Taxable Sales	\$ 99,768,198	\$ 105,249,695	\$ 69,889,300	\$ 116,842,699	\$ 86,414,130



State-Shared Revenues

Total state-shared revenues are slightly below 2025 budget estimates by 0.54%%.

Second Quarter Fuel Tax is below budget estimate by 6.18%. Fuel Tax is collected at the state level and is distributed to cities based on percent of population as compared with the State.

Liquor-related revenues outperformed budget expectations in the second quarter of 2025. Liquor Profits exceeded projections by 1.16%, while Liquor Excise Tax collections came in 2.93% below budget estimates.

Leasehold Excise Tax collections exceeded second-quarter budget estimates by 29.30%, reflecting stronger-than-anticipated revenue from taxable lease agreements. Leasehold Excise Tax applies to properties owned by state or local governments that are leased to private entities. Currently, the City has three tenants subject to this tax. Of these, two tenants have received a non-profit exemption, reducing their tax liability. Additionally, the City holds two cell tower leases, one of which qualifies for a tax exemption under RCW 82.29A as it is operated by an entity taxed as a public utility.

Criminal Justice Sales Tax collections came in 1.71% above budget estimates, while other Criminal Justice funding sources exceeded projections by 4.69%.

STATE SHARED REVENUES

CATEGORY	2022	2023	2024	2025			Budget to Actual	
	Actual	Actual	Actual	Total Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
Liquor Profits Tax	\$ 136,128	\$ 135,399	\$ 134,297	\$ 265,099	\$ 132,550	\$ 134,084	\$ 1,535	1.16%
Liquor Excise Tax	122,528	131,200	121,294	235,963	117,982	114,520	(3,462)	-2.93%
Leashold Excise Tax	2,566	3,085	3,565	5,200	2,600	3,362	762	29.30%
Fuel Tax	354,591	350,584	334,465	699,617	349,809	328,184	(21,624)	-6.18%
City Assistance	127,170	46,940	47,470	120,063	60,032	65,940	5,908	9.84%
Local Crim Justice Sales Tax	408,573	403,520	411,269	838,300	419,150	426,333	7,183	1.71%
Criminal Justice Funding	64,821	67,926	73,534	146,431	73,216	76,650	3,434	4.69%
Total	\$ 1,216,375	\$ 1,138,655	\$ 1,125,895	\$ 2,310,673	\$ 1,155,337	\$ 1,149,072	\$ (6,264)	-0.54%
% Change from prior year	10.7%	-6.4%	-1.1%			2.1%		

Utility Tax

Overall, utility tax revenue is 9.95% above second quarter budget estimates. Natural gas taxes are 39.29% above second quarter budget estimates. This will level out as gas use is impacted by the weather as there is higher use in the winter months. Garbage is up 1.19%. Cable television taxes are 3.00% below estimates.

Cell phone tax revenues exceed budget estimates by 7.93%. Telephone tax is 1.42% below 2025 budget estimates.

Utility Tax Revenues 2nd Quarter Collections

	2022	2023	2024	2025			Budget to Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
Electric	580,043	812,462	821,977	1,557,768	778,884	854,886	76,002	9.76%
Gas	279,592	324,064	285,013	474,700	237,350	330,613	93,263	39.29%
Garbage	250,427	268,600	280,248	564,590	282,295	285,659	3,364	1.19%
Cable	333,777	326,945	292,089	568,205	284,103	275,580	(8,522)	-3.00%
Phone	56,173	55,251	48,845	96,053	48,027	47,344	(683)	-1.42%
Cellular	71,142	73,980	73,943	144,681	72,341	78,076	5,735	7.93%
Sewer	241,073	274,678	287,274	580,000	290,000	308,869	18,869	6.51%
Water	177,573	261,529	281,760	606,208	303,104	310,276	7,172	2.37%
SWM	99,973	101,392	107,529	185,840	92,920	135,390	42,470	45.71%
Total Revenue	2,089,772	2,498,902	2,478,678	4,778,045	2,389,023	2,626,693	237,670	9.95%

Franchise Fees

Overall, Franchise Fee revenue exceeds budget estimates by 0.97%.

Franchise Fees 2nd Quarter Collections

	2022	2023	2024	2025			Budget to Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
Cable	276,219	269,950	240,914	460,110	230,055	228,401	(1,654)	-0.72%
Refuse	207,167	221,303	232,161	468,000	234,000	235,798	1,798	0.77%
Water	373,889	386,831	414,989	890,187	445,094	445,093	(0)	0.00%
Electric	664,015	717,860	741,512	1,527,457	763,729	763,729	0	0.00%
Sewer	264,728	274,677	287,273	580,000	290,000	308,869	18,869	6.51%
Total Revenue	1,786,018	1,870,622	1,916,849	3,925,754	1,962,877	1,981,889	19,012	0.97%

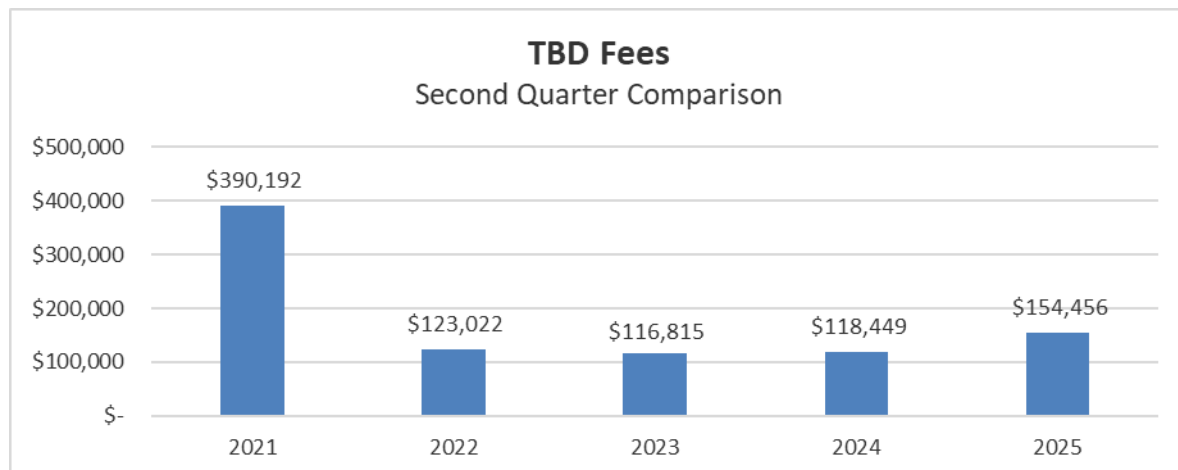
Transportation Benefit District (TBD) Fees

Second Quarter 2025 revenues of \$154,456 are 23.33% below budget estimates. The higher amount received in 2021 is attributable to a mid-year reduction in the TBD rate, which decreased from \$35 to \$10.

Resolution 1054 was adopted by the City of University Place Council on Monday, October 7, 2024. The resolution increases our TBD fee incrementally in \$10 in 2025, \$10 in 2027, and \$10 in 2029. The first increase was effective May 1, 2025.

Transportation Benefit District fees are collected to fund maintenance, preservation, and safety enhancements to University Place's existing transportation network.

MONTH	2021 Actual	2022 Actual	2023 Actual	2024 Actual	2025 Actual
January	\$ 75,468	\$ 19,310	\$ 20,427	\$ 19,369	21,184
February	63,721	16,682	17,365	18,206	16,697
March	78,644	23,171	20,418	20,007	21,012
April	77,895	21,463	19,211	19,594	27,181
May	57,225	21,780	19,893	20,978	35,640
June	37,239	20,617	19,502	20,295	32,742
Total	\$ 390,192	\$ 123,022	\$ 116,815	\$ 118,449	\$ 154,456



CAPITAL IMPROVEMENT FUNDS - YTD EXPENSES AND STATUS

The table below reflects the active projects for 2025. The Parks CIP Fund is funded in large part by Parks Impact Fees and will not see any significant increase in monies over the next several years without additional funding sources. Public Works CIP is largely funded by Grants and restricted funds: Arterial Street Fund, REET Fund, SWM Fund and Traffic Impact Fees. Muni CIP was funded with transfers from the General Fund for the design and construction of the City Hall tenant improvements at the Civic Building. CIP projects are multi-year, but costs are budgeted in one year with the remaining budget being carried forward to the next year.

PROJECT	Status	2025 Adopted	2025 YTD
Parks Capital Improvement			
Adriana Hess - Boardwalk over pond	Reapplying for grant funding	80,529	-
Cirque Park Improvements - Grant	Completed	43,636	47,403
Creeside Park - Master Plan	Design	242,803	-
Chambers/Leach Creek Trail	Ongoing	99,560	44,971
Cirque Park - Master Plan, Space Plan, Splash Pad Design	Completed	-	820
Paradise Pond Park - Master Plan	Not yet started	50,000	-
Sunset Terrace Parking lot pave/expansion (ARPA)	Construction	117,530	89,014
Paradise Pond - Easement	Not yet started	65,000	-
Inclusive Playground	Plaground Complete, Restroom ordered	499,424	71,909
Market Square Resurfacing	Not yet started	70,000	-
Contingency		1,111,205	-
		\$ 2,379,687	\$ 254,116
Public Works Capital Improvement			
CIP Personnel	On-going	\$ 150,000	\$ 30,483
Neighborhood CIP	On-going/As needed	126,419	-
Wayfinding	Design	236,542	-
LRF - Market Place Phase 5	Ongoing	10,840	-
35th Street (GV to 67th)	Complete	-	800
67th Avenue Phase 1	Construction	3,917,692	192,583
67th Avenue Phase 2	Construction	1,547,004	1,269,588
UP Main Street Redevelopment	Construction	3,510,717	1,260
Cultural Shift to Active Transportations	Awaiting Tacoma	100,000	-
35th St. Phase 1		-	28,171
PW Shop Equipment Shed	Planning	225,000	-
Leach Creek Sewer	Construction	2,096,461	1,738,476
ARPA Sewer Extension	Construction	5,535,071	950,131
Orchard Street Design	Planning	5,052	-
57th Ave Sewer	Construction	1,540,726	929,524
Chambers Creek Road RAB	Design/Engineering	479,992	1,589
Drexler Faux Rock Wall Painting	Late 2024 project	32,000	-
40th Street Phase 3	Design	200,000	-
35th Street Phase 2 (GV To BP)	Construction	3,346,007	1,797,745
Saferoutes/UP School Crosswalk Safety Improvements	Design	1,242,426	30,974
70th Street Phase 2	Design	200,000	-
Day Island Bridge Design	Not yet started	1,000,000	-
Grandview Avenue RAB - 36th St	Not yet started	1,267,173	33,309
67th Avenue Phase 3	Design	350,000	-
44th Street Sidewalk Extension	Design	200,000	-
Contingency		547,993	-
SWM Capital Improvement Projects Directly Charged to SWM			
Stormwater NCIP	Ongoing/As Needed	103,000	-
SWM - Storm Drainage for CIP	Ongoing/As Needed	141,883	-
SWM - Brookside	Design	461,664	604,506
SWM - Vactor Bay Replacement	Design	394,033	18,096
SMAP - Stormwater Pond Capacity Project	Ongoing	173,116	-
SWM - PW Shop - Salt Storage	Design	175,000	-
SWM - PW Shop Brine Storage	Design	150,000	-
		\$ 29,465,811	\$ 7,627,235
Municipal Facilities CIP			
PW Shop - Sewer Rebuild Phase 2	Design	245,310	430
PW Shop - Parking Lot Entry	Construction	60,713	-
Suite 102 - Grease Interceptor	Construction	119,543	45,557
Suite 102 - Outdoor Rail/Seating	Design	25,000	-
Suite 102 - Roll-Up Door	Design	28,622	-
PW Shop Expansion	Construction	254,839	85,492
		\$ 734,027	\$ 131,479

MISCELLANEOUS DATA

POPULATION

	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
City of University Place	35,100	35,420	35,580	35,970	36,140

Source: State of Washington Office of Financial Management

TOTAL PROPERTY TAX LEVY PER \$1,000 AV

		<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
City of University Place	Regular Levy Rate	0.88	0.78	0.66	1.01	0.98
County	Regular Levy Rate	0.95	0.85	0.73	0.74	0.72
State	Regular Levy Rate	1.91	1.73	1.51	1.51	1.55
State School Levy 2	Regular Levy Rate	1.03	0.93	0.81	0.81	0.84
Conservation Futures	Regular Levy Rate	0.04	0.03	0.03	0.03	0.03
Flood Control Zone	Regular Levy Rate	0.10	0.10	0.10	0.10	0.09
Port of Tacoma	Regular Levy Rate	0.17	0.15	0.13	0.14	0.13
Central PS Regional Transit	Regular Levy Rate	0.20	0.18	0.16	0.16	0.16
Pierce County Rural Library	Regular Levy Rate	0.44	0.39	0.33	0.34	0.33
Fire District #3 EMS	Regular Levy Rate	0.49	0.45	0.41	0.44	0.44
Fire District #3 M&O *	Excess (voted) Levy Rate	1.04	0.90	1.23	0.92	-
Fire District #3 Expense	Regular Levy Rate	1.46	1.36	0.76	1.32	1.00
UP School District - Bond	Excess (voted) Levy Rate	1.69	1.46	1.22	0.97	0.73
UP School District - Capital Projects	Excess (voted) Levy Rate	0.47	0.43	0.42	0.46	0.47
UP School District Enrichment - M&O	Excess (voted) Levy Rate	2.50	2.45	2.38	2.50	2.50
		<u>13.36</u>	<u>12.19</u>	<u>10.88</u>	<u>11.45</u>	<u>9.98</u>
Total University Place Assessment		\$ 4,544,980	\$ 4,609,967	\$ 4,678,340	\$ 6,947,095	\$ 7,047,517

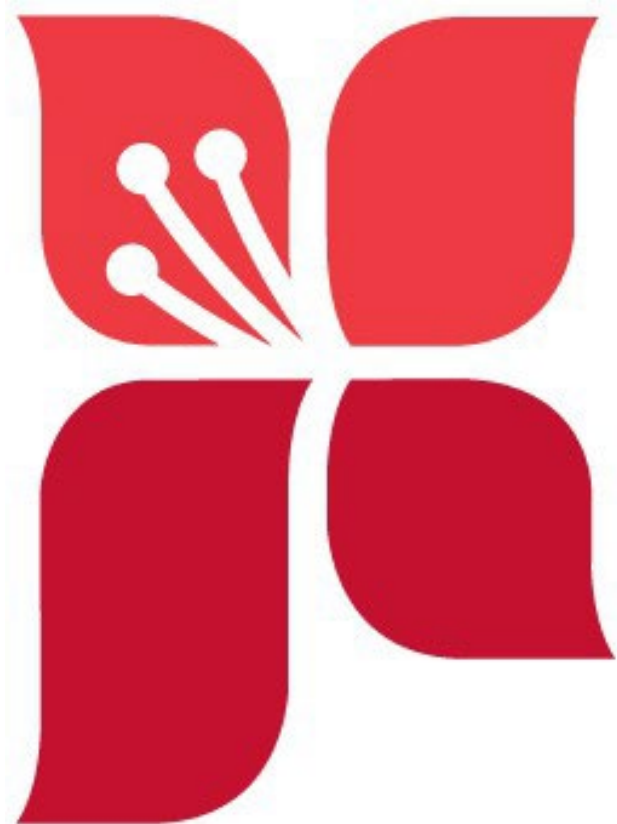
* On November 5, 2024, voters approved Proposition 1 authorizing the imposition of benefit charges each year for six years, not to exceed an amount equal to 60% of its operating budget and be prohibited from imposing an additional property tax under RCW 52.16.160.

OPERATING INDICATORS

	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
General Government				
Building Permits Issued	1,101	1,126	941	840
Police				
Calls for Service	10,056	10,038	10,833	11,248
Part 1 Crimes*	895	1,129	1,026	739
DUI Arrests	6	10	27	16
Other Traffic Arrests	23	34	61	14
	<u>10,980</u>	<u>11,211</u>	<u>11,947</u>	<u>12,017</u>
Fire**				
Emergency Medical Responses	14,187	14,151	14,096	14,545
Fire Responses	2,065	2,007	2,161	2,261
Other	1,520	1,563	1,552	1,455
	<u>17,772</u>	<u>17,721</u>	<u>17,809</u>	<u>18,261</u>

* Part 1 Crimes includes Violent Crime (Aggravated Assault, Murder, Rape, Robbery) and Property Crime (Arson, Motor Vehicle Theft, Burglary and Theft)

** Reflects the total for all of West Pierce Fire.



Memo

DATE: October 20, 2025

TO: Mayor Javier Figueroa, Mayor Pro-Tem Edward Wood Council Members

FROM: Kenneth George, Planning Manager, Community and Economic Development

SUBJECT: Periodic Review and Update of Development and Critical Areas Regulations

BACKGROUND

Under the Washington State Growth Management Act (RCW 36.70A.130), the City of University Place is required to conduct a 10-year periodic review of its development regulations and critical areas ordinance (CAO) to ensure consistency with the Comprehensive Plan and current state law. The Comprehensive Plan was adopted under Ordinance No. 786 on December 2, 2024.

City Council Resolution No. 1062 (January 6, 2025) directed the Planning Commission to undertake this follow-up phase to address the implementing regulations necessary to bring the City's development and critical areas regulations into compliance with the 2024 Comprehensive Plan Update and prepare recommendations for City Council consideration.

PLANNING COMMISSION MEETINGS

The following is a summary of the planning commission meetings covering this periodic review of development regulations and critical areas ordinance:

- May 21, 2025: Introductory presentation covering requirements of the Growth Management Act, the scope of the periodic update, timeline, and early draft amendments.
- July 2, 2025: Presentation on the development regulation amendments to align with the updated comprehensive plan, as well as various state laws concerning parking requirements, design review, STEP housing required by HB 1220, and Essential Public Facilities.
- August 6, 2025: First presentation on critical areas covering the city's obligations, the bases for using "best available science", the definitions of critical areas, and the first round of proposed amendments to the Fish and Wildlife Conservation Areas and Wetlands chapters.
- September 3, 2025: Second presentation on critical areas covering the Geologically Hazardous Areas, Critical Aquifer Recharge Areas, and Frequently Flooded Areas chapters.
- September 17, 2025: Follow-up presentation providing an overview of the previous meetings for development regulations and critical areas ordinance and covering new
- October 1, 2025: The Planning Commission held a public hearing to consider public comment on the proposed amendments to the City's development regulations and critical areas ordinance.

Memo

One written comment was received from the Master Builders Association of Pierce County (MBAPC) (attached). The letter expressed concern about proposed riparian buffer increases and their potential effect on infill housing and ADU feasibility, urging the City to balance environmental protection with housing affordability considerations.

After reviewing staff recommendations and public input, the Planning Commission unanimously approved Resolution No. 2025-03, recommending that City Council adopt the proposed amendments to UPMC Title 19 (Zoning) and UPMC Title 17 (Critical Areas)

PROPOSED AMENDMENTS

The proposed amendments are attached to this memo:

- Amendments to Title 17 Critical Areas (Exhibit A)
- Amendments to Title 19 Zoning (Exhibit B)

Text proposed for addition are blue and underlined. Text proposed to be deleted are ~~red~~ with ~~striketrough~~. Comments are provided on the right side of the amendment document which describes the rationale/requirement for each proposed amendment. In some cases, an additional green description has been provided on the right side of the amendments.

NEXT STEPS

The proposed amendments have been submitted to the Department of Commerce to initiate a 60-day state agency review period. This notice period will end on November 23, 2025.

City Council will hold Study Session #1 on October 20, 2025. Staff will present the key proposed amendments to the development and critical areas regulations, as recommended by the University Place Planning Commission under Resolution No. 2025-03 from their Public Hearing on October 1, 2025.

City Council anticipates holding a public hearing on December 1, 2025 to take action and consider an ordinance adopting the periodic update amendments.

The deadline to adopt an ordinance the development regulations and critical areas ordinance is December 31, 2025.

Title 17

CRITICAL AREAS

Chapters:

Division I. Critical Areas

- 17.05** Authority and Purpose
- 17.10** General Requirements
- 17.15** Geologically Hazardous Areas
- 17.20** Aquifer Recharge Areas
- 17.25** Fish and Wildlife Habitat Conservation Areas
- 17.30** ~~Flood Hazard~~ Frequently Flooded Areas
- 17.35** Wetlands

Division II. SEPA Regulations

- 17.40** Environmental Regulations

Division III. Commute Trip Reduction

- 17.45** Repealed

Chapter 17.05

AUTHORITY AND PURPOSE

Sections:

- 17.05.005 Authority and title.
- 17.05.010 Purpose and goals.
- 17.05.015 Intent.
- 17.05.020 Interpretation.

17.05.005 Authority and title.

This title is established pursuant to the requirements of the Growth Management Act (RCW 36.70A.060) and the State Environmental Policy Act (Chapter 43.21C RCW).

This title shall be known as “Critical Areas.”

(Ord. 343 § 1, 2002).

17.05.010 Purpose and goals.

The purpose of this title is to establish regulations pertaining to development in critical areas. The purpose of these regulations is to protect critical areas in the City of University Place. This title seeks to implement the following goals:

- A. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to water, and develop parks.
- B. Protect the environment and enhance the State’s high quality of life, including air and water quality, and the availability of water.
- C. Protect habitat for fish and wildlife.
- D. Protect the public from unsafe and unstable development.

(Ord. 343 § 1, 2002).

17.05.015 Intent.

Erosion hazard areas, landslide hazard areas, ~~frequently flooded~~~~flood hazard~~ areas, wetlands, fish and wildlife habitat ~~conservation~~ areas, ~~critical~~ aquifer recharge areas and buffers associated with the above listed areas constitute critical areas. All of these areas are of special concern to the people of University Place, Pierce County and the State of Washington. The intent of this title is to protect critical areas of the City by establishing minimum standards for development of sites that contain critical areas and thus promote the public health, safety, and welfare by:

- A. Mitigating unavoidable impacts by regulating development;
- B. Protecting from impacts of development;
- C. Protecting the public against losses from:
 - 1. Costs of public emergency rescue and relief operations where the causes are avoidable;
 - 2. Degradation of the natural environment and the expense associated with repair or replacement;
 - 3. Long term costs to the community resulting from incremental disturbances to and loss of environmental resources.
- D. Preventing adverse impacts on water availability, water quality, wetlands, and creeks.

- E. Protecting and improving the essential livability of the urban environment.
- F. Providing City officials with necessary information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals;
- G. Providing the public with necessary information and notice of potential risks associated with development in critical areas;
- H. Implementing the goals and requirements of the Growth Management Act, the State Environmental Policy Act, the Puget Sound Water Quality Management Plan, the City Comprehensive Plan, and the Endangered Species Act including all updates and amendments, and other land use policies formally adopted or accepted by the City.

(Ord. 343 § 1, 2002).

17.05.020 Interpretation.

In the interpretation and application of this title, all provisions shall be:

- A. Considered the minimum necessary except as pursuant to a variance or reasonable use exception permit;
- B. Liberally construed to serve the purposes of this title; and
- C. Deemed neither to limit nor repeal any other powers under state statute.

(Ord. 343 § 1, 2002).

Chapter 17.10

GENERAL REQUIREMENTS

Sections:

17.10.005	Definitions.
17.10.010	Acronyms.
17.10.015	Applicability and mapping.
17.10.020	Permitted uses.
17.10.025	Regulated uses/activities.
17.10.030	Process.
17.10.035	Exemptions.
17.10.040	Variances.
17.10.045	Reasonable use exception permits.
17.10.050	Current use assessment.
17.10.055	Nonconforming structures and uses.
17.10.060	Financial guarantees.
17.10.065	Penalties and enforcement.
17.10.070	Fees.
17.10.075	Title and plat notification.
17.10.080	Appeals.
17.10.085	Appendices.

17.10.005 Definitions.

For the purpose of this title, the following definitions shall apply:

“Activity” means any use conducted on a site.

“Agricultural activities” means the production of crops and/or raising or keeping livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance and repair of existing serviceable agricultural structures, facilities or improved areas, and the practice of aquaculture. Forest practices regulated under Chapter 76.09 RCW and WAC Title 222 are not included in this definition.

[“Anadromous fish” means fish that spawn and rear in freshwater and mature in the marine environment.](#)

“Animal containment area” means a site where three or more animal units are kept per acre, and/or where a high volume of waste material is deposited in quantities capable of impacting ground water resources.

“Animal unit” means the equivalent of 1,000 pounds of animal.

“Applicant” means a person, party, firm, corporation, or other legal entity that proposes a development on a site.

“Aquifer” means a saturated geologic formation that will yield a sufficient quantity of water to serve as a private or public water supply.

“Aquifer recharge area” means areas where the prevailing geologic conditions allow infiltration rates, which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “100-year flood.”

“Best management practices” means systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, and toxins;

2. Control the movement of sediment and erosion caused by land alteration activities;
3. Minimize adverse impacts to surface and ground water quality, flow and circulation patterns; and
4. Minimize adverse impacts to the chemical, physical and biological characteristics of a critical area.

“Buffer” means an area contiguous with a landslide hazard area, erosion hazard area, fish and wildlife habitat area or wetland, which is required for the integrity, maintenance, function, and structural stability of the above-referenced area.

“Building footprint” means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and/or accessory buildings on a lot.

“Class” means one of the wetland classes in the United States Fish and Wildlife Service (USFWS) December 1979 publication, Classification of Wetlands and Deep Water Habitats of the United States.

“Classification” means defining value and hazard categories to which critical areas will be assigned.

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

“Compensatory mitigation” means mitigation to compensate for loss of critical area functions due to regulated activities occurring within critical areas.

“Creation” means producing or forming a wetland through artificial means from an upland (nonwetland) site.

“Creek” means surface waters that flow into or become connected to other surface waters no less frequently than once per year. Creeks include natural waterways modified by man. Creeks do not include irrigation or roadside ditches, canals, operational spillways, storm or surface water runoff facilities or other entirely artificial watercourses, unless they are used by salmonids, are used to convey naturally occurring creeks or result from modification to a natural watercourse. The term creek may also include the term stream.

“Critical areas” means wetlands, ~~flood-hazard~~frequently flooded areas, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas and associated buffer areas.

“Degraded” means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons, on or off a site.

“Delineation” means a wetland study conducted to establish the existence (location) and physical limits (size) of a wetland in accordance with the Washington State Wetland Identification and Delineation Manual.

“Delineation report” means a written document prepared by a wetland specialist, which includes data sheets, findings of the delineation and a site plan which identifies the wetland boundaries.

“Department” means the City of University Place Department of Community and Economic Development.

“Development” means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, stockpiling, paving, excavation, drilling, or the subdivision or short subdivision of property.

“Director” means the Director of the Department of Community and Economic Development or duly authorized designee.

“DRASTIC” means a model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

Previously indicated this definition would be replaced in favor of a new "riparian management zone" definition. Staff proposes to keep this definition as it is still applicable.

Commented [KG1]: UPMC does not define a “stream”, however, the definition of a creek is similar to the State’s definition of a stream. Because UP’s streams are all named as “Creeks”, it is likely the original code used creek instead of stream. WDFW, in their review of UP’s CAO for this update, recommends replacing the term “creek” with “stream” to remain consistent with state definitions from RCW 90.48.020. This would not require renaming the creeks within the city limits since they are waters of the state regardless of their name.

A compromise is proposed in the form of the line at the end of the definition to include, *The term creek may also include the term stream.*

Commented [KG2]: Delineation definition still consistent with wetland delineation manuals and applicable regional supplements of the State, in accordance with WAC 173-22-035, RCW 36.70A.175, and RCW 90.58.380.

Also see UPMC 17.35.025.

“Enhancement” means actions performed to improve the condition of existing degraded wetlands and/or buffers so that the quality of wetland functions increases (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, removing nonindigenous plant or animal species, removing fill material or solid waste).

“Erosion hazard areas” means areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. Erosion hazard areas may also include coastal erosion areas and channel migration zones. ~~those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion~~

Commented [KC3]: Updating to better match definitions in WAC365-190-030(5)/120(5).

“Existing” means those uses legally established prior to incorporation whether conforming or nonconforming.

“Fill/fill material” means a deposit of earth material, placed by human or mechanical means.

“Filling” means the act of placing fill material on any surface, including temporary stockpiling of fill material.

“Fish and wildlife habitat conservation areas” means those areas identified as serving a critical role in sustaining needed habitat and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term; these areas include, but are not limited to:

Commented [KG4]: In order to provide more consistency with the definitions found in WAC 365-190-030(6), additional language found under subsection (6)(a) has been included.

1. Areas of rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter ranges, and movement corridors; or
2. Areas which have a primary association with Federally listed endangered, threatened, and sensitive ~~or~~ candidate species, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term; or
3. Areas that have been documented by WDFW as habitat for State listed endangered or threatened species by the Priority Habitat and Species (PHS) program; or
4. Creeks listed in UPMC 17.25.040.

Additional amendments were identified that would make this definition more consistent with WAC 365.190-360(6).

“Fish and wildlife habitat conservation areas” does 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.

Commented [KG5]: Definition is consistent with WAC 365-190-030(6)(c), with the exception of the title where “conservation” is added. No additional amendments are necessary.

“Fisheries biologist” means a professional with a degree in fisheries, or certification by the American Fisheries Society, or with five years’ professional experience as a fisheries biologist.

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

~~“Flood hazard areas” means areas of land located in floodplains that are subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.~~

“Floodplain” means the total area subject to inundation by the base flood, including the flood fringe and the floodway areas.

Commented [KG6]: No change to floodplain definition.

“Floodway” means the channel of a river, or other watercourse, and the land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water.

Commented [KG7]: No change to floodway definition.

"Frequently flooded areas" means areas of land located in floodplains that are subject to at least one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

Commented [KG8]: Amend definition of "flood hazard areas" and replace with "frequently flooded areas" to be consistent with the definition found under WAC 365-190-030(8).

~~"Functionally disconnected" means~~

Typing error. This will be deleted in the final version.

"Geological assessment" means an assessment that details the surface and subsurface conditions of a site and delineates the areas of a property that might be subject to specified geologic hazards.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, or other geological events, ~~are not suited~~ ~~may pose a risk~~ to the siting of commercial, residential, or industrial development consistent with public health, environmental or safety concerns.

Commented [KG9]: Minor amendment to be consistent with the definition found under [WAC 365-190-030\(9\)](#), and [WAC 365-190-120\(1\)](#), which are the minimum guidelines to classify critical areas. Also consistent with WAC 365-190-120(1) [RCW 36.70A.030\(20\)](#), which are the GMA definitions.

"Geotechnical report" means a report evaluating the site conditions and mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

"Grading" means any excavating, filling, clearing, or creating of impervious surfaces or combination thereof.

"Ground water" means all water found beneath the ground surface, including slowly moving subsurface water present in aquifers and recharge areas.

"Habitat assessment" means a report that identifies the presence of fish and wildlife habitat conservation areas in the vicinity of the proposed development site.

"Habitat management plan" means a report that discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on a proposed development site.

"Hazardous substance(s)" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products.

"Hazardous substance processing or handling" means use, manufacture, storage or treatment authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC and any pertinent local ordinances, such as sewer discharge standards.

"Hazardous waste" means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

"Hydrogeologic assessment" means a report detailing the subsurface conditions of a site and which indicates the susceptibility and potential for contamination of ground water supplies.

"Impervious surface" means natural or human-produced material on the ground that does not allow surface water to penetrate into the soil. Impervious surfaces may consist of buildings, parking areas, driveways, roads, sidewalks, and any other areas of concrete, asphalt, plastic, compacted gravel, etc.

"In-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics, functions and values are required to replicate those destroyed or degraded by a regulated activity.

"Interdunal wetlands" means wetlands that are located in small interdunal depressions to extensive deflation plains behind stabilized foredunes.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a land spreading disposal facility.

“Landslide hazard areas” means areas ~~which are potentially subject to~~ risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

Commented [KG10]: Minor amendment to be consistent with the definition found under WA 365-190-030(10).

“Mitigation” means to avoid, minimize or compensate for adverse critical area impacts. See UPMC 17.35.045 for the full mitigation sequencing from avoidance to monitoring.

Commented [KG11]: WAC 197-11-768 contains the full definition for mitigation sequencing. This is further detailed under UPMC 17.35.045, which is consistent with WAC 197-11-768. Rather than restate the sequencing list within the definition, a reference to the appropriate UPMC has been included.

“Ordinary high water mark” means that mark on all lakes, streams, ponds, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of the ordinance codified in this chapter or as it may naturally change thereafter; or as it may change thereafter in accordance with permits issued by the City, State or Federal regulatory agency; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide, and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Out-of-kind mitigation” means to replace wetlands and other critical areas with substitute wetlands whose characteristics do not approximate those destroyed or degraded by a regulated activity.

Commented [KG12]: Per WDFW comments: WDFW recommends this definition be broadened to include all critical areas since out-of-kind mitigation may be applicable to other critical areas beyond only wetlands.

“Permeable surfaces” means sand, noncompacted gravel, and other penetrable deposits on the ground which permit movement of ground water through the pore spaces, and which permit the movement of fluid to the ground water.

“Person” means an individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.

“Regulated activities” means creation of lots or building sites, construction or alteration of any structure or improvement or alteration of the condition of any land, water or vegetation that could adversely affect any critical area.

“Restoration” means the re-establishment of a viable wetland and other critical area from a previously filled or degraded wetland site.

Commented [KG13]: Per WDFW comments: They recommend this definition be broadened to include all critical areas since restoration may be applicable to other critical areas beyond only wetlands. WDFW encourages restoration efforts for fish and wildlife conservation areas.

~~“Riparian habitat areas” means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems, which mutually influence each other.~~

“Riparian management zones” (RMZ) means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems, which mutually influence each other. The RMZ delineates the fish and wildlife habitat conservation areas adjacent to rivers, streams, and creeks to protect the riparian ecosystems functions and values. In many forested regions this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet.

Commented [KG14]: Based on best available science within WDFW’s [Riparian Ecosystem Volume 1: Science Synthesis and Management Implications](#), and the recommendations in [Riparian Ecosystem Volume 2: Management Recommendations](#), the City’s “riparian habitat areas” being modified to include the “riparian management zone (RMZ)”.

“Seismic” means subject to or caused by an earthquake or earth tremor.

“Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, debris flows, lahars, or tsunamis.

Commented [KC15]: Taken from WAC 365-190-030

“Site” means a lot, parcel, tract, or combination of lots, parcels, or tracts where a development is proposed, in progress or completed.

“Site-potential tree height” (SPTH) means the average maximum height of the tallest dominant trees (200 years or more) for the site class of a given location.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

“Sludge” means a semisolid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, and industrial sludge.

“Sludge land application site” means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

Sludge land application sites are classified under the following five-category system:

1. Sites of less than one acre with an application rate of less than 10 dry tons of sludge per acre per five-year period.
2. Sites with an application rate of less than 20 dry tons of sludge per acre per 10-year period or less than an annual application of two dry tons of sludge per acre.
3. Sites with an application rate of more than 20, but less than 43, dry tons of sludge per 10-year period or 4.3 dry tons per acre per year.
4. Sites with one-time applications greater than 43 dry tons per acre and cumulative limits for metals greater than State-designated practices for agricultural cropland application.
5. Sites that are permanent landfill disposal facilities.

“Stockpiling” means the placement of material with the intent to remove it at a later time.

“Toe of slope” means a distinct topographic break in slope at the lower-most limit of the landslide or erosion hazard area.

“Top of slope” means a distinct topographic break in slope at the uppermost limit of the landslide or erosion hazard area.

“Underground tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

“Utility line” means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, telecommunications, cable television and sanitary sewers.

“Waters of the state” means lakes, rivers, ponds, streams, creeks, inland waters, underground waters, salt waters and other surface waters and watercourses within the jurisdiction of the state of Washington.

“Wellhead protection area” means protective areas associated with public drinking water sources established by water systems and approved or assigned by the State Department of Health.

“Wetland” or “wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands generally do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the City.

“Wetland specialist” means a person with experience and training in wetlands issues, and with experience in performing delineations, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include:

1. Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture or related field, and two years of related work experience, including a minimum of one year experience delineating wetlands using the Washington State Wetlands Identification

Commented [KG16]: Definition included for consistency with RCW 90.48.020.

Commented [KG17]: New definition added the Washington Administrative Code (WAC): WAC 365-190-030(23).

Commented [KG18]: Wetland definition still consistent with RCW 36.70A.030(48). No change required.

and Delineation Manual and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or

2. Four years of related work experience and training, with a minimum of two years' experience delineating wetlands using the Washington State Wetlands Identification and Delineation Manual and preparing wetland reports and mitigation plans;

3. The person should also be familiar with the City site development regulations, the City wetland management policies, and the requirements of this title.

“Wildlife biologist” means a professional with a degree in wildlife, or certification by the Wildlife Society, or with five years' professional experience as a wildlife biologist.

(Ord. 749 § 24, 2021; Ord. 662 § 1 (Exh. A), 2015; Ord. 630 § 1 (Exh. A), 2013; Ord. 423 § 51, 2004; Ord. 343 § 1, 2002).

17.10.010 Acronyms.

“BMP” means best management practices.

“DNR” means Department of Natural Resources

“ECY” 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.

“RMZ” means Riparian Management Zone

“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.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 343 § 1, 2002).

17.10.015 Applicability and mapping.

A. Applicability. This title shall apply to all properties within the City of University Place that contain critical areas. When the requirements of this title are more stringent than those of other City codes and regulations, the requirements of this title shall apply. Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.

B. Mapping. Maps have been developed by the City that show the general location of critical areas for informational purposes. The actual presence of critical areas and the applicability of these regulations shall be determined by field conditions and the classification criteria established for each critical area.

(Ord. 343 § 1, 2002).

17.10.020 Permitted uses.

Uses permitted on properties identified as critical areas shall be the same as those permitted in the zone classification shown in the Comprehensive Plan map unless specifically prohibited by this title.

Commented [KC19]: Geohazard data largely collected by them.

(Ord. 343 § 1, 2002).

17.10.025 Regulated uses/activities.

Unless the requirements of this title are met, no person shall create lots or building sites, or construct or alter any structure or improvement or alter the condition of any land, water or vegetation that adversely affects any critical area. Appendix A lists examples of regulated uses/activities.

(Ord. 343 § 1, 2002).

17.10.030 Process.

A. The Department shall perform a critical areas review of any regulated activity on a site, which includes one or more critical areas unless otherwise provided in this title.

B. As part of all development applications the Department shall:

1. Require and evaluate any studies or plans required by this title which are needed to determine the type and extent of the critical area;
2. Determine whether the development proposal is consistent with this title;
3. Determine whether any proposed alterations to the development are necessary to mitigate impacts;
4. Determine if the mitigation and monitoring plans proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this title.

C. A SEPA threshold determination may not be made prior to Departmental review of any special studies or technical reports required by this title, except where the applicant requests a determination of significance so that an environmental impact statement review is required.

D. The Department may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives and requirements of this title.

E. Approval of a development proposal does not discharge the obligation of the applicant to comply with the provisions of this title.

F. Unless otherwise specified in this chapter, permits shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.

(Ord. 343 § 1, 2002).

17.10.035 Exemptions.

The following activities are exempt from the provisions of this title. Such activities are not exempt from the shoreline master program requirements in UPMC Title 18 unless explicitly named as an exempt activity under WAC 173-27-040, in accordance with UPMC 18.15.030.

A. Existing Agricultural Activities. The activities cease to be existing when the area on which they were conducted has been converted to a nonagricultural use or has lain idle more than five years or so long that modifications to the hydrological regime are necessary to resume agricultural activities. Land registered in a Federal or State soils conservation program shall meet the criteria for this exemption.

B. Reconstruction, repair or maintenance of existing roads, paths, bicycle ways, trails, bridges, and storm drainage facilities; provided, that reconstruction does not involve expansion of facilities; and provided, that work is conducted pursuant to BMPs. This exemption shall not apply to reconstruction that is proposed as a result of structural damage associated with a critical area, such as, but not limited to, slope failure in a landslide hazard area.

C. The following utility line activities, when undertaken pursuant to BMPs to avoid impacts to critical areas:

1. Normal and routine maintenance or repair of existing utility structures or right-of-way.

2. Relocation within improved right-of-way of utility lines, equipment, or appurtenances only when required by a local governmental agency or utility purveyor, which approves the new location of the facilities.

3. Installation or construction in improved City road rights-of-way, and replacement, operation, relocation or alteration of all electric facilities, lines, equipment, or appurtenances with an associated voltage of 55,000 volts or less. Substations shall not be considered exempt.

D. Regular maintenance of existing structures.

E. Remodeling of an existing structure, provided there is no further intrusion into the critical area.

F. Reconstruction or repair of an existing structure unless the reconstruction or repair is necessitated by structural damage occurring as a result of landsliding, slumping or related earth movement.

G. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities; provided, that large construction vehicles are not used, and provided disturbed areas are restored to their pre-existing condition immediately following completion of work.

H. Emergency action necessary to prevent serious environmental degradation, imminent threat or danger to public health or safety, or imminent threat to public or private property. The Department shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken. Permits may be required subsequently.

I. Control of invasive species, including but not limited to Scotch broom, Himalayan blackberry and evergreen blackberry, and noxious weeds that are included on the State noxious weed list. Control may be by clipping, pulling, digging, or by an alternative plan, such as an integrated pest management plan, upon approval of a plan by the Department.

J. Activities undertaken to comply with a United States Environmental Protection Agency administrative superfund enforcement order or a Washington Department of Ecology administrative enforcement order pursuant to the Model Toxics Control Act, including the following activities:

1. Remediation or removal of hazardous or toxic substances;
2. Source control; and
3. Natural resource damage restoration.

K. A residential building permit for a lot which was subject to previous reports and assessments as required under this title; provided, that the impacts associated with the current development proposal are addressed, and provided the permit is issued subject to the mitigation recommendations of said reports or assessments.

(Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002).

17.10.040 Variances.

A. Authority. The Examiner shall have the authority to grant a variance to the buffer width provisions of this chapter.

B. Granting of Variances. The Examiner must find that the requested buffer width reduction satisfies all of the following criteria:

1. That the granting of such variance is consistent with the intent of the City Comprehensive Plan;
2. That there are special circumstances applicable to the subject property, that do not apply generally to other property or class of use in the same vicinity;
3. That granting of such variance shall not have a detrimental impact on fish and wildlife habitat within critical areas;

4. That granting of such variance give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat;

5.4. That granting of such variance shall not have a detrimental impact on water quality or water temperature;

6.5. That granting of such variance shall not result in increased erosion or sedimentation;

7.6. That the variance is necessary for preservation of a substantial property right or use possessed by other property owners in the same vicinity.

(Ord. 343 § 1, 2002).

17.10.045 Reasonable use exception permit.

A. If the application of this title would deny all reasonable use of a site, development may be allowed, which is consistent with the general purposes of this title and the public interest, pursuant to a reasonable use exception permit. A reasonable use exception permit may be granted only if the provisions of this title physically eliminate all options for reasonable use of the property.

B. Nothing in this title is intended to preclude all reasonable use of property. An applicant for a development proposal may file a request for a reasonable use exception, which shall be considered by the City Hearings Examiner at a public hearing, following notice, as required by Title 22. The request shall include the following information:

1. A site plan that identifies the portions of the site which are critical areas and the location of the proposed development;
2. A description of the amount of the site that is within setbacks required by other development regulations;
3. A description of the proposed development;
4. An analysis of the impact that the proposed development would have on the critical areas;

5. An analysis of how the proposed development would affect open space or habitat connectivity;

6.5. An analysis of whether any other reasonable use with less impact on the critical area(s) is possible;

7.6. A design of the proposed development that has the least impact practicable on the critical area(s);

8.7. An analysis of the modifications needed to the standards of this title to accommodate the proposed development;

9.8. A description of any modifications needed to the required front, side and rear setbacks, building height, and buffer widths to provide for a reasonable use while providing protection to the critical area(s);

10.9. Such other information as the Department determines is necessary.

C. The Hearings Examiner may approve the reasonable use exception, if the Examiner determines all of the following criteria are met:

1. There is no other reasonable use or feasible alternative to the proposed development, including phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning and density considerations that would allow a reasonable economic use with less impact on the critical area(s); and
2. The proposed development does not pose a threat to the public health, safety or welfare on or off the site; and
3. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property; and

Commented [KG20]: In accordance with WAC 365-190-130(4)(i), critical area regulations must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

A new criterion is added to the variance section to ensure special consideration is reviewed during variance applications.

Commented [KG21]: Incorporating recommendations from WDFW comments.

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the nondevelopable condition after the effective date of the ordinance codified in this title;

5. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site; and

6. The proposed activities will not jeopardize the continued existence of species listed by the Federal government as endangered, threatened or candidate species.

(Ord. 343 § 1, 2002).

17.10.050 Current use assessment.

An owner of agricultural land, timberland, or open space desiring current use classification under Chapter 84.34 RCW may file for such current use classification as provided in the City of University Place Zoning Code.

(Ord. 343 § 1, 2002).

17.10.055 Nonconforming structures and uses.

An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the nonconforming use, nonconforming lot and nonconforming structure provisions of UPMC Title 19, except that the substantial destruction clause, of UPMC 19.80.050(A)(4) shall not apply. In no case shall this section be construed to allow reconstruction or repair necessitated by structural damage occurring as a result of landsliding, slumping or related earth movement.

(Ord. 343 § 1, 2002).

17.10.060 Financial guarantees.

The City shall require an applicant to submit a financial guarantee to the City to guarantee any performance, mitigation or monitoring required as a condition of permit approval. The permit shall not be granted until the Department receives the financial guarantee.

A. Financial guarantees required under this title shall:

1. Be in addition to the site development construction guarantee required by the City's public works standards;
2. Be submitted on financial guarantee forms provided by the City;
3. Be 125 percent of the estimate of the cost of installation, mitigation or monitoring to allow for inflation and administration should the City have to complete the installation, mitigation or monitoring;
4. Be released by the City only when City officials have inspected the site(s) and the applicant's engineer and/or appropriate technical professional has provided written confirmation that the performance, mitigation or monitoring requirements have been met.

(Ord. 343 § 1, 2002).

17.10.065 Penalties and enforcement.

A. Criminal Penalties. Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 and/or 1.30 UPMC at the City's discretion.

(Ord. 688 § 1 (Exh. E), 2017; Ord. 343 § 1, 2002).

17.10.070 Fees.

The City shall establish an appropriate fee structure for administrative and technical review by separate resolution.

(Ord. 343 § 1, 2002).

17.10.075 Title and plat notification.

Title Notification. The owner of any site within an erosion hazard area, [critical](#) aquifer recharge area, fish and wildlife habitat [conservation](#) area, ~~flood hazard~~ [frequently flooded](#) area or wetland area in which a development proposal is submitted shall record a notice with the Pierce County Auditor in the form set forth below:

Form of notice:

(_____ AREA NOTICE)

Parcel Number: _____

Address: _____

Legal Description: _____

Present Owner: _____

Notice: This site lies within a(n) _____ area as defined by Chapter 17. _____ UPMC. The site was the subject of a development proposal for _____ application number _____ filed on _____ (date).

Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of the _____ area and any restriction on use.

Signature of Owner(s)

NOTARY ACKNOWLEDGMENT AND NOTARY SEAL

Plat and Planned Development District Notification. For all proposed short subdivision, subdivision and planned development district proposals within landslide hazard areas, erosion hazard areas, [critical](#) aquifer recharge areas, fish and wildlife habitat [conservation](#) areas, [frequently flooded](#) ~~ed-hazard~~ areas, and wetland areas, the applicant shall include a note on the face of the plat or final development plan. The note shall be as set forth below:

Notice: This site lies within a(n) _____ area as defined in Chapter 17. _____ UPMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

If more than one critical area exists on the site subject to the provisions of this title, then one notice that addresses all of the critical areas shall be sufficient.

(Ord. 343 § 1, 2002).

17.10.080 Appeals.

Appeals of a decision issued under this title shall be considered in accordance with UPMC Title 22, Administration of Development Regulations.

(Ord. 343 § 1, 2002).

17.10.085 Appendices.
Appendix A

Examples of regulated uses/activities.

This list is intended to provide examples of regulated uses and activities. The list is not intended to be inclusive. All uses and activities included in this list may not be a regulated use or activity in every situation. Examples of regulated uses and activities include, but are not limited to:

- A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;
- B. Dumping, discharging or filling;
- C. Draining, flooding or disturbing the water level or water table. In addition, an activity that involves draining, flooding or disturbing the water level or water table in a wetland or creek, in which the activity itself occurs outside the wetland and buffer, shall be considered a regulated activity;
- D. Driving piling or placing obstructions;
- E. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure, except as specifically exempted;
- F. Altering the character of a critical area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading or planting;
- G. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or creek water sources, including changes in quantity of water and pollutant level;
- H. Application of pesticides, fertilizers and/or other chemicals, unless demonstrated not to be harmful to habitat or wildlife.

(Ord. 343 § 1, 2002).

Chapter 17.15

GEOLOGICALLY HAZARDOUS AREAS

Sections:

- 17.15.005 Purpose.
- 17.15.010 Erosion hazard areas criteria.
- 17.15.015 Landslide hazard areas criteria.
- 17.15.020 Mapping.
- 17.15.025 Restrictions on building.
- 17.15.030 Exemptions.
- 17.15.035 Assessments and reports.
- 17.15.040 Geological assessments.
- 17.15.045 Geotechnical reports.
- 17.15.050 Existing geotechnical reports.
- 17.15.055 Regulation.
- 17.15.060 Title notification.

17.15.005 Purpose.

The purpose of this chapter is to protect, preserve and enhance areas that are sensitive to human activities, including steep slopes, and landslide and erosion hazard areas. Additionally, the purpose of this chapter is to regulate development in geologically hazardous areas and associated buffers to avoid unstable slopes and adverse impacts to such areas and adjacent upslope and downslope areas.

(Ord. 343 § 1, 2002).

17.15.010 Erosion hazard areas criteria.

Erosion hazard areas are areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. Erosion hazard areas may also include coastal erosion areas and channel migration zones. ~~identified by the presence of vegetative cover, soil texture, slope, and rainfall patterns, or human-induced changes to such characteristics, which create site conditions vulnerable to erosion.~~

(Ord. 343 § 1, 2002).

17.15.015 Landslide hazard areas criteria.

Landslide hazard areas include areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors. This includes any areas susceptible to landslide because of any combination of bedrock, soil, slope, slope aspect, structure, hydrology, or other factors, and include, at a minimum ~~are those areas meeting any of~~ the following criteria:

A. Areas of historic failures, ~~including areas of old and recent landslides,~~ such as:

1. Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
2. Those coastal areas mapped as class u (unstable), uos (unstable old slides), and urs (unstable recent slides) in the department of ecology Washington coastal atlas; or
3. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington department of natural resources.

B. Areas with ~~both of~~ the following characteristics:

1. Slopes steeper than 15 percent; and

Commented [KC1]: Updating to better match definitions in WAC365-190-030(5)/120(5).

Commented [KC2]: Updated to match WAC 365-190-120(6)(a)(i-iii)

Correction based on Commissioner comments.

2. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and:

3. Springs or groundwater seepage.

Commented [KC3]: WAC 365-190-120(6)(b)(iii)

C. Areas that have shown movement during the Holocene epoch (10,000 years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;

Commented [KC4]: WAC 365-190-120(6)(c)

ED. Slopes that are parallel or subparallel to planes of weakness, such as bedding planes, joint systems, and fault planes, in subsurface materials;

DE. Slopes having a gradient steeper than 80 percent subject to rock fall during seismic shaking;

EF. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;

FG. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;

GH. Any area with a slope of ~~30~~ 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of bedrock. A slope is delineated by establishing the toe and top and measured by averaging the inclination over at least 10 feet of vertical relief;

Commented [KC5]: Updated to match WAC 365-190-120(6)(i)

~~H. Areas that have a "severe" limitation for building site development because of slope conditions, according to the National Resource Conservation Service.~~

Commented [KC6]: This is not included under WAC 195-190-120(6).

(Ord. 343 § 1, 2002).

17.15.017 Seismic hazard areas criteria.

Ground shaking is the primary cause of earthquake damage in Washington, and ground settlement may occur with shaking. The strength of ground shaking is primarily affected by the magnitude of an earthquake, the distance from the source of an earthquake, the type or thickness of geologic materials at the surface, and the type of subsurface geologic structure. Seismic hazard areas include:

Commented [KC7]: Reworked WAC 365-190-120(7) to come up with this section.

A. Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting, or tsunamis;

Commented [KC8R7]: Also, not super sure on how the section numbering is supposed to work, feel free to change if needed.

B. Areas of settlement and soil liquefaction conditions underlain by cohesionless soils of low density, typically in association with a shallow groundwater table; and

C. Areas with record of earthquake damage in the past;

17.15.020 Mapping.

Mapping. Landslide and erosion hazard areas meeting the criteria established above are delineated on DNR's Washington Geological Society's (WGS) RiskMAPs, WDFW's High Resolution Change Detection maps, ECY's Coastal Atlas, and other hazard maps created or used by the Department. The actual presence or absence of landslide or erosion hazard areas shall be determined by field conditions and the classification criteria listed above.

Commented [KC9]: Mapping recommendations by the Critical Areas Handbook for geohazards.

(Ord. 343 § 1, 2002).

17.15.025 Restrictions on building.

Restrictions on Building. In areas meeting both of the following characteristics no structure or disturbance of vegetation is permitted:

Commented [KC10]: CVWeb has a good chunk of the data loaded in, but didn't want to call out an internally used mapping system.

A. An area with a slope of 100 percent or steeper (45 degrees); and

B. Hillsides intersecting geological contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock.

(Ord. 343 § 1, 2002).

17.15.030 Exemptions.

In addition to the exemptions contained in UPMC 17.10.035, the following activities shall be exempt from the requirements of this chapter.

A. Trimming and Limited Cutting of Trees. Any person wishing to engage in clearing activity pursuant to this exemption shall arrange a site visit with Department staff. Staff shall issue a letter of exemption if the proposed activity is consistent with the intent of this chapter and provided:

1. The applicant can clearly demonstrate the activity will not result in a detrimental impact to the landslide or erosion area on or off site;
2. Groundcover shall be retained and the ground surface shall not be disturbed;
3. The clearing activity does not exceed the provisions of the City Zoning Code.
4. The trimming and cutting of trees is consistent with the vegetation conservation requirements specified in UPMC 18.25.100 for properties subject to the Shoreline Master Program provisions in UPMC Title 18.

(Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002).

17.15.035 Assessments and reports.

Regulation. For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report shall be submitted. The requirements for a geotechnical report shall be waived where the applicant can clearly demonstrate to the department through submittal of a geological assessment that the regulated activity will not occur within the landslide or erosion hazard area.

(Ord. 343 § 1, 2002).

17.15.040 Geological assessments.

A geological assessment shall be prepared by a professional engineer licensed by the State of Washington with expertise in geotechnical engineering or by a professional geologist/hydrologist or soils scientist who has earned a bachelor's degree in geology, hydrology, soils science, or closely related field from an accredited college or university, or equivalent educational training, and has five years' experience assessing erosion and landslide hazards. The geological assessment shall include at a minimum the following:

- A. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site; and
- B. An evaluation of the analysis area's inherent landslide and erosion hazards; and

C. A site plan of the area delineating all portions of the site subject to erosion, landslide, and erosion-seismic hazards based on mapping and criteria referenced in this chapter.

D. The submittal must include a contour map of the proposed site at a scale of one inch = 20 feet or as deemed appropriate by the Department. Slopes shall be clearly identified and differentiated for the ranges between 15 and 29 percent, and 30 percent or greater.

(Ord. 343 § 1, 2002).

17.15.045 Geotechnical reports.

The geotechnical report shall be prepared by a professional engineer licensed by the State of Washington with experience in geotechnical engineering and shall address the existing geologic, topographic, and hydrologic conditions on a site, including an evaluation of the ability of the site to accommodate the proposed activity.

Geotechnical reports shall include an analysis of the impacts that a regulated activity may have on adjacent properties. The geotechnical report shall include at a minimum the following:

A. Site Geology Information Required.

1. Topographic Data. Submittal must include a contour map of the proposed site, at a scale of one inch = 20 feet or as deemed appropriate by the Department. Slopes shall be clearly identified and differentiated for the ranges between 15 and 29 percent, and 30 percent or greater, including figures for aerial coverage of each slope category on the site. When site-specific conditions indicate the necessity, the Department may require the topographic data to be field surveyed.
2. Subsurface data. Submittal must include boring logs and exploration method, soil and rock stratigraphy, ground water levels and seasonal changes of ground water levels.
3. Site history. Submittal must include a description of any prior grading, soil instability, or slope failure.
4. Seismic hazard. Submittal of data concerning the vulnerability of the site to seismic events.

B. Geotechnical Engineering Information Required.

1. Slope stability studies and opinion(s) of slope stability;
2. Proposed angles of cut and fill slopes and site grading requirements;
3. Structural foundation requirements and estimated foundation settlements;
4. Soil compaction criteria;
5. Proposed surface and subsurface drainage;
6. Lateral earth pressures;
7. Vulnerability of the site to erosion;
8. Suitability of on-site soil for use as fill;
9. Laboratory data and soil index properties for soil samples; and
10. Building limitations including setback recommendations.
11. Analysis of any potential landslide run-out associated with the hazard area.

C. Performance Standards. All geotechnical reports shall contain a section that addresses each of the performance standards identified in UPMC 17.15.055.

D. Impacts on Adjacent Properties. Geotechnical reports shall address any impacts to adjacent properties that may result from the proposed regulated activity. Reports shall address both short-term (during construction) impacts and long term (post construction) impacts. All such impacts shall be mitigated per subsection (E) of this section.

E. Mitigation Recommendations. Geotechnical reports shall include a section that identifies mitigation measures necessary to preserve the stability of geologically hazardous and adjacent areas.

(Ord. 343 § 1, 2002).

17.15.050 Existing geotechnical reports.

Where a geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, the report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site, or surrounding the site, the applicant shall submit an amendment to the geotechnical report.

(Ord. 343 § 1, 2002).

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 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) of this section, 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) of this section.

D. Modifications and Flexibility. 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. A modified slope, a reduced or eliminated buffer, and/or a reduced or eliminated setback shall not be permitted unless the proposed design, engineering and mitigation measures pertaining to any modifications within a landslide or erosion hazard area adequately reduce risk to proposed structures, 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 predevelopment conditions;
4. The activity will not adversely impact other critical areas as regulated in this title 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.

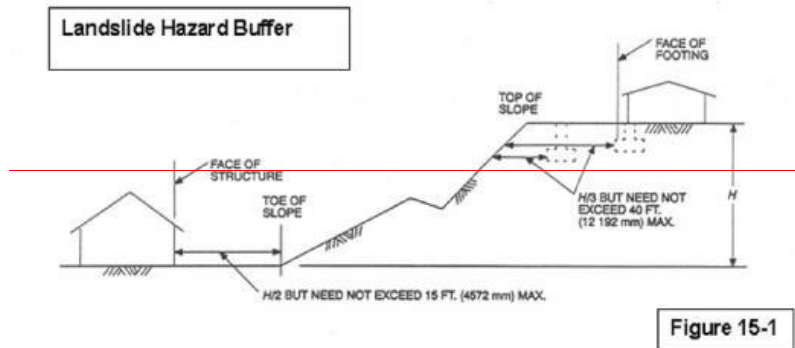
(Ord. 670 § 1 (Exh. A), 2016; Ord. 343 § 1, 2002).

17.15.060 Title notification.

The owner of any site within a landslide hazard area shall record a notice with the Pierce County Auditor on a form provided by the Department, and generally in the form set forth below. This notice shall be in addition to any other title notification statement required by this title, although any such notices may be combined.

Owner(s) on his/her own behalf and on behalf of his/her heirs, successors and assigns hereby waives any right to assert any claim against the City for any loss, or damage to people or property either on or off the site resulting from soil movement by reason of or arising out of issuance of the permit(s) by the City for development on the property except only for such losses that may directly result from the sole negligence of the City. Furthermore, the City makes no promise that in the event of soil movement that adversely affects abutting streets or utilities that such streets or utilities will be restored following such soil movement.

(Ord. 343 § 1, 2002).



Commented [KC11]: Updated Image from <https://codes.iccsafe.org/s/IBC2021P1/chapter-18-soils-and-foundations/IBC2021P1-Ch18-Sec1808.7>, I added normal or bold font options.

Landslide Hazard Buffer

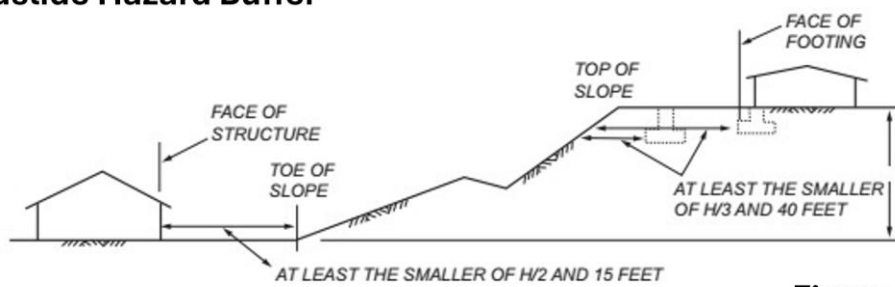
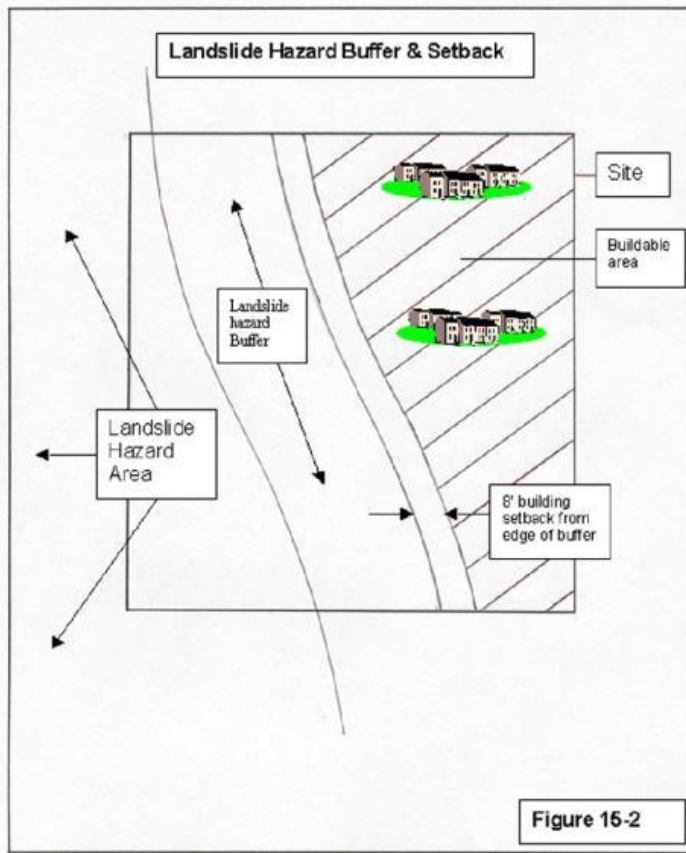


Figure 15-1



Chapter 17.20

CRITICAL AQUIFER RECHARGE AREAS

Commented [KG1]: Change to reflect current name of critical areas under WAC 365-190-100 *Critical Aquifer Recharge Areas* or CARAs.

Sections:

- 17.20.005 Purpose.
- 17.20.010 Identification and classification.
- 17.20.015 Regulation.

17.20.005 Purpose.

The purpose of this chapter is to protect ground water resources in the aquifer system from hazardous substances and hazardous waste pollution by controlling or abating future pollution from new land uses or activities. Additionally, it is the purpose of this chapter to increase public awareness regarding potential impacts to aquifer recharge areas arising from land use and site design.

(Ord. 343 § 1, 2002).

17.20.010 Identification and classification.

A. Identification. **Critical** Aquifer recharge areas are areas where the prevailing geologic conditions allow infiltration rates, which create a high potential for contamination of ground water resources or contribute to the replenishment of ground water.

B. Classification. The entire City is located within an **critical** aquifer recharge area as defined by Clover/Chambers Creek Aquifer Basin Boundary, the 10-year wellhead protection areas as identified by TPCHD and the DRASTIC zones that are rated 180 and above.

(Ord. 343 § 1, 2002).

17.20.015 Regulation.

A. Permeable Surfaces. Uses that are not identified as a threat to the aquifer shall provide as much open permeable space as possible and impervious surfaces shall be minimized. Carefully planned site layout and design may significantly reduce the need for impervious surfaces, which in turn can help promote the health of the City's water resources and reduce costs associated with development of surface water control and treatment systems. Property owners shall practice appropriate disposal of hazardous substances and other pollutants to protect aquifer health.

B. Prohibited Uses. The following uses shall be prohibited within the **critical** aquifer recharge area:

1. Landfills.

C. Conditionally Permitted Uses.

1. Uses identified in Table 1 shall only be permitted after review **and approval** of a hydrogeologic assessment. All mitigation measures required pursuant to the references in Table 1 shall be implemented.

**Table 1. Statutes, Regulations and Guidance Pertaining to
Groundwater Impacting Activities**

Activity	Statute – Regulation – Guidance
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
Chemical Treatment, Storage and Disposal Facilities	WAC 173-303- 141 182
Hazardous Waste Generators (Boat Repair Shops, Biological Research Facilities, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)	Chapter 173-303 WAC

Commented [KG2]: Updating WAC reference to current.

Activity	Statute – Regulation – Guidance
Above Ground Storage Tanks	WAC 173-303-640
Below Ground Storage Tanks	Chapter 173-360 A WAC
Injection Wells	Federal 40 C.F.R. Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, BMPs to Prevent Stormwater Pollution at Vehicle Recycler Facilities (WDOE 94-146)
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems > 14,500 gal/day	Chapter 246-272 A WAC
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, 173-304 WAC BMPs to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter WAC 332-18 WAC 015

2. In addition to the uses noted in Table 1, the following uses of land shall require a hydrogeologic assessment of the proposed site:

- a. Hazardous substance processing or handling;
- b. Sludge land application sites categorized as S-3, S-4 and S-5;
- c. Animal containment areas;
- d. Wood treatment facilities.

3. The hydrogeologic assessment shall include information as required by TPCHD. Uses requiring a hydrogeologic assessment may be approved, conditioned or denied by the city based upon the TPCHD's evaluation of the hydrogeologic assessment.

4. The Director may grant relief from some or all of the provisions of this chapter if those provisions would be ineffective at a particular site. Alternative measures may be required.

D. Use of Existing Laws and Regulations. Other uses, including but not limited to septic systems and surface water management facilities, shall be regulated pursuant to existing laws, regulations and programs including, but not limited to, UPMC Title 13, City Public Works Standards, the King County Surface Water Design Manual, and the TPCHD Source Protection Program.

(Ord. 343 § 1, 2002).

Chapter 17.25

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

- 17.25.005 Purpose.
- 17.25.010 Applicability and identification.
- 17.25.015 Mapping.
- 17.25.020 Habitat assessments.
- 17.25.025 Habitat management plans.
- 17.25.030 Regulation.
- 17.25.035 Habitat protection for Puget Sound.
- 17.25.040 Habitat protection for creeks.

- 17.25.045 Riparian management zone~~buffer~~ regulations.
- 17.25.050 Allowable activities within riparian management zones~~buffers~~.

Per BAS and comments from WDFW, "riparian buffers" are being renamed to "riparian management zones". See comments further down for rational.

17.25.005 Purpose.

The purpose of this chapter is to protect fish and wildlife habitat conservation areas, particularly habitat areas for threatened and endangered species, with special consideration for the conservation or protection of anadromous fish species. Additionally, the purpose of this chapter is to provide protection for all functions and values of creeks, streams, and riparian management zones~~habitat areas~~ to ensure no net loss of ecological functions and values.

(Ord. 343 § 1, 2002).

Commented [KG1]: In accordance with WAC 365-190-130(4)(i), critical area regulations must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

17.25.010 Applicability and identification.

A. Applicability. This chapter applies to regulated activities within fish and wildlife habitat conservation areas.

B. Identification of Fish and Wildlife Habitat Conservation areas. Fish and wildlife habitat conservation areas regulated pursuant to this chapter are those areas identified as serving a critical role in sustaining needed habitat and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term; these areas include, but are not limited to:

Commented [KG2]: Per WDFW's current best available science, *Riparian Ecosystem, Volume 1 and Volume 2*, WDFW recommends redefining riparian habitat zones to "riparian management zones". See updated definition under 17.10.005.

1. Areas of rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter ranges, and movement corridors; or
2. Areas which have a primary association with Federally listed endangered, threatened, ~~and sensitive or~~ candidate species and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term; or
3. Areas that have been documented by WDF&W as habitat for State listed endangered or threatened species by the Priority Habitat and Species (PHS) program; or
4. Creeks identified in UPMC 17.25.040.

Commented [KG3]: In order to provide more consistency with the definitions found in WAC 365-190-030(6), additional language found under subsection (6)(a) has been included.

Additional amendments were identified since the August 6th meeting that will make this subsection consistent with WAC 365-190-030(6).

(Ord. 343 § 1, 2002).

17.25.015 Mapping.

Fish and wildlife habitat conservation areas are identified, to the extent possible, on maps provided by the department. The resources listed below provide additional information on fish and wildlife habitat conservation areas:

- A. *Puget Sound Environmental Atlas, Puget Sound Water Quality Authority.*
- B. *Coastal Zone Atlas of Washington, Volume VII, Pierce County, Washington Department of Ecology.*
- C. The following Washington Department of Natural Resources documents and data sources:

Commented [KG4]: All mapping information provided in this section is still current. These are mapping tools incorporated by reference. This section is general enough that no amendments are necessary, even if the actual resources themselves are updated.

1. ~~Forest Practices DNR Water Type Maps~~~~Stream-typing maps.~~
2. ~~Natural heritage database.~~ [Washington Natural Heritage Program Data Explorer](#)

Amendments based on comments from WDFW.

D. The following Washington Department of Fish and Wildlife documents and data sources:

1. *Priority habitats and species program list and maps.*
2. *Wildlife Heritage Database.*

3. [Pacific States Marine Fisheries Commission's Streamnet database.](#)
4. [Site potential tree height mapping tool.](#)

Amendments based on comments from WDFW.

E. Washington Department of Ecology information for Water Resource Index Area ([WRIA](#)) 12.

(Ord. 343 § 1, 2002).

17.25.020 Habitat assessments.

A. A habitat assessment shall be required for a site that may contain fish and wildlife habitat conservation areas identified in this chapter. The habitat assessment shall be prepared by a wildlife biologist with a degree in wildlife biology. At a minimum the habitat assessment shall contain the following:

1. A discussion and documentation of the species or habitats known or expected to be located on the site.
2. A site plan that clearly identifies and delineates fish and wildlife habitats found on the site.
3. Such other information as the Director determines is necessary to adequately evaluate the impact of the regulated activity on fish and wildlife habitat.

Commented [KG5]: Per WDFW comments: Include "documentation" to ensure that there's a written records of the habitat assessment.

B. If a habitat assessment demonstrates to the satisfaction of the Director that fish and wildlife habitat or species are not located on the site, the development can proceed without further requirements under this section; otherwise, a habitat management plan shall be submitted pursuant to UPMC 17.25.025.

(Ord. 343 § 1, 2002).

17.25.025 Habitat management plans.

A. Where fish and wildlife habitat is present on a proposed development site, a habitat management plan shall be prepared by a wildlife biologist (~~See UPMC 17.10.005 for definition.~~) ~~with a degree in wildlife biology.~~ The habitat management plan shall contain at a minimum the following:

1. A discussion and documentation of the project's impacts on fish and wildlife habitat.
2. A discussion and documentation of Federal and/or State management recommendations for species or habitats located on the site.
3. A discussion and documentation of measures proposed to preserve existing habitats, with special consideration for the conservation or protection of anadromous fish species.
4. A discussion and documentation of proposed measures that mitigate impacts of the project.
5. A discussion and documentation of ongoing management practices that will protect fish and wildlife habitat after the site has been fully developed, including proposed monitoring and maintenance programs.
6. Such further information as the Director determines is necessary to adequately assess the impact of the regulated activity upon the habitat or species.

Amendment per Commissioner comments. Definition of wildlife biologist found in 17.10.005 provides for alternative qualifications for a wildlife biologist that are not found in this subsection. Providing a link to the definition to eliminated the discrepancy.

Per WDFW comments, they recommend incorporating a requirement that a habitat management plan include documentation, not just a discussion to ensure there is a written record of the habitat assessment.

B. Habitat management plans shall be sent to the WDFW and appropriate State and Federal agencies for comment.

(Ord. 343 § 1, 2002).

17.25.030 Regulation.

A. Development proposals shall consolidate habitat and vegetated open space in linked corridors to provide connectivity to off-site wildlife habitat.

B. Where habitat for Federally listed endangered or threatened species is present, development proposals must comply with the provisions of ESA. Consultation with Federal agencies may be required. Development proposals in such areas shall be denied unless the applicant can show conclusively that the project would not result in the taking of a Federally listed species.

C. Protection of fish and wildlife habitat ~~shall~~may not be required where such habitat is isolated or severely fragmented due to previous development and urbanization. Where an applicant can demonstrate to the satisfaction of the Director, through submittal of a habitat assessment, that protection of on-site fish and wildlife habitat would not result in ~~the no net loss of the functions and values of the ecosystem a viable long-term population~~, such protection measures shall not be required. For proposals subject to the Shoreline Master Program provisions in UPMC Title 18, the Director may not waive the requirement for protection of fish and wildlife habitat unless the proposal demonstrates how it will comply with the mitigation sequencing requirements per UPMC 18.25.070(C)(2) and achieve no net loss of shoreline ecological function.

Commented [KG7]: Amendment to align with GMA's goal of no net lost of fucnctions and values as outlines in WAC 365-196-830(4). These types of habitat may still provide some benefit to the landsadpe even if they are lower quality than ideal.

The above language does not apply in the case of Federally listed endangered and threatened species and habitat areas that must be preserved pursuant to subsection (B) of this section.

D. All projects may be conditioned based on agency comments and the Director's evaluation of impact to fish and wildlife habitat and species. Projects may be denied if the proposal will result in extirpation or isolation of a regulated fish or wildlife population, species or habitat area.

E. Habitat assessments, habitat management plans and the provisions of this section shall not be required for fish habitat conservation areas where all development is outside of prescriptive creek and/or wetland buffers per UPMC 17.25.040.

F. Additional laws and procedures used to implement this chapter shall include but not be limited to the Washington State Environmental Policy Act (Chapter 43.21C RCW), the City's environmental regulations, the Shorelines Management Act (Chapter 90.58 RCW), the City Shoreline Master Program and Use Regulations, the Federal Endangered Species Act and UPMC Title 22, Administration of Development Regulations.

G. Impacts to fish and wildlife habitat shall be considered and addressed during SEPA environmental review, if required.

(Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002).

17.25.035 Habitat protection for Puget Sound.

Habitat protection for Puget Sound shall be provided through education and existing laws, including but not limited to those referenced in UPMC 17.25.030(F) and Title 18, Shoreline Master Program.

(Ord. 343 § 1, 2002).

Commented [KG8]: Including a reference to the SMP, since the Puget Sound would fall under the SMAP for habitat protections.

17.25.040 Habitat protection for creeks.

Regulated activities proposed along creeks shall provide for habitat protection.

A. Habitat protection for creeks shall be provided through riparian management zones~~buffers~~.

1. Except as provided in this title, no development activity shall occur in riparian management zones~~buffers~~.

2. The RMZ~~riparian buffer~~ shall consist of undisturbed natural vegetation and shall be required along all creeks identified in Table 2. The RMZ~~buffer~~ shall extend landward from the ordinary high water mark on each side of the water body a distance specified in Table 2.

Commented [KG9]: Revising the term "riparian buffers" and riparian habitat areas" to align with the amended definition under UPMC 17.10.

Based on best available science within WDFW's Riparian Ecosystem Volume 1: Science Synthesis and Management Implications, and the recommendations in Riparian Ecosystem Volume 2: Management Recommendations, the City's "riparian habitat areas" being modified to include the "riparian management zone (RMZ)".

3. The ~~RMZ~~ buffers specified in this section are the minimum buffers required. Larger buffers may be required to provide adequate protection for fish and wildlife habitat. Larger ~~RMZs~~~~riparian-buffers~~ may be required when the Department demonstrates that:

- a. A larger ~~RMZ~~~~buffer~~ is necessary to maintain viable populations of existing species; or
- b. The adjacent land is susceptible to severe erosion and erosion control measures will not prevent adverse water quality impacts.

4. The ~~RMZ~~~~riparian-buffer~~ of a creek shall not extend landward beyond an existing substantial linear improvement such as an improved road, dike, or levee, when an applicant can show that such existing improvement significantly reduces the impact the proposed activities would have on the creek.

B. Required Riparian ~~Management Zone~~~~Buffer~~ Widths. ~~Buffers~~~~RMZs~~ shall be required as shown in Table 2.

Table 2 - Riparian ~~Management Zone~~ Buffer Widths

Creek Name	Buffer Width
Type S (Chambers Creek)	200'
Type F (Leach Creek and Peach Creek)	150 100'
Peach Creek	75'
Type NP (Crystal and Day Creeks)	100 25'
Type Ns and Non-Listed Creeks	100'

C. Riparian Management Zone Buffer Alternative. As an alternative to the standard buffer widths shown in Table 2, an applicant may choose to conduct a site evaluation of soil conditions prepared by a qualified professional and consistent with the best available science on 200-year site potential tree height as provided by the Washington Department of Fish and Wildlife. If the evaluation of soil conditions determines the 200-year site potential tree height is a lesser value than the buffers widths in Table 2, the applicant may use the lower value in place of the standard buffer width.

(Ord. 343 § 1, 2002).

17.25.045 Riparian ~~management zone~~~~buffer~~ regulations.

A. Marking of the ~~Buffer~~~~RMZ~~ Area. The edge of the ~~RMZ~~~~riparian-buffer~~ area shall be clearly staked, flagged and/or fenced prior to and through completion of construction. The ~~RMZ~~~~buffer~~ boundary markers shall be clearly visible, durable, and permanently affixed to the ground, during construction.

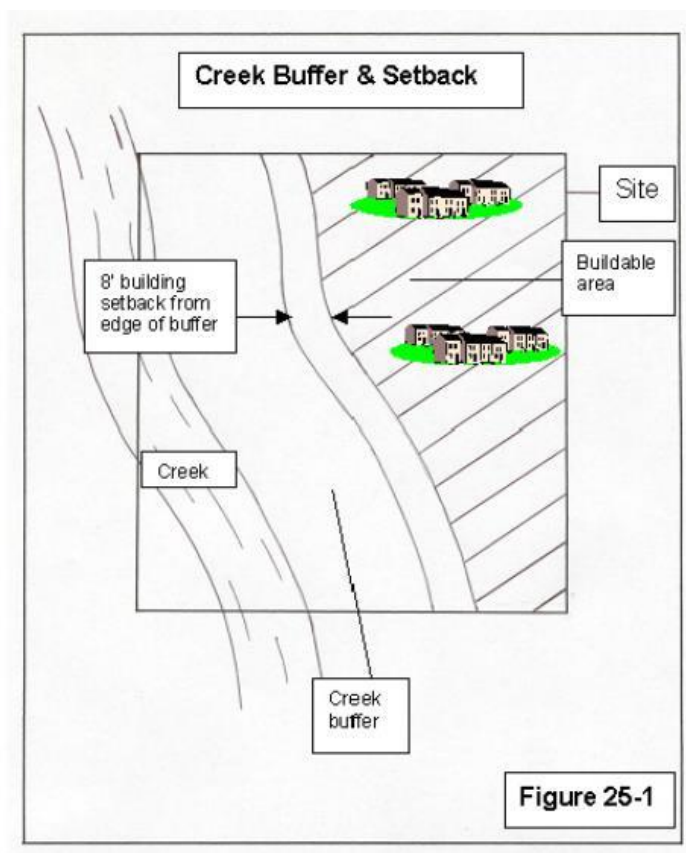
B. Prior to final approval of any project requiring ~~RMZs~~~~riparian-buffers~~, the creek and required ~~RMZ~~~~riparian-buffer~~ area shall be placed in a separate fish and wildlife habitat ~~conservation~~ tract, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism pursuant to Department approval. The boundary between a fish and wildlife habitat ~~conservation~~ tract, easement, land trust dedication or similarly preserved area and the adjacent land shall be identified with permanent signs. Sign location, size, wording and design specifications shall be subject to Department approval. All protected areas identified above shall remain undeveloped in perpetuity, except as they may be altered pursuant to this title.

C. Building Setback and Construction Adjacent to ~~RMZ~~~~Buffer~~. A minimum construction setback of eight feet from the outside edge of the ~~RMZ~~~~riparian-buffer~~ (as shown in Figure 25-1) shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage. The construction setback shall be required in addition to any ~~RMZ~~~~buffer~~ required pursuant to this chapter. Clearing, grading, and filling within the eight-foot construction buffer shall only be allowed when the applicant can demonstrate that vegetation within the ~~RMZ~~~~buffer~~ will not be damaged.

D. Riparian management zones shall provide conservation, or protection measures necessary to preserve or enhance anadromous fisheries including measures that protect habitat important for all life stages of anadromous fish, including, but not limited to, spawning and incubation, juvenile rearing and adult residence, juvenile migration downstream to the sea, and adult migration upstream to spawning areas. Habitat protection measures should be based on the best available science relevant to stream flows, water quality and temperature, spawning substrates, instream structural diversity, migratory access, estuary and nearshore marine habitat quality, and the maintenance of salmon prey species.

Commented [KG10]: In accordance with RCW 36.70A.172(1) and WAC 365-190-130(4)(i), critical area regulations must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Staff coordinated discussion with the Washington State Department of Fish and Wildlife for recommendations on appropriate language. At the August 6th Planning Commission meeting, staff presented two approaches to offering regulations. On approach that was more prescriptive and one that was less prescriptive, based on examples provided by WDFW. Feedback from the PC was in favor of the less prescriptive options, which is represented in the proposed code amendments.



D. Fencing from Farm Animals. Farm animals shall be permanently fenced from creek and RMZ~~buffer~~ areas.
(Ord. 343 § 1, 2002).

17.25.050 Allowable activities within riparian [management zones](#)~~buffers~~.

The following activities may occur within the [RMZ](#)~~riparian-buffer~~, after notification to the department; provided, that BMP's are implemented and any required permits are obtained.

A. Removal of diseased trees and trees that present a hazard to improvements. Trees that present a hazard to improvements shall only be removed if trimming or other modification would not eliminate the hazard. Dead trees that provide habitat value and do not threaten existing improvements shall not be removed.

B. Repair of existing fences.

C. Reconstruction, repair or maintenance of existing docks and bulkheads as authorized and pursuant to shoreline management regulations, and as approved pursuant to a hydraulic permit from WDF & W and a section 404 permit from Army Corps of Engineers.

D. Construction, reconstruction, repair or maintenance of a pervious path, primarily running perpendicular to the creek, less than four feet in width, for purposes of private access to the shoreline.

E. Construction, reconstruction, repair or maintenance of public trails and accessory facilities. The width of the trail shall be added to the required [RMZ](#)~~buffer~~ width where possible.

F. Reconstruction, repair or maintenance of existing roadways, bridges, rights-of-way, and utility lines where no feasible alternative exists, and where the development minimizes impacts on the stream and [RMZ](#)~~buffer~~ area.

G. Placement of utility lines where no feasible alternative exists.

H. Construction or reconstruction of single-family, duplex or condominium units on a lot that was platted, or approved pursuant to a planned development district (PDD), prior to adoption of this ordinance. Structures shall be located outside of [RMZ](#)~~s~~~~buffers~~ in effect when the lot was created and shall be subject to fish and wildlife habitat [conservation](#) regulations in effect at that time. A completed building permit application for the construction or reconstruction must be submitted within 5 years of final plat or PDD approval, or this exemption does not apply.

I. Enhancements to natural [RMZ](#)~~s~~~~buffers~~ consistent with education and restoration activities (such as re-vegetation or nest boxes).

(Ord. 343 § 1, 2002).

Chapter 17.30

~~FLOOD HAZARD~~ FREQUENTLY FLOODED AREAS

Commented [KG1]: Amend definition of “flood hazard areas” and replace with “frequently flooded areas” to be consistent with the definition found under WAC 365-190-030(8).

Sections:

- 17.30.005 Purpose.
- 17.30.010 Applicability and basis for establishing frequently flooded areas ~~of special flood hazard~~.
- 17.30.015 Severability.
- 17.30.020 Regulation.

17.30.005 Purpose.

The purpose of this chapter is to regulate land use activity within frequently flooded areas ~~of special flood hazard~~ to avoid adverse impacts to on-site and off-site improvements, property and persons. Additionally, the purpose of this chapter is to protect water quality in the event flooding should occur.

(Ord. 680 § 2 (Exh. B), 2017; Ord. 343 § 1, 2002).

17.30.010 Applicability and basis for establishing areas of special flood hazard.

A. Applicability. This chapter applies to regulated activities within frequently flooded areas ~~of special flood hazard~~.

B. Basis for Establishing the Frequently Flooded Areas ~~of Special Flood Hazard~~. All frequently flooded areas ~~of special flood hazard~~ identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Pierce County,” dated March 17, 2017, or as hereafter amended, with accompanying Flood Insurance Rate Maps (FIRM) or as hereafter amended, are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study for Pierce County and FIRM are on file at the City.

(Ord. 680 § 2 (Exh. B), 2017; Ord. 343 § 1, 2002).

17.30.015 Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

(Ord. 680 § 2 (Exh. B), 2017; Ord. 343 § 1, 2002).

17.30.020 Regulation.

All development in frequently flooded ~~flood hazard~~ areas shall be regulated according to City codes including, but not limited to, International Building Code, City Public Works Standards, and Chapter 14.15 UPMC, Flood Damage Prevention.

A. No activity that increases flooding impacts on adjacent properties shall be permitted.

B. No new development served by septic system shall be permitted in the floodway or floodplain.

(Ord. 680 § 2 (Exh. B), 2017; Ord. 343 § 1, 2002).

Chapter 17.35

WETLANDS

Sections:

- 17.35.005 Purpose.
- 17.35.010 Applicability and mapping.
- 17.35.015 Application and review procedure.
- 17.35.020 Wetland categories.
- 17.35.025 Delineation and wetland analysis requirements.
- 17.35.030 Exemptions.
- 17.35.035 Establishing buffers.
- 17.35.040 Buffer provisions.
- 17.35.045 Mitigation.
- 17.35.050 Residential density and on-site density transfer.
- 17.35.055 Alternative review process, Corps of Engineers Section 404 individual permits.

17.35.005 Purpose.

The purpose of this chapter is to avoid, or, in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands. Additionally, the purpose of this chapter is to maintain and enhance the biological and physical functions of wetlands with respect to water quality maintenance, storm water and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, education, and historic and cultural preservation. When avoiding impacts is not reasonable, mitigation should be implemented to achieve no net loss of wetlands in terms of acreage, function and value.

(Ord. 343 § 1, 2002).

17.35.010 Applicability and mapping.

This chapter shall apply to all areas satisfying the criteria for wetland presence. The Department has created wetland maps for general informational purpose. The presence or absence of wetlands on a site shall be based on field conditions observed at the site.

(Ord. 343 § 1, 2002).

17.35.015 Application and review procedure.

A. When any regulated activity is proposed on a site that may be within 200 feet of a wetland, an application containing the following shall be submitted to the Department:

1. Site plan(s);
2. Wetland analysis report and/or delineation prepared by a qualified wetland specialist, if required;
3. Mitigation plan, if required;
4. Such other information as the Director determines is necessary to adequately evaluate the impact of the regulated activity on the wetland and buffer.

B. The procedure to obtain approval for a regulated activity on a site that contains wetlands and/or buffers shall be in accordance with UPMC Title 22, Administration of Development Regulations, which provides for consolidated and timely permit review.

C. Review and Approval. Approval of a regulated activity on a site that contains wetlands and/or wetland buffers shall be granted upon a determination that the wetland analysis report and mitigation plan meet all applicable requirements and that the mitigation plan, monitoring program and contingency plan, if required, are tied to an acceptable financial guarantee. Except as specifically exempted, regulated activities within wetlands and wetland

buffers shall not be permitted unless the applicant demonstrates that mitigation sequencing is considered pursuant to the mitigation section of this chapter.

D. Expiration. Approvals shall be valid for a period of time equal to the time that any associated land use permit or approval is valid.

(Ord. 343 § 1, 2002).

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;
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 23 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. Wetlands with a moderately high level of functions (scoring between 20 and 22 points).

C. Category III wetlands are:

1. Wetlands with a moderate level of functions (scoring between 16 and 19 points); or
2. Wetlands that often can be adequately replaced with a well-planned mitigation project.

Wetlands scoring between 16 and 19 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 16 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.

Commented [KG1]: WAC 365-190-090(3) recommends using a wetland rating system that evaluates the existing wetland functions and values to determine what functions must be protected. WA Dept. of Ecology publishes a rating system for Western Washington.

UPMC 17.35.020 requires using the current addition of the Western Washington wetland rating system; therefore, no amendments are necessary.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002. Formerly 17.35.030).

17.35.025 Delineation and wetland analysis requirements.

Regulated activities shall comply with the following requirements:

A. The Department may require a delineation report prepared in accordance with the approved Federal wetland delineation manual and applicable regional supplements 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 indicate 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
 - 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);

Commented [KG2]: UPMC 17.35.025 specifies delineation and wetland analysis requirements, which are still in accordance with WAC 173-22-035 and Federal wetland delineation manual and applicable regional supplements; therefore, no amendments are necessary.

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.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 343 § 1, 2002).

17.35.030 Exemptions.

In addition to the activities and uses listed in UPMC 17.10.035, the following activities are exempt from the provisions of this chapter. Such activities are not exempt from the Shoreline Master Program requirements in UPMC Title 18 unless explicitly named as an exempt activity under WAC 173-27-040, in accordance with UPMC 18.15.030.

A. Subject to BMPs, construction or reconstruction of single-family, duplex or condominium units on a lot that was platted, or approved pursuant to a planned development district (PDD), prior to adoption of the ordinance codified in this chapter. Structures shall be located outside of buffers in effect when the lot was created and shall be subject to the wetland regulations in effect at that time. A completed building permit application for the construction or reconstruction must be submitted within five years of final plat or PDD approval, or this exemption does not apply.

B. Pursuant to BMPs, construction of a one-family dwelling and regulated activities accessory to a one-family dwelling on a lot of record that was legally created prior to the effective date of this regulation shall be allowed in the buffer if all of the following provisions are met:

1. Development outside the buffer is not feasible.

2. The applicant demonstrates to the department that adverse impacts to wetlands will be mitigated to the greatest extent possible.

3. The residence and accessory structures are located to minimize intrusion into the buffer to the greatest extent possible.

C. Activities in artificial wetlands, except those artificial wetlands intentionally created for replacement, enhancement or similar purposes.

D. Activities affecting isolated Category III and IV wetlands less than 1,000 square feet that:

1. Are not associated with riparian areas or buffers.

2. Are not part of a wetland mosaic.

3. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance identified by the City.

E. Placement of access roads, utility lines and utility poles across a Category IV wetland and/or a buffer for a Category IV wetland if there is no reasonable alternative and if construction activity is conducted in accordance with BMPs.

F. For legally established gardens and landscaped areas existing on the effective date of this regulation, activities to maintain their existing condition and appearance. Activities may include, but are not limited to, mowing lawns, weeding, harvesting and replanting of garden crops, pruning and planting of vegetation. Use of pesticides and chemical fertilizers is prohibited.

G. Activities designed for protection, maintenance and enhancement of wetlands, if approved by the Director.

H. Pursuant to BMPs, activities undertaken on the site of an existing holding pond, water quality facility or similar facility, intended to improve water quality, flow control or other primary function of the facility.

I. Public stormwater retention/detention facilities and stormwater conveyance facilities such as bioswales, open trenches and culverts not designed to drain wetlands may be constructed within Category II, III and IV wetland buffers; provided, that the following conditions are met:

1. No untreated stormwater is released from the facility into the wetland or buffer;
2. The applicant demonstrates that water levels within the wetland will be maintained at pre-existing levels;
3. Water levels are monitored annually to ensure that pre-existing functions of the wetland are not significantly lost through fluctuations in wetland hydrology;
4. Maintenance activity is limited to removal of invasive vegetation and/or removal of sediment accumulation at inflow structures in a manner acceptable to the Department;
5. All construction activity is conducted in accordance with accepted BMPs. This conditional exemption would not apply in situations where there are threatened or endangered species, or sensitive plants, unless approved by the State Department of Fish and Wildlife or Department of Natural Resources, respectively. All permits from other regulatory agencies must be obtained.
6. In shoreline jurisdiction, stormwater facilities shall not be located within the buffer of Category II wetlands unless there is no other feasible option. In Category III and IV wetland buffers within shoreline jurisdiction, these facilities shall be limited to the outer 25 percent of the buffer unless there is no other feasible option.

J. A utility line may be placed in an underground trench within a Category II, III or IV wetland or its buffer, although generally, boring is preferred to trenching unless infeasible for a specific proposal. Such activities are not exempt from the provisions of this chapter when located in an associated wetland as defined in UPMC 18.10.020. These activities should be discouraged where there is a high water table and be limited to the outer 25 percent of buffers unless there is no feasible alternative. Boring and trenching should not be permitted in Category II wetlands or their buffers unless there is no other option, due to the lengthy recovery time from disturbance in such wetlands. There must be no resulting changes in pre-construction contours, and trench excavation materials that are temporarily sidecast must be stabilized to prevent erosion and sedimentation. All sidecast materials shall be replaced within the trench or removed after 90 days, unless the Department grants an extension. The trench shall be the minimum size required to construct the utility line. The top 12 inches of the trench shall be backfilled with topsoil from the trench excavation. Trenches in wetlands shall be backfilled with wetland topsoil from the excavation. Trench excavation should be restricted to the dry season. All permits from other regulatory agencies must be obtained.

K. Subject to BMPs, placement of utility lines which do not require excavation or utility poles, in any part of a buffer for a Category III or IV wetland. They may be placed in a buffer for a Category I or II wetland, provided they are not located closer than one-half the buffer width from the edge of the wetland.

L. Public park improvements, including construction of public trails and associated viewing platforms, subject to BMPs, provided no net loss of wetlands occurs.

(Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002. Formerly 17.35.020).

17.35.035 Establishing buffers.

A. Buffer widths shall be determined according to Table 3 and the provisions of this section.

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 percent 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 unvegetated, 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 nine points for habitat function would require a buffer of 225 feet (75 plus 150).

Table 3 – Wetland Buffer Requirements

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

Commented [KG3]: In accordance with Ecology's *Wetland Guidance for Critical Areas*, dated October 2022, the 5 points of habitat scoring is being combined with the 3-4 points column. According to Ecology, the change is based on public feedback and their own review of the reference wetland data use to calibrate the WA State Wetland Rating System.

Based on best available science, Ecology identified a need to reevaluate their guidance on habitat scores in the wetland buffer tables. Ecology recommends adopting their most current buffer tables in the updated 2022 guidance.

This change, along with concerns regarded lower buffers for the habitat score of 5, was presented and discussed at the August 6th Planning Commission meeting. If the City chooses different buffers and/or habitat scoring, then the City should conduct it's own research and best available science analysis to demonstrate the reason behind proposing different buffers. Upon further review by staff, it is recommended to proceed with amending the wetland buffer requirements in accordance with Ecology's guidelines, rather than spending time and resources pursuing a change that the conclusion would result in a greater buffer protection than what Ecology recommends.

Table 4 – Required Measures to Minimize Impacts to Wetlands

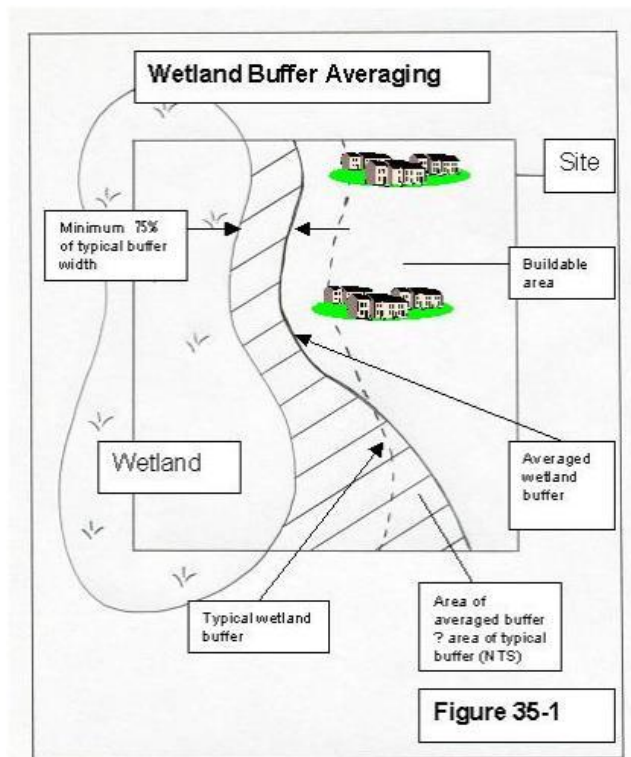
Disturbance	Required Measures to Minimize Impacts
Lights	• Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion-activated lights • Use full cut-off filters to cover light bulbs • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10 ft heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns • 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)
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement • Place signs around the wetland buffer every 50-200 feet, and at the back of each residential lot in a subdivision/short subdivision
Dust	• Use best management practices to control dust
Disruption of corridors or connections	• Maintain connections to off-site areas that are undisturbed • Restore corridors or connections to off-site habitats by replanting

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 percent 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 percent 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.



D. 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. 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. The wetland is used by a plant or animal species listed by the Federal government or the State as endangered, 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 trees; or
2. The adjacent land is susceptible to severe erosion, and erosion control measures will not effectively prevent adverse wetland impacts; or
3. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

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

(Ord. 670 § 1 (Exh. A), 2016; Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002).

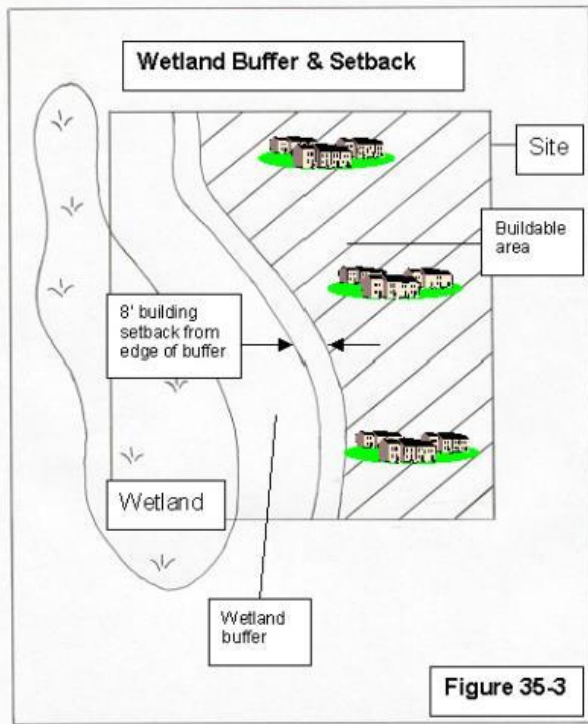
17.35.040 Buffer provisions.

A. When buffer boundaries have been determined they shall be marked in the field by a licensed surveyor. The markers shall be clearly visible, durable, and permanently affixed to the ground.

B. Prior to final project approval, the part of the wetland and/or buffer that is on the site shall be placed in a separate wetland tract or tracts, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the City. All wetland tracts, protective easements, land trust dedications and other similarly preserved areas shall remain undeveloped in perpetuity, except as they may be altered pursuant to this chapter.

C. Prior to final project approval of any wetland application, the common boundary between a wetland tract, protective easement, land trust dedication, or other similarly preserved area and the adjacent land shall be identified with permanent signs and/or fencing. Sign and fencing locations, wording, and size and design specifications shall be as required by the Department.

D. A building setback line of eight feet shall be required from the outside edge of the buffer (See Figure 35-3). The eight-foot building setback shall be required regardless of the width of the buffer. The eight-foot building setback shall be considered a minimum setback and shall not be construed to reduce or eliminate additional setbacks as required by another regulation, code, or State or Federal law.



E. At any time after a wetland tract, protective easement, land trust dedication, or other similarly preserved area has been established, the owner may submit a delineation report to the Department. If the owner can demonstrate that a natural boundary change has occurred, or that a wetland no longer exists, the wetland tract, protective easement, land trust dedication, or other similarly preserved area may be altered or eliminated, as appropriate. If a wetland boundary has changed or a wetland has been eliminated due wholly or in part to illegal activity, a change or elimination of wetland tract, protective easement, land trust dedication, or other similarly preserved area shall not be permitted.

F. A wetland tract, protective easement, land trust dedication, or other similarly preserved area is not required for utility lines in easements on lands not owned by the jurisdiction conducting the regulated activity.

G. Except as otherwise specified, buffers shall be retained in a natural condition.

H. ~~The~~ Wetland buffers that are functionally and effectively disconnected from the wetland shall not extend away from the wetland beyond an existing substantial linear improvement such as an improved road, dike, ~~or~~ levee, or footprint of a legally established structure where an applicant can show that such existing improvement significantly reduces the impact the proposed activities would have on the wetland.

I. The Department may require protection measures or erosion control measures such as temporary or permanent fencing to provide for protection of a wetland and buffer when any regulated activities are proposed on a site, but are not proposed within a wetland and/or buffer.

(Ord. 343 § 1, 2002).

Commented [KG4]: In accordance with Ecology's 2022 updated wetland guidance, UPMC 17.35.40(H) is proposed to be modified to incorporate their guidance on regulating functionally disconnected buffer areas. See Page A-11 under Appendix A. *Sample Wetland Regulations*.

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 \(Version 2\)](#), Publication No. [21-06-003, April 2021](#) ~~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*

Commented [KG5]: Updated Version 2 was published in 2021:

[Wetland Mitigation in Washington State: Part 1 - Agency Policies and Guidance \(Version 2\)](#)

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 5 – 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 16:1
Category II	3:1	6:1	12:1	20 12:1
Category III	2:1	4:1	8:1	15 8:1
Category IV	1.5:1	3:1	6:1	10 6:1

Commented [KG6]: Current compensation ratios for permanent impacts have been modified per the 2022 *Wetland Guidance for Critical Areas Ordinance (CAO)* Update, published by the Washington State Department of Ecology. See Table 1 on Page E-2 of this guidance document.

*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 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 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 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 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. 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.

(Ord. 670 § 1 (Exh. A), 2016; Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002).

17.35.050 Residential density and on-site density transfer.

The purpose of on-site density transfer is to cluster development in a manner that provides protection for wetlands and allows transfer of residential density from a wetland and/or wetland buffer area to an area on the same site that is neither wetland nor buffer. Those portions of the wetland and/or wetland buffer in which regulated activities are proposed to occur shall not be considered in calculating density transfer. Density transfer shall be determined as follows:

A. For sites containing regulated wetland buffer areas, full density credit may be transferred from the buffer area to the non-buffer area.

B. For sites containing regulated wetland areas, density transfer shall be calculated from the following table:

Table 6 – On-Site Density Transfer

Percentage of site in wetland	Amount of credit
0–25%	75%
26–50%	50%
50–100%	25%

C. If an on-site density transfer would result in the creation of one or more lots smaller than the minimum lot size specified for lots within a conventional plat, the subdivision shall be designed and processed in accordance with the Design Standards and Guidelines for Small Lot and Multifamily Development adopted by reference in Chapter 19.53 UPMC.

(Ord. 566 § 1, 2010; Ord. 343 § 1, 2002).

17.35.055 Alternative review process, Corps of Engineers Section 404 individual permits.

When an Army Corps of Engineers Section 404 permit is required for a project involving wetlands, the Army Corps permitting process may be substituted for the City permitting process, except when the project is located within an associated wetland as defined in UPMC 18.10.020. If a proposal reviewed and conditioned by the Corps satisfies the intent of this chapter, no further wetland review shall be required by the City. All permits and approvals required by other City development regulations shall be required.

(Ord. 630 § 1 (Exh. A), 2013; Ord. 343 § 1, 2002).

Chapter 19.20**ZONES, MAP DESIGNATIONS, INTERPRETATION OF BOUNDARIES**

Sections:

- 19.20.010 Purpose.
- 19.20.020 List of zones.
- 19.20.030 Zones.
- 19.20.035 *Repealed.*
- 19.20.040 Overlay zones.
- 19.20.045 *Repealed.*
- 19.20.050 Zoning map.
- 19.20.060 Interpretation of boundaries.

19.20.010 Purpose.

The purpose of this chapter is to list and describe the zone classifications and their purposes, to list and describe special zoning map techniques and their purposes, establish the official zoning map, and provide for interpretation of zoning map boundaries when interpretations are necessary.

(Ord. 741 § 1 (Exh. C), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.020 List of zones.

In order to accomplish the purposes of this code, the following zones, overlay zones and zoning map symbols are established:

Zone	Map Symbol
Residential 1	R1
Residential 2	R2
Multifamily Residential – Low	MF-L
Multifamily Residential – High	MF-H
Mixed Use – Office	MU-O
Neighborhood Commercial	NC
Mixed Use	MU
Mixed Use – Neighborhood	MU-N45
Mixed Use – Urban	MU-U75
Mixed Use – Urban/Industrial	MU-U/I75
Mixed Use – Center	MU-C110
Parks and Open Space	POS
Mixed Use – Maritime	MU-M

Overlay Zones	Map Symbol
Chambers Creek Properties	CCPO
Public Facility	PFO
Day Island/Day Island South Spit/Sunset Beach	DIO/DISSO/SBO
Transition Properties	TPO

(Ord. 741 § 1 (Exh. C), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.030 Zones.

A. Purpose. The purpose of zones is to divide the City into areas or zones to achieve the goals and policies of the Comprehensive Plan. Foremost amongst the goals of the City's Comprehensive Plan is to protect residential areas from incompatible land uses, encourage economic development, protect the environment, maintain the City's character, and improve and maintain quality of life. Zones separate or combine various land uses, help maintain property values, protect public health, safety and welfare and aid in City administration. Use, density, building height, setbacks and sign types are examples of land uses regulated by zone.

B. Zones.

1. Residential 1 (R1). Single-family neighborhoods with area of middle housing comprise a large percentage of the City's land area. Consistent with community preferences, protection of [these low density single-family residential neighborhoods](#) is a priority in the Comprehensive Plan. To protect and enhance the character of these neighborhoods, properties within them are zoned R1. [A maximum building height of 35 feet is allowed in the R1 zone.](#) A base density of two dwelling units per lot is allowed, with four dwelling units per lot allowed if one unit is affordable or near major transit. Four to six units per acre are permitted for small lot development through the design standard review process, when designed consistent with the small lot design standards and guidelines adopted by reference in Chapter 19.53 UPMC. These standards and guidelines are intended to ensure that new development is integrated into the community and compatible with the surrounding context while providing functional, safe, vibrant and desirable neighborhoods. Uses allowed include single-family attached and detached dwellings, duplexes, triplexes, fourplexes, townhomes, courtyard housing, attached and detached accessory dwelling units, adult family homes, Level I group homes, [transitional housing, permanent supportive housing](#), schools, public parks, community centers, family day care, religious assembly, appropriate home occupations, and distribution and collection utilities. The character of R1 neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring design standards for middle housing; requiring compliance with screening, buffering and other design standards for adjacent high density residential, commercial, mixed use and industrial development; preserving and protecting the physical environment; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

2. Residential 2 (R2). To achieve a mix of housing types and densities while maintaining healthy residential neighborhoods, the R2 classification applies to areas that have developed with a mix of single-family attached and detached housing. [A maximum building height of 35 feet is allowed in the R2 zone.](#) A base density of two dwelling units per lot is allowed, with four dwelling units per lot allowed if one unit is affordable or near major transit. Six to nine units per acre are permitted for small lot development through the design standard review process, when designed consistent with the small lot design standards and guidelines adopted by reference in Chapter 19.53 UPMC. These standards and guidelines are intended to ensure that new development is integrated into the community and compatible with the surrounding context while providing functional, safe, vibrant and desirable neighborhoods. Uses allowed include single-family attached and detached dwellings, duplexes, triplexes, fourplexes, townhomes, courtyard housing, attached and detached accessory dwelling units, adult family homes, Level I group homes, [transitional housing, permanent supportive housing](#), schools, family day care, assisted living and nursing homes, religious assembly, public parks, community centers, appropriate home occupations, and distribution and collection utilities. The character of these neighborhoods shall be

Commented [KG1]: Amending for consistency with the Low Density Residential (LDR) Comprehensive Plan land use designation, which now includes middle housing in addition to detached single-family housing.

Commented [KG2]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG3]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit "Permanent Supportive Housing (PSH) or "Transitional Housing" within any zone that allows for residential dwelling units or hotels. Requirements have been codified in [RCW 35.21.683](#) and definition added under [RCW 36.70A.030\(31\)](#).

Commented [KG4]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG5]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit "Permanent Supportive Housing (PSH) or "Transitional Housing" within any zone that allows for residential dwelling units or hotels. Requirements have been codified in [RCW 35.21.683](#) and definition added under [RCW 36.70A.030\(31\)](#).

preserved and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring design standards for middle housing; requiring compliance with screening, buffering and other design standards for adjacent high density residential, commercial, mixed use and industrial development; preserving and protecting the physical environment; providing opportunities for a wide range of high quality housing choices; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

3. Multifamily Residential – Low (MF-L). Multifamily Residential – Low zones are located along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing lower density residential development. In the MF-L zone, a [maximum building height of 45 feet is allowed](#). A base density of 35 dwelling units per acre is allowed through the design standard review process, when a project is designed consistent with the multifamily design standards and guidelines adopted by reference in Chapter 19.53 UPMC. Density may be increased to a maximum of 40 units per acre when an affordable housing component is included in a development. Uses allowed in the MF-L zone include multifamily housing, attached and detached single-family/duplex housing, nursing homes and assisted living facilities, mobile and manufactured housing, adult family homes, Level I group homes, [transitional housing](#), [permanent supportive housing](#), schools, public and private parks, community centers, family day care, religious assembly, appropriate home occupations, and distribution and collection utilities. Compliance with design standards is required and screening, buffers, open space, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Pedestrian sidewalks, trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.

Commented [KG6]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG7]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit "Permanent Supportive Housing (PSH) or "Transitional Housing" within any zone that allows for residential dwelling units or hotels. Requirements have been codified in [RCW 35.21.683](#) and definition added under [RCW 36.70A.030\(31\)](#).

4. Multifamily Residential – High (MF-H). Multifamily Residential – High zones are located along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing higher density residential development. In the MF-H zone, a [maximum building height of 45 feet is allowed](#). A base density of 55 dwelling units per acre is allowed through the design standard review process, when a project is designed consistent with the multifamily design standards and guidelines adopted by reference in Chapter 19.53 UPMC. Density may be increased to a maximum of 60 units per acre when an affordable housing component is included in a development. Uses allowed in the MF-H zone include multifamily housing, attached and detached single-family/duplex housing, nursing homes and assisted living facilities, mobile and manufactured housing, adult family homes, Level I group homes, [transitional housing](#), [permanent supportive housing](#), schools, public and private parks, community centers, family day care, religious assembly, appropriate home occupations, and distribution and collection utilities. Compliance with design standards is required and screening, buffers, open space, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Pedestrian sidewalks, trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.

Commented [KG8]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG9]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit "Permanent Supportive Housing (PSH) or "Transitional Housing" within any zone that allows for residential dwelling units or hotels. Requirements have been codified in [RCW 35.21.683](#) and definition added under [RCW 36.70A.030\(31\)](#).

5. Mixed Use – Office (MU-O). It is the City's intent to create a well-balanced, well-organized combination of land uses that recognizes historic development patterns and protects adjoining residential neighborhoods from incompatible uses. The MU-O classification serves as a transition zone providing separation between more intense commercial activities and residential areas at the corner of 54th Avenue and Bridgeport Way. [A maximum building height of 45 feet is allowed in the MU-O zone](#). A base density of 60 dwelling units per acre is allowed through the design standard review process, when a project is designed consistent with the design standards adopted by reference in Chapter 19.50 UPMC. Uses allowed include multifamily housing, adult family homes, Level I group homes, [transitional housing](#), [permanent supportive housing](#), nursing homes and assisted living facilities, day care, religious assembly, professional offices, limited retail uses, public parks, community centers and cultural services, government services, and distribution and collection utilities. New multifamily will be allowed only in conjunction with other permitted commercial uses. Screening, buffers, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

Commented [KG10]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG11]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit "Permanent Supportive Housing (PSH) or "Transitional Housing" within any zone that allows for residential dwelling units or hotels. Requirements have been codified in [RCW 35.21.683](#) and definition added under [RCW 36.70A.030\(31\)](#).

6. Mixed Use (MU). The MU classification is associated with properties located at 19th Street West and Bridgeport Way and on Orchard Street north of Cirque Drive. [A maximum building height of 45 feet is allowed in the MU zone.](#) A base density of 60 dwelling units per acre is allowed through the design standard review process. Density may be increased to a maximum of 65 units per acre when an affordable housing component is included in a development. Maximum height is 45 feet. Uses allowed include multifamily housing, attached single-family housing, adult family homes, Level I group homes, [emergency shelter, transitional housing, emergency housing, permanent supportive housing,](#) nursing homes and assisted living facilities, day care, religious assembly, professional offices, retail sales, personal services, eating and drinking establishments, hotels and motels, amusement and recreation, public and private parks, community centers and cultural services, government services, and distribution and collection utilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. Sidewalks, bicycle facilities, and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

7. Neighborhood Commercial (NC). To help achieve a mix of commercial uses that primarily serves the needs of local residents and businesses, the Neighborhood Commercial classification applies to the intersections of 67th Avenue West and Bridgeport Way, and Cirque Drive and Orchard Street. The NC areas are compact centers that provide a mix of retail sales, personal services, professional offices, public parks, community centers and cultural services, government services, and vehicle repair and service that serve the daily needs of the portion of the City where they are located. Residential development is limited to adult family homes, bed and breakfasts, [emergency shelter, transitional housing, emergency housing, permanent supportive housing,](#) and attached single-family housing. Screening, buffers, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between the Neighborhood Commercial zones and adjoining residential zones. [A maximum building height of 40 feet is allowed in the NC zone.](#) Landscaping, sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere.

8. [Mixed Use](#) - Neighborhood (MU-N45). The MU-N45 zone serves as a transition zone providing separation between more intense commercial activities and residential areas. Uses allowed include multifamily housing, adult family homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, retail uses, public parks, public and private recreation, government services, and minor utility distribution facilities. A maximum building height of 45 feet is allowed, to mitigate visual impacts to adjacent residential areas. Building types and construction include multiplex, townhouse, courts, live-work units, commercial and mixed use building types of up to four levels of wood frame construction. Screening, buffers, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

9. Mixed Use – Urban (MU-U75). The MU-U75 zone applies to an area of multifamily residential and commercial uses along arterial streets. In most areas the Mixed Use – Urban zone is separated from [low density residential single-family](#) homes by the Mixed Use – Neighborhood zone. The Town Center from 42nd Street to 35th Street along Bridgeport Way, the commercial corridor along 27th Street east of Bridgeport Way, and the Grandview Plaza at the intersection of 27th Street and Grandview Drive are the MU-U75 areas. A building height of 75 feet is allowed in the MU-U75 zone. To mitigate impacts to adjacent [low density single-family](#) residential zones maximum height is reduced to 45 feet. Building types and construction include multiplexes, townhomes, courts, live-work units, commercial, liner and mixed use building types. The building height would allow five wood frame stories over a one- or two-level concrete podium. The form of development in the MU-U75 zone would generally be a mixed use with a focus on residential upper floors and active uses at the ground floor level. On arterial streets such as Bridgeport Way and 27th Street West the ground floor level may support retail, restaurants, office space and other active uses, while on other street frontages the ground floor level could be designed to support residential uses. Uses allowed include multifamily housing, nursing homes and assisted living facilities, day care, religious assembly, professional offices, retail sales, personal services, eating and drinking establishments, hotels and motels, public and private recreation, government services, and distribution and collection utilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. Screening, buffers, landscaping, and other design elements shall be

Commented [KG12]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG13]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit “Permanent Supportive Housing (PSH) or “Transitional Housing” within any zone that allows for residential dwelling units or hotels.

Cities also cannot prohibit indoor “Emergency Shelters” or indoor “Emergency Housing” within any zone that allows hotels.

The MU zone allows for both residential (multifamily housing) and hotels/motels. The order is listed to coincide with the STEP acronym.

Requirements have been codified in [RCW 35.21.683](#) and definition added under [RCW 36.70A.030\(14\), \(15\), \(31\), and RCW 84.36.043\(3\)\(c\).](#)

Commented [KG14]: New requirement from HB 1220 (passed in 2021):

Cities cannot prohibit “Permanent Supportive Housing (PSH) or “Transitional Housing” within any zone that allows for residential dwelling units or **hotels**.

Cities also cannot prohibit indoor “Emergency Shelters” or indoor “Emergency Housing” within any zone that allows **hotels**.

The NC zone does not allow residential (multifamily housing); however, hotels are allowed. The order is listed to coincide with the STEP acronym.

Requirements have been codified in [RCW 35.21.683](#) and ...

Commented [KG15]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Commented [KG16]: The Mixed Use zones within the Regional Growth Center allow residential and lodging; however, the RGC uses the Form-Based Code. The zone descriptions emphasizes the building design over permitted uses; therefore, no change that incorporates STEP housing is proposed.

Nevertheless, STEP housing will be permitted in accordance with the new requirements from HB 1220 ...

Commented [KG17]: Amending for consistency with the Low Density Residential (LDR) Comprehensive Plan land use designation, which now includes middle housing in addition to detached single-family housing.

incorporated into all developments to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks, bicycle facilities, and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

10. Mixed Use – Urban/Industrial (MU-U/I75). The MU-U/I75 zone, which has historically been used for light manufacturing and light industrial uses, is located south of 27th Street West between Morrison Road on the west, 67th Avenue on the east, and Morrison Pond on the south. Additional light industrial and business park uses are located along the east side of 70th Avenue West north of 27th Avenue West. The MU-U/I75 zone recognizes many of the existing uses in these areas as appropriate, while maintaining a separation of these uses from adjoining residential uses. A building height of 75 feet is allowed in the MU-U/I75 zone. To mitigate visual impacts a maximum building height of 45 feet is allowed adjacent to ~~single-family~~ low density residential zones. Building types and construction include multiplexes, townhouses, live-work units, courts, commercial, liner and mixed use building types. The building height would allow five wood frame stories over a one- or two-level concrete podium. The form of development in the MU-U/I75 zone would generally be mixed use with a focus on residential upper floors with active uses at the ground floor level. On 27th Street, the ground floor level needs to be designed to support retail, restaurants, office space, and other active uses, while on other street frontages, the ground floor level could be designed to support residential uses. Uses allowed in the MU-U/I75 zone include light and clean industries, storage and warehousing, vehicle sales, service and repair, contractor yards, retail sales, eating and drinking establishments, professional offices, amusement and recreational, multifamily, senior housing and assisted living, parks, government services, utility and public maintenance facilities and public transportation services. Development and redevelopment in the MU-U/I75 zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, functional and attractive signage, traffic control and privately coordinated management and maintenance. Buffers and design elements shall be incorporated into all new developments and substantial redevelopments to mitigate adverse impacts that may be associated with the transition to adjacent zones and land uses.

Commented [KG18]: Amending for consistency with the Low Density Residential (LDR) Comprehensive Plan land use designation, which now includes middle housing in addition to detached single-family housing.

11. Mixed Use – Center (MU-C110). The Mixed Use – Center zone is bounded by 19th Street to the north, 27th Street to the south, Mildred Street to the east and 70th Avenue to the west except that portion of 70th Street south of 22nd Street which is part of the Mixed Use Urban/Industrial zone. Building height of 110 feet is allowed in the MU-C110 zone. Building types and construction include, court, commercial, mixed use and liner building types. The building height would allow five wood frame stories over a one- or two-level concrete podium. The form of development in the MU-C110 zone would generally be mixed use with a focus on residential upper floors with active uses at the ground floor level. On 19th, 27th, and Mildred Streets, the ground floor level must be designed to accommodate retail, restaurants, office space, and other active uses, while on other street frontages, the ground floor level could be designed to support residential uses. Uses allowed in the MU-C110 zone include multifamily, senior housing and assisted living, retail, eating and drinking establishments, professional offices, amusement and recreational, parks, community and cultural services, government services, and distribution and collection utilities. Development and redevelopment in the MU-C110 zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, functional and attractive signage, traffic control and privately coordinated management and maintenance. Buffers and design elements shall be incorporated into all new developments and substantial redevelopments to mitigate adverse impacts that may be associated with the transition to adjacent zones and land uses.

12. Parks and Open Space (POS). The purpose of the Parks and Open Space zone is to recognize those lands designated for City parks and public open space. Parks include developed City parks where typical uses include active and passive outdoor recreational activities, including but not limited to ball fields, sport courts, tot lots, trails, open space, and cultural activities. A maximum building height of 45 feet is allowed in the POS zone. Park buildings and structures, concessionaires, general park operations and maintenance activities, storm drainage facilities, caretaker's quarters, other compatible public uses and structures, and uses customarily incidental to parks are also allowed.

Commented [KG19]: Per Commissioner comments, building height is not consistently described in every zone. A sentence describing maximum zoning height has been added to correct the inconsistency.

Open space includes undeveloped City park lands and critical areas such as wetlands, steep slopes, and stream corridors owned by the City. Until developed as park land, uses in these areas should be low impact, low intensity uses such as permanent open space, passive hiking trails, and passive interpretative trails.

13. Mixed Use – Maritime (MU-M). The Mixed Use – Maritime zone is intended to accommodate marinas, yacht clubs with boat moorage and related facilities and activities, and other boating facilities. The MU-M zone is also intended to accommodate mixed use development that may include a variety of water-oriented commercial, transportation and light industrial uses, and moderate density residential uses, located in the vicinity of Day Island. A base density of 30 dwelling units per acre is allowed when a project is designed consistent with the design standards adopted by reference in Chapter 19.50 UPMC. Density may be increased to a maximum of 35 units per acre when an affordable housing component is included in a development. Additional purposes are to provide public access to the shoreline and recreational uses oriented toward the waterfront, and to accommodate non-water-oriented uses on a limited basis where appropriate. Under the MU-M zone, existing ecological functions are to be protected and ecological functions restored, where restoration is reasonably feasible, in areas that have been previously degraded, consistent with the intent of the Day Island Medium Intensity Shoreline Environment and other Shoreline Master Program requirements in UPMC Title 18, when applicable.

(Ord. 741 § 1 (Exh. C), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.035 Zones.

Repealed by Ord. 607.

(Ord. 589 § 1 (Exh. A), 2011; Ord. 559 § 2 (Exh. A), 2009; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.20.020(A)).

19.20.040 Overlay zones.

A. Purpose. The purpose of an “overlay zone” is to identify areas where uses allowed in the underlying zone are permitted subject to special regulatory standards to achieve the goals and policies of the Comprehensive Plan. This is accomplished by establishing overlay zones with special or alternative standards as designated by the City’s Comprehensive Plan and this code.

B. Overlay Zones.

1. Public Facility Overlay (PFO). The public facility overlay (PFO) designation includes properties currently owned or operated by a public entity. Uses in the public facility overlay include but are not limited to fire district and school district properties. The purpose of the public facility overlay is to recognize that public facilities provide necessary services to the community and have their own unique set of circumstances. Factors including size, technological processes, requirements for municipal comprehensive facility planning and budgeting, capital improvement programs, and compatibility with surrounding land uses must be considered when developing public facilities. New, improved and redeveloped public facilities should incorporate buffers and landscaping into their plans to ensure compatibility with adjacent land uses and zones. Sidewalks, open public spaces and public art shall be provided to encourage a pedestrian-friendly atmosphere and connections with public transit stops, schools, shopping, services, and recreational facilities.

2. Chambers Creek Properties Overlay (CCPO). The Chambers Creek Properties overlay is an area of land located in the southwest corner of the City that is owned by Pierce County. This property consists of a total of 930 acres with about 700 acres situated in the City. A master plan was developed over several years with the help of area residents, and was originally adopted by Pierce County and the City in 1997 with an update in 2005. In accordance with the Chambers Creek Properties master site plan, the “properties,” as they are referred to by Pierce County, are currently developed with a mix of public facilities and services including the County’s principal wastewater treatment facility, the County’s Environmental Services Building, active and passive open spaces including Chambers Bay, an 18-hole links style golf course, ball fields, open meadows, [an off-lease dog area](#), and an extensive trail system. Future development includes restaurants, a golf club house, lodging, a boat launch, [and more trails](#) ~~and an off-leash dog area~~. The development of the Chambers Creek Properties is subject to a joint procedural agreement and design standards aimed at achieving County and City goals and promoting economic development.

Commented [KG20]: In reviewing all zones and overlays for consistency with the updated comp plan and state law, it was identified that the off-lease dog area has been installed within the CCPO zone. This amendment is proposed to update the description.

3. Day Island/Day Island South Spit/Sunset Beach Overlay (DIO/DISSO/SBO). The purpose of the Day Island/Day Island South Spit/Sunset Beach overlay areas is to preserve the unique residential character of Day Island and Sunset Beach by recognizing and preserving historic development patterns. The Day Island overlay also supports continued marina operations at the north end of Day Island. Many houses on Day Island and Sunset Beach were built with different building setbacks than current codes allow. There are also numerous encroachments on the public right-of-way, which should be corrected over time. A special set of development standards applies in this area to achieve its purpose.

4. Transition Properties Overlays (TPO). The purpose of transition properties overlays is to create a uniform set of design standards aimed at protecting low density residential~~single-family~~ neighborhoods that abut commercial areas, and therefore need extra protection not provided by other standards due to unique circumstances. Four special protection areas have been identified by the City Council including Westwood Square, Menlo Park (two areas), and 28th Street. Design standards for these areas include limits on access, additional buffering and/or setback requirements, building modulation, and location of windows.

Commented [KG21]: Amending for consistency with the Low Density Residential (LDR) Comprehensive Plan land use designation, which now includes middle housing in addition to detached single-family housing.

(Ord. 741 § 1 (Exh. C), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 636 § 2 (Exh. A), 2014; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.045 Overlay zones.

Repealed by Ord. 607.

(Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001.
Formerly 19.20.020(B)).

19.20.050 Zoning map.

Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the Department and shall be that map entitled "City of University Place Zoning Map." Each property in the City of University Place is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in UPMC 19.20.020, List of zones.

(Ord. 741 § 1 (Exh. C), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 60, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.060 Interpretation of boundaries.

A. Interpretation of Boundaries. When uncertainty regarding zone classification boundaries arises, the following rules of interpretation shall apply:

1. Where zoning boundaries are indicated as following the centerline of streets, alleys or highways, the centerline shall be the boundary.
2. Where zoning boundaries do not show a zoning designation extending into a public right-of-way, alley, private road, railroad right-of-way, or other easement, the zone boundary and designation immediately abutting shall extend to the center of the right-of-way, alley, road, or easement. It is the intent of this statement that all lands in the City are zoned and are subject to the provisions of this title.
3. Where zoning boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.
4. Shorelands shall be considered to be within the same zone as the abutting upland.
5. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion shall apply to the vacated or abandoned street or alley.
6. Where zoning boundaries divide a parcel created prior to August 31, 1995, the entire parcel shall be considered to be within the classification of the majority of the parcel, i.e., the portion which is greater than 50 percent of the lot area.

7. Where these rules do not clarify a boundary issue, the Director shall make the determination. The Director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

(Ord. 741 § 1 (Exh. C), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.25

USES AND ZONE CLASSIFICATION TABLES

Sections:

19.25.010	Purpose.
19.25.020	Use tables – Interpretations.
19.25.030	Exempt uses.
19.25.040	Residential use category – Descriptions.
19.25.050	Civic/recreation/education use category – Descriptions.
19.25.060	Utilities use category – Descriptions.
19.25.070	Essential public facilities use category – Descriptions.
19.25.080	Resource use category – Descriptions.
19.25.090	Commercial use category – Descriptions.
19.25.100	Industrial use category – Descriptions.
19.25.110	Use tables.
19.25.120	Use table notes.

19.25.010 Purpose.

The purpose of this chapter is to identify which uses may be allowed within zoning districts in the City.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.020 Use tables – Interpretations.

A. Use Categories, Types and Levels. Uses are grouped into seven major categories: residential, civic/recreation/education, utilities, essential public facilities, resource, commercial, and industrial. Each use category includes several use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use tables at the end of this chapter.

B. Typical Uses within Use Types. The description of the use types and associated levels in this chapter contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all possible uses.

C. Prohibited Uses. An “X” in a cell on the table indicates that the use type is not allowed in the zone listed at the top of the column. In accordance with this chapter, the Director shall make the final determination. Appeals shall be processed in accordance with Chapter 22.05 UPMC.

D. Organization of Uses. In this chapter, uses are organized into use categories, use types and levels, which represent typical uses.

Example:

Commercial Use Category

Lodging Use Type

Level 2. Hotels as a typical use

E. Any use may have accessory uses subordinate to the permitted use.

F. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the Director shall have the authority to make the final determination. The Director’s determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

G. Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or more categories or use types. When more than one use category or use type level apply to one property, each use shall be classified separately.

H. Accessory Uses. Accessory uses are described and regulated in Chapter 19.30 UPMC, Accessory Uses and Structures.

I. Temporary Uses. Temporary uses are described and regulated in Chapter 19.35 UPMC, Temporary Uses/Temporary Housing Units.

J. Number of Uses Permitted. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot; provided, that:

1. Each principal use is permitted in the zone classification;
2. Each principal use meets all pertinent regulatory requirements; and
3. No more than one single-family detached dwelling or ~~duplex~~ two-dwelling middle housing shall be permitted as a principal use on any individual lot in R1 or R2 zones except as specifically provided in [Chapter 19.45 UPMC, Density and Dimensions](#), Chapter 19.70 UPMC, General Development Standards, and Chapter 19.85 UPMC, Discretionary Land Use Permits.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003; Ord. 307 § 2, 2001).

19.25.030 Exempt uses.

Unless otherwise stated, the provisions of this title shall not apply to the following uses:

- A. On-site and community septic systems;
- B. Stormwater conveyance systems which include features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells;
- C. Electrical distribution lines and poles less than 40 feet high and under 55 kilovolts;
- D. Sewerage and water conveyance systems which include small-scale aboveground facilities and underground or flush-with-the-ground features, including but not limited to pipes and manholes;
- E. Water, oil, and natural gas distribution pipelines;
- F. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;
- G. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances less than 40 feet high (not including personal wireless telecommunication facilities; see UPMC 19.25.060, Utilities use category – Descriptions);
- H. Streets and linear trails when located in existing rights-of-way;
- I. Fertilizer applications and biosolids applications at or below agronomic rates;
- J. Over-the-air-reception devices such as satellite television antenna (dish) of one meter or less in accordance with the Federal Telecommunications Act of 1996 OTARD Rules; and
- K. Bus shelters less than 80 square feet in area.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 636 § 2 (Exh. A), 2014; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.040 Residential use category – Descriptions.

The residential use category includes permanent or transient living accommodations for individuals, families or people with special needs. The residential category has been separated into the following types based upon distinguishing features such as type of structure; number, age and special needs of individuals who reside in the structure; and State and local licensing requirements.

A. Adult Family Home. Adult family home use type means a residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to a licensed operator, resident manager, or caregiver who resides in the home. (Chapter 70.128 RCW.) [An adult family home may provide services to up to eight adults upon approval by the Washington State Department of Social and Health Services under RCW 70.128.066.](#) An adult family home shall not serve as a Level II group home.

Commented [KG1]: Amendment to be consistent with House Bill 1023, passed in 2020, which added a new section and requirements to allow 7 to 8 bed capacity.

B. Assisted Living Facilities. “Assisted living facilities” means any home or other institution that provides housing and basic services, assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care to seven or more residents. Assisted living facilities do not include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations. Residential communities that include a mix of assisted living and independent housing facilities must meet the density requirements of the underlying zone for independent housing that includes dwelling units. An assisted living facility shall not serve as a Level II group home.

1. Level 1. Assisted living facilities:

- a. Located on an arterial street;
- b. Located on two or fewer acres;
- c. Limited to two stories in height; and
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials).

2. Level 2. Assisted living facilities:

- a. Located on an arterial street;
- b. Located on more than two acres;
- c. Limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and
- e. Provides at least 20 percent of site area as open space.

3. Level 3. Assisted living facilities with none of the above restrictions.

C. Bed and Breakfast. Bed and breakfast use type is a dwelling unit within which no more than four guest bedrooms are available for paying guests. The number of guests is limited to no more than eight at any one time. A bed and breakfast shall not serve as a group home.

D. Level I group home use type includes group homes for the physically/mentally challenged, foster homes, and women's shelters and other groups protected by the Fair Housing Act or Washington's law against discrimination. Group homes are living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

Level II: See essential public facilities (UPMC 19.25.070(B)).

E. Caretaker unit use type means a dwelling used exclusively as the residence for a caretaker or watchperson and their family.

F. Mobile Home. Mobile home use type refers to factory-assembled single-wide or double-wide structures which are equipped with the necessary service connections, and serve as living accommodations for a family.

G. Mobile/Manufactured Home Park. Mobile home park use type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.

H. Multifamily Housing. Multifamily use type refers to three or more joined dwelling units or two or more detached single-family dwellings or duplexes on an individual lot that provide living accommodations for families.

I. Nursing Home. "Nursing home" means any home, place or institution that operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Nursing homes do not include general hospitals or other places that provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both.

1. Level 1. Nursing homes:

- a. Located on an arterial street;
- b. Located on two or fewer acres;
- c. Limited to two stories in height; and
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials).

2. Level 2. Nursing homes:

- a. Located on an arterial street;
- b. Located on more than two acres;
- c. Limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and
- e. Provides at least 20 percent of site area as open space.

3. Level 3. Nursing homes with none of the above restrictions.

J. Single-Family Attached Housing. Single-family attached housing use type refers to a building containing two or more dwelling units that occupy space from the ground to the roof and are attached by one or more common walls located on one or more common lot lines. Each dwelling unit is located on a separate lot and may be occupied by no

more than one family as defined in UPMC 19.10.030. Examples include, but are not limited to, row houses and townhouses where units are located side by side rather than stacked.

1. Level 1. Two attached units.
2. Level 2. More than two attached units.

K. Single-Family/Duplex Housing. Single-family/duplex housing use type refers to a building containing one or two dwelling units, providing separate living accommodations within each unit. Single-family/duplex housing includes freestanding dwelling units that are not attached to another dwelling unit by any means, or two units attached in pairs on a single lot. A single-family/duplex housing unit may be occupied by no more than one family as defined in UPMC 19.10.030.

L. Rooming House. Rooming house use type refers to an owner-occupied dwelling unit where not more than four guestrooms are rented for living or staying temporarily for compensation on other than a daily basis.

M. Extended Stay. Extended stay use type refers to lodging containing four or more units/guestrooms that provides accommodation on a nontransient basis leased for a period of at least one month. Units/guestrooms which contain a kitchen constitute a residential dwelling unit.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 689 § 1 (Exh. A), 2017; Ord. 688 § 1 (Exh. A), 2017; Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 2, 2003; Ord. 307 § 2, 2001).

19.25.050 Civic/recreation/education use category – Descriptions.

Civic use category includes facilities or services that are strongly associated with public need or social importance, such as certain educational, cultural, medical, protective, and governmental uses.

A. Cemetery. Cemetery use type is land used or intended to be used for the burial of human dead including accessory uses such as chapels and mortuaries. Off-site mortuaries/offices may be considered accessory if under the same ownership and within 100 feet of the principal cemetery use.

B. Community Center and Clubs. Community center use type means an institution used for civic or recreational purposes, operated by a governmental or nonprofit organization providing direct services to people on the premises rather than carrying out only administrative functions, and open to the general public on an equal basis. Activities in a community center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar uses. This term includes “senior centers.” Activities in a community club may include athletic, social, civic or recreational purposes. An example is a Boys and Girls Club.

C. Cultural Services. Cultural services use type means nonprofit institutions displaying or preserving objects of interest in one or more of the arts and sciences. This classification includes libraries, museums, educational centers, performing arts theaters, and galleries.

D. Day Care Centers. Day care centers use type refers to the use of a building or any portion thereof for the care of over 12 individuals needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as “day care facilities,” “day care centers,” and “preschools.” Also see UPMC 19.70.040, Day care facilities.

E. Education. Education use type refers to educational services provided by public, private or parochial institutions. It also includes specialized instructional courses provided by private instructors.

1. Level 1. Primary and secondary educational facilities such as kindergarten, junior high schools, and high schools.
2. Level 2. “Trade (or vocational) school” shall mean a post-secondary institution that trains persons for qualification in specific trades or occupations, i.e., mechanics, construction, electronics, plumbing, chefs, upholstery, bartending.

3. Level 3. Higher educational facilities such as community colleges, public and private colleges and universities.

4. Level 4. "Specialized instruction school" means an establishment engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to, art, dance, music, cooking, driving, gymnastics/tumbling, martial arts.

F. Government Services. Government services use type refers to the executive, legislative, judicial, administrative and regulatory activities of local, State, Federal, and international governments that may perform public services and work directly with citizens. Typical uses include human and social service offices, community centers, public health offices, public safety, postal services and government offices such as City Hall.

G. Hospital. Hospital use type means an institution which provides accommodations, facilities and services over a continuous period of 24 hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services. This definition includes heliports associated with hospitals but excludes nursing homes and group homes.

1. Level 1. Without heliport.

2. Level 2. With heliport.

H. Recreation, Nonprofit. Recreation nonprofit use type refers to nonprofit recreational areas and recreation facilities. Typical uses include neighborhood parks, waterfront parks, small or special landscaped areas, open space, trails and community gardens. Also, see commercial category for other types of private recreation. This does not include neighborhood parks and open spaces approved in conjunction with a subdivision approved in accordance with Chapter 58.17 RCW.

I. Recreation, Public. Recreation, public use type refers to publicly owned recreational areas and recreation facilities. Typical uses include neighborhood parks, community parks, regional parks, waterfront parks, open space, trails, performance theater/center, arboretums, small or special landscaped areas, community gardens, and swimming pools. Also see commercial category, amusement and recreation use type for other types of recreation.

J. Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as that which customarily occurs in churches, synagogues, or temples. Accessory uses to churches are those that provide services to members and other individuals including but not limited to bookstores, cafeteria, day care, educational classes, and limited retail of only church-related materials.

1. Level 1. Religious assembly with seating for 250 or fewer persons within the principal place of assembly.

2. Level 2. Religious assembly with seating for greater than 250 persons within the principal place of assembly.

K. School Auxiliary Services. School auxiliary services use type refers to facilities that provide services to all or most school and school facilities in a school district as opposed to an individual school. Services may include but are not limited to transportation, school maintenance and cleaning, facility development, nutrition, printing, warehousing and security.

L. Transportation. Transportation use type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, ferry docks, and other types of public and quasi-public transportation facilities.

1. Level 1. Transportation uses serving residential neighborhoods such as bus shelters.

2. Level 2. Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, weigh stations, bus stations, and transfer centers.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 628 § 1 (Exh. A), 2013; Ord. 610 § 1 (Exh. A), 2012; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.060 Utilities use category – Descriptions.

Utilities use category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services, for the collection of stormwater and for the collection and disposal of sewage and refuse.

A. Communication and Personal Wireless Telecommunication Facilities. Communication and personal wireless telecommunication facilities type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. Communication facilities include central office switching units, unattended remote switching units, and unattended telecommunications radio relay stations. Personal wireless telecommunication facilities include facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

1. Level 1. Building-mounted wireless facilities.
2. Level 2. Structure-mounted wireless facilities.
3. Level 3. Towers 60 feet or less in height, unattended remote switching units and unattended telecommunications radio relay stations.
4. Level 4. Towers over 60 feet and less than 110 feet in height and central office switching units.

B. Distribution and Collection Utilities. Distribution and collection utilities includes electrical distribution facilities, water distribution lines, water storage facilities, well heads and pump stations, nonwireless telecommunication facilities (subject to a franchise agreement), natural gas facilities including propane tanks less than 600 gallons, propane or natural gas storage for transportation and gas gate stations of less than 1,000 square feet in area, sewerage collection facilities including sewer lines, odor control structures, pump and lift stations and stormwater collection facilities including roads with drainage systems, catch basins, curbs and gutters, ditches, manmade channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater. Also see UPMC 19.25.030, Exempt uses.

C. Recycling Collection Sites. Dumpsters labeled and used for collection of cardboard, aluminum, tin, glass, newspaper, mixed paper and glass.

D. Utility or Public Maintenance Facilities. Utility or public maintenance facilities use type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.

1. Level 1. Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.
2. Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.070 Essential public facilities use category – Descriptions.

Essential public facilities uses are those uses typically difficult to site. All essential public facilities shall be subject to review in accordance with Chapter 19.40 UPMC.

A. Electrical Facilities. Electrical facilities use type includes generating facilities and aboveground electrical transmission lines of an operating voltage of 55kV or greater, and aboveground substations and switching stations over one acre in size.

1. Level 1. Aboveground electrical transmission lines of an operating voltage of 55kV or greater, and aboveground substations and switching stations over one acre in size.

2. Level 2. Electrical generating facilities to generate electricity for off-site use.

B. Essential Public Facilities. Essential public facilities use type includes facilities that are typically difficult to site, including but not limited to uses defined as essential public facilities in Chapter 36.70A RCW. These include airports, State education facilities and State or regional transportation facilities, regional transit authority facilities, State and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, and mental health facilities.

Commented [KC2]: Updated definition from RCW 36.70A.200(1)(a), which added uses in 2023 and 2021.

C. Level II Group Home. Level II group homes include all group homes other than those defined as Level I group homes. Level II group homes include, but are not limited to, facilities where one or more individuals reside for the purposes of incarceration, sex offender housing including secure community transition facilities, or drug or alcohol abuse treatment for a person or persons currently using alcohol or drugs, and community facilities as defined in Chapter 72.05 RCW. Level II group homes do not include facilities protected by Washington's law against discrimination, the Fair Housing Act or Fair Housing Act amendments. A Level II group home is considered an essential public facility and subject to review in accordance with Chapter 19.40 UPMC. Group homes use type refers to living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

Commented [KG3]: Note: "Secure community transition facilities" is listed under RCW 36.70A.200(1)(a) for Essential Public Facilities; however, the use has already been listed under "Level II Group Homes". These are all under the Essential Public Facilities section; therefore, they are already included and do not need to be listed in subsection B above.

D. Recycling Processor. Recycling processor use type refers to any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off site.

Commented [KG4]: Definition from RCW 72.05.020(1). Incorporated under Level II Group Home description and add definition to UPMC 19.10.030.

E. Sewage Treatment Facilities. Sewage treatment facilities use type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not limited to, administrative offices, storage, laboratories, headworks, sedimentation basins, clarifiers, digesters, and biosolid handling including piping, filters, pumps, together with public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pretreatment facilities, or privately owned treatment plants.

F. Waste Transfer Facilities. Waste transfer facilities use type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Typical uses include recycling collection sites, drop box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities and moderate risk waste facilities.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.080 Resource use category – Descriptions.

Resource use category includes the production or sale of plant and animal products or the sale of products associated with resource-based industry.

A. Agricultural and Horticultural Sales. Agricultural and horticultural sales use type refers to uses which involve the sales of agricultural products such as produce, shrubbery, plants, eggs, wine and dairy products in a farmers' market format; for example, produce stands. This use type does not include the sales of agricultural supplies, including feed, grain, fertilizers or farming equipment.

B. Limited Horse Boarding. Limited horse boarding refers to uses involving boarding horses for recreational purposes and providing feed, shelter, and nonveterinary care. Horses may only be boarded at the density allowed in Chapter 19.70 UPMC.

C. Fisheries Enhancement. Fisheries enhancement use types are intended to enhance and protect the fish resource. Examples include hatcheries, fish ladders and fish counting stations.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.090 Commercial use category – Descriptions.

Commercial activities include the provision of services, including offices, and the sale, distribution, or rental of goods that benefit the daily needs of the public, which are not otherwise classified as civic or industrial activities. The commercial use category has been separated into the following types based upon distinguishing features such as the nature of business activity and type of goods or products sold or serviced. Any store or variety of stores exceeding 50,000 square feet shall be considered a commercial center use type.

A. Administrative and Professional Offices. Administrative and professional offices use type refers to offices, private firms or organizations providing professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, chiropractic offices, dental labs, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services, offices for nonprofit and quasi-public agencies, and other business offices customarily associated with professional or administrative office services. This category excludes veterinary clinics/animal hospitals.

B. Adult Entertainment Establishment. “Adult entertainment establishment” shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses.

C. Amusement and Recreation. Amusement and recreation use type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the public or members for commercial purposes. Examples include video arcades, billiard parlors, bowling alleys, ice or roller skating rinks, performance theaters/centers (not movie theaters), miniature golf courses, golf driving ranges, outdoor performance centers and private clubs or lodges.

D. Animal Hospital Facilities/Veterinary Clinics. Veterinary clinics/animal hospital facilities use types are uses where small animals receive veterinary services that may include medical and surgical treatment. (See also subsection (L) of this section, Kennel.)

1. Level 1. Small animal veterinary services with boarding of animals incidental to the veterinary function and limited to animals receiving care. All boarding shall be within a fully enclosed portion of the building with walls and windows to significantly reduce noise impacts. Grooming is allowed.

2. Level 2. Veterinary services with boarding of animals incidental to the veterinary function and up to five animals not receiving care is allowed. Outdoor boarding is permitted. Grooming is allowed.

E. Business Services. Business services use type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

F. Commercial Centers. Commercial centers use type refers to any lot or combination of lots with a variety of stores, offices, mixed use residential dwellings and services allowed in the zone where the center is located, integrated into a complex utilizing common parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into two levels:

1. Level 1. Any store or commercial center containing a variety of stores with a cumulative floor area over 50,000 square feet and up to 200,000 square feet.

2. Level 2. Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

G. Craft Production Facility. Craft production facility use type refers to establishments that produce arts, crafts, food and beverages with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, they are compatible with and are often co-located with retail sales and service uses. This use type includes ceramic art, glass art, candle-making, custom jewelry manufacture, and craft food and nonalcoholic beverage production. Off-site impacts shall be minimal and all activity must be conducted totally within the structure with no outdoor storage or significant emissions of odor, smoke, fumes, or sound that extends beyond the site. Individual tenant spaces or units within a building may constitute the site.

1. Level 1. Total floor area does not exceed 1,500 square feet.
2. Level 2. Total floor area exceeds 1,500 square feet.

H. Eating and Drinking Establishment. Eating and drinking establishment use type refers to establishments that sell prepared food and liquor, and may provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.

1. Level 1. Establishments without drive-through facilities.
2. Level 2. Establishments with drive-through facilities.
3. Level 3. Establishments that serve alcoholic beverages, including brew pubs.

I. Garden Center (Includes Nursery). Garden center use type refers to establishments primarily engaged in the retail sale of lawn and garden supply goods and equipment. This includes nursery, lawn and garden supplies, and garden tools. Nurseries that focus on the retail sales of plants are also included in this category. Utilization of outdoor areas for display and storage purposes may occur as an accessory use.

J. Health Club. Health club use type means a facility engaged in operating physical fitness facilities and may include facilities such as cardiovascular machines, weight training equipment, swimming pools and racquetball courts (also known as athletic clubs, fitness centers).

K. Hotel or Motel. Hotel or motel use type refers to establishments that provide lodging containing four or more guestrooms which may provide incidental services such as restaurants, meeting rooms or recreational facilities provided for compensation at a nightly rate.

L. Kennel. Kennel use type means a place where six or more adult cats and/or dogs are temporarily boarded for compensation whether or not for training. An adult cat or dog is one that has reached the age of seven months.

M. Limited Accessory Retail. Limited accessory retail use type are uses in the Mixed Use – Office zone only that are directly associated with an allowed office use or which are retail services that provide a direct service to tenants of an office building. Examples include the limited sales of glasses and optical supplies as part of an optometrist's office or standalone card shop/gift shop. Limited accessory retail uses are limited by their size (see use tables in UPMC 19.25.110).

N. ~~Cannabis~~Marijuana Retail Outlet. A ~~cannabis~~marijuana retail outlet is a State-licensed and regulated retail outlet allowed to sell only usable ~~cannabis~~marijuana, ~~cannabis~~marijuana concentrates, ~~cannabis~~marijuana-infused products, and ~~cannabis~~marijuana paraphernalia at retail to persons 21 years of age and older.

O. Marina. Marina use type means a facility containing operations involved in the mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats.

1. Level 1. Mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats, as well as personal services businesses that support the needs of boaters. May include retail facilities for boat owners, crews, and guests limited to 1,500 square feet of floor area, but that limitation does not apply to areas devoted primarily to the sale of boats. Repair shall be limited to recreational and small commercial boats.

Commented [KG5]: Amending section 19.70.140 by replacing the term marijuana with cannabis for consistency with Second Substitute House Bill 1210, passed on March 11, 2022. In passing this bill, the legislature found that the use of the term "marijuana" in the United States has discriminatory origins and should be replaced with the more scientifically accurate term "cannabis". For this reason, the bill replaced the term throughout the RCW, including chapter 69.50 RCW, the Uniform Controlled Substance Act. Additionally, the bill directed the Liquor and Cannabis Board (LCB) to replace the term throughout the rules of the Liquor and Cannabis Board in Title 314 WAC.

See short summary here: [CES_2SHB_1210.pdf](#)

2. Level 2. Mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats, as well as personal services businesses that support the needs of boaters. May include eating, sleeping, and retail facilities for boat owners, crews, and guests.

P. Mini Casinos. Mini casinos use type shall be defined as a “social card game” per RCW 9.46.0282 and means a card game that constitutes gambling and is authorized by the Gambling Commission under RCW 9.46.070. Authorized card games may include a house-banked or a player-funded banked card game. No one may participate in the card game or have an interest in the proceeds of the card game who is not a player or a person licensed by the Commission to participate in social card games. There shall be two or more participants in the card game who are players or persons licensed by the Commission. The card game must be played in accordance with the rules adopted by the Commission under RCW 9.46.070, which shall include but not be limited to rules for the collection of fees, limitation of wagers, and management of player funds. The number of tables authorized shall be set by the Commission but shall not exceed 15 total and separate tables per establishment.

Q. Motor Vehicles Sales, Rental, Repair and Services. Motor vehicles sales, rental, repair and services use type refers to establishments or places of business engaged in the sales, leasing or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

1. Level 1. Gasoline service stations, battery exchange stations and Level 3 electric vehicle charging stations together with accessory automobile repair and/or convenience shopping, and car wash with a one-car capacity.

2. Level 2. On-site rental of automobiles, trucks not exceeding three tons of vehicle weight where not more than 20 vehicles are available for rent at any time.

3. Level 3. On-site sales, lease, or rental of automobiles and trucks not exceeding three tons of vehicle weight, and recreational vehicles.

4. Level 4. Automotive repair shops and automobile car washes for vehicles not exceeding three tons. Typical uses include general repair shops, transmission and engine rebuild shops, muffler shops, glass repair shops, automobile body repair and painting facilities, automobile upholstery services, car washes, lube/oil shops and auto parts stores which offer installation services.

5. Level 5. Sales, leasing, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses include truck shops primarily designed for the service and fueling of heavy trucks and tractor trailer sales.

6. Level 6. Sales, leasing, rental, repair and service of boats and other marine-related equipment, snowmobiles, motorcycles, quads and other power sports equipment.

R. Movie Theaters, Indoor. Movie theater, indoor use type means an establishment primarily engaged in the indoor exhibition of motion pictures.

S. Pawn Shop. Pawn shop use type is an establishment engaged in whole or in part in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. Pawn shops shall be permitted only at a ratio of one shop per each 40,000 population within the City limits (meaning the second pawn shop is allowed at 40,001, etc.).

T. Personal Services. Personal services use type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include beauty salons and barber shops, coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, shoe repair, clothing alterations, tanning salons, tattoo parlors, pet washes and grooming, photographic studios, carpet and upholstery cleaners. Also see subsection (V) of this section, rental and repair services use type, for other services.

1. Level 1. Total floor area does not exceed 2,500 square feet and use does not involve outdoor storage of vehicles.

2. Level 2. Total floor area exceeds 2,500 square feet or use involves outdoor storage of delivery or service vehicles.

U. Pet Day Care. Pet day care includes establishments where pets are cared for and boarded for periods less than 24 hours. Boarding for more than 24 hours is considered a kennel. Establishments that offer pet washing and grooming with no pet day care is a personal service.

V. Rental and Repair Services. Rental and repair services use type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to motor vehicles and related equipment sales/rental/repair and services use type for automotive repair. Also see personal services use type for clothing alterations.

1. Level 1. Establishments that do not involve outdoor storage.
2. Level 2. Establishments that involve outdoor storage of equipment.

W. Retail Sales. Retail sales use type refers to establishments that sell at retail, food and merchandise including food stores, apparel and accessories, pharmaceuticals, antiques, optical goods, jewelry, pet supplies, auto parts without installation services, furniture and home furnishings including appliances, building materials and hardware, lawn and garden plants and supplies, and computers and electronics. This use type does not include eating and drinking establishments.

1. Level 1. Total floor area up to 50,000 square feet.
2. Level 2. Total floor area over 50,000 square feet.

X. Wholesale Trade. Wholesale trade use type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical wholesale trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction material supplies, professional and commercial equipment supplies.

1. Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.
2. Level 2. Establishments with total floor area of more than 10,000 square feet and with indoor or outdoor storage.

(Ord. 760 § 1 (Exh. A), 2022; Ord. 741 § 1 (Exh. D), 2020; Ord. 689 § 1 (Exh. A), 2017; Ord. 685 § 2 (Exh. A), 2017; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 599 § 1 (Exh. B), 2011; Ord. 597 § 1 (Exh. A), 2011; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.100 Industrial use category – Descriptions.

Industrial use categories include the on-site production, processing, storage, movement, servicing, or repair of goods and materials. The industrial use types typically have one or more of the following characteristics: create substantial odor or noise, frequent deliveries, heavier truck traffic, employ relatively large numbers of people, and/or create visual impacts incompatible with residential development.

A. Boat Building. Boat building use type refers to establishments that construct or manufacture watercraft not built in shipyards and typically of the type suitable or intended for personal use. Illustrative examples include:

1. Dinghy (except inflatable rubber) manufacturing;
2. Inflatable plastic boats, heavy-duty, manufacturing;

3. Inflatable rubber boats, heavy-duty, manufacturing;
4. Motorboats, inboard or outboard, building;
5. Rigid inflatable boats (RIBs) manufacturing;
6. Rowboats manufacturing;
7. Sailboat building, not done in shipyards;
8. Yacht building, not done in shipyards.

B. Bulk Fuel Dealers. Bulk fuel dealers use type refers to establishments that sell fuels to businesses and households for transportation, heating, and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

C. Buy-Back Recycling Center. Buy-back recycling center use type refers to any small-scale business without processing which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

D. Contractor Yards. Contractor yards use type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.

E. Food and Related Products. Food and related products use type refers to uses which involve the processing, manufacturing, storage and packaging of food materials, raw milk, and ice. Examples include bakeries which distribute products to many retail outlets; creameries and other dairy products manufacturing without on-site dairy animals; soft drink bottling plants; feed and cereal mills; flour mills; vegetable oil manufacturing; refining or storage; yeast plants; starch, glucose and dextrin manufacturing; dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing; sugar refining. This use type may include processing and packaging of red meats, fowl and/or fish, provided the facility complies with all State, Federal and local health regulations, all processing is conducted indoors, and there is no emission of noxious odors or noise. This use type does not include the slaughtering or boarding of live animals or poultry.

F. Industrial Services and Repair. Industrial services and repair use type refers to uses involving the repair of medium- and large-sized products, e.g., boats, and trucks exceeding three tons of vehicle weight; uses providing large-scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., bulk laundries, linen supply, dry cleaning plants, other laundry and garment services; and industrial services related strictly to industrial uses, physical and biological research testing laboratories and janitorial services.

G. Limited Manufacturing. Limited manufacturing use type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This does not include the processing of raw materials. This use type includes but is not limited to:

1. Clothing and fabricated products;
2. Finished products made entirely or mainly of wood for use in construction;
3. Instruments for measuring, testing, analyzing, and controlling;
4. Optical instruments and lenses;
5. Surveying and drafting instruments;
6. Medical instruments and equipment;
7. Photographic equipment;

8. Watches and clocks;
9. Supplies associated with the previous products; and
10. Electronic computer hardware components and related equipment.

H. **CannabisMarijuana** Processor. A **cannabismarijuana** processor is a State-licensed and regulated **cannabismarijuana** processor which is allowed to process, dry, cure, package, and label usable **cannabismarijuana**, **cannabismarijuana** concentrates, and **cannabismarijuana**-infused products for sale at wholesale to **cannabismarijuana** processors and **cannabismarijuana** retailers.

I. **CannabisMarijuana** Producer. A **cannabismarijuana** producer is a State-licensed and regulated **cannabismarijuana** producer allowed to produce, harvest, trim, dry, cure, and package **cannabismarijuana** into lots for sale at wholesale to **cannabismarijuana** processor licensees and to other **cannabismarijuana** producer licensees. A **cannabismarijuana** producer can also produce and sell **cannabismarijuana** plants, seed, and plant tissue culture to other **cannabismarijuana** producer licensees.

J. Microbeverage Production Facility. Microbeverage production facility use type refers to establishments that manufacture alcoholic and nonalcoholic beverages for distribution on or off site. Examples include microbreweries, microdistilleries and microwineries. Microbeverage production facilities may operate in conjunction with a tasting room, retail outlet, and/or eating and drinking establishment.

K. Motion Picture/Television and Radio Production Studios. Motion picture/television and radio production studios use type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.

L. Printing, Publishing and Related Industries. Printing, publishing and related industries use type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and plate making; and publishing newspapers, books and periodicals.

M. Salvage Yards. Salvage yards use type refers to uses that involve the salvage of wrecked vehicles, vehicle parts and appliances, and the storage of vehicles for purpose of wholesale trade.

1. Level 1. Hulk hauling – Where no storage of vehicles is permitted.
2. Level 2. Salvage yards/uses dealing with storage facilities for motor vehicles in which all vehicles are stored within enclosed building(s).

N. Storage. Storage use type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of personal storage uses include mini-warehousing, public parking areas, and boat storage yards.

O. Vehicle Impound Yards. Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles associated with vehicle towing.

P. Warehousing, Distribution and Freight Movement. Warehousing, distribution and freight movement refers to storage of manufactured or processed products for one or more businesses either within a building serviced by loading docks, or in secure outdoor storage areas. Such facilities typically transport product by truck or rail. Examples include grocery chain distribution centers, parcel delivery distribution centers, storage of fabricated concrete blocks, and finished lumber storage yards.

(Ord. 760 § 2 (Exh. B), 2022; Ord. 741 § 1 (Exh. D), 2020; Ord. 685 § 2 (Exh. A), 2017; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.110 Use tables.

A. The following use tables indicate which uses are permitted in the R1, R2, MF-L, MF-H, POS, MU-O, MU, NC and MU-M zones. Uses permitted in the MU-N, MU-U, MU-U/I and MU-C zones are listed in UPMC 19.54.050. Zones are shown across the horizontal axis and use category and types are shown down the vertical axis.

B. Zone Acronyms. The following acronyms are used in the use tables in place of zone names:

Zone	Acronym
Residential 1	R1
Residential 2	R2
Multifamily Residential – Low	MF-L
Multifamily Residential – High	MF-H
Mixed Use – Office	MU-O
Neighborhood Commercial	NC
Mixed Use	MU
Mixed Use – Neighborhood	MU-N45
Mixed Use – Urban	MU-U75
Mixed Use – Urban/Industrial	MU-U/I75
Mixed Use – Center	MU-C110
Parks and Open Space	POS
Mixed Use – Maritime	MU-M

C. Symbols. The following symbols are employed in the use tables:

1. An “X” in a cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.
2. A “P” in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.
3. A “C” in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.85.020, Conditional use permits.
4. A “D” in a cell on the table indicates that the use type is permitted subject to design review under the provisions specified in UPMC 19.85.050, Design standard review.
5. An “A” in a cell on the table indicates that the use type is permitted subject to administrative review under the provisions specified in UPMC 19.85.010, Administrative use permits.
6. A number accompanying a “P,” “C,” “D” or “A” in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.

Residential Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
RESIDENTIAL USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (27)
Adult family home (6 or fewer)	P	P	P	X	P	P	P	P
Assisted living facility	X	P1, C2	P3	X	P3	X	P3	X
Bed and breakfast (2)	P	P	P	X	P	P	X	X
Caretaker unit	X	X	X	P	X	X	X	P (22)
Emergency Housing	X	X	X	X	X	P	P	P
Emergency Shelter	X	X	X	X	X	P	P	P
Extended stay lodging	P (32)	X	X	X	D (5)	X	D	X
Family day care facility	P	P	P	X	P	P	P	P
Level I group home	P	P	P	X	P	P	P	P
Live-work unit	X	X	X	X	D (5)	X	D (5)	D (17)
Mobile/manufactured home (3)	X	X	P	X	X	X	X	X
New manufactured home (4)	P	P	P	X	X	X	X	X
Mobile home park	X	X	C	X	X	X	X	X
Multifamily housing	X	X	D (17)	X	D (5)	X	D (5)	D (17)
Nursing home	X	P1, C2	P3	X	P3	X	P3	X
Permanent Supportive Housing	P	P	P	X	P	P	P	P
Rooming house	P	P	X	X	X	X	X	X
Single-family attached housing	P1	P1	P2	X	P2	P2	P2	X
Single-family/duplex housing	P	P	P	X	X	P (28)	X	X
Small lot housing	D (18)	D (18)	X	X	X	X	X	X
Transitional Housing	P	P	P	X	P	P	P	P

See notes in UPMC 19.25.120.

Civic and Recreation Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	MU	MU-M (20, 21, 27)
Government services	X	X	X	P	P	P	P	X
Existing cemeteries/mortuaries	C	C	X	X	X	X	X	X

The University Place Municipal Code is current through Ordinance 786, passed December 2, 2024.

USE TYPES	ZONE CLASSIFICATIONS							
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	MU	MU-M (20, 21, 27)
Community centers	C	C	C	P	P	P	P	P
Cultural services (museums, libraries)	X	X	X	P	C	P	P	P
Day care centers (exceeds 12)	C	C	P	X	P	P	P	P
Education	P1	P1	P1	X	P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P4
Hospitals/24-hour medical clinics	X	X	X	X	P, C2	P, C2	P, C2	X
Recreation – Public	P, C	P, C	P, C	P	P, C	P, C	P, C	P
Recreation – Nonprofit	P	P	C	X	X	C	C	P
Religious assemblies	P1, C	P1, C	P1, C	X	P1, C2	P	P	P1
Transportation	P1	P1	P1	X	P1, C2	P1, C2	P1, C2	P1, C2

See notes in UPMC 19.25.120.

Utilities/Essential Public Facilities/Resources Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
UTILITIES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Distribution and collection utilities	P	P	P	P	P	P	P	P
Recycling collection sites	P	P	P	P (19)	P	P	P	P
Utility and public maintenance facilities	X	X	X	P1, 2	X	X	P1, C2	P1, C2
Wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	P	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	P1, C2, 3
ESSENTIAL PUBLIC FACILITIES (8)	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Level II group homes	X	X	C	X	C	X	C	X
Recycling processors	X	X	X	X	X	X	X	X
Sewage treatment facilities	X	X	X	X	X	X	X	X
Waste transfer facilities	X	X	X	X	X	X	X	X
RESOURCE USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Agricultural sales	X	X	X	P (note)	X	P	P	P
Fishery enhancement	X	X	X	X	X	X	X	P
Limited horse boarding	P	P	X	P	X	X	X	X

The University Place Municipal Code is current through Ordinance 786, passed December 2, 2024.

See notes in UPMC 19.25.120.

Commercial Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
COMMERCIAL USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Administrative and professional offices	X	X	X	X	P	P	P	P
Veterinary clinics/animal hospitals	X	X	X	X	C1	P1	P1	X
Adult entertainment	X	X	X	X	X	X	X	X
Amusement and recreation (private)	C (14)	X	X	X	X	P	P	P
Business support services	X	X	X	X	P	P	P	P
Commercial centers	X	X	X	X	X	C	C	X
Craft production facilities	X	X	X	X	X	X	X	P
Eating and drinking establishment	X	X	X	P	P	P1, 2, 3	P1, 3, C2	P1, 3
Garden center (11)	X	X	X	X	X	P	P	X
Health club (a.k.a. fitness center)	X	X	X	X	X	P	P	P
Kennels	X	X	X	X	X	X	X	X
Limited accessory retail (MU-O only)	X	X	X	X	P (13)	X	X	X
Hotels and motels (no RV)	X	X	X	X	X	C	P	P
Marinas and other boating facilities (launch ramps and covered moorage) (25)	P1 (23) P2 (24)	X	X	X	X	X	X	P2
Cannabis Marijuana retail outlets (29)	X	X	X	X	X	X	C	X
Mini casinos	X	X	X	X	X	X	X	X
Movie theaters (indoor only)	X	X	X	X	X	P	C	X
Vehicle sales, repair, service	X	X	X	X	X	P1, 4	P1, C4	P6 (26)
Pawn shops	X	X	X	X	X	X	X	X

The University Place Municipal Code is current through Ordinance 786, passed December 2, 2024.

USE TYPES	ZONE CLASSIFICATIONS							
COMMERCIAL USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Personal services	X	X	X	X	P1 (10)	P1, C2	P1, C2	P1, C2
Pet day care	X	X	X	X	X	P	P	X
Rental and repair	X	X	X	X	X	P1, C2	P1, C2	P1 (26) C2 (26)
Retail sales (11)	X	X	X	X	X	P1, C2	P1, C2	P1
Wholesale trade (11)	X	X	X	X	X	X	C1	X

See notes in UPMC 19.25.120.

Light Industrial Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
LIGHT INDUSTRIAL USES	R1	R2	MF	POS	MU-O	NC	MU	MU-M (20, 21, 27)
Boat building	X	X	X	X	X	X	X	C
Bulk fuel dealers	X	X	X	X	X	X	X	X
Buy-back recycling	X	X	X	X	X	X	X	X
Contractor yards	X	X	X	X	X	X	X	P (26)
Food and related products	X	X	X	X	X	X	X	C
Industrial services and repair	X	X	X	X	X	X	X	C
Limited manufacturing	X	X	X	X	X	X	X	P
Cannabis/Marijuana processor (29)	X	X	X	X	X	X	X	X
Cannabis/Marijuana producer (29)	X	X	X	X	X	X	X	X
Microbeverage production facilities	X	X	X	X	X	X	X	P
Motion picture, TV and radio production studios	X	X	X	X	X	X	C	X
Printing, publishing and related industries	X	X	X	X	X	X	X	X
Salvage yards	X	X	X	X	X	X	X	X

USE TYPES	ZONE CLASSIFICATIONS							
LIGHT INDUSTRIAL USES	R1	R2	MF	POS	MU-O	NC	MU	MU-M (20, 21, 27)
Storage units	X	X	X	X	X	X	X	P (26)
Vehicle impound yards	X	X	X	X	X	X	X	X
Warehousing, distribution and freight movement	X	X	X	X	X	X	X	C

See notes in UPMC 19.25.120.

(Ord. 760 § 3 (Exh. C), 2022; Ord. 741 § 1 (Exh. D), 2020; Ord. 689 § 1 (Exh. A), 2017; Ord. 688 § 1 (Exh. A), 2017; Ord. 685 § 2 (Exh. A), 2017; Ord. 682 § 1 (Exh. A), 2017; Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 599 § 1 (Exh. A), 2011; Ord. 589 § 1 (Exh. A), 2011; Ord. 574 § 1 (Exh. A), 2010; Ord. 559 § 3 (Exh. A), 2009; Ord. 524 § 1 (Exh. A), 2008; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

19.25.120 Use table notes.

(1) *Repealed by Ord. 455.*

(2) Breakfast is the only meal served.

(3) In approved mobile/manufactured home parks only.

(4) Permitted subject to standards in UPMC 19.70.120.

(5) Subject to compliance with the design standards.

(6) Kindergarten and primary school only.

(7) Allowed in R1 and R2 zones only in conjunction with selected nonresidential uses in accordance with UPMC Title 23.

(8) Subject to essential public facility review.

(9) Reserved.

(10) Permitted only at 1,000 square feet gross floor area or less.

(11) Establishments over 80,000 square feet are considered commercial centers.

(12) Reserved.

(13) Retail uses that are related to a use in an office building are limited to 750 square feet each. Total retail uses in a building shall not exceed 20 percent of the building's leasable square footage.

(14) Only where such use is a shooting facility that lawfully existed prior to January 1, 2008, and is located on at least 20 acres. Shooting facilities include rifle, shotgun and pistol shooting ranges and supporting facilities.

(15) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to design standard review approval to ensure compliance with the design standards and guidelines in Chapter 19.50 UPMC.

(16) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to design standard review approval to ensure compliance with the design standards for mixed use zones in Chapter 19.50 UPMC.

(17) Allowed in MF-L, MF-H and MU-M zones subject to compliance with multifamily design standards and guidelines per Chapter 19.53 UPMC. Vertical mixed use buildings that include multifamily units in the MU-M zone are exempt from these provisions and subject to compliance with the mixed use design standards in Chapter 19.50 UPMC.

(18) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter 19.53 UPMC.

(19) Recycling collection receptacles in the Parks and Open Space zone shall not exceed a maximum capacity of 20 cubic yards.

(20) Uses allowed subject to compliance with mixed use design standards per Chapter 19.50 UPMC. The Director may exempt development proposals from compliance with specific mixed use design standards that conflict with UPMC Title 18, Shoreline Master Program, requirements.

(21) Uses located within the Day Island Medium Intensity (DIMI) Shoreline Environment are also subject to compliance with the requirements of UPMC Title 18. Non-water-oriented commercial, industrial and recreation uses, certain transportation and utility uses, and over-water portions of marinas and other boating facilities are subject to shoreline conditional use permit approval in accordance with Table 18.30.A.

(22) May be authorized only in conjunction with an approved marina or other boating facility.

(23) Modifications to existing marinas and other boating facilities may be authorized in accordance with Level 1 zoning requirements and UPMC Title 18, Shoreline Master Program, requirements when located within the R1 Day Island overlay zone. Level 2 marinas are not permitted in the R1 Day Island overlay zone.

(24) Level 2 marinas and other boating facilities may be authorized in accordance with the Chambers Creek Properties master site plan and UPMC Title 18, Shoreline Master Program, requirements when located within the R1 Chambers Creek Properties overlay.

(25) Covered moorage lawfully established prior to adoption of the Shoreline Master Program is a permitted use; no new covered moorage may be authorized. Existing covered moorage may be maintained, modified or replaced, but not extended in terms of cumulative footprint and shading of water. See UPMC 18.30.070(G).

(26) Predominantly marine-related activities, facilities, services, merchandise, and uses. "Predominant" means the most common, main or prevalent activities measured by the proportion of a site or building floor area devoted to such activities. The City may consider additional factors in determining whether marine-related activities are the predominant use of a site or building.

(27) Conditional use permit required for buildings or structures exceeding 45 feet in height.

(28) Lawfully established units existing prior to the effective date of the ordinance codified in this section; and conversion of nonresidential buildings, which were originally permitted and constructed as single-family/duplex housing and subsequently converted to nonresidential use, to their original single-family or duplex housing use.

(29) Subject to the development standards in UPMC 19.70.140.

(30) Reserved.

(31) Reserved.

(32) Permitted only in the Chambers Creek Properties overlay in conjunction with a resort and hotel lodging.

(Ord. 741 § 1 (Exh. D), 2020; Ord. 689 § 1 (Exh. A), 2017; Ord. 688 § 1 (Exh. A), 2017; Ord. 685 § 2 (Exh. A), 2017; Ord. 682 § 1 (Exh. A), 2017; Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 574 § 1 (Exh. A), 2010; Ord. 559 § 3 (Exh. A), 2009; Ord. 524 § 1 (Exh. A), 2008; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

Chapter 19.60

OFF-STREET PARKING REQUIREMENTS

Sections:

- 19.60.010 Purpose.
- 19.60.020 Required off-street parking spaces.
- 19.60.030 Location.
- 19.60.040 Calculation of required off-street parking spaces.
- 19.60.050 Off-street parking spaces required for particular uses.
- 19.60.060 Off-street loading space requirements.
- 19.60.070 Uses not specified.
- 19.60.080 Cooperative (joint-use) parking facilities.
- 19.60.090 Building rehabilitation, expansion or change of use.
- 19.60.100 Parking on vacant lots.
- 19.60.110 Parking prohibited in R1 and R2 residential front setback areas.
- 19.60.120 Driveways and parking lot designs.
- 19.60.130 Maximum number of parking spaces.
- 19.60.140 Compact car allowance.
- 19.60.150 Accessible parking requirements.
- 19.60.160 Bicycle parking.
- 19.60.170 Transit and ride-share provisions.
- 19.60.180 Parking dimensions, size and access.

19.60.010 Purpose.

The purpose of this chapter is to provide adequate parking for all uses permitted in the code; to reduce demand for parking by encouraging shared parking, alternative means of transportation including public transit, ride-sharing and bicycles; and to increase pedestrian mobility in the City of University Place by:

- A. Requiring compliance with design standards for surface and structured parking;
- B. Setting minimum and maximum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities;
- C. Providing incentives to ride-share through preferred parking arrangements;
- D. Providing for parking and storage of bicycles; and
- E. Requiring uses which attract large numbers of employees or customers to provide transit stops.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005;
Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.020 Required off-street parking spaces.

Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this section.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005;
Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.030 Location.

Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

- A. Surface parking lots within the MU, MU-O, MU-M, MU-N45, MU-U75, MU-U/175 and MU-C110 zones shall comply with design standards for location of surface parking lots as described in the applicable design standards.

B. For a single-family dwelling, ~~duplexes~~ middle housing, or multifamily dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve, except as allowed for unit lots approved through the unit lot subdivision process.

Commented [KG1]: Amendment for consistency with the state middle housing requirements under HB 1110 and the unit lot subdivision requirements under SB 5258.

C. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, and community clubs, primary parking facilities shall be located not farther than 150 feet from the facility.

D. For uses other than those specified, parking facilities shall be located not farther than 500 feet in the Mixed Use – Urban zone and 300 feet in all other zones from the facility.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.040 Calculation of required off-street parking spaces.

A. Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in UPMC 19.60.050. If the formula for determining the number of parking spaces results in a fraction, the number of spaces shall be rounded up to the nearest whole number.

B. Tandem parking spaces are spaces which have sufficient areas to provide parking for two or more vehicles, one in front of or behind the others, with a single means of ingress and egress. Tandem parking spaces shall count toward meeting minimum off-street parking spaces requirements at a rate of one space for every 20 linear feet, provided, tandem parking spaces shall not be less than 20 feet long per space (40 feet long for two spaces), nor shall tandem parking exceed 20 feet long per space (40 feet long for two spaces).

Commented [KG2]: Amendment to be consistent with SB 6015, passed in 2024, and codified under RCW 36.70A.622. The law requires cities to allow tandem parking spaces to meet the minimum parking requirements for the use.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.050 Off-street parking spaces required for particular uses.

Unless otherwise specified the number of parking spaces required is calculated on a per-square-foot basis. For example, if 200 appears in the table next to the use type, then one parking space is required for every 200 square feet of floor area. In commercial centers, the required parking is calculated for each use separately to determine the total amount of parking required. Tandem parking spaces count toward meeting minimum off-street parking space requirements at a rate of one space for every 20 linear feet. The minimum number of off-street parking spaces required shall be as set forth in the following table:

Parking Requirements	
RESIDENTIAL USES	
Adult Family Home (6 or Fewer)	1 per employee ¹ + 2
Assisted Living Facility	0.5 per bed
Affordable Senior Multifamily Housing ² and Housing for People with Disabilities ³	0.6 per unit 0.0 per unit ⁴
<u>Affordable Multifamily Housing⁴</u>	0.75 per unit
Bed and Breakfast	0.5 per room
Group Home	0.5 per bed
Mobile/Manufactured Home	1 per unit
Multifamily Housing	
Studio and 1 Bedroom Unit	1 per unit
2 Bedroom Units	1.25 per unit

Commented [KG3]: Proposed Amendment to be consistent with HB 1923, passed in 2019, and HB 2343, passed in 2020. These bills set limitations on minimum parking requirements for multifamily senior, low-income housing, disabled, and market-rate housing located near high quality transit services.

Requirements codified under RCW 36.70A.620. New definitions have been added/updated to coincide with the bill requirements.

For senior housing and housing for people with disabilities adjacent to transit, no parking can be required; however, the city can impose parking requirements for staff and visitors.

	Parking Requirements
3+ Bedroom Units	1.5 per unit
Transit Proximity Multifamily⁵	0.75 per unit
Nursing Home	0.25 per bed
Single-Family Housing (Attached)	2 per unit
Single-Family Housing (Attached) in Small Lot Development	1.5 per unit + 1 guest stall
Single-Family Housing (Detached) in Small Lot Development	2 per unit + 1 guest stall
Single-Family (Detached) and Duplex Housing	2 per unit

CIVIC AND RECREATION USES

Cemetery/Mortuary	1 per 5 seats
Community Centers and Clubs	200
Cultural Service (Museum, Library)	250
Day Care Center (Exceeds 12)	1 per employee ¹ + 1 per 10 clients
Government Service	400
High School	1 per employee ¹ + 1 per 10 students
Elementary and Intermediate	1 per employee ¹ + 10
Hospital and 24-Hour Medical Clinic	1 per employee ¹ + 1 per bed
Recreation – Public	2/acre of open space
Recreation – Nonprofit	2/acre of open space
Religious Assembly	1 per 5 seats
Utility and Public Maintenance Facility	400
Vocational and Specialty School	1 per student

UTILITIES AND RESOURCE USES

Utilities Use

Comm. and Personal Wireless Telecommunication Facility	400*
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Essential Public Facilities Use

Organic Waste Processing Facility	1 per employee ¹ + 10
Sewage Treatment Facility	1 per employee ¹ + 10

Resource Use

Agricultural Sale	250
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*Note: For telecom towers = 1 per tower.

COMMERCIAL USES

Office/Business Uses

	Parking Requirements
Administrative and Professional Office	400
Veterinary Clinic/Animal Hospital	400
Retail/Services/Entertainment	
Adult Entertainment	200
Amusement and Recreation (Private)	200
Business Service	400
Eating and Drinking Establishment	200
Garden Supply (Nursery)	250
Health Club (a.k.a. Fitness Center)	200
Kennel	1 per employee ¹ + 1 per 10 cages
Limited Accessory Retail (MU-O Only)	250
Lodging – Hotel and Motel (No RV)	1 per room
Marina and Other Boating Facility	1 per slip
Medical and Dental Office	250
Mini Casino	200
Movie Theater (Indoor Only)	1 per 4 seats
Mobile, Manufactured and Modular Home Sales	400
Motor Vehicle and Related Equipment Sales	400
Pawn Shop	250
Personal Service	250
Rental and Repair Service	400
Retail Sales	250
Wholesale Trade	250
INDUSTRIAL USES	
Boat Building	400 office, 1,000 other
Bulk Fuel Dealer	400 office, 1,000 other
Buy-Back Recycling	400 office, 1,000 other
Contractor Yard	400 office, 1,000 other
Craft Production Facility	400 office, 1,000 other
Food and Related Products	400 office, 1,000 other
Industrial Service and Repair	400 office, 1,000 other
Limited Manufacturing	400 office, 1,000 other
Microbeverage Production Facility	400 office and tasting room, 1,000 other

	Parking Requirements
Motion Picture, TV and Radio Production Studio	400
Printing, Publishing and Related Industry	400 office, 1,000 other
Salvage Yard	400 office
Storage Unit	2,500
Warehousing, Distr. and Freight Movement	400 office, 2,000 other

¹ Employees per largest shift.

² ~~“Affordable” means dwelling units priced, rented or leased only to those households earning 80 percent or less of the median household income for Pierce County, Washington.~~ “Senior” means dwelling units specifically designed for and occupied by elderly persons under a Federal, State or local government program or occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

³ “Disabilities” means dwelling units specifically designed for compliance with the Americans with Disabilities Act of 1990 or to otherwise provide physical access to the dwelling unit by individuals with disabilities.

⁴ For dwelling units that are specifically designed for seniors or people with disabilities and are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day. Parking shall be required only for staff and visitors per the existing use standards.

⁵ “Affordable” means dwelling units priced, rented or leased only to very low-income or extremely low-income households and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day. “Very low-income” households means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median household income adjusted for household size for Pierce County, as reported by the United States department of housing and urban development. “Extremely low-income” households mean a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median household income adjusted for household size for Pierce County, as reported by the United States department of housing and urban development.

⁶ “Transit proximity” means market rate multifamily dwelling units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour or twelve ore more hours per day.

(Ord. 760 § 10 (Exh. G), 2022; Ord. 741 § 1 (Exh. M), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 559 § 8 (Exh. A), 2009; Ord. 514 § 4, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.060 Off-street loading space requirements.

A. Nonresidential building engaged in retail, restaurant, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

Gross Floor Area	Number of Loading Spaces
10,000 to 16,000 sf	1
16,001 to 40,000 sf	2
40,001 to 64,000 sf	3
64,001 to 96,000 sf	4
96,001 to 128,000 sf	5
128,001 to 160,000 sf	6
160,001 to 196,000 sf	7

Gross Floor Area	Number of Loading Spaces
For additional 35,000 sf	1 additional

B. Hospital, church, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar assembly type uses shall provide loading spaces in accordance with the standards listed below:

Gross Floor Area	Number of Spaces
40,000 to 60,000 sf	1
60,001 to 160,000 sf	2
160,001 to 264,000 sf	3

C. Hotel, office building and restaurant shall provide a minimum of one loading space; provided, any of these uses over 50,000 square feet shall provide two loading spaces.

D. Each loading space shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet, six inches. Loading spaces shall be located to prevent trucks from projecting into any public right-of-way, parking area, and parking aisle. All loading spaces shall be designated and located in the rear or side of the building and away from frontage roads.

E. Exceptions. Upon written request the required number of loading spaces may be reduced or eliminated if the person making the request can demonstrate that less or no loading spaces are required because of the type of use, location of shared loading spaces, location of use in relation to delivery truck accessibility and ability to front load. The amount of reduction or if no loading spaces are to be required shall be determined by the Director.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.070 Uses not specified.

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be determined by the Director. Such determination shall be based upon the requirements for the most comparable use specified.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.080 Cooperative (joint-use) parking facilities.

When two or more uses occupy the same building or when two or more buildings or uses cooperatively share an off-street parking facility, the total requirements for off-street parking and loading facilities shall be at least the sum of the requirements for the greater of the uses at any one time or as allowed by the Director. All applications for cooperative parking shall be reviewed and approved by the Director as an administrative decision. The following review criteria shall be considered by the Director:

A. The applicant shall demonstrate compliance with design standards for encouraging joint-use parking areas within MU, MU-O and MU-M zones as described in Chapter 19.50 UPMC.

B. The applicant shall demonstrate that there will not be a conflict with the operating hours of the businesses that seek to have cooperative parking.

C. The applicant shall submit a formal cooperative parking agreement.

D. A change of one or more of the uses voids the agreement. A new agreement shall be prepared for consideration.

The discontinuation of a use or uses subject to a cooperative parking agreement shall terminate such agreement and shall require the submittal of a new agreement for the Director's approval.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.090 Building rehabilitation, expansion or change of use.

Provided existing parking conforms with parking requirements at the time the use was established, additional parking shall not be required as a result of a building remodel or tenant improvement, a change in use or tenancy, or a new certificate of occupancy; provided, such changes result in no more than a 25 percent increase in the required off-street parking spaces. If the required number of off-street parking spaces exceeds 25 percent, then additional parking shall be provided in accordance with the parking requirements of this chapter.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.100 Parking on vacant lots.

It shall be unlawful for the owner of a motor vehicle, boat, or trailer to park it or allow it to be parked on City property, a vacant lot or parking lot owned by another person for the purpose of displaying it for sale, unless the property is zoned for such use. It shall also be unlawful for the owner or lessee of such property to allow another person to park a motor vehicle or trailer on the property for the purpose of displaying it for sale unless the property is zoned for such use.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.110).

19.60.110 Parking prohibited in R1 and R2 residential front setback areas.

In R1 and R2 residential zoning districts, parking other than on designated driveways is not permitted in front setback areas. Parking shall be permitted in and upon designated driveways as provided in this section. The designated driveway is defined as the paved, graveled or similar roadway leading from the street to a garage or covered parking area or as otherwise determined by the Director where there is no garage or carport.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.120).

19.60.120 Driveways and parking lot designs.

A. Driveway and parking lot designs shall comply with the Low Impact Development Technical Guidance Manual for Puget Sound, prepared by the Washington State University Extension and Puget Sound Partnership, to the extent practicable. Required driveways and areas for required loading, parking and maneuvering shall have a paved surface (asphalt, concrete or pervious pavement approved by the City) which is durable and able to withstand all weather conditions, unless modified with approval of the Director.

B. Off-street parking areas and driveways that are not required for the purposes of meeting the minimum off-street parking and loading requirements shall use pervious pavement to the extent practicable.

[C. Required off-street parking areas for residential use may consist of grass block pavers \(e.g., grasscrete or turf stone\) as approved by the City.](#)

(Ord. 741 § 1 (Exh. M), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012; Ord. 559 § 8 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.130).

19.60.130 Maximum number of parking spaces.

The maximum number of parking spaces shall not exceed 15 percent over the minimum standards identified in this chapter. A request to allow for greater than 15 percent over the minimum parking standards shall be reviewed as a variance in accordance with UPMC 19.85.030.

Commented [KG4]: Amendment to consisted with RCW 36.70A.622(1)(g). "Parking spaces that consists of grass block pavers may count towards minimum parking requirements."

(Ord. 741 § 1 (Exh. M), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012;
Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.140).

19.60.140 Compact car allowance.

In any development containing 20 or more parking spaces, a minimum of 25 percent and a maximum of 50 percent of the total number of the spaces shall be sized to accommodate compact cars. Developments containing less than 20 parking spaces may designate up to 50 percent of the total number of spaces as compact spaces. Compact spaces shall comply with the following:

A. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;

B. Aisle widths shall conform to the standards set in Figures 1 and 2 in UPMC 19.60.180.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 559 § 8 (Exh. A), 2009;
Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.150).

19.60.150 Accessible parking requirements.

Off-street parking and access for physically handicapped persons shall be provided in accordance with Chapter 19.27 RCW, State Building Code, as detailed in Chapter 51-40 WAC or as revised by SBCC.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005;
Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.160).

19.60.160 Bicycle parking.

The number of bicycle parking spaces shall be 10 percent of the number of required off-street parking spaces for nonresidential and multifamily uses. Bicycle parking shall be provided in racks or other similar facility and shall not be located within a required off-street parking space.

(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005;
Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.170).

19.60.170 Transit and ride-share provisions.

All land uses that include government/business and manufacturing shall be required to reserve one parking space of every 20 required spaces for ride-share parking as follows:

A. The parking spaces shall be located closer to the primary employee entrance;

B. Reserved areas shall have markings and signs indicating the space is reserved; and

C. Parking in reserved areas shall be limited to vanpools and carpools established through ride-share programs by public agencies and to vehicles meeting minimum ride-share qualifications set by the employer.

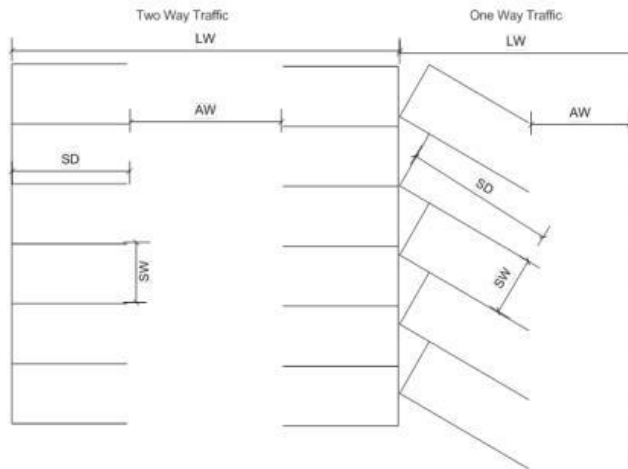
(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005;
Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.180).

19.60.180 Parking dimensions, size and access.

Each off-street parking space and access aisle shall meet all applicable provisions of this section. The dimensions for parking lots, wheel stops, spaces, drive aisles, etc., are as set forth in Figures 1 and 2 of this section. [Minimum width for parking spaces for residential use, whether required or voluntary, shall be 8 feet wide, including for angled and compact spaces, except for required parking for people with disabilities.](#)

Figure 1. Parking Lot Dimensions

Commented [KG5]: Amendment to be consistent with RCW 36.70A.622(1)(e), which states: “Parking spaces may not be required to exceed eight (8) feet by twenty (20) feet, except for required parking for people with disabilities.” Required under Senate Bill 6015 passed in 2024.



Dimension	Two Way Traffic		One Way Traffic	
	Standard	Compact	Standard	Compact
Lot Width (LW)*				
45°			48'/44'	42'/38'
60°	62'/59'	52'/50'	54'/51'	46'/43'
75°			59'/57'	49'/47'
90°	61'	51'		
Aisle Width (AW)				
45°			15'	13'
60°	26'	21'	18'	15'
75°			22'	17'
90°	26'	21'		
Stall Width (SW)**				
Parallel	22'		22'	
45°	9'/12.7'	8'/11.3'	9'/12.7'	8'/11.3'
60°	9'/10.4'	8'/9.3'	9'/10.4'	8'/9.3'
75°	9'/9.3'	8'/8.3'	9'/9.3'	8'/8.3'
90°	9'	8'	9'	8'

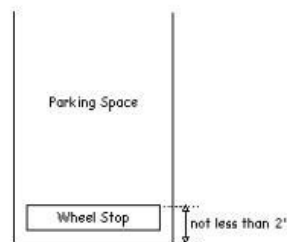
Dimension	Two Way Traffic		One Way Traffic	
	Standard	Compact	Standard	Compact
Stall Depth (SD) ***				
Parallel	8'	8'	8'	8'
45°	16.5'/14.5'	14.2'/12.3'	16.5'/14.5'	14.2'/12.3'
60°	18'/16.5'	15.4'/14'	18'/16.5'	15.4'/14'
75°	18.5'/17.5'	16'/15.1'	18.5'/17.5'	16'/15.1'
90°	17.5'	15'	17.5'	15'

* Wall to Wall/Interlock to Interlock

** Width/Width Parallel to Aisle

*** Depth to Wall/Depth of Interlock

Figure 2. Wheel Stops



(Ord. 741 § 1 (Exh. M), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 514 § 4, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003. Formerly 19.60.190).

Chapter 19.70

GENERAL DEVELOPMENT STANDARDS

Sections:

- 19.70.010 Accessory dwelling units.
- 19.70.020 Adult entertainment establishments.
- 19.70.030 Agricultural uses and animals.
- 19.70.040 Day care facilities.
- 19.70.050 Home occupations.
- 19.70.060 Improvements.
- 19.70.070 Mobile and manufactured home parks.
- 19.70.080 Open space and set-aside lands.
- 19.70.090 Solid/hazardous waste handling, treatment, and storage facilities.
- 19.70.100 Vehicle impound yards.
- 19.70.110 Secure community transition facilities.
- 19.70.120 Manufactured housing.
- 19.70.130 Drive-through and drive-up facilities.
- 19.70.140 ~~Cannabis~~~~Marijuana~~ related uses.

19.70.010 Accessory dwelling units.

A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the City while protecting the existing character of ~~single family~~ low density residential neighborhoods.

B. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. Up to two ADUs shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure, provided, only one detached ADU shall be allowed on a lot that does not meet the minimum lot size for the zone in which the property is located.
2. Type of Unit. An ADU may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., carriage unit above garage).
3. Size. An ADU shall not exceed 1,000 square feet; provided, if the ADU is to be established within an existing multistory structure and located entirely on a single floor, the Director may allow increased size in order to efficiently use all area of this single floor.
4. Location. An attached ADU shall be physically connected to the principal unit by a shared wall or attached covered structure. Attached ADUs shall meet the same setbacks, height requirements, and other dimensional standards as the principal unit.

A detached ADU not to exceed 1,000 square feet may be placed in a side and/or rear yard in accordance with UPMC 19.45.040(H) and shall comply with the following building standards:

- a. The total area of a detached ADU and other detached accessory structures placed in a side or rear yard shall not exceed the size limitations set forth in UPMC 19.45.040(H)(1)(a);
 - (1) The total ground floor footprint of a structure with an ADU located above (e.g., carriage unit) shall not exceed 600 square feet in gross floor area;
 - (2) For ground floor ADUs that exceed 600 square feet in gross floor area, no additional accessory structure floor area (e.g., garages, carports, and sheds) shall be permitted in the side or rear yard setback;

The University Place Municipal Code is current through Ordinance 786, passed December 2, 2024.

Commented [KG1]: Amending section 19.70.140 by replacing the term marijuana with cannabis for consistency with Second Substitute House Bill 1210, passed on March 11, 2022. In passing this bill, the legislature found that the use of the term "marijuana" in the United States has discriminatory origins and should be replaced with the more scientifically accurate term "cannabis". For this reason, the bill replaced the term throughout the RCW, including chapter 69.50 RCW, the Uniform Controlled Substance Act. Additionally, the bill directed the Liquor and Cannabis Board (LCB) to replace the term throughout the rules of the Liquor and Cannabis Board in Title 314 WAC.

See short summary here: [CES_2SHB_1210.pdf](#)

Commented [KG2]: Amending for consistency with the Low Density Residential (LDR) Comprehensive Plan land use designation, which now includes middle housing in addition to detached single-family housing.

- b. Maintain five-foot minimum side and rear yard setbacks;
- c. Have no portion of the structure, such as eaves, closer than three feet from any property line;
- d. Be no greater than 24 feet in height at top of ridge and 10 feet at the top wall plate where the roof structure connects to the wall, if located within a required side or rear yard;
- e. Be no closer than five feet to the primary structure;
- f. No more than one detached ADU may be placed within the reduced setbacks. Any second detached ADU must comply with the setbacks applicable to the principal unit; and
- g. A detached ADU may be located at a property line abutting a public alley, as defined in Chapter 13.20 UPMC, provided the City does not routinely plow the public alley for snow. No portion of the structure shall encroach into the public alley.

5. Parking. No off-street parking shall be required for an ADU when the property is within one-half mile walking distance of a major transit stop as defined in RCW 36.70A.696. Property not subject to this exemption shall provide off-street parking for accessory dwelling units as follows:

- a. One off-street parking space shall be required per ADU on lots 6,000 square feet or smaller.
- b. Two off-street parking spaces shall be required per ADU on lots greater than 6,000 square feet.
- c. Any additional off-street parking provided in conjunction with an ADU shall, to the extent possible, be located to the side or rear of the principal unit to minimize visual impacts on the streetscape. Such parking must be provided in the rear of the lot when alley access is available. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing.

6. In order to encourage the development of housing units for people with disabilities, the Director may allow reasonable deviation from the requirements of this section when necessary to install features that facilitate accessibility. These facilities shall conform to Washington State regulations for barrier-free facilities.

C. Procedures. Any owner seeking to establish an ADU shall apply for approval in accordance with the following procedures:

- 1. Application. The owner shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and parking standards are met.
- 2. Notice of Title. Prior to issuance of building permits, the owner shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the Department.
- 3. Reports. The Department shall report annually to the City Council on ADU applications, the number of units established and their distribution throughout the City, the average size of the units, and the number and types of complaints and enforcement-related actions.

(Ord. 775 § 1 (Exh. A), 2023; Ord. 741 § 1 (Exh. O), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012; Ord. 559 § 10 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.020 Adult entertainment establishments.

A. Purpose. The purpose of this section is to regulate adult entertainment establishments and to provide certain limitations to the siting of these uses. Development standards are used to reduce conflicts between these uses and other uses that may not be compatible.

B. Uses Permitted. Adult entertainment establishments may be permitted by conditional use permit in the MU-U/175 zone pursuant to the City of University Place Comprehensive Plan and zoning ordinance as now and hereafter amended.

C. Locational Requirements. Distances provided in this section shall be measured by following a straight line, without regard for intervening buildings, from the nearest point of the parcel of property or the zone classification boundary line from which the proposed land use is to be separated.

1. Adult entertainment establishments shall not be located on lots which contain, abut or are adjacent to a lot which contains a residential use. For the purposes of this subsection, in addition to its common usage, in determining whether a lot abuts or is adjacent to a lot containing a residential use, this also includes those lots which directly touch or are across a street from the proposed use.
2. Adult entertainment establishments shall not be allowed within 50 feet of any other adult business (as measured from property lines).
3. Adult entertainment establishments shall not be allowed within 50 feet of any “sensitive receptor.”

D. Variance to Locational Requirements. A variance to the dispersal provisions may be granted by the Hearings Examiner if all the following criteria can be met:

1. That free speech rights which are entitled to protection by the First Amendment to the United States Constitution of an applicant for an adult business cannot be adequately protected on parcels allowed for siting because other adult businesses are in place, or sensitive receptors limit additional uses in the MU-U/175 zone.
2. That the natural or built environment in the immediate vicinity would result in an effective separation between the proposed adult entertainment establishment and any sensitive zones or uses in terms of visibility and access.
3. The proposed use complies with the goals and policies of the Comprehensive Plan.
4. The proposed use is otherwise compatible with abutting and surrounding land uses.
5. The applicant has proposed conditions that would minimize the secondary adverse effects of the proposed use.

E. Development Requirements. The development standards in this section shall apply to all buildings, uses, and property used for adult business or entertainment establishment purposes. The development standards for adult entertainment establishment uses are the same as the applicable zoning regulations for the zoning district in which they are located, except as follows:

1. Visual Impact.
 - a. No owner or operator of an adult business shall allow any merchandise or activity of the establishment to be visible from any point outside the establishment.
 - b. No owner or operator of an adult business shall allow the exterior to have flashing lights or any lettering, photographs, silhouettes, drawings, or pictorial representations of any kind other than to the extent permitted by this section or Chapter 19.75 UPMC, Signs.
 - c. The exterior of an adult business, if painted, must be painted (stained or otherwise colored) in a single achromatic color, except if:
 - (1) The adult business is part of a commercial multi-unit center; and
 - (2) The exteriors of each individual unit in the commercial multi-unit center, including the adult business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial center.

2. Signage. In addition to the restrictions imposed by Chapter 19.75 UPMC, the following restrictions apply to any adult business:

a. There may be no more than two signs (one freestanding sign and one wall sign, or two wall signs), even if the business fronts on more than one street. Each display surface of a sign must:

- (1) Be a flat plane, rectangular in shape;
- (2) Not be flashing or pulsating;
- (3) Have characters of a solid color;
- (4) Have all characters of the same print type, size, and color; and
- (5) Have all background in one solid color.

b. Reader board signs are not allowed.

F. Nonconforming Adult Entertainment Establishments. An adult entertainment use shall be deemed a legal conforming use and shall be subject to the requirements of Chapter 19.80 UPMC, Nonconforming Lots, Uses, and Structures, if a zone that allows residential uses is located abutting or adjacent to the adult entertainment establishment or if a sensitive receptor identified in Chapter 19.10 UPMC locates within 50 feet of the adult entertainment establishment facility after the date the adult entertainment facility has located within the City in accordance with the requirements of this section.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.030 Agricultural uses and animals.

A. Purpose. The purpose of this section is to regulate agricultural uses and animals and to provide certain limitations for the placement of these uses. Minimum lot sizes, setbacks, and best management practices are used to reduce conflicts between land uses that may not be compatible and to protect environmentally sensitive areas.

B. Exceptions.

1. Hobby Farms. Farm animals, agricultural activities, and associated structures may be established on any lot as a noncommercial use without an associated dwelling unit, provided:

a. The applicant completes a hobby farm agreement provided by the Department. Each hobby farm agreement shall:

- (1) Define the type and intensity of all proposed agricultural activities;
- (2) Clarify that the use of the site is for private noncommercial use;
- (3) Provide time frames for periodic Departmental monitoring; and
- (4) Be signed by the property owner and recorded as a title notice with the Pierce County Auditor.

b. Hobby farms must comply with all other requirements of this section.

2. Wildlife Rehabilitation.

a. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife:

- (1) Small mammals;

- (2) Medium mammals;
- (3) Lagomorphs (rabbits, hares, pikas); and
- (4) Nonraptor avians.

b. Other categories, including carnivores and raptors, are excluded from this exemption.

C. Standards. Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling, subject to the following requirements:

1. Animals Accessory to Residential Use. Animals kept shall be permitted subject to the following criteria:

a. Livestock. Livestock shall be permitted as an accessory use to a dwelling unit on any lot, subject to the following provisions:

(1) Area Requirements.

- (A) Livestock are not permitted in lots of less than one acre.
- (B) On any lot from one acre to less than two acres in size, the number of animals shall not exceed two that are 12 months or more of age.
- (C) On any lot exceeding two acres in size, there may be one more livestock animal for each additional acre beyond the initial two acres.
- (D) All pens, stables, barns, corrals, or similar concentrated enclosures used for the keeping of livestock shall be set back a minimum of 35 feet from all property lines.

(2) A fence used to enclose pasture lands may be constructed on the property line, provided such pasture is maintained as required in this section.

(3) A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required following wetlands and fish and wildlife habitat areas codes. Such fence shall be constructed before livestock are introduced to a site.

b. Small Animals. Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

(1) Poultry, Pigeons, Peacocks, and Rabbits. Poultry, peacocks, pigeons, and similar birds, or rabbits and similar mammals (e.g., ferrets, pot-belly pigs) raised for domestic, noncommercial use shall be permitted, provided:

- (A) All animals kept outside shall be cooped or kept in hutches or pens or similar enclosures.
- (B) A minimum setback of 15 feet from all property lines shall be required for all pens, hutches, coops, or similar enclosures.
- (C) No more than 12 poultry, peacocks, or rabbits or similar mammals shall be permitted per acre. This requirement shall be calculated on a fractional basis. The allowed number of animals shall be rounded down to the nearest whole number.
- (D) Aviaries or lofts shall provide for one square foot for each pigeon or similar bird, and shall not exceed 600 square feet.

(2) Dogs and Cats. Any combination of five dogs or cats that individually exceed seven months of age is permitted. Kennels for six or more dogs or cats are prohibited.

c. Wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrich, or other exotic, vicious, or poisonous animal or reptile.

2. Crop Production Accessory to Residential Use. Agricultural activities such as noncommercial gardens and orchards shall be permitted and shall not be limited in any zone classification.

D. Additional Standards for Critical Areas. In addition to the other requirements of this section, the following standards shall apply to all commercial and noncommercial agricultural uses in critical areas:

1. Livestock shall be limited to one animal per acre of fenced usable pasture.
2. Small animals shall be limited as follows: poultry, pigeons, peacocks, and rabbits are limited to eight animals per acre.

E. Commercial Agricultural Activities. See UPMC 19.25.080, Resource use category – Descriptions, for commercial agricultural uses, and UPMC 19.70.050, Home occupations, for same.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.040 Day care facilities.

A. The purpose of this section is to provide operating criteria to meet the need for quality, affordable and safe day care facilities for adults and children in all areas of University Place. There are two types of day care facilities: family day care facilities and day care centers.

B. Family Day Care Facilities. Family day care facilities operate from a residence and provide child care and early learning services for not more than 12 children. Children include both the provider's children, close relatives and other children irrespective of whether the provider gets paid to care for them. Family day care facilities provide their services in the family living quarters of the day care provider's home. Family day care facilities shall be permitted in residential dwellings located in any area zoned for residential or commercial use.

C. Day Care Centers. Day care centers are facilities that operate in places other than a residence. There are two types of day care centers: adult day care centers, and child day care centers that provide care for 13 or more children during part of the 24-hour day.

1. Operating Criteria for Day Care Centers.

- a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a six-foot-high fence.
- b. Off-Street Parking. A minimum of one stall for every employee plus one for every 10 children or adults shall be provided. Off-street parking area shall meet the landscaping requirements in UPMC 19.65.110, Parking lot and impervious surface area landscaping.
- c. Loading. There shall be an off-street area for loading and unloading children or adults, clearly marked. Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.
- d. Signs. One sign will be permitted at a size to be determined by the zone classification where the facility is located.

2. Permitted Zones. Day care centers shall be permitted as specified in Chapter 19.25 UPMC, Uses and Zone Classification Tables.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.050 Home occupations.

A. Purpose. The purpose of this section is to provide standards which allow a resident of a dwelling unit to operate a limited business activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values, and preserving environmental quality.

B. Applicability. Home occupations are allowed as an accessory use in conjunction with a dwelling unit. A home occupation in a dwelling that is not occupied as a primary residence is prohibited.

C. Performance Standards.

1. Intent. It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home-based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to residential use. Activities exceeding these performance standards shall refer to Chapter 19.25 UPMC, Uses and Zone Classification Tables, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. General Provisions and Standards. The following general provisions and standards shall apply to all home occupation activities:

- a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood.
- b. There shall be no structural or decorative external alteration relating to the home occupation which is inconsistent with the residential character of the structure and neighborhood.
- c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
- d. The activity does not require truck delivery or pickup not common to a residential dwelling.
- e. The activity does not involve installation and use of heavy equipment, large power tools, or power sources not common to a residential dwelling or any other usage that creates a level of noise, vibration, smoke, dust, odors, heat, or glare beyond that which is common to a residential area at or beyond the property line of the subject property.
- f. The activity does not involve production, generation, storage, or use of hazardous waste, as defined by the State Department of Ecology.
- g. Use of electrical or mechanical equipment which creates visible or audible interference on radio or television receivers or fluctuation in line voltage at or beyond the property line is prohibited.
- h. Manufacturing shall be limited to small-scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items or furniture or other wood items as long as the activity meets the other standards of this section.
- i. See Chapter 19.75 UPMC for sign requirements.
- j. No more than one outside volunteer or employee who is not a principal resident of the premises is permitted, except for an occasional meeting.
- k. The activity shall be performed completely inside the residence, an accessory structure, or a combination of the two. The activity shall be limited to an area of less than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less.
- l. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

- (1) No more than one such vehicle shall be allowed;
- (2) Such vehicle shall not park within any required setback areas of the lot or on abutting or adjacent streets;
- (3) Such vehicle shall not exceed a weight capacity of 10,000 pounds GVW.

m. There shall be no outside display or storage of materials, merchandise, or equipment.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 369 § 1 (Exh. B), 2003; Ord. 307 § 2, 2001).

19.70.060 Improvements.

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of the Comprehensive Plan.

B. Sanitary Sewers.

1. All new subdivisions creating five or more lots shall hook up to sanitary sewers.
2. Sanitary sewer hookups shall be required for all other new development, if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the City may permit such development to use interim septic on-site systems and dry sewer facilities.
3. Existing properties that expand an on-site septic system or are required to replace or repair a failed system are required to hook up to sanitary sewer if there is a sewer line available within 200 feet.
4. A sanitary sewer system shall be considered available when the structure can be connected to an existing sewer line within the specified distance from the property by way of a public right-of-way or private utility easement between the property and the existing sewer line.
5. Upon application by the property owner, the Director shall approve an exception to the requirement to connect to the sanitary sewer system only if all the following criteria are met:
 - a. The cost of extending the sewer system to serve the property would be an economic hardship to the owner; an economic hardship exists if the estimated cost of the extension is greater than 200 percent of the cost of the septic or other private disposal system; and
 - b. The proposed septic system will not have an adverse environmental impact on potable water wells, ground water, streams or other surface bodies of water; and
 - c. The proposed septic system is in compliance with all applicable Federal, State, and local health and environmental regulations.
 - d. This exception does not allow a new subdivision of more than four lots to be developed without sanitary sewer hookups.
6. If the sanitary sewer system is not available or if an exception has been granted, the Director shall approve an interim on-site septic system subject to the following conditions:
 - a. The property owner shall record an agreement to connect on a form approved by the City that shall be a covenant running with the land. The agreement to connect shall provide that the structure shall be connected to the sanitary sewer system at such time as the system becomes available and that the owner will not protest the formation of any future ULID for extension of a sewer system that would serve the property.
 - b. The property owner shall install dry sewer facilities.

7. Leach Creek Area. There is hereby established on the zoning map the “Leach Creek Area.” The “Leach Creek Area” includes all properties zoned R2 within the area bounded by 44th Street West to the north, Orchard Street to the east, Cirque Drive to the south, and Alameda Avenue to the west. Within this area, development more intense than a single-family dwelling on an existing lot as of July 13, 1998, shall be required to hook up to sanitary sewer at the property owner’s expense regardless of distance to existing and available sewers.

C. Access. All new residential lots shall access off internal plat roads, except as authorized by the City engineer.

D. Lighting. Street lighting shall be provided in conjunction with all new development or major tenant improvements on the arterial streets of the City. Street lighting shall be provided along arterial streets in accordance with specifications and standards approved by the City Engineer. In multifamily, commercial, and industrial developments and major tenant improvements, lighting and glare shall be shielded or directed away from moderate density single-family zones and residential uses.

E. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, and waste disposal shall be integrated into the design of the building(s) or development and screened from view. Recreational facilities shall be located away from single-family neighborhoods and screened from view.

F. Open Space and Parks. In new single-family subdivisions of 10 or more lots and multifamily residential developments of greater than 10 units, a minimum of seven percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 386 § 4, 2003; Ord. 307 § 2, 2001).

19.70.070 Mobile and manufactured home parks.

A. Purpose. The purpose of this section is to provide regulations for the development of mobile and manufactured home parks.

B. Design Criteria. The following criteria shall govern the design of a mobile or manufactured home park:

1. A mobile or manufactured home park shall contain not less than two spaces and shall not exceed the densities established in UPMC 19.45.030, Density standards.
2. A mobile or manufactured home park shall not be established on any site providing less than a 30-foot-wide access to a public street.
3. Only one mobile home or manufactured home dwelling unit shall occupy any given space in the park.
4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:
 - a. Mobile or manufactured home used as single-family residence only;
 - b. A patio, carport, or garage as an accessory use for a mobile or manufactured home;
 - c. Recreation buildings and structures including facilities such as swimming pools for the exclusive use of park residents and their guests;
 - d. One residence for the use of the owner, manager, or caretaker responsible for maintaining or operating the property, which may be either a mobile or manufactured home or a site-built structure; or
 - e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.

5. Setbacks. No mobile or manufactured home, building or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located. A mobile or manufactured home or accessory structure shall not be located closer than 15 feet from any other mobile or manufactured home, or closer than five feet from the interior park roadway. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than 50 feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.

6. Two off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than eight by 20 feet and shall be paved or a crushed rock surface and maintained in a dust-free surface. On-street or curbside parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.

7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a 70-foot minimum diameter roadway surface turnaround, exclusive of parking lanes.

8. Storage areas comprising not more than 10 percent of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.

9. There shall be Level IV landscaping and groundcover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.

10. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the City Building Official. Each mobile or manufactured home shall be skirted with weather-resistant, noncombustible material compatible with the exterior finish of the mobile or manufactured home.

C. Phased Development. Proposed mobile or manufactured home parks of 10 or more acres in size developed after the effective date of the ordinance codified in this section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile or manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan. This exception shall only be applicable to phases which can be substantially completed within five years of the adoption of the change of zone.

D. Park Administration.

1. It shall be the responsibility of the park owner and manager to assure that the provisions of this code are observed and maintained within the mobile or manufactured home park. Violations of this code shall subject both the owner and the manager of the facility to any penalties provided for violation of the code.

2. No travel trailer or recreational vehicle shall be utilized except as temporary living quarters. However, the parking of an unoccupied recreational vehicle in duly designated storage areas shall be permitted.

3. All refuse shall be stored in insect-proof, animal-proof, watertight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight-obscuring fence or screening and shall be situated on a concrete pad and shown on the site plan. Refuse shall be collected and disposed of on a regular basis.

4. Construction of accessory structures and alterations and additions to the mobile or manufactured home park shall be subject to review by the Building Official, and necessary permits and inspections shall be obtained as required for such construction.

5. All electrical connections to each mobile or manufactured home shall comply with the electrical code and shall be inspected.

6. Portable fire extinguishers rated for class A, B, and C shall be kept in service buildings and at other locations, conveniently and readily accessible for use by all residents, and shall be maintained in good operating condition.

7. The park shall be maintained free of any brush, leaves, and weeds which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home.

8. Individual mailboxes shall be provided for each space in the park.

9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile or manufactured home park.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.080 Open space and set-aside lands.

A. Purpose. The purpose of this section is to outline the provisions for classifying open space or designating set-aside lands in conjunction with new development. Open space serves to:

1. Preserve the character of the natural environment;
2. Protect stream corridors, ridgelines, shorelines, critical areas, and fish and wildlife movement corridors;
3. Provide residents with usable open space for passive recreation and alternative nonmotorized transportation corridors; and
4. Protect the health and welfare of citizens by providing space for the control and enhancement of natural processes such as aquifer recharge, water quality, and flood water storage capacity.

B. Incentives. As a mechanism to encourage open space classification or set-aside designation, the following incentives shall be available:

1. Tax Relief. Any property owner who has classified open space in accordance with this section may apply for tax relief pursuant to the provision of Chapter 84.34 RCW, Open Space, Agricultural, and Timber Lands – Current Use Assessment – Conservation Futures.

C. General Provisions.

1. Open Space Locational Criteria.

a. The location of a proposed classification of open space shall be determined utilizing one or more of the following criteria:

- (1) Tract(s) which are identified for a proposed new trail or extension of an existing trail system;
- (2) Tract(s) which create a linkage to another classified open space or public park on an abutting or adjacent parcel;
- (3) Tract(s) which create a linkage to a critical area and its associated buffer(s);
- (4) Tract(s) which provide access to marine, lake, river, creek, or stream shoreline areas;
- (5) Tract(s) which preserve sensitive areas for aquifer recharge and enhancement of water quality or provide flood water storage capacity;

(6) Tract(s) which provide consolidated common open lawn areas for residents or employees in a development with an emphasis on access, visibility, and usability; or

(7) Tract(s) which preserve critical areas such as steep slopes, wetlands, and fish and wildlife habitat areas.

b. Tract(s) should be contiguous or form a linear system unless separation into multiple tracts would be more beneficial in fulfilling the locational criteria herein established.

2. Permitted Uses. The following uses shall be permitted in areas which have been classified for open space:

a. Urban Open Space.

(1) Pervious and impervious surface trails;

(2) Passive recreation and accessory structures;

(3) Agricultural practices and associated agricultural structures;

(4) Aquaculture;

(5) Utility easements; and

(6) Drainfields.

D. Classification of Open Space.

1. Classification Mechanism.

a. To assure that the open space is adequately protected, a restriction shall be placed on the title of the property and a note placed on the face of the final plat, if platting is required, which specifies that the tract(s) has been classified as permanent open space. The restriction shall also indicate that uses permitted within the open space are limited to those identified in subsection (C)(2) of this section.

b. Prior to or concurrent with final approval of a discretionary land use permit or building permit, the open space area(s) shall be placed in a separate tract(s), protective easement, public or private land trust dedication, or similarly preserved through an appropriate protective mechanism as determined by the Department.

2. Public Access.

a. If tax benefit incentive is used, the Department shall require public access to the open space tract(s) except as provided in subsection (D)(2)(c) of this section.

b. If the Department requires public access to an open space tract(s) as specified in subsection (D)(2)(a) of this section, then, prior to or concurrent with final approval of a discretionary land use permit or building permit, an easement shall be granted to the City of University Place providing for public access to the classified tract(s).

c. Public access is not required when determined to be inappropriate due to the presence of sensitive environmental areas or other unique features which would be better preserved and protected by limiting access.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.090 Solid/hazardous waste handling, treatment, and storage facilities.

A. Purpose. The purpose of this section is to use buffering, fencing, and landscaping concepts to:

1. Provide mitigation measures to reduce noise, odor, dust, litter, and lighting impacts on users of the site and abutting uses and to coordinate these measures with the permit requirements of other local and State agencies;
2. Promote compatibility between land uses and unify development with aesthetic screening;
3. Provide mitigation measures for security, vector, and fire control;
4. Provide for potential corrective measures for ground water protection; and
5. Promote the use of water conservation in the design, planting, and maintenance of landscaping.

B. Development Standards. The following development standards are applicable to all solid waste facilities whether or not a solid waste permit is required by State regulations or the Tacoma-Pierce County Health Department, unless otherwise stated. These standards are in addition to the other requirements of each zone classification. Individual facilities requiring a special use permit may be subject to increases to these standards by the Hearings Examiner.

C. Waste Handling Facilities.

1. Applicability. These development standards apply to the following types of facilities:
 - a. Organic waste processing facility, including any solid waste facility specializing in the controlled composition of organic solid waste and requiring a solid waste permit under Chapter 70.95 RCW, and to any soil treatment or composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste;
 - b. Municipal solid waste (MSW) composting facility, including any MSW composting facility which requires a solid waste permit including a facility located within an enclosed structure; and
 - c. Transfer station, waste separation recovery facility, and moderate-risk waste facility, including all interim transfer facilities receiving solid waste from off site and which require a solid waste permit under Chapter 70.95 RCW.
2. Buffering. Waste handling facilities shall have a buffer zone around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing public, residential or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, MU-N45, MU-U75 and MU-C110 zones.
3. Fencing. To impede entry by the public and animals, a waste handling facility shall have perimeter fencing six feet in height with lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections or broken supports.
4. Landscape Screening. To be adequately screened to prevent blowing of litter and minimize noise and dust nuisances, a waste handling facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress and egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate the following elements:
 - a. A perimeter, sight-obscuring earth berm when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, MU-N45, MU-U75 and MU-C110 zones, at least three feet high with a slope of not more than 40 percent (1:2.5) on the side away from the active area, and terraced and/or planted with groundcover to minimize erosion;
 - b. At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart;

c. At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, MU-N45, MU-U75 and MU-C110 zones; and

d. A mixture of lawn, low-growing shrubs, or hardy evergreen groundcover over the balance of the area.

5. Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the City an alternative conceptual landscape plan, supporting photographs, and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required for each type of facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area, or critical area buffer to fully comply with the intent of this section.

D. Drop Box Transfer Station. This subsection applies to all drop box transfer stations receiving solid waste from off site and requiring a solid waste permit under Chapter 70.95 RCW.

1. Fencing. To impede entry by the public and animals, a drop box transfer station shall have perimeter fencing six feet in height with lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections or broken supports.

2. Landscape Screening. To be adequately screened from residential development, a drop box transfer station shall have a perimeter landscaping area of mixed evergreen trees and shrubs that is not less than six feet in width when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, MU-N45, MU-U75 and MU-C110 zones. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.100 Vehicle impound yards.

Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles. Vehicle impound yards are subject to all the following performance standards:

A. The maximum size of a vehicle impound yard is one acre.

B. One vehicle impound yard is permitted per every 10,000 City population (based on most recent State Office of Financial Management population estimate).

C. A minimum 50-foot setback shall be required between a vehicle impound yard area and all zones other than Mixed Use – Urban/Industrial.

D. That portion of a vehicle impound yard within 200 feet of a zone other than MU-U/I75 shall provide Level I landscaping. Portions of vehicle impound yards beyond 200 feet of zones other than MU-U/I75 shall provide Level III landscaping.

E. A sound-attenuating wall shall be required between the vehicle impound yard and any zone other than MU-U/I75 within 200 feet. The wall shall be approved by the Director.

F. Lighting shall be shielded from residential areas.

G. Water quality protection systems for the vehicle impound yard shall be provided in compliance with City standards and best management practices.

H. That portion of a vehicle impound yard within 200 feet of a zone other than MU-U/I75 shall have hours of operation only between 7:00 a.m. and 8:00 p.m.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.110 Secure community transition facilities.

A. Applicability. This section applies to secure community transition facilities. The requirements of this section shall be imposed at the initiation of any secure community transition facility use, and upon any addition or modification to a secure community transition facility use or structure housing that use.

B. Location. Secure community transition facilities are permitted in the MU-U/I75 zone subject to the provisions of Chapter 19.40 UPMC, Essential Public Facilities, and upon obtaining a conditional use permit and subject to the following siting criteria:

1. In no case may a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of sensitive receptors in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.
2. In no case may a secure community transition facility be sited within 300 feet of a residential zoning district.

C. Use Requirements. The following requirements apply to each secure community transition facility:

1. The applicant must demonstrate that the facility meets the definition of secure community transition facility.
2. The secure community transition facility and its operator must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.
3. The applicant must demonstrate compliance with State of Washington Department of Social and Health Services guidelines established pursuant to Chapter 71.09 RCW now or as hereafter amended.
4. The applicant must demonstrate compliance with the requirements of Chapter 71.09 RCW, now or as hereafter amended.
5. For purposes of this section, the applicant must demonstrate compliance with the cited guidelines and statutory provisions through a written description specifically describing the steps taken to satisfy such guidelines or statutory requirements. In the event that compliance with the cited guidelines and statutory provisions can occur only during the construction of the facility or during its operation, then the applicant shall set forth the specific steps that will be taken to comply with such provisions, and such steps shall be made a condition of the conditional use permit for the facility.

D. Conditions. The City may impose conditions to mitigate any and all potential adverse impacts of the facility on surrounding uses, except that for the requirements specifically addressed in RCW 71.09.285 through 71.09.340 inclusive, now or as hereafter amended, such conditions may not impose restrictions on the facility greater than those set forth in the cited statutory provisions. A maximum of three beds can be provided in a secure community transition facility.

E. Additional Public Safety Measures. The City may seek additional public safety measures for any facility proposed under this section beyond those suggested by statute or proposed by the applicant. The City shall submit the comments to the Department of Social and Health Services in the manner and at the times set forth in Chapter 71.09 RCW now or as hereafter amended. The City may petition the Governor to designate a person with law enforcement expertise to review the Department of Social and Health Services response to the City's comments in the manner set forth in Chapter 71.09 RCW.

F. Additional Risk Potential Activities. The City may suggest additional risk potential activities, as defined in Chapter 71.09 RCW, now or as hereafter amended, for consideration by the Department of Social and Health Services, consistent with the provisions of Chapter 71.09 RCW, now or as hereafter amended.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003).

19.70.120 Manufactured housing.

Manufactured homes are permitted in all zones that permit single-family detached and ~~duplex~~ middle housing provided:

Commented [KG3]: Amendment for consistency with HB 1110 and the incorporation of the duplex definition as one of the six middle housing types.

- A. The manufactured home shall be a new manufactured home;
- B. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;
- C. The manufactured home shall comply with all design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
- D. The home is thermally equivalent to the State Energy Code; and
- E. The manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005)

19.70.130 Drive-through and drive-up facilities.

A. Purpose. The purpose of this section is to recognize that drive-through and drive-up uses may be appropriate at some locations; provided, that such uses are located in consideration of adjacent land uses, traffic patterns, aesthetics compatibility, vehicular/pedestrian conflicts, noise, light and glare.

B. Where Permitted. Drive-through and drive-up uses are permitted as an accessory use to any principal use allowed in the following zones subject to the standards included in this section and a conditional use permit if applicable:

1. Neighborhood Commercial;
2. Mixed Use;
3. MU-U75 except between 28th Street West and 38th Street West on Bridgeport Way, and on Market Place, Market Square, Market Court, Larson Lane and Drexler Drive;
4. MU-U75 south of 40th Street and west of Bridgeport Way West requires a conditional use permit;
5. MU-N45 except between 28th Street West and 38th Street West on Bridgeport Way; and
6. MU-C110.

C. Exemptions. Uses regulated by this section include any use that utilizes a drive-through or drive-up as part of their service to customers. Examples include but are not limited to automobile services, restaurants including espresso stands, financial institutions, retail and service uses and drop boxes. The following uses are exempt from this section:

1. Delivery and loading spaces required pursuant to Chapter 19.60 UPMC.
2. Drop boxes, including library, bank and video drop boxes.
3. Hotel porticos and valet parking services.
4. Curbside to-go services where a parking stall is reserved for a customer who calls in a to-go order. The customer may or may not get out of the car. One stall is allowed per restaurant use.

D. Standards. New drive-through and drive-up facilities, and major improvements to or major redevelopment of drive-through and drive-up facilities, shall comply with the following standards:

1. To achieve the vision of a pedestrian-oriented zone, in addition to this code section, drive-through and drive-up facilities located within the MU-U75 zone shall comply with the following requirements:

a. Where drive-through or drive-up facilities are proposed to be located within existing commercial centers, a minimum of two of the following requirements shall be met:

- (1) An additional pedestrian connection between the public street and the principal building within the shopping center.
- (2) An additional pedestrian connection to a second public street for shopping centers with two or more street frontages.
- (3) Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
- (4) Provide an additional 750 square feet of plaza area within the shopping center. The plaza area shall be improved in accordance with Chapter 19.50 UPMC.
- (5) Provide a pedestrian connection from the principal building to a neighboring property.
- (6) Provide enhanced walkways that exceed the design standards through landscaping and design.
- (7) Provide enhancement to an existing pedestrian connection within the commercial center, or upgrade the existing connection to current pedestrian connection standards as described in subsection (D)(1)(b) of this section.
- (8) Provide amenities that achieve the goal of the MU-U75 zone that meet or exceed the options listed above and are approved by the Director.

b. Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.

2. Traffic and Circulation. Drive-through and drive-up facilities located within all zones shall comply with the following requirements:

a. Except at entry and exit points, drive-through stacking lanes shall be separated physically (i.e., by a wall, raised curb or landscape planter) from the parking lot, and shall comply with the following capacity standards:

Use	Length of Stacking Lane(s)
Bank/Retail	3 – 6 cars, depending upon volume
Restaurants	8 – 12 cars, depending upon volume
Automobile Service, Other	Determined on an individual basis, depending on volume

- b. The entrance and exit from a drive-through lane, or designated drive-up parking spaces, shall be internal to the site and not a separate entrance/exit to or from the street.
- c. The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major circulation aisles of any parking lot.
- d. Except as provided in subsection (D)(2)(d)(1) of this section, drive-through lanes and drive-up spaces shall be located in the rear or side yards and shall not be placed between a street and the building. See Diagram 1.

(1) In cases where there is a grade difference of more than six feet and a slope greater than 150 percent between the adjacent street and the property in question precluding direct pedestrian entrance from a street, drive-through lanes may be located between the street and the building provided the drive-through use is:

- (A) Located in a Level II commercial center; and
- (B) Below grade of the adjacent street; and
- (C) Pedestrian amenities are provided in accordance with subsection (D)(1) of this section.

- e. Reserved parking spaces for drive-through orders may be required.
- f. Vehicle conflicts with pedestrians and bicycles shall be minimized.

3. Landscaping and Screening.

- a. Drive-through windows, menu boards, stacking lanes, drop-offs, and drive-up spaces shall be located to minimize impacts to adjacent properties and screened from the public right-of-way to the maximum extent possible. At a minimum, a berm or wall and Level III landscaping shall be required.
- b. The drive-through, drop-off or drive-up facility shall be buffered and visually screened from residential development with a wall and Level I landscaping, or by other equivalent natural or constructed barriers, such as other commercial development.

4. Architecture. Drive-through elements shall be architecturally integrated into building design and not appear to be applied or stuck on to the building.



Not Architecturally Integrated



Architecturally Integrated

5. Noise.

- a. The project applicant shall provide the plans and specifications for any potential noise sources, such as intercom system, trash compactor, etc. Plans shall include measures to mitigate any potential adverse impact from such noise sources. Plans shall include calculations from a qualified design professional specializing in environmental acoustics.
- b. Speakers at drive-through facilities shall not be audible to adjacent residential uses or disturbing to adjacent nonresidential uses. Sound attenuation walls or other mitigation measures shall be required as necessary.
- c. Speaker boxes of any point-to-point intercom system shall be oriented away from residential development and other sensitive receptors located in the general area of the drive-through facility.
- d. Outdoor maintenance and cleaning activities shall be limited if determined necessary by the City to achieve compatibility with surrounding land uses.
- e. The on-site manager shall not permit any loud music, noise or other sounds by means of radio, or other broadcasting apparatus or device, and shall not permit fighting, quarreling, loitering, or loud noise or other nuisance which disturbs the quiet and peace of the premises or the neighborhood.
- f. Hours of operation shall be limited as determined necessary by the City to achieve compatibility with surrounding land uses.

6. Emission Control. Drive-through and drop-off lanes and drive-up spaces shall not be located adjacent to plazas and other pedestrian use areas, other than walkways, and are discouraged adjacent to nonresidential buildings within 30 feet of the proposed lane. Drive-through stacking lanes shall not be located within 50 feet of any residential uses.

7. Light and Glare. All lighting fixtures shall be designed, installed and maintained to direct light only onto the subject property.

8. Maintenance. The site shall be maintained in a litter-free condition and no undesirable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that the trash or litter originating from the use is not deposited on adjacent properties. Trash enclosures and bins shall be enclosed on all sides to suppress odors and prevent spillage of materials. Graffiti shall be removed within 48 hours.

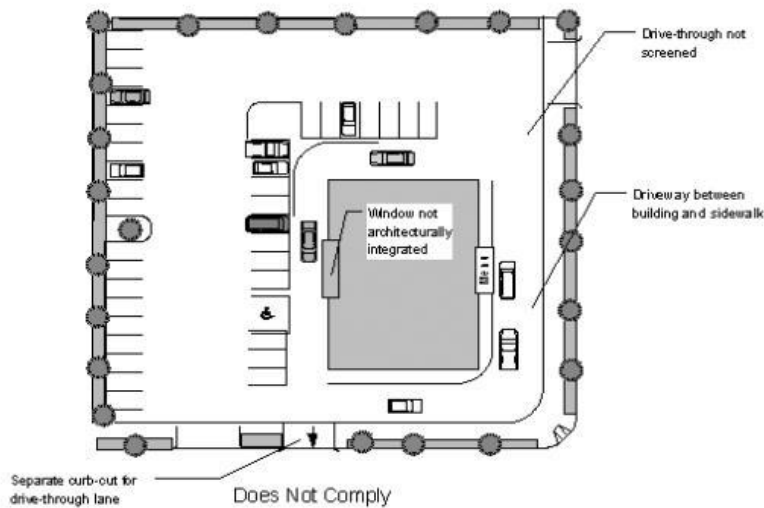
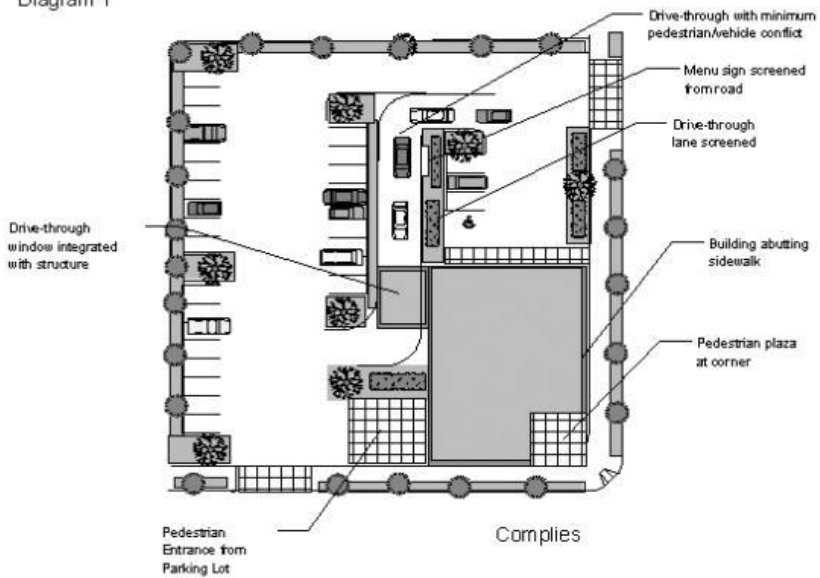
E. Additional Conditions. The standards in this section constitute the minimum deemed necessary under general circumstances and in most cases to prevent adverse effects from drive-through facilities. Other and further standards

may be required as conditions of approval to ensure that such uses are consistent with the Comprehensive Plan and findings required to grant a conditional use permit if one is required.

F. Continuation of Use. If any nonconforming drive-through or drive-up facility is discontinued for a period of 12 months or longer, any new drive-through facility shall comply with these standards.

1. A nonconforming drive-through lane or drive-up may relocate to a more conforming location consistent with this section.

Diagram 1



Note: This diagram is for illustrative purposes only and NOT intended to dictate required site layout or design

(Ord. 741 § 1 (Exh. O), 2020; Ord. 701 § 1 (Exh. A), 2018; Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 599 § 1 (Exh. C), 2011; Ord. 455 § 1 (Exh. A), 2005).

The University Place Municipal Code is current through Ordinance 786, passed December 2, 2024.

19.70.140 CannabisMarijuana related uses.

A. Purpose. The purpose of this section is to regulate [cannabis](#)~~marijuana~~ producers, processors, and retailers, medical [cannabis](#)~~marijuana~~ cooperatives, and [cannabis](#)~~marijuana~~ research regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and performance standards. [Cannabis](#)~~Marijuana~~ producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of [cannabis](#)~~marijuana~~ remains illegal under the Federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent Federal law.

B. Applicability. This section applies to [cannabis](#)~~marijuana~~ uses licensed by the Washington State Liquor and Cannabis Board.

C. Permitted Uses. Only [cannabis](#)~~marijuana~~ retailers, producers and processors licensed by the Washington State Liquor and Cannabis Board are allowed. [Cannabis](#)~~Marijuana~~ production or processing shall not be considered agricultural uses.

D. Review Required – Conditional Use Permit. A conditional use permit is required to operate any [cannabis](#)~~marijuana~~ retailer, producer, or processor. Conditional use permits shall be processed in accordance with UPMC 19.85.020 and UPMC Title 22 and with all other applicable provisions of the University Place Municipal Code.

E. Limitations on [Cannabis](#)~~Marijuana~~ Retail Uses. The following limitations shall apply to all [cannabis](#)~~marijuana~~ retailers, unless stated otherwise:

1. A [cannabis](#)~~marijuana~~ retailer shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- c. Recreation center or facility;
- d. Child care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries; and
- h. Any game arcade where persons under 21 years of age are not restricted.

2. No [cannabis](#)~~marijuana~~ retailer shall be located within 1,000 feet of any other [cannabis](#)~~marijuana~~ retailer.

F. Limitations on [cannabis](#)~~Marijuana~~ Processors and Producers. The following limitations shall apply to all [cannabis](#)~~marijuana~~ processors or producers, unless stated otherwise:

1. A [cannabis](#)~~marijuana~~ processor or producer shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;

2. [Cannabis](#)~~Marijuana~~ processors or producers shall not be located within 100 feet of the following zones and uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

- a. R1 or R2 zones;
- b. Recreation center or facility;
- c. Child care centers;
- d. Public parks;
- e. Public transit centers;
- f. Libraries; and
- g. Any game arcade where persons under 21 years of age are not restricted.

G. Limitations on All ~~Cannabis~~Marijuana Uses. The following limitations shall apply to all ~~cannabis~~marijuana uses, unless stated otherwise:

1. Odor. ~~Cannabis~~Marijuana odor shall be contained within the structure and/or tenant space so that odor from the ~~Cannabis~~marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the ~~cannabis~~marijuana retailer shall be required to implement measures, including but not limited to the installation of the ventilation equipment necessary to contain the odor.

H. ~~Cannabis~~Marijuana Cooperatives. ~~Cannabis~~Marijuana-cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are allowed in accordance with State law requirements and the following additional standards:

1. ~~Cannabis~~Marijuana cooperatives must be conducted in a manner that is clearly secondary and incidental to the primary use of the property as a residence and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.
2. No outdoor display or storage of ~~cannabis~~marijuana growing, processing or producing materials, goods, supplies, or equipment is allowed.
3. No change in the outside appearance of the building or premises or other visible evidence that the residence is being used for a cooperative is permitted.
4. The cooperative shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

(Ord. 741 § 1 (Exh. O), 2020; Ord. 685 § 2 (Exh. A), 2017).



1211 South Pearl St. | Tacoma, WA 98465
253.272.2112 | www.masterbuilderspierce.com

October 1st, 2025

University Place Planning Commission
3609 Market Pl W suite 200,
University Place, WA 98466

Dear University Place Planning Commissioners,

On behalf of the Master Builders Association of Pierce County (MBAPC) Legislative Strategy Committee, I am writing to provide comments on the proposed updates to the City's Critical Area Ordinance (CAO).

As you know, Pierce County is facing a housing affordability crisis, with nearly one-third of households spending more than 30 percent of their income on housing. While adding more homes is essential to addressing this challenge, one of the largest, and oftentimes overlooked price drivers remains the cost of land itself. In Washington State, just 3.74 percent of all land is considered buildable, or located within an Urban Growth Boundary (UGAs). The resulting land scarcity has driven up development expenses dramatically and is ultimately reflected in higher home costs.

Despite this shortage, jurisdictions across the county have gradually restricted available land within UGAs via expanded buffers in local CAOs. For example, University Place's proposed update would expand the buffer for the Type F Riparian Management Zone (RMZs) by 50 feet, including Leach Creek, which already runs through heavily urbanized areas. It would also expand the Type NP RMZ buffer by 75 feet and Type Ns buffer by 90 feet, which is significant. These changes raise important questions about how infill and accessory dwelling unit (ADU) development on existing urban lots will be impacted.

We recognize that the City's environmental regulations must comply with state law. However, we urge University Place to preserve buildable land wherever local discretion is allowed. For instance, we support clustering Category 5 wetlands buffers with Categories 3 and 4 so that buffer requirements for this category are reduced while still protecting valuable natural resources.

During this housing crisis, every foot of buildable land matters. The MBAPC stands ready to work with the city to identify solutions that balance environmental stewardship with the urgent need for housing affordability. Together, we can ensure University Place remains accessible for the next generation of homeowners.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sam Kuo".

Legislative Strategy Committee Chair
Master Builders Association of Pierce County

Periodic Review and Update of Development Regulations and Critical Areas Ordinance

University Place City Council

Study Session #1

October 20, 2025

Legal Framework – Growth Management Act (GMA)

RCW 36.70A.130 Requirements

- Mandates periodic review and, if necessary, revision of comprehensive plans and regulations.
- Ensures consistency with GMA requirements and any legislative changes.

Periodic Update

- Comprehensive Plans (completed 2024)
- Development Regulations
- Critical Areas Ordinance

Background – Periodic Update



City Council Adoption

Adopted the Comprehensive Plan
Periodic Update on December 2, 2024.



Planning Commission

Conducted 4 study session during 2024.

Held a public hearing on October 1, 2025,
recommending approval to the City Council.

Development Regulations - Key Amendments

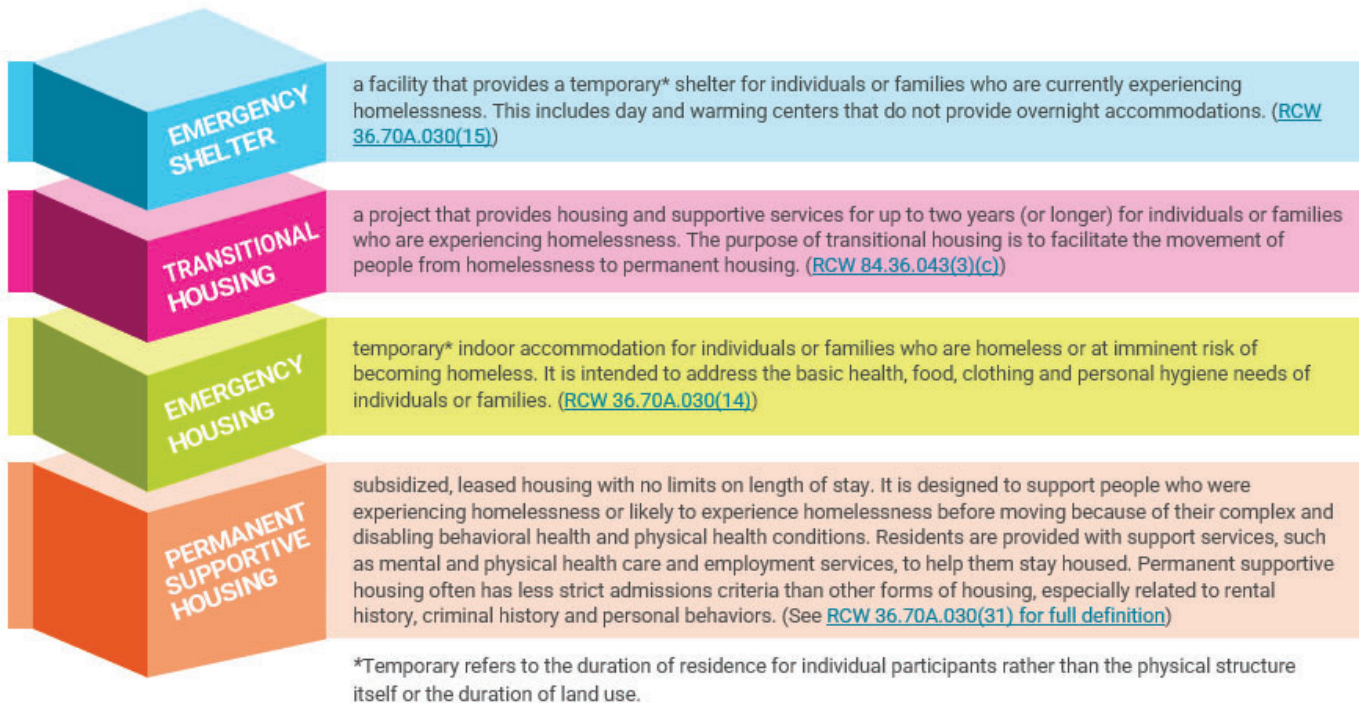
Title 19 – amendments throughout zoning code to ensure consistency with with 2024 Comprehensive Plan

STEP housing incorporated into zoning and use tables (HB 1220)

Parking Standards: Updated senior housing and for people with disabilities (HB 1923 and HB 2343)

STEP Housing

House Bill 1220 (passed in 2021)



Requirements

Emergency Shelter & Emergency Housing

- Must allow in any zone where hotels are allowed.
 - RCG Mixed-Use Zones
 - MU-N45, MU-U75, MU-U/I75, and MU-C110
 - Neighborhood Commercial (NC)
 - Mixed-Use (MU)
 - Mixed Use – Maritime (MU-M)

Transitional & Permanent Supportive Housing

- Must allow in any zone where residential dwelling units or hotels are allowed.
 - All zones except Parks and Open Space (POS)

Critical Areas Ordinance – Key Amendments

Title 17 updated – consistency with 2024 Comprehensive Plan & Best Available Science

Updated definitions and chapter titles consistent with RCW & WAC

Fish & Wildlife: Update stream buffers, added SPTH₂₀₀ methodology option

Wetlands: Updated buffer table

Wetland Buffers

Amend Habitat Score

Existing Regulations

Table 3 – Wetland Buffers

- 3-4 points is low habitat
- 5 points is moderate habitat by itself
- 6-7 points is moderate habitat
- 8-9 points is a high habitat

Proposed Amendment

- Merge habitat score 5 column with 3-4 column.
- Eliminate 105' buffer
- Retain 75'/60' buffer under new 3-5 column.

Table 3 – Wetland Buffer Requirements

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

Stream Buffers

Riparian Management Zone Buffer Widths

Creek <u>Type and</u> Name	Buffer Width
Chambers Creek/ <u>Type S</u>	200'
Leach Creek and Peach Creek/ <u>Type F</u>	<u>150</u> 100 '
Peach Creek	75 '
Crystal and Day Creeks/ <u>Type Np</u>	<u>100</u> 25 '
Non-Listed Creeks/ <u>Type Ns</u>	<u>100</u> '

Site Potential Tree Height (SPTH) Methodology



NEW TOOL FOR DETERMINING
RIPARIAN BUFFER WIDTHS



BASED ON EXPECTED
MATURE TREE HEIGHT
(200-YEAR POTENTIAL)



PROVIDES SCIENCE-
BASED METHOD FOR
HABITAT PROTECTION



RECOMMENDED BY
WDFW (RIPARIAN
ECOSYSTEMS, VOL. 2)

Next Steps

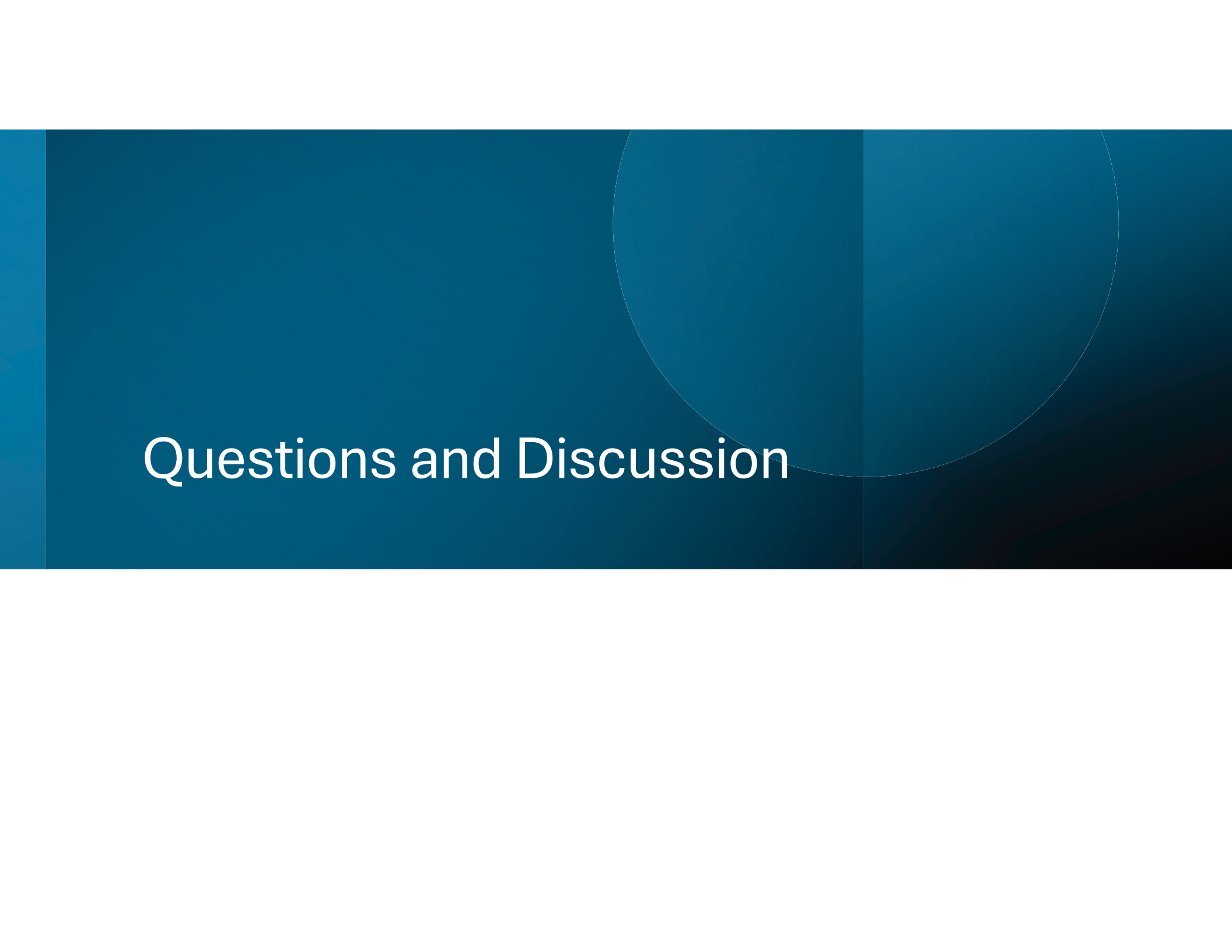


City Council to hold a public hearing on **December 3, 2025:**

Council will consider passing an ordinance to adopt amendments to the development and critical areas regulations



Deadline for completing the periodic update is December 31, 2025.

The background of the slide is a solid teal color. A large, lighter teal circle is positioned in the upper right quadrant. A thin, vertical teal line runs through the center of the circle. The text "Questions and Discussion" is written in a white, sans-serif font, centered horizontally and positioned below the circle.

Questions and Discussion

**UNIVERSITY PLACE CITY COUNCIL
Regular Council Meeting
Monday, October 20, 2025, 6:30 p.m.**



Note: Times are approximate and subject to change.

PUBLIC NOTICE

The University Place City Council will hold its scheduled meetings to ensure essential city functions continue. Members of the public can attend and participate in a Council meeting in the following manners:

- In-person at the City Council Chambers at 3609 Market Place West, Third Floor;
- Watch live broadcast on University Place Television, Lightcurve (formerly Rainier Connect) Channel 12 or Comcast Channel 21 (SD) or 321 (HD);
- Watch live broadcast on the City's YouTube channel www.YouTube.com/UniversityPlaceTV;
- Watch live broadcast on the City's website www.cityofup.com/398/City-Council-Meetings;
- Listen by telephone by dialing 1 509-342-7253 United States, Spokane (Toll), Conference ID: 734 528 401#; or
- Attend virtually by clicking this hyper-link: [Click here to join the meeting.](#)

How to participate in Public Comment and public testimony on Public Hearings:

- In-person at the City Council Chambers.
- Written comments are accepted via email. Comments should be sent to the City Clerk at Egenetia@cityofup.com. Comments received up to one hour (i.e., 5:30 p.m.) before the meeting will be provided to the City Council electronically.
- Participation by telephone. Call the telephone number listed above and enter the Conference ID number. Once the Mayor calls for public comment, use the "Raise Hand" feature by pressing *5 on your phone. Your name or the last four digits of your phone number will be called out when it is your turn to speak. Press *6 to un-mute yourself to speak.
- Participation by computer. Join the meeting virtually by clicking on the hyper-link above. Turn off your camera and microphone before you press "Join Now." Once the Mayor calls for public comment, use the "Raise Hand" icon on the Microsoft Teams toolbar located at the top of your screen. Your screen name will be called out when it is your turn to speak. Turn on your camera and microphone (icon located at the top of your screen) to unmute yourself. Once you are done, turn off your camera and microphone.

In the event of technical difficulties, remote public participation may be limited.

AGENDA

- | | |
|---------|--|
| 6:30 pm | 1. CALL REGULAR MEETING TO ORDER |
| | 2. ROLL CALL |
| | 3. PLEDGE OF ALLEGIANCE – Councilmember McCluskey |
| | 4. APPROVAL OF AGENDA |
| 6:35 pm | 5. PRESENTATIONS <ul style="list-style-type: none">• 30th Birthday Bash Sponsorship Recognitions
– Honest Home Solutions and Alta University Place• University Place Historical Society's 25th Anniversary |
| 6:45 pm | 6. PUBLIC COMMENTS |
| 6:50 pm | 7A. – CONSENT AGENDA
7B. 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 from 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. Approve the minutes of the October 6, 2025 Special and Regular Council meetings as submitted.

6:55 pm	8. PURCHASE DEVELOPMENT AGREEMENT – 27TH STREET APARTMENTS, LLC • Staff Report • Public Comment • Council Consideration
7:25 pm	9. CITY MANAGER & COUNCIL COMMENTS/REPORTS - (Report items/topics of interest from outside designated agencies represented by Council members, e.g., AWC, PRSC, Pierce Transit, RCC, etc., and follow-ups on items of interest to Council and the community.) STUDY SESSION – (At this time, the 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	10. 2025 SECOND QUARTER FINANCIAL REPORT
8:00 pm	11. ZONING CODE AMENDMENTS
9:00 pm	12. ADJOURNMENT

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