

RESOLUTION NO. 572

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, PERTAINING TO RETAINING WALLS, AMENDING UNIVERSITY PLACE MUNICIPAL CODE CHAPTER 14.20 TO MOVE PROVISIONS REGARDING DEFINITIONS AND DESIGN STANDARDS FOR RETAINING WALLS TO UNIVERSITY PLACE MUNICIPAL CODE CHAPTER 19.45

WHEREAS, the University Place Municipal Code Chapter 14.20 provides standards for the construction of retaining walls including but not limited to maximum height and setbacks to mitigate the impacts of retaining walls; and

WHEREAS, the University Place Municipal Code Chapter 19.45 also provides standards for the construction of retaining walls including but not limited to height and setbacks to mitigate the impacts of retaining walls; and

WHEREAS, standards regarding compliance with the State Building Code including but not limited to the structural integrity of retaining walls are best maintained in Chapter 14.20; and

WHEREAS, standards regarding maximum height and setbacks of retaining walls to mitigate the impacts of retaining walls are best maintained in Chapter 19.45; and

WHEREAS, to protect the public health, safety and welfare and to protect value of real and personal property;

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

Section 1. Amending Chapter 14.20 of the University Place Municipal Code. Chapter 14.20 UPMC is hereby amended as follows:

14.20.010 Purpose and scope.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating the construction and placement of retaining wall systems through the adoption of specific standards to augment existing codes. These provisions shall apply to the construction and/or alteration of retaining walls on all public and private property that is not within a public right-of-way of the city.

14.20.020 Definitions.

For the purpose of this chapter the following definitions shall apply:

~~“Building code” means the latest edition of the International Building Code as amended and adopted by the city.~~

~~“Cut” means an alteration or excavation of the slope of native soils material resulting in a new face or slope.~~

~~“Fill” means the placement of soils material to achieve a new ground surface.~~

~~“Height of wall” means the measured distance between the bottom of the footing to the top of the wall.~~

~~“Retaining wall” means a manmade structure built out of rock, block, wood, or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. This definition includes, but not limited to, other systems designed to retain earth or other materials such as a geosynthetic-reinforced soil system.~~

14.20.030 Permit requirement.

It shall be unlawful to construct, enlarge, alter, repair or demolish any retaining wall without a building permit from the city's permit center. The application, submittal, permitting and inspection requirements for retaining walls shall be as specified in the building code and other city codes and ordinances.

14.20.040 Exemptions.

- A. Retaining walls with a height of wall not exceeding four feet are exempt from this chapter if:
1. The wall is set back from any adjacent property lines or structures at a minimum distance equal to the height of the wall;
 2. The material retained by the wall slopes up and away from the wall at a ratio not exceeding one foot vertical per two feet horizontal distance; and
 3. The wall is not supporting a surcharge.
- B. Emergency repairs required to stabilize slopes in existing active landslide areas may exceed the height limits set forth in this Chapter provided the Building Official determines the following criteria are met:
1. The repairs meet the requirements of Chapter 14.05 UPMC; and
 2. An imminent danger of slope failure exists that will threaten life or the safety of existing upslope or down slope property; and
 3. The Building Official certifies that strict compliance with the other provisions of this Chapter is likely to result in insufficient time to complete the repairs to provide for the necessary stabilization of the active area.
 4. The emergency repairs are not necessitated by actions of the applicant or property owner in violation of City codes.
 5. The height of the retaining walls are the minimum necessary to stabilize the slope.

14.20.050 Design and construction.

A. Retaining wall systems shall be designed for all loads as specified in the building code and in keeping with nationally recognized standards. Designs shall be based upon sound engineering and geotechnical principles.

B. ~~Maximum Wall Heights.~~

- ~~1. The maximum height of a retaining wall in a fill section shall be limited to ten (10) feet. Any fill wall eight feet or taller, when located within 15 feet of an exterior property boundary, shall be provided with landscaping at the base of the wall equivalent to level II landscaping outlined in UPMC 19.65.~~
- ~~2. The maximum height of a retaining wall in a cut section shall not be limited, provided that the final grade at the top of the wall is within one (1) foot of the preexisting grade.~~
- ~~3. Where multiple walls are situated in a terrace like pattern they shall be considered one wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than or equal to the combined height of the walls.~~

~~Exception: The horizontal separation may be reduced to 50% of the combined height of the walls (but in no case less than five feet), where the terraced area is landscaped with bushes and groundcover in accordance with the level II landscaping provisions of UPMC 19.65.~~

14.20.060 ~~Variances.~~

~~Where there are unique constraints that would prohibit full compliance with the provisions of this chapter and would deny the property owner of use of their property that would be permitted to other properties, a variance may be considered. In these cases, the procedures in UPMC 19.85.030 shall be used. In addition to the criteria set forth in UPMC 19.85.30, an application for a variance must show how the~~

~~combination of landscaping and/or natural terrain provides for mitigation of impacts equal or exceeding those provided by the prescriptive requirements.~~

14.20.0760 Appeals.

Any person or entity aggrieved by any decision or order of the Director under this Chapter may appeal the decision in accordance with the procedures and timelines established in Title 22 UPMC.

14.20.0870 Conflicts.

Where there is a conflict between this chapter and any other code or ordinance of the city, the more specific provisions shall apply.

14.20.0980 Copy to be available.

One copy of this chapter shall be available in the office of the City Clerk for use and examination by the public.

Section 2. Copy to be Available. One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.


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

PASSED BY THE CITY COUNCIL ON AUGUST 2, 2010.



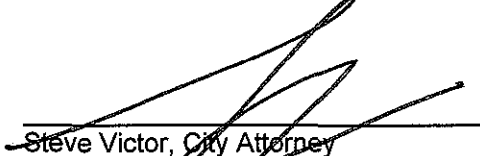
Debbie Klosowski, Mayor

ATTEST:



Emly Genetia, City Clerk

APPROVED AD TO FORM:



Steve Victor, City Attorney

Date of Publication: 08/04/10
Effective Date: 08/09/10