

ORDINANCE NO. 410

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, PERTAINING TO RETAINING WALLS, AMENDING UNIVERSITY PLACE MUNICIPAL CODE CHAPTER 14.20 TO PROVIDE FOR EMERGENCY PERMITS TO CONSTRUCT RETAINING WALLS UNDER LIMITED CIRCUMSTANCES, DECLARING AN EMERGENCY, SETTING A PUBLIC HEARING ON THIS ORDINANCE AND PROVIDING FOR THIS ORDINANCE TO BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE BY THE CITY COUNCIL.

WHEREAS, currently the University Place Municipal Code provides standards, including height limits, for the construction of retaining walls on private property in Chapter 14.20; and,

WHEREAS, certain engineered retaining walls exceeding the height limit may be necessary to prevent erosion and stabilize slopes in active landslide areas and to protect public and private property; and

WHEREAS, to protect the public health, safety and welfare and to protect real and personal property the City Council declares an emergency pursuant to RCW 43.21C and WAC 197-11-880 and acts now to amend the retaining wall standards at Chapter 14.20; NOW, THEREFORE,

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

Section 1. Declaration of Emergency and SEPA Exemption. The City Council declares that an emergency exists because passage of this ordinance is necessary immediately to protect against an imminent threat to the life, safety and the public health of members of this community and to protect personal and real property interests. Therefore, this ordinance is exempt from the State Environmental Policy Act pursuant to RCW 43.21C, WAC 197-11-880 and the City's SEPA provisions, UPMC 17.40. Any retaining walls built, however, pursuant to this Ordinance shall fully comply with applicable SEPA and other land use requirements.

Section 2. 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 purposes of this chapter the following definitions shall apply:

"Building code" means the latest edition of the Uniform 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 a 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 is 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 downslope 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 by a professional engineer licensed to practice in the state of Washington 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 eight feet.
2. The maximum height of a retaining wall in a cut section shall be limited to 12 feet. A section that consists of a combination of a cut and a fill shall be considered as a cut; provided, that the fill above the cut is no more than two feet in depth.
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.

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.

14.20.070 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.

14.20.080 Conflicts.

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

14.20.090 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 3. Directing the City Clerk to Set a Hearing on this Ordinance. To the extent that any portion of this ordinance acts as an interim zoning control within the meaning of RCW 35A.63.220 the City Clerk is directed to set a public hearing within sixty days for the purpose of taking testimony about this ordinance and adopting any necessary findings of fact required by law.

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

Section 5. 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 6. Publication and Immediate Effectiveness. This Ordinance, having been enacted by a majority plus one vote of the members of the City Council after the Council declared an emergency, shall be in full force and effect immediately. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City within five days hereof.

PASSED BY A VOTE OF A MAJORITY PLUS ONE OF THE CITY COUNCIL ON MARCH 15, 2004.


Ken Grassi, Mayor

