

ORDINANCE NO. 501

AN ORDINANCE of the City Council of the City of Lakewood, Washington, repealing Title 12 Streets, Sidewalks and Public Thoroughfares, and Section 17.46 Site Development Regulations, and creating a new Title 12A Public Works.

WHEREAS, the City of Lakewood incorporated on February 28, 1996; and

WHEREAS, on February 20, 1996, the City of Lakewood adopted Ordinance No. 61 which enacted Chapter 17.46 of the Lakewood Municipal Code, the City's Interim Site Development Regulations; and,

WHEREAS, on February 20, 1996, the City of Lakewood adopted Ordinance No. 63 which enacted Title 12 of the Lakewood Municipal Code, the City's Interim Streets, Drainage and Right-of-Way Regulations; and,

WHEREAS, on January 20, 1998, the City of Lakewood adopted Ordinance No. 155 which modified select sections of Title 12 of the Lakewood Municipal Code; and,

WHEREAS, the regulations existing after the adoption of Ordinance Nos. 61, 63, and 155 are a compilation of regulations from other jurisdictions which regulations have changed little since City incorporation; and,

WHEREAS, combining the two code sections into a new Title 12A will clear up deficiencies in the existing code, and create a more user friendly code for public and staff alike; and,

WHEREAS, a technical advisory committee was formed in 2006, representing varying development interest groups to review and provide input on the updating of the proposed regulations; and

WHEREAS, the Technical Advisory Committee held six (6) open meetings and provided input and recommendations regarding the proposed amendments; and,

WHEREAS, on June 23, 2009, the City of Lakewood Community Development Department released proposed updates to the City's public works and site development regulations and related provisions of the municipal code for public review and issued a Determination of Non-Significance (DNS) for this proposal; and,

WHEREAS, the Planning Advisory Board finds that the updated public works and site development regulations will adequately assist with public and private development within Lakewood; and,

WHEREAS, the Lakewood Planning Advisory Board held a public hearing on the proposed regulations on July 29, 2009, considered the public testimony received through the public hearing process, and deliberated on the proposed public works and site development regulations update, and found that the proposed amendments are acceptable;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,  
WASHINGTON DO ORDAIN as follows:

Section 1. That Title 12 Streets, Sidewalks and Public Thoroughfares of the Lakewood Municipal Code is hereby repealed.

Section 2. That Chapter 17.46 Site Development Regulations of the Lakewood Municipal Code is repealed.

Section 3. That Title 12A Public Works is hereby added to the Lakewood Municipal Code to read as follows:

**TITLE 12A**  
**PUBLIC WORKS**

**12A.00.000 – Title Contents**

Chapters:

- 12A.01 Administration
- 12A.02 Organization and Enforcement

12A.03	Standard Specifications, Guidelines, and Regulations
12A.04	Permits
12A.05	Procedures
12A.06	Project Closeout
12A.07	Right-Of-Way
12A.08	Use of Streets and Right-of-Way – Parades, Motorcades, Runs, and Assemblies
12A.09	Transportation Facilities
12A.10	Site Development Provisions
12A.11	Stormwater Management
12A.12	Street and Alley Vacation Procedures
12A.13	Commute Trip Reduction
12A.14	Definitions and Abbreviations

**12A.01.000 – Administration – Public Works Code**

**Chapter 12A.01**

**Administration**

Sections:

- 12A.01.010 Title
- 12A.01.020 Purpose
- 12A.01.030 Scope
- 12A.01.040 Provisions of This Title Not Exclusive
- 12A.01.050 Conflicting Provisions
- 12A.01.060 Severability

**12A.01.010 – Title**

This title shall be known as the Lakewood Public Works Code, may be cited as such, and will be referred to herein as “these regulations.” The term “these regulations” shall also include other provisions of the Lakewood Municipal Code (LMC) that are referenced herein.

**12A.01.020 – Purpose**

These regulations establish criteria for review and analysis by the City Engineer, and/or the designee thereof, of all development proposals including, but not limited to the following: grading, formal subdivision, short subdivision, large lot division, commercial building, binding

site plans, mobile home parks, utility or other work within City right of way, or other projects. All development proposals, whether public or private, which are submitted to the City for review, shall conform to these regulations, which are to be used as the basis for review, design, and construction.

These regulations cannot address all situations. They are intended to assist, but not to substitute for professional engineers to submit competent work. It is expected that the applicant's professional engineer will bring to each project the best of his/her skills and abilities to ensure that each project is thoroughly analyzed and designed correctly, accurately, and in compliance with generally accepted engineering practices. These regulations are not intended to unreasonably limit any innovative or creative effort in design and construction which could result in better quality, cost savings, or improved performance of a development project.

The purpose of these regulations is to ensure that minimum public safety requirements are met and to provide the most effective and appropriate design elements for the function each project serves. The appropriate design elements should address safety, welfare, appearance, and economics of a facility design and be consistent with City Comprehensive Plan policies.

These regulations are based on the premise that development should not impact adjacent and/or downstream property owners compared to the predevelopment condition. The project engineer shall show by calculations, plans, and engineering data that the proposed project meets the requirements of these regulations.

It is not the intent of these regulations to make the City of Lakewood a guarantor or protector of public or private property in regard to land development activity.

#### **12A.01.030 – Scope**

This code establishes the standards for construction, improvement and maintenance of street system improvements and storm drainage facilities, utilities, grading and clearing, emergency vehicle access, and related amenities, whether such activities occur on public rights-of-way or on private lands. Further, this code establishes procedures to administer these standards.

#### **12A.01.040 - Provisions of This Title Not Exclusive**

Other provisions of the LMC apply to the development or improvement of real property. The provisions of this title are not exclusive.

#### **12A.01.050 - Conflicting Provisions**

In the case where any provision of Title 12A of the LMC is or could be construed as being in conflict with any other provision of the LMC or any of the manuals adopted by reference herein, the provision of Title 12A shall control, and the provisions of the LMC shall, to the fullest extent reasonably possible, be construed and interpreted consistent with the purposes of Title 12A.

#### **12A.01.060 – Severability**

The sections, paragraphs, sentences, clauses, and phrases of this title are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this title, which shall continue in full force and effect. Further, if any section, paragraph, sentence, clause, or phrase of this title is adjudged invalid or unconstitutional as applied to a particular property, use, building, or other structure, the application of said portion of this title to other property, uses, buildings, or structures shall not be affected.

## **12A.02.000 - Organization and Enforcement**

### **Chapter 12A.02**

#### **Organization and Enforcement**

Sections:

- 12A.02.010 Authority
- 12A.02.020 Violations
- 12A.02.030 Enforcement Measures
- 12A.02.040 Inspections
- 12A.02.050 Public Nuisance
- 12A.02.060 Serving of Orders
- 12A.02.070 Contents of Orders
- 12A.02.080 Appeals

#### **12A.02.010 - Authority**

The City Engineer, or the designee thereof, is hereby authorized to interpret and enforce these regulations consistent with the regulations of this Ordinance. The City Engineer is authorized to interpret all technical codes referenced herein or incorporated by reference into these regulations. The City Engineer has authority to resolve disputes or questions of fact in connection with work covered by these regulations or the issuance, conditioning or denial of permits and applications.

#### **12A.02.020 – Violations**

It shall be a violation of this title for any person to:

- A) Use, construct, locate or demolish any structure, land, sign or property within the city without first obtaining the permits or authorizations required by this title.
- B) Use, construct, locate or demolish any structure, land, sign or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to these regulations.

- C) Remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, LMC 14.02, Environmental Rules and Procedures, or other City ordinances.
- D) Misrepresent any material fact in any application, plans or other information submitted to obtain any landuse authorization.
- E) Fail to comply with the requirements of these regulations or any applicable state or local law or regulation.

Except as specified elsewhere, a violation of this Ordinance is a misdemeanor crime, punishable by imprisonment in jail for a term of up to ninety (90) days, by a fine of up to one thousand dollars (\$1,000), or by both such imprisonment and fine.

#### **12A.02.030 - Enforcement Measures**

The City Manager or designee is authorized and empowered to ensure compliance with and enforce the provisions of this title to the fullest extent of the law.

#### **12A.02.040 – Inspections**

The City Engineer, or designee thereof, and all inspectors or employees of the City shall at all reasonable times have and be granted access to any premises, dock, building, storeroom, warehouse, property or residence for the purpose of inspecting same and ascertaining compliance with the provisions of this Ordinance.

#### **12A.02.050 – Public Nuisance**

- A. Any building, project or land found in violation of these regulations is deemed to be a public nuisance and a danger to the public health and/or safety. Failure to remedy violations of these regulations after lawful notice to do so shall be a misdemeanor crime punishable as provided in LMC 1.44 and LMC 8.16.040. Notices declaring violations of these regulations to be a public nuisance shall be written and served as provided for in this title.
- B. The City Engineer, or designee thereof, shall have the power and authority to order verbally and/or in writing the owner, occupant or user of property to correct and remove such nuisances at the expense of such owner, occupant, or user within such time as the City Engineer, or designee thereof, may order.
- C. In the event of the refusal or failure to remove such nuisance within said time, the City Manager or designee may cause such nuisance to be abated at the expense of such person or persons, which cost may be recovered by the City from such person or persons in an action brought in the name of the City to recover the same in any court of competent jurisdiction. The City Engineer, or designee, is also authorized to file a lien against the property on which the nuisance was abated in the amount of the City's costs in abating

the nuisance, and to enforce said lien against the property. In any such abatement by the City, the City shall also be entitled to interest accruing at the rate of twelve percent (12%) per annum from the time of the expenditure of funds by the City for such abatement. The authority for enforcement provided herein shall be in addition to and as an alternative to the authority of the City to prosecute violations of City Codes as misdemeanors, gross misdemeanors or infractions.

**12A.02.060 – Serving of Orders**

A. Written orders made pursuant to this Ordinance shall be served on a person, owner, agent or occupant of a premise or property, and shall be deemed to have been served under any of the following conditions:

1. Such order is delivered to such person by any authorized representative of the City Engineer or designee;
2. Such order is mailed (by registered mail) to the owner, representative of the owner, or the last known occupant of the premises;
3. Such order, properly signed, is posted by an authorized representative of the City Engineer or designee upon any portion of such premises visible from a public place.

B. If the whereabouts of such persons are unknown and the same cannot be ascertained by the City Engineer or designee after reasonable diligence, the City Engineer or designee shall make an affidavit to that effect, then the order shall be served by publishing the same twice, once each week for two consecutive weeks, in the official newspaper of the City.

**12A.02.070 – Contents of Order**

The order shall contain the following information:

- A. Name of owner or other persons or parties interested;
- B. Street address and legal description of the premises;
- C. General description of the premises considered a nuisance;
- D. A statement or list of items in violation of this Chapter;
- E. A reasonable time for correction of the violation;
- F. A copy of the order shall be filed with County Auditor, which filing shall have the same force and effect as other lis pendens orders provided by law.

**12A.02.080 – Appeals**

Any person or agency aggrieved by any act or decision of the City under these regulations may appeal to the City of Lakewood Hearing Examiner pursuant to the provisions of LMC 18A.02.740(c)(2). Such appeal must be made in writing, served upon the City Clerk of the City, and must be accompanied by the Hearing Examiner Fee in the amount specified in the City's Fee Schedule.

## **12A.03.000 - Standard Specifications, Guidelines, and Regulations**

### **Chapter 12A.03**

### **Standard Specifications, Guidelines, and Regulations**

Sections:

12A.03.010 Engineering Standards Manual

12A.03.020 Adopted Guidelines and Regulations

### **12A.03.010 - Engineering Standards Manual**

These regulations make reference to the “Engineering Standards Manual,” a document published by the City of Lakewood. This document includes construction specifications, standardized details, and design standards referred to in these regulations and are enforceable through the provisions of these regulations. The Engineering Standards Manual and any amendments thereto are available to the public upon request and at least one copy of the Engineering Standards Manual shall be kept on file in the Office of the City Clerk. The specifications include, but are not limited to, the following:

- Street widths, curve radii, alignments, street layout, street grades, pavement design;
- Intersection design, sight distance and clearance, driveway location;
- Sidewalk placement and standards, length of cul-de-sacs, street-end designs;
- Surface water and Stormwater specifications;
- Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices; and
- Other improvements or features within the public right-of-way.

### **12A.03.020 - Adopted Guidelines and Regulations**

Except where these regulations and the Engineering Standards Manual provide otherwise, design detail, construction, and materials shall be in accordance with the following publications’ current editions:

- A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials
- Design Manual, published by the Washington State Department of Transportation
- Highway Runoff Manual, published by the Washington State Department of Transportation
- Manual on Uniform Traffic Control Devices (MUTCD), published by the U.S. Department of Transportation as adopted and amended by the State of Washington
- Pierce County Stormwater Management and Site Development Manual



- Soil Survey of Pierce County Area, Washington, published by the Natural Resources Conservation Service, U.S. Department of Agriculture
- Standard Plans for Street, Bridge and Municipal Construction, published by the Washington State Department of Transportation
- Standard Specifications for Highway Bridges, published by the American Association of State Highway and Transportation Officials
- Standard Specifications for Street, Bridge and Municipal Construction, published by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association
- Stormwater Management Manual for Western Washington, published by the Washington State Department of Ecology, and including Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, or approved equivalent
- Trip Generation Manual, published by the Institute of Transportation Engineers
- Highway Capacity Manual, published by the Transportation Research Board
- WSDOT Pavement Guide, published by the Washington State Department of Transportation
- ADA Accessibility Guidelines, published by the United States Access Board

## **12A.04.000 – Permits**

### **Chapter 12A.04**

#### **Permits**

##### Sections:

- 12A.04.010 General Provisions
- 12A.04.020 Deviations
- 12A.04.030 Major Variance Procedures
- 12A.04.040 Site Development Permit
- 12A.04.050 Right of Way Permit
- 12A.04.060 Right of Way Vacation Petition
- 12A.04.070 Miscellaneous Permits

### **12A.04.010 - General Provisions**

- A. Permits shall be required for all construction and usage activities as described within this subchapter. Site development permits shall be valid for two years from the approval date, and may be extended for up to one additional year. Right-of-way permits shall be valid for six (6) months, and may be extended for one additional six (6) month period upon expiration of the time limits contained therein.

- B. If a permit has not been renewed or extended within the appropriate period of time, such permit shall be considered expired and a new application shall be submitted.
- C. All construction activities within City rights of way shall require a permit and the posting of a financial guarantee, unless the City Engineer determines such a guarantee to be unnecessary.

### **12A.04.020 - Deviations**

A deviation from the engineering standards is a mechanism to allow the City Engineer to grant an adjustment in the application of engineering standards. The deviation process follows the Process I application procedures, described in LMC 18A.02.540, except the City Engineer is responsible for the administrative decision.

An administrative decision on a request for a deviation shall be in writing and may be appealed pursuant to the appeal procedures outlined in LMC 18A.02.740.

Deviations may be granted when the proposal is based on engineering principles designed to solve or improve a site-specific issue that achieves results similar to or greater than those described in these regulations. Criteria for granting a deviation are:

- A) The granting of such deviation will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
- B) A deviation from engineering standards shall only be granted if the proposal meets the following criteria:
  - 1. Conform to the intent and purpose of these regulations;
  - 2. Produce a compensating or comparable result which is in the public interest;
  - 3. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
- C) Deviations from road standards shall meet the objectives for public safety as identified in the International Fire Code (IFC). Any deviation from road standards, which does not meet the IFC, shall also require concurrence by the Fire Marshal.
- D) Deviations from drainage standards shall meet the objectives for appearance, quality, and environmental protection.
- E) Deviations from drainage standards shall be shown to be justified and required for the use and situation intended.
- F) Deviations from drainage standards for facilities that request use of an experimental water quality facility or flow control facilities shall meet these additional criteria:
  - 1. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
  - 2. Construction of the facility can, in practice, be successfully carried out;

3. Maintenance considerations are included in the design, and costs are not excessive or will be borne and reliably performed by the applicant or property owner;

G) Any deviation from utility standards, for utilities not owned and operated by the City, shall require concurrence by the utility provider.

#### **12A.04.030 - Major Variance Procedures**

Proposed variances that do not meet the deviation criteria shall be subject to the Major Variance process as described in LMC 18A.2.

#### **12A.04.040 - Site Development Permit**

No person, party, firm, corporation, or entity shall do any grading, filling, cutting and clearing, excavating, or ditching, or create an impervious surface, unless the work is in accordance with a valid permit from the City issued pursuant to the provisions of these regulations. Each site shall require a separate permit. Applications for site development permits shall be made on forms that the City provides and will be considered incomplete unless submitted with all fees indicated in the City's fee schedule.

All forested land within the City of Lakewood is designated "likely to be converted," or is to be preserved in its natural state as greenbelts, parks, or open space. Therefore, only Class IV Department of Natural Resources permits shall be issued within the city limits. All DNR permits will require an additional City permit. The City Engineer may require the posting of security to assure compliance with requirements of this permit, which may include but are not limited to provisions for minimizing off-site soil erosion, noise disturbance, and fire danger. The City permit will not be issued until a development plan has been approved, and the applicant has demonstrated that he/she has the financial resources to proceed with the development project. Any cutting or removal of timber without a permit will be subject to the penalties outlined in this code.

Short plats, large lots, formal plats, mobile home parks, and other development projects that indicate new roads to be developed are required to obtain a permit. The permit issuance, payment of fees, and plan review shall be completed prior to plat approval or issuance of building permits.

#### **12A.04.050 - Right-Of-Way Permit**

City right-of-way shall not be blocked, occupied, privately improved or used for access or other purposes unless a permit has been issued for such use. Permits issued pursuant to this section shall not be construed to convey any vested private right or ownership interest in any City right-of-way. Every right-of-way permit shall state on its face that any City right-of-way subject to the permit shall be open to use by the general public except in those cases where specific conditions require the closure of the right-of-way to the public for safety reasons. Applications for right of way permits shall be made on forms that the City provides and will be considered incomplete unless submitted with all fees indicated in the City's fee schedule.

### **12A.04.060 – Right-of-Way Vacation Petition**

The owners of an interest in any real property abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the City Council to vacate the public interest of that street or alley. The street vacation process is described in Section 12A.12.000 of this code.

### **12A.04.070 – Oversize Load Permit**

All vehicles in excess of the legal weight or size limitations according to RCW 46.44.041 (Washington State Vehicle Table) shall obtain an oversize load permit prior to operating on Lakewood streets.

For applicants transporting the same oversize / overweight load on both a state highway and city streets, the applicant shall:

- 1) Obtain and fill out City of Lakewood oversize load permit application available from the Public Works Department. Note route through City streets, date, and approximate time of travel.
- 2) Attach WSDOT Special Motor Vehicle Oversize / Overweight Permit.
- 3) Pay permit fee.

For applicants transporting an oversized / overweight load on only city streets, the applicant shall:

- 1) Obtain and fill out City of Lakewood oversize load permit application available from the Public Works Department. Note route through City streets, date, and approximate time of travel.
- 2) Pay permit fee.

Allow for two (2) business days to process the permit.

### **12A.04.080 - Miscellaneous Permits**

See Section 12A.08.000 for details on Parades, Motorcades, Runs, and Assemblies.

Any permit work not covered by the fee schedule, if performed by an employee, will be based on actual hourly costs, plus benefits at 29%, plus 15% overhead.

### **12A.05.000 – Procedures**

#### **Chapter 12A.05**

#### **Procedures**

Sections:

- 12A.05.010 Responsibility of Applicant
- 12A.05.020 Environmental Considerations
- 12A.05.030 Right-of-Way Inspections

- 12A.05.040 Site Development Inspections
- 12A.05.050 Dedications
- 12A.05.060 Dedication of Land for Right-of-Way
- 12A.05.070 Private to Public Street Dedication
- 12A.05.080 Easements
- 12A.05.090 Financial Guarantees

### **12A.05.010 - Responsibility of Applicant**

All development proposals submitted to the City for review and approval shall be prepared by a professional engineer registered in the State of Washington. The City will review the engineer's work for compliance with these regulations. Should errors, omissions, or inaccurate data related to the engineer's work come to the City's attention, the engineer shall agree to be responsible for correcting all substantive deficiencies and shall agree to be responsible for any damages resulting from defective work conducted in reliance upon the engineer's work.

Prior to a development using or proposing to use an existing easement, the applicant shall research and provide to the City all information applicable to that easement. An affidavit shall be signed confirming all information was submitted to the best of the applicant's knowledge.

All surveying and staking shall be performed by or at the direction of a professional land surveyor licensed by the State of Washington. Construction staking shall be sufficient to allow the City Engineer to verify conformance to the approved plans.

### **12A.05.020 - Environmental Considerations**

An environmental checklist shall be submitted to the City Environmental Official for the work shown on the street and/or storm drainage construction plans submitted to the City for review and approval unless the proposed work is part of a project for which an environmental checklist has already been submitted or the work is categorically exempt per City Environmental Regulations or Chapter 197-11 Washington Administrative Code. A determination of non-significance or a final environmental impact statement shall be issued for the work and any comment period and appeal periods shall have expired before the project plans are given final approval by the City.

### **12A.05.030 - Right-Of-Way Inspections**

For all right-of-way construction (existing or proposed right-of-way), inspections will be done by the City Engineer, or the designated inspectors for the City Engineer. The applicant shall notify the City at least two business days in advance of each of the following required inspections:

Inspection No. 1: Clearing and grubbing, embankment and excavation, and temporary water detention/retention and siltation control.

Inspection No. 2: Complete drainage system prior to cover; including pipe connections, connections to structures, compaction, etc.

Inspection No. 3: General street; when the drainage system, underground utilities, and street grading to suitable subgrade are complete.

Inspection No. 4: General street; when the crushed gravel surfacing has been placed.

Inspection No. 5: General street; curb, gutter and sidewalk and other appurtenances if required by the approved plans.

Inspection No. 6: General street; while the paving is in progress.

Inspection No. 7: Overall street; after paving, cleaning of drainage system and all necessary cleanup, striping, buttoning, monumentation, and all street delineation work.

Lack of inspection(s) does not relieve the applicant from insuring proper construction and/or compliance with the approved plans and specifications.

#### **12A.05.040 - Site Development Inspections**

The applicant shall be responsible for ensuring conformance to plans for all site development work and stormwater management facilities. The applicant shall notify the City at least two business days in advance of each of the following required inspections:

Inspection No. 1: Installation of erosion control facilities prior to clearing.

Inspection No. 2: Completion of clearing.

Inspection No. 3: Upon completion of excavation, filling, and earthwork.

Inspection No. 4: Completion of project.

Inspection No. 5: Work in City Right of Way per Section 12A.05.030 above.

The project engineer shall be responsible for inspection and approval of the storm drainage system per Section 12A.06.020.

The City has the right to inspect private stormwater facilities at any time.

#### **12A.05.050 - Dedications**

The Applicant shall submit all necessary deeds, easements, etc., to the City for acceptance. The applicant shall bear all cost and responsibility for submitting or recording accepted documents to the Pierce County Auditor's Office.

#### **12A.05.060 - Dedication of Land for Right-Of-Way**

In order to protect the public safety and to aid in the safe movement of pedestrian and vehicular traffic, where the existing width for any right-of-way adjacent to a development site is less than the minimum standards listed in the tables within the Engineering Standards Manual, additional right-of-way dedication shall be required for the following:

A) All new construction.

B) All additions, alterations or tenant improvements.

- C) All subdivisions.
  - D) All single family or duplex homes if located on an arterial street.
- Reference Section 12A.09.030 (Road Improvements).

**12A.05.070 - Private to Public Street Dedication**

The City has no obligation to accept any private street into the City's street system for dedication or maintenance. It shall be the Applicant's responsibility to submit a preliminary site plan showing the street(s) proposed for dedication to the City. The Applicant shall receive the City's written approval before proceeding with street construction plans.

All construction work shall be completed to City standards and/or financial guarantee(s) submitted to the City in the form and amount as required by these regulations before the City will accept the street for dedication and maintenance.

Once the street has been dedicated to the City and accepted for maintenance, the street shall remain open for public use and may not be closed except by the City, as provided by Revised Code of Washington (RCW) sections 47.48.010, 47.48.020, and 47.48.031.

**12A.05.080 – Easements**

Easements shall be recorded for facilities used by a limited number of parties when approved by the City Engineer. All easements shall specify the maintenance responsibility in the recording documents. Examples of situations where easements may be used include, but are not limited to:

- A) Access for ingress and egress (driveways), or utilities serving a neighboring property.
- B) Design features of a street necessitating the granting of slope, wall, and drainage easements.
- C) Non-motorized easements to facilitate pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers.

**12A.05.090 - Financial Guarantees**

The City, in its sole discretion, may require a cash guarantee, or an irrevocable letter of credit to the City to ensure the subsequent completion and continued maintenance of all conditions to which a permit is subject. The guarantee or its equivalent shall be in a form acceptable to the City and shall represent a percentage of the estimated cost of design, materials, and labor related to the project in question, based on the estimated costs on the last day covered by the guarantee, of installing, replacing, or repairing, as appropriate, the improvements covered by the security, as agreed to by the Community Development Director and City Engineer. The cost estimate shall be reviewed and approved by the City Engineer prior to acceptance by the City of the guarantee or its equivalent. Guarantees shall be calculated as follows:

- A) Amount and duration of guarantees: One hundred fifty (150) percent of the costs specified above, for the duration specified by the City, or until all improvements are installed and accepted by the City, whichever is less.
- B) Maintenance guarantee (if required): Twenty (20) percent of the costs specified above, for the duration specified by the City, or until the City is satisfied that maintenance shall continue, whichever is less. However, the guarantee or equivalent may be extended by the City if repairs are made at the end of the guarantee period which, in the opinion of the Community Development Director or City Engineer, require additional guarantee of workmanship.

The cash guarantee or equivalent security may be required by, and presented to, the City upon request for a final project inspection or issuance of certificate of occupancy when required site work, improvements, or landscaping have not been completed. A separate guarantee may be established for landscaping, if deemed necessary by the Community Development Director or City Engineer. All securities shall be held until released by the Community Development Director or City Engineer.

In each case where a security is posted, the applicant and the City Manager shall sign a security agreement, approved in form by the City Attorney. The agreement shall provide the following information:

- A) A description of the work or improvements covered by the security; physical address of development property; permit number(s).
- B) Either the period of time covered by the security or the date after which the City will use the proceeds of the security to complete the required work or improvements.
- C) The amount and nature of the security and the amount of any cash deposit.
- D) Name, title, and address of Applicant; name and address of financial institution; account number if applicable.
- E) The rights and duties of the City and applicant.
- F) An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to enter the subject property for the purpose of inspecting and, if necessary, performing the work or making the improvements covered by the security.
- G) The mechanism by and circumstances under which the security shall be released. At a minimum, after the work or improvements covered by a security have been completed, or at the end of the time covered by a maintenance security, the applicant may request that the City release the security. If the applicant has complied with the security agreement and any applicable permit conditions, the Community Development Director or City Engineer shall release the remaining security. If the work has not been completed or repairs not made, then the City shall not release the security until such work is completed. Partial release of the security may be allowed provided that a security is retained equal to one hundred fifty (150) percent of the cost of the remaining work.

If, during the period of time covered by a maintenance security, or after the date by which the required work or improvements are to be completed under a security, the City Engineer determines that the security agreement has not been complied with, the City Engineer shall so notify the applicant. The notice shall state the following:



- A) The work that shall be done or the improvements that shall be made to comply with the security agreement; and
- B) The amount of time that the applicant has to commence and complete the required work or improvements; and
- C) That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the security to have the required work or improvements completed.

If the work or improvements covered by the security are not completed within the time specified in the notice, the City shall obtain the proceeds of the security and shall cause such work to be completed. Applicant shall be responsible for all costs incurred by the City in administering, maintaining, or making the improvements covered by the security. The City shall release or refund any proceeds of a security remaining after subtracting all costs for doing the work or making the improvements covered by the security, including City staff time. The applicant shall reimburse the City for any amount expended by the City that exceeds the proceeds of the security. The City may file a lien against the subject property for the amount of any excess. In each case where the City uses any of the funds of a security, it shall give the applicant an itemized statement of all funds used.

### **12A.06.000 - Project Closeout**

#### **Chapter 12A.06**

#### **Project Closeout**

Sections:

- 12A.06.010 Record (As-Built) Drawings
- 12A.06.020 Certification from Engineer (Storm Drainage System)
- 12A.06.030 City Acceptance
- 12A.06.040 One-Year Guarantee Period

### **12A.06.010 - Record (As-Built) Drawings**

Record drawings (sometimes referred to as “As-Built” drawings) shall be required for all development as deemed necessary by the City Engineer. A full-size set of record drawings shall be reviewed, edited (e.g., strike throughs, clouds, etc), stamped, and signed by a licensed professional engineer or surveyor, and submitted prior to the City’s acceptance of any improvement. Along with a hard copy, a digital copy of the record drawings produced using AutoCAD software (most recent edition) shall also be provided to the City. Each sheet of the record drawings shall include the following statement located at the bottom right-hand corner of the sheet when possible:

“These plans are record drawings and the information shown accurately reflects existing field conditions as of this date: \_\_\_\_\_.”

The following, as applicable, shall be included in all record drawing submittals:

- A) Roadway centerline stationing at minimum 50-foot spacing. Stationing shall include elevations and horizontal control in state plane coordinates.
- B) Right-of-way lines and property lines
- C) Locations, widths, and composition of travel lanes, sidewalks, curbs, gutters, medians, planter strips, irrigation systems, shoulders and bike lanes.
- D) Street light locations and types.
- E) Utility locations.
- F) Street names.
- G) Pavement markings and street signs.
- H) Type and widths of easements.
- I) Catch basin type, location, rim elevation, bottom elevation, and inlet/outlet invert elevation.
- J) Storm drain pipe size, composition, location, and invert slope.
- K) Detention/retention/infiltration facility location, and inlet/outlet locations and elevations.

**12A.06.020 - Certification from Engineer (Storm Drainage System)**

Prior to final inspection and approval of work under site development permits, the project engineer shall submit a letter to the City certifying that the storm drainage system has been completed. The letter of certification shall be stamped and signed by the project engineer and shall be worded as follows:

*"I have inspected the constructed storm drainage control facility located on the project known as \_\_\_\_\_ and based on the standard of care and expertise which is usual and customary in this community for professional engineers, I find that it substantially conforms to the terms and conditions of the site development permit and the accepted design for the project."*

The certification letter shall reference, if applicable, the building permit number(s), site development permit number, plat name, project name, street address, and the Section, Township, and Range. Any alterations to the system which vary from the accepted design shall be listed in the certification letter or noted on record drawings as required by the City Engineer.

**12A.06.030 - City Acceptance**

A project is final when a Certificate of Occupancy is issued by the City or after the project's final inspection is approved (when not associated with a building permit or a subdivision).

**12A.06.040 - One-Year Guarantee Period**

The applicant shall be responsible for correcting all defects in workmanship and material within one year after Final Acceptance of this work by the City. The applicant shall start work to

remedy such defects within seven (7) calendar days of written notice of discovery thereof by the City and shall complete such work within the time stated in the notice. In emergencies, where damage may result from delay or where loss of services may result, such corrections may be made by City, in which case the cost shall be borne by applicant. In the event the applicant does not accomplish corrections at the time specified, the work will be otherwise accomplished and the cost of same shall be paid by applicant.

When corrections of defects are made, the applicant shall then be responsible for correcting all defects in workmanship and materials in the corrected work for one year after acceptance of the corrections by City.

### **12A.07.000 - Right-Of-Way**

#### **Chapter 12A.07**

##### **Right-Of-Way**

Sections:

12A.07.010	Objects or Activity within the Right-of-Way
12A.07.020	Equipment and Materials within the Right-of-Way
12A.07.030	Coordination Requirements
12A.07.040	Vehicles - Escape of Load
12A.07.050	Unlawful to Deposit Material on Right-of-Way
12A.07.060	Identification of Owner - Evidence of Dumping Material

### **12A.07.010 - Objects or Activity within the Right-Of-Way**

- A. No person, organization, or agency shall place, erect, or install any object of any nature whatsoever, within a City right-of-way without a right-of-way permit issued by the City Engineer. Any such object now in place within a City street right-of-way without written permission of the City Engineer is declared illegal and a public nuisance; provided, that this Section shall not apply to mailboxes and attached newspaper boxes, placed on the right-of-way, where these are placed as far removed from the driving portion of the right-of-way as possible, except that said placement shall be subject to approval of the City Engineer.
- B. The adjoining property owner, or any person placing any object or doing any work within the right-of-way in violation of these regulations, shall be responsible for the removal of the object and repair of the right-of-way to the satisfaction of the City Engineer within forty-eight hours of receipt of written notice from the City.
- C. If the object is not removed or work repaired within forty-eight hours and it unreasonably hampers or prevents the proper use of the right-of-way, it may be removed by the City at the cost of the person(s) placing the object or working in the right-of-way. The notice requirement may be waived and the object may be immediately removed by the City if it presents an immediate threat of physical harm to persons or property. Placing an object or obstruction within the right of way or failing to remove an object or work from a right of

way after notice that such object or work must be removed is a misdemeanor crime, punishable by imprisonment in jail for a term of up to ninety (90) days, by a fine of up to one thousand dollars (\$1,000), or by both such imprisonment and fine, when such object or work hampers or prevents proper use of the right of way. The property owner or person responsible for obstructing or placing an object in the right of way shall be responsible for the costs of such removal.

- D. Any object or encroachment in the right-of-way which does not interfere with the proper and legitimate use of such right-of-way constitutes a Class 2 civil infraction as defined in LMC section 1.48.010, punishable by a fine of up to \$500. Each day, location, violator and incident shall constitute a separate Civil Infraction.

#### **12A.07.020 - Equipment and Materials within the Right-Of-Way**

During nonworking hours all project sites are to be left in a manner that allows the public to safely use all right-of-way. Equipment and materials are not allowed in the right-of-way during nonworking hours unless they are placed in a safe location or protected by permanent guardrails, lighted barricades, or temporary concrete barriers. The use of temporary concrete barriers in the right-of-way is permitted only if the City Engineer approves the installation and location. During work hours, only materials or equipment necessary for construction are allowed in the right of way or roadway.

#### **12A.07.030 – Coordination Requirements**

At the time of application for a right-of-way permit, the applicant shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the proposed timing of such construction. Within seven (7) days of receiving this notification, any such entity notified may request a delay of the proposed construction to coordinate other right-of-way construction with the applicant.

The City Engineer may approve a delay of up to ninety (90) days, except in case of emergencies, if he/she determines that such delay will reduce the inconvenience to City street users from construction activities and that the delay will not create undue economic hardship on the applicant. The City Engineer shall also coordinate the approval with City street improvements and maintenance and may also delay the construction under the same circumstances.

#### **12A.07.040 - Vehicles - Escape of Load**

No vehicle shall be driven or moved on a public highway of the City unless such vehicle is so constructed or loaded as to prevent any of its load or contents from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water may be sprayed on streetways in the cleaning and maintaining of such streetways by public authority having such jurisdiction. Any person operating a vehicle from which any objects have fallen or escaped shall immediately cause the highway to be cleaned of all such objects. A violation of this section constitutes a Class 2 civil infraction as defined in LMC section 1.48.010, punishable by a fine of up to \$500. Each day, location, violator and incident shall constitute a separate Civil Infraction.

### **12A.07.050 - Unlawful to Deposit Material on Right-of-Way**

It is unlawful for any person to deposit any materials, or allow any materials to be deposited or to remain upon any public right-of-way of the City or upon private or public property adjoining the highway on either side of the right-of-way, except at duly designated dumping places as set out and so marked and authorized by the City Council. Any person violating this Section shall be responsible for the removal of the material within forty-eight (48) hours after being given written notice from the City that such materials must be removed. If the materials are not removed within forty-eight (48) hours, the violator shall be responsible for all costs incurred by The City in removing the materials. A violation of this section constitutes a Class 2 civil infraction as defined in LMC section 1.48.010, punishable by a fine of up to \$500. Each day, location, violation and incident shall constitute a separate Civil Infraction. Materials placed or allowed to remain upon public right of way are a public nuisance. LMC 12A.02.050.

### **12A.07.060 - Identification of Owner - Evidence of Dumping Material**

Whenever materials of any nature are found upon private or public property adjoining any public highway or on any right-of-way of the City, the adjoining property owner shall be responsible for the removal of such items.

### **12A.08.000 - Use of Streets and Right-of-Way - Parades, Motorcades, Runs, and Assemblies**

#### **Chapter 12A.08**

#### **Use of Streets and Right-Of Way - Parades, Motorcades, Runs and Assemblies**

Sections:

12A.08.010	Purpose
12A.08.015	Definitions
12A.08.020	Application Submittal.
12A.08.030	Insurance Required.
12A.08.040	Performance Bond.
12A.08.050	Application Review.
12A.08.060	Approval/Denial of Application.
12A.08.070	Appeal Procedure.
12A.08.080	Officials to be Notified
12A.08.090	Revocation of Permit.

#### **12A.08.010 – Purpose**

Free speech is a fundamental right of the American people, and the provisions of this section shall be broadly interpreted to support this right. The purpose of this section is to place reasonable and necessary time, place and manner restrictions upon use of the City's streets for the purpose of protecting the public safety and welfare. No permit shall be required for peaceful assembly and speech on private or public property that does not interfere with vehicular or

pedestrian traffic or safe ingress and egress to any building although such are encouraged to allow the City to support the safe completion of the event. Permits provided under these circumstances shall not be subject to the permitting requirements of this Chapter, but shall serve notice to the City of the anticipated event. The City official or officials responsible for issuance of a permit under this section shall be authorized to suspend the application of any particular section of this Ordinance or waive compliance with any of the stated requirements, including payment of fees or provision of insurance where such requirements potentially inhibit the exercise of Constitutional Rights.

### **12A.08.015 – Definitions**

As used in this Chapter:

- A. “Assembly” means a gathering of people for the purpose of presenting or viewing an exhibition, theatrical presentation, dance or other public, political or religious event, held on any public street, highway, alley, sidewalk or publicly owned parking lot.
- B. “Motorcade” means an organized procession containing ten or more motor vehicles, except funeral processions, upon any public street, highway, sidewalk, alley, or publicly owned parking lot.
- C. “Parade” means a march or procession consisting of people, animals, bicycles, vehicles, or any combination thereof except funeral processions, upon any public street, highway, sidewalk, alley or publicly owned parking lot which does not comply with normal and usual traffic regulations or controls.
- D. “Run” means an organized racing event comprised of ten or more persons on foot, bicycles, wheelchairs, beds, or any other non-motorized vehicles or combinations thereof upon a public street, highway, sidewalk, alley or publicly owned parking lot.

### **12A.08.020 - Application Submittal**

Any individual or organization planning any parade, motorcade, run or assembly which will or may disrupt normal traffic flow or usage of any public street, highway, sidewalk, alley or publicly owned parking lot within the City of Lakewood, shall obtain a permit from the City of Lakewood. The permit application shall be submitted no less than thirty (30) days prior to the start of the event unless the thirty (30) day time period is reduced or waived by the City Manager or designee. The application shall be on a form provided by the City of Lakewood and shall include, but not be limited to, the following:

- A. The name and address of the sponsoring person, persons or organization;
- B. The name, address and telephone number of the person or persons in charge of the event;
- C. The nature and purpose of the event;
- D. Estimated number of persons, participants, vehicles and spectators;
- E. The number of persons and/or vehicles furnished by the sponsoring organization to patrol the event;
- F. A time schedule and description of the event or events;

- G. A map or scale drawing showing the boundaries of the event, the route of the event, the direction of travel, and all areas to be used by participants, officials and spectators of the event.

**12A.08.030 - Insurance Required**

The person or organization sponsoring the parade, motorcade, run or public assembly shall, prior to obtaining authorization from the City, provide a certificate of insurance showing that the person or organization has obtained public liability and property damage insurance in amounts not less than the minimum set by the City Manager. The City of Lakewood shall be named as an additional insured and shall be notified by the insurer at least ten days prior to the cancellation of this insurance. Any waiver of this requirement cannot be construed as acceptance of liability for the event on the part of the City, nor should the event, via such waiver be treated as covered by the City's insurance.

**12A.08.040 - Performance Bond**

No permit shall be issued for any parade, motorcade, run or assembly until the permittee shall file with the City of Lakewood a bond or deposit to pay for any costs reasonably anticipated to be incurred in removing debris, litter or papers from the street, highway, sidewalk, alley, or publicly owned parking lot as a result of the parade, motorcade, run or public assembly, provided that the City Manager or designee may make specific finding that such a bond may inhibit the expression of free speech in violation of the U.S. Constitution and therefore waive the bond for a specific event.

**12A.08.050 - Application Review**

Each application for a permit to hold a parade, motorcade, run or assembly shall, when applicable, be reviewed by the City Manager or designee or other appropriate representatives of the City to determine compliance with the following requirements:

- A. The proposed parade, motorcade, run or assembly will not jeopardize life and/or property;
- B. The event as described on the application requires no supervision or patrol; or the event requires supervision or patrol and the application adequately describes the method of providing same without cost or participation from the City.

**12A.08.060 - Approval/Denial of Application**

- A. The City Manager or designee shall approve, approve as amended, or disapprove all applications not less than fifteen (15) days prior to the proposed event, with any disapprovals or conditions placed upon a permit being provided to the applicant in writing.
- B. Decisions on approvals or conditions placed upon permits under this section shall be made without regard to the message, purpose or content of speech presented at the event.

- C. As a condition of approval, the sponsor may be required to post notice in a local newspaper and/or at the proposed site of the event. The City Manager or designee may close for general use any public street, highway, alley, sidewalk or publicly owned parking lot in whole or in part, for the purpose of the event.
- D. A permit may be conditioned, amended or denied upon written findings that:
1. The time, route and size of the assembly, motorcade, parade or run will unreasonably and unsafely disrupt the movement of other vehicular or pedestrian traffic;
  2. The assembly, motorcade, parade or run is of a size or nature that requires the diversion of so great a number of law enforcement officers of the City to properly police the line of movement and the areas contiguous thereto that allowing the assembly, motorcade, parade or run would deny reasonable law enforcement protection to the City;
  3. Such assembly, motorcade, parade or run will interfere with another assembly, motorcade, parade or run for which a permit has been issued; or
  4. The assembly, motorcade, parade or run will impact principal arterial streets or minor arterial streets, as defined in LMC 12A.09.020, so that the arterial streets may become congested, so that police response or emergency vehicle access will be delayed, or so that entrances or exits to interstate highways would be blocked or congested.
- E. Based upon the factors stated in subsection (D) above, it is within the discretion of the City Manager or designee to require amendments to the time, date, location or route proposed in the application for an assembly, motorcade, parade or run permit. A permit under this section shall be denied only upon specific findings of fact that state that no other reasonably alternative venue, time or location could safely accommodate the permit as requested.

#### **12A.08.070 - Appeal Procedure**

The applicant may appeal the denial or conditions placed upon a permit within five (5) days after notice of denial or imposition of conditions by filing written notice of appeal with the City Clerk. The City Manager, or the designee thereof, shall have discretion with regard to whether the conditions or denial is appropriate or whether conditions can be waived to facilitate the event. Any applicant aggrieved by a decision of the City Manager in regard to a permit or the appeal of permit conditions shall have recourse to a court of competent jurisdiction in the form of injunctive or declaratory relief.

#### **12A.08.080 - Officials to be Notified**

Immediately upon the granting of a permit for a parade, motorcade, run or public assembly, the City Manager or designee shall send a copy thereof to the appropriate representative of the departments of the City and other appropriate agencies such as local fire districts and the Washington State Patrol. (Ord. 74 § 1, (part) 1996.)

#### **12A.08.090 - Revocation of Permit**



Any permit for a parade, motorcade, run or public assembly issued pursuant to this Chapter may be summarily revoked by an official of the City when such event becomes manifestly unsafe to life, safety or the public welfare. Such a permit may be summarily revoked by a City official when the activities of the participants in the event causes harm to public or private property. Revocation of a permit under the circumstances contemplated herein shall be by a public order to disperse.

## **12A.09.000 - Transportation Facilities**

### **Chapter 12A.09**

#### **Transportation Facilities**

##### Sections:

- 12A.09.010 General Provisions
- 12A.09.020 Streets
  - 12A.09.020.01 Street Classification and Plan
  - 12A.09.020.02 Principal Arterials
  - 12A.09.020.03 Minor Arterials
  - 12A.09.020.04 Collector Arterials
  - 12A.09.020.05 Local Access Street System
  - 12A.09.020.06 Minimum Street Standards
  - 12A.09.020.07 Roadway Level of Service
  - 12A.09.020.08 Traffic Studies
- 12A.09.030 Road Improvements
  - 12A.09.030.01 Street Frontage Improvements
  - 12A.09.030.02 Other Road Improvement Requirements
- 12A.09.040 Street Trees
- 12A.09.050 Sidewalks, Walkways, Paths and Trails
- 12A.09.060 Private Streets
  - 12A.09.060.01 Certification
  - 12A.09.060.02 Completion
  - 12A.09.060.03 Maintenance
  - 12A.09.060.04 Conditions of Recording
- 12A.09.070 – Traffic Control

#### **12A.09.010 - General Provisions**

The purpose of this chapter is to classify streets and establish requirements for engineering regulations and standards to implement the Comprehensive Plan.

#### **12A.09.020 - Streets**

##### **12A.09.020.01 - Street Classification and Plan**

Streets and highways are most effectively classified by their function according to the character of service they are intended to provide. The primary function of streets and highways is to provide mobility and access, and the degree to which these functions are provided is considered an integral part of classifying streets. The functional classification system creates a hierarchy of classified streets.

The City functional classification system directly addresses all streets that are under the jurisdiction of the City. State highways under the jurisdiction of the Washington State Department of Transportation are all legally designated arterials (RCW 46.61.195).

For purposes of comprehensive planning and this code, and pursuant to RCW 35.78.010, the City of Lakewood has classified and designated its City streets in three general categories, principal arterials, minor arterials, and local access roads. These classifications have the same meanings, respectively, as the terms major arterial, secondary arterial and access streets as those terms are used in RCW 35.78.010. The City of Lakewood has further designated a fourth category, collector arterial, as shown in this code and as used in the City's Comprehensive Plan. Lakewood's street designations are consistent with the federal functional classification system for city streets.

#### **12A.09.020.02 - Principal Arterials**

Principal arterials provide service for principal traffic movements within the City. They serve centers of activity; intra-area travel between Lakewood and other suburban centers between larger communities, and between principal trip generators. Principal arterials serve the longest trips and carry the principal portion of trips entering and leaving the overall area. Typically they are the highest traffic volume corridors in the City. The design year ADT is generally more than 15,000 vehicles per day. They frequently carry important intra-urban and inter-city bus routes.

The spacing of principal arterials usually varies from about 1 mile in highly developed business areas to 5 miles or more in rural areas. Service to abutting land should be subordinate to the provision of travel service to principal traffic movements; this service should be incidental to the primary functional responsibility of the street. Desirably it is located on community and neighborhood boundaries or adjacent to but not through principal shopping centers, parks, and other homogeneous areas.

<b>Principal Arterials</b>		
<b>Street Name</b>	<b>From</b>	<b>To</b>
Bridgeport Way W	McChord Drive (South City Limits)	Leach Creek (north city limits)
Custer Road SW & W	88th Street SW	74th Street W
Gravelly Lake Drive	I-5 Freeway	Bridgeport Way W
Lakewood Drive SW	Bridgeport Way SW	74th Street W (north city limits)
Military Road SW	107th Ave. SW (west city limits)	Washington Blvd. SW
South Tacoma Way	112th Street S	South 80th Street (north city limits)
Steilacoom Boulevard SW	Far West Drive (West City Limits)	South Tacoma Way
Washington Boulevard SW	Military Road SW	Gravelly Lake Drive SW
74th Street W	Custer Road W	Lakewood Drive SW
88th Street SW	Steilacoom Boulevard SW	Custer Road SW
100th Street SW	Bridgeport Way SW	South Tacoma Way
112th Street S	South Tacoma Way	Steele Street S

### **12A.09.020.03 - Minor Arterials**

Minor arterials interconnect with and augment the principal arterial system. Minor arterials connect principal arterials to collector arterials and small generators. They provide service to medium-size trip generators, such as less intensive commercial development, high schools and some junior high/grade schools, warehousing areas, active parks and ball fields, and other land uses with similar trip generation potential. They distribute travel to smaller geographic areas and communities than those identified with the principal arterial system. They provide service to trips of moderate length of a somewhat lower level of travel mobility than principal arterials. The design year ADT is approximately 5,000 to 20,000.

Spacing of minor arterials is usually less than 1 mile in fully developed areas. They provide intra-community continuity and are typically a continuous street with a direct rather than a meandering alignment. They may carry local bus routes. Minor arterials allow for more emphasis on land access than the principal arterial system. They usually do not penetrate identifiable neighborhoods.

<b>Minor Arterials</b>		
<b>Street Name</b>	<b>From</b>	<b>To</b>
Ardmore Drive SW	Steilacoom Boulevard SW	Whitman Avenue SW
Butte Drive SW	116th Street SW	104th Street SW
Custer Road SW	Steilacoom Boulevard SW	88th Street SW
Edgewood Avenue SW	North Gate Road SW	Washington Blvd. SW
Far West Drive SW	112th Street SW	Steilacoom Blvd. SW
Garnet Lane SW	Onyx Drive SW	83rd Avenue SW

<b>Minor Arterials</b>		
<b>Street Name</b>	<b>From</b>	<b>To</b>
Gravelly Lake Drive SW	Bridgeport Way SW	Steilacoom Blvd. SW
Hipkins Road SW	104th Street SW	Steilacoom Blvd. SW
Interlaaken Drive SW	Interlaaken Drive SW	Holly Hedge Lane SW
Lakeview Avenue SW	111th Street SW	Steilacoom Blvd
Mount Tacoma Drive SW	Holly Hedge Lane SW	Lexington Avenue SW
Mount Tacoma Drive SW	Motor Avenue SW	Bridgeport Way SW
Murray Road SW	Fort Lewis Gate Entrance	I-5 Northbound On-ramps
North Gate Road SW	Nottingham Road SW	Edgewood Avenue SW
North Thorne Lane SW	Union Avenue SW	I-5 Northbound On-ramps
Nyanza Road SW	Gravelly Lake Drive SW (S)	Gravelly Lake Drive SW (N)
Pacific Highway SW	Gravelly Lake Drive SW	South Tacoma Way
Phillips Road SW	Steilacoom Boulevard SW	Onyx Drive SW
Short Lane SW	104th Avenue SW	Interlaaken Drive SW
Union Avenue SW	Berkeley Street SW	North Thorne Lane SW
Vernon Avenue SW	Veterans Drive SW	116th Street SW
Veterans Drive SW	Nottingham Avenue	Gravelly Lake Drive SW
Whitman Avenue SW	Motor Avenue SW	Ardmore Drive SW
Wildaire Road SW	Gravelly Lake Drive SW	59th Avenue SW
40th Avenue SW	100th Street SW	96th Street SW
83rd Avenue SW	Steilacoom Boulevard SW	Garnett Lane SW
84th Street S	South Tacoma Way	Tacoma Mall Boulevard S
87th Avenue SW	Steilacoom Boulevard SW	Onyx Drive SW
93rd Street SW	Whitman Avenue SW	Bridgeport Way SW
96th Street S	40th Avenue SW	Lakewood East City Limits
100th Street SW	Gravelly Lake Drive SW	Bridgeport Way SW
104th Street SW	Butte Drive SW	Hipkins Road SW
108th Street SW	59th Avenue SW	Pacific Highway SW
111th Street SW	112th Street SW	Lakeview Avenue SW
112th Street SW	Gravelly Lake Drive SW	111th Street SW
112th Street SW	Military Road SW	Farwest Drive SW
150th Street SW	Murray Road SW	Lakewood East City Limits

#### **12A.09.020.04 – Collector Arterials**

Collector arterials distribute trips from principal and minor arterials to the ultimate destination, or may collect traffic from local streets and channel it into the principal and minor arterial systems. They carry a low proportion of traffic traveling through the entire subarea; carry a high proportion of local traffic with an origin or destination within that area. Design year ADT is approximately 2,000 to 8,000. They may be on a somewhat meandering alignment and need not be particularly long or continuous.

Spacing is typically about 1/4 mile in developed areas. Collector arterials provide land access service and traffic circulation within residential neighborhoods, commercial, and industrial areas. They may penetrate identifiable residential neighborhoods.

<b>Collector Arterials</b>		
<b>Street Name</b>	<b>From</b>	<b>To</b>
Alferetta Drive SW	Dekoven Drive SW	Meadow Road SW
Angle Lane SW	Elwood Drive SW	Hipkins Road SW
Avondale Road SW	Meadow Road SW	Gravelly Lake Drive SW
Berkeley Street SW	I-5 Southbound On-ramps	Portland Avenue SW
Bristol Avenue SW	Lakewood Mall	100th Street SW
Clover Creek Drive SW	Pacific Highway SW	Hillcrest Drive SW
Dekoven Drive SW	Meadow Road SW	Lake Grove Street SW
Dresden Lane SW	Elwood Drive SW	87th Avenue SW
Durango Street SW	Steilacoom Boulevard SW	B&I Parking Lot
Edgewood Avenue SW	Veterans Drive SW	North Gate Road SW
Elwood Drive SW	Angle Lane SW	Dresden Lane SW
Hillcrest Drive SW	Glenwood Avenue SW	Clover Creek Drive SW
Holden Road SW	Military Road SW	Lake Louise Drive SW
Huggins Meyers Rd SW	116th Street SW	112th Street SW
Idlewild Road SW	112th Street SW	104th Street SW
Interlaaken Drive SW	Veterans Drive SW	Lake Steilacoom Dr. SW
John Dower Road SW	Steilacoom Boulevard	Custer Road W
John Dower Road W	Custer Road W	75th Street W
Lake City Boulevard SW	Veterans Drive SW	116th Street SW
Lake Grove Avenue SW	Waverly Avenue SW	Dekoven Drive SW
Lakewood Mall Blvd. SW	Lakewood Mall	Bridgeport Way SW
Lake Louise Drive SW	100th Avenue SW	Holden Road SW
Lake Louise Drive SW	Holden Road SW	104th Street SW
Lake Louise Drive SW	104th Street SW	Lake Louise Drive SW
Lake Louise Drive SW	Lake Louise Drive SW	100th Avenue SW
McChord Drive SW	New York Avenue SW	Bridgeport Way SW
Meadow Road SW	Dekoven Drive SW	Ardmore Drive SW
New York Avenue SW	Pacific Highway SW	McChord Drive SW
North Thorne Lane SW	Union Avenue SW	Portland Avenue SW
Nyanza Park Drive SW	Nyanza Road SW	Glenwood Avenue SW
Onyx Drive SW	Zircon Drive SW	87th Avenue SW
Onyx Drive SW	87th Avenue SW	Phillips Road SW
Onyx Drive SW	Phillips Road	Turquoise Drive SW
Phillips Road SW	Onyx Drive SW	Turquoise Drive SW
Portland Avenue SW	Berkeley Street SW	North Thorne Lane SW
Waverly Drive SW	Crescent Lane SW	Mount Tacoma Drive SW
West Thorne Lane SW	Union Avenue SW	Portland Avenue SW
Whitman Avenue SW	Ardmore Drive SW	Steilacoom Boulevard SW
Zircon Drive SW	Onyx Drive SW	Turquoise Drive SW

<b>Collector Arterials</b>		
<b>Street Name</b>	<b>From</b>	<b>To</b>
59th Avenue SW	Lakewood Mall	Gravelly Lake Drive SW
75th Street SW	75th Street W	Custer Road W
78th Street SW	Onyx Drive SW	91st Avenue SW
83rd Avenue SW	Washington Boulevard SW	112th Street SW
87th Avenue SW	Dresden Street SW	Steilacoom Boulevard SW
91st Avenue SW	78th Street SW	Zircon Drive SW
100th Street SW	Dekoven Drive SW	Gravelly Lake Drive SW
101st Street SW	Farwest Drive SW	100th Avenue SW
104th Street SW	Lake Louise Drive SW	Butte Drive SW
104th Street SW	Short Lane SW	Interlaaken Drive SW
112th Street SW	Farwest Drive SW	Butte Drive SW
112th Street SW	Huggins Meyers Road SW	Interlaaken Drive SW

**12A.09.020.05 - Local Access Street System**

The local access street system provides circulation and access for residential neighborhoods away from the arterial system.

Traffic generators, such as schools or churches, within residential areas should be considered within the local circulation pattern, not only from within the subdivision, but from adjacent neighborhoods as well. There should be a limited number of access points with the arterial streets that border a subdivision.

Local access streets should be designed for relatively uniform low volume of traffic upon full development. The system should be designed to discourage excessive speeds and should minimize the necessity for traffic control devices. Internal streets with direct lot access should be discontinuous so as to discourage through traffic.

Local access streets provide direct access from abutting land to the arterial street system. There are usually no bus routes on local access streets. Through-traffic is deliberately discouraged.

**12A.09.020.06 - Minimum Street Standards**

See the Engineering Standards Manual for street details.

Pavement for all city streets shall meet the requirements outlined in the Engineering Standards Manual and shall be designed by a professional engineer registered in the State of Washington. In some cases the City Engineer may elect to waive the requirements for a design report provided the roadway is designed to a minimum pavement section as outlined in the ESM.

**12A.09.020.07 - Roadway Level of Service**

The intent of this section is to ensure that public streets maintain an adequate level of service (LOS) as new development occurs. The LOS standard is adopted in the Transportation Element of the Comprehensive Plan.

### **12A.09.020.08 - Traffic Studies**

The City may request that a trip generation analysis be prepared and submitted for any proposed development. The analysis shall clearly identify traffic generated and trip distribution.

All new proposals for development that would meet any of the following trip generation levels shall submit a traffic impact analysis at the time of application:

- A) 20 new trips during the peak hour at any signalized intersection;
- B) 50 new trips during the peak hour; or
- C) 200 average daily trips.

Where a safety concern exists, the City may require an analysis to be prepared to address the safety concern and any other concern identified by the applicant's engineer upon review.

All traffic studies shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Traffic impact analyses shall identify a traffic impact area and include an analysis of origin/destination trip distribution and an analysis of impacts to LOS within the traffic impact area, an evaluation of safety concerns, recommendations for mitigating traffic impacts, or additional information as deemed necessary by the City Engineer. Traffic impact analyses shall be prepared by a professional traffic engineer.

### **12A.09.030 - Road Improvements**

#### **12A.09.030.01 - Street Frontage Improvements**

- A) When Required. Street frontage improvements are required for the following development projects:
  - 1. New Construction. The installation of street frontage improvements is required prior to issuance of a certificate of occupancy for all new construction projects except two or fewer single family houses (when constructed concurrently on adjacent existing lots) or one duplex.
  - 2. New Subdivisions and Short Plats. The installation of street frontage improvements is required prior to final plat approval for subdivisions and short plats which create two (2) or more additional/new lots.
  - 3. Additions, Alterations, or Tenant Improvements – Special Provisions Apply. Street frontage improvements shall be constructed as part of all additions, alterations or tenant improvements if one (1) of the following conditions are met:
    - a. The proposed addition, alteration or tenant improvement will generate an increase in traffic exceeding 12 additional/new vehicular trips per day as determined by the latest edition of the Institute of Transportation Engineers (ITE) manual.

- b. The proposed addition, alteration or tenant improvement is considered a change of use which intensifies the use of the site or significantly alters the traffic circulation within the site.
  - c. The proposed addition, alteration or tenant improvement will create a traffic safety concern or exacerbate a known traffic safety concern in surrounding project vicinity.
  - d. The proposed addition, alteration or tenant improvement will redevelop the property (remove/demolish existing buildings, parking areas and improvements on-site and construct new buildings, parking areas and improvements within the property).
- B) Scope of Improvements. Street frontage improvements shall be installed along the entire frontage of the property, to the centerline of the street, or if a multi-lane street, the affected lane, at the sole cost of the applicant as directed by the City Engineer. The City Engineer may permit modification of street improvement standards where the required street improvements are not, in the opinion of the City Engineer, roughly proportionate to the impact, type, scale and cost of the proposed development action.
1. Street frontage improvements may include the following: curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, pavement overlay or reconstruction, and channelization.
  2. In addition to required frontage improvements, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, across streets and pavement and channelization tapering back to the existing pavement and channelization as required to address safety concerns.
  3. Frontage Improvement Pavement Requirements
    - a. Half-street pavement reconstruction shall be required when: the existing pavement rating is at or below 40, based on the City of Lakewood Pavement Management System; crown slope is greater than 3 percent; is light bituminous pavement; and/or was built with no base structure. Pavement coring and/or subsurface investigation shall be required to determine base condition.
    - b. Half-street asphalt overlay (2-inch minimum) shall be required when the existing pavement rating is at or below 60 based on the City of Lakewood Pavement Management System. Pre-leveling and/or grinding may be required to create a uniform 2 percent crown slope.
    - c. Minimum frontage improvement pavement requirements shall be a patch per City Standard Plans AND one lane grind / inlay (2-inch minimum).
    - d. See the Engineering Standards Manual for additional requirements.
- C) Deferral of Improvements. When the City has plans for an improvement project, or an area is deemed not essential to the city sidewalk system, or for other similar reasons, the City Engineer may determine that street frontage improvements cannot or should not be constructed at the time of building construction or subdivision, and may allow



improvements to be deferred. In these instances, the property owner shall, prior to issuance of the building permit or site development permit, at the direction of the City Engineer:

1. Pay to the City an amount equal to the property owner's cost of installing the required improvements prior to issuance of a building permit. The property owner shall provide documentation satisfactory to the City Engineer that establishes the cost of the materials, labor, quantities; or
2. Record an agreement which provides for these improvements to be installed by the property owner by a date acceptable to the City Engineer; or
3. Record an agreement to not protest a local improvement district to improve the street frontage.

Note: In the case of Item a. above, the City shall be required to use the money collected in accordance with RCW 82.02.020 and identify to the owner which streets the money collected will be used to improve.

- D) Corner Lots. In the case of corner lots or other development sites fronting more than one right-of-way, should the impact of the development be such that street system improvements would not be required on all rights-of-way fronting the development site, street system improvements shall be constructed on the right-of-way or rights-of-way selected by the City Engineer.
- E) The City Engineer may require the applicant to deed to the City, in accordance with Section 12A.05.060, additional right-of-way as necessary from the property under consideration to create a right-of-way width which complies with state statutes, City ordinances, and/or any other statutes, ordinances, or regulations as a means of mitigating any impact the project may have on the City street system.

### **12A.09.030.02 - Other Road Improvement Requirements**

If a proposed project is determined to impact an existing City-maintained street, one or more of the following mitigation measures may be required:

- A) Implement site-specific traffic mitigating measures immediately adjacent to the project such as right- or left-turn lanes, channelization, signalization, signal coordination, signal timing, additional road and/or shoulder widening, and correction of geometric deficiencies which are determined to be necessary based upon information from a traffic or engineering study or other sources. These improvements shall be implemented only to mitigate impacts resulting directly from a proposed project's traffic on the City street at the entrance/exit to the project or in the affected project area, and/or;
- B) Projects that cause a City street to be reclassified to an arterial classification or higher classification of arterial shall be subject to the right-of-way requirements of the higher classified road, and/or;
- C) If the City streets serving as access to the development do not meet City Standards, the City shall require the applicant to construct the existing City streets for

a length and in such areas as the City determines is necessary. Design and construction shall be in conformance with the Engineering Standards Manual.

D) If a proposed project will create a safety concern or exacerbate a known safety concern in the surrounding project vicinity, the Applicant and/or Property Owner shall be required to:

1. Participate in road improvements to correct or improve safety concern(s) as directed by the City Engineer; or,
2. At the discretion of the City Engineer, the applicant shall comply with all of the items listed below:
  - a. Hire a professional traffic engineer to evaluate the safety concern and determine appropriate solutions to the problem;
  - b. Provide construction plans designed by a professional civil engineer to remedy the safety concern. The City shall review and approve the proposed construction plans;

#### **12A.09.040 - Street Trees**

The purpose of this section is to protect existing street trees by regulating their maintenance and removal, and to provide for new street trees on existing and new streets.

- A) No person shall plant, remove, or otherwise change a tree on a right-of-way, without an approved right-of-way permit, or if appropriate, site development permit. The general maintenance of street trees by property owners or their contractors is exempt from this requirement. The general maintenance of City-owned street trees by City employees, their contractors, or assigns is also exempt from this requirement.
- B) All new development applications are required to plant and maintain street trees consistent with the requirements LMC 18A.50.135 and LMC 18A.50.460, as determined by the City Engineer.

#### **12A.09.050 - Sidewalks, Walkways, Paths, and Trails**

Sidewalks shall be provided on public and private streets. Walkways, paths, and trails may be required for pedestrian connectivity. Installation of improvements shall be required as a condition of development approval.

- A) Sidewalks fronting public right-of-way shall be located in public right-of-way. The preferred location for other sidewalks, walkways, and trails is within existing public rights-of-way. If it is not feasible to locate these facilities within the right-of-way, then recorded easements across private property that guarantee public access may be used.
- B) Easements and tracts may be used to accommodate trails. Easements and tracts shall be wide enough to include the trail width and a minimum clear distance of two feet on each side of the trail. The width may vary according to site-specific design issues such as topography, buffering, landscaping, and utilities.

- C) The location of non-motorized facilities shall consider the following factors.
1. Compliance with adopted City plans and policies, including but not limited to, the Comprehensive Plan, the Six-Year Transportation Improvement Plan, the Non-Motorized Transportation Plan, the Parks Master Plan;
  2. Need to improve access to public facilities;
  3. Need to connect a development with trails;
  4. Need for sidewalks on one or both sides of a street.

### **12A.09.060 – Private Streets**

#### **12A.09.060.01 – Certification**

All private streets shall be constructed by the applicant and inspected by the project engineer who shall issue a letter of compliance to the applicant with a copy to the City certifying the following:

- A) The private street has been constructed in accordance with the Engineering Standards Manual.
- B) The street signs are in place.
- C) The storm drainage, if applicable, has been constructed in accordance with the project engineer's design.
- D) The gate (if applicable) has been installed in conformance with all applicable codes.
- E) Existing and new bridge structures, if any, comply with all applicable codes.
- F) The compliance letter shall be stamped, signed, and dated by the project engineer and shall be worded as follows:

"I have inspected the project and find that the private street and storm drainage as constructed for this project conform to the terms and conditions of the submitted design and requirements of the City's development standards and regulations, and that the appropriate street signs are in place."

A revised set of plans showing alterations to the previous accepted plans shall be submitted with the letter of compliance.

#### **12A.09.060.02 – Completion**

All site improvements shall be completed and the letter of compliance submitted to the City or a financial guarantee shall be submitted to the City in the amount of one hundred fifty (150) percent of the construction cost prior to plat approval.

The street(s) within a short plat, large lot, or formal plat shall be constructed prior to approval of occupancy of any structures constructed within the plat, except for model home permits as authorized by the City.

A note shall be placed on the face of the plat which states:

"No building permits will be issued on any lots in this plat (except for model home permits as authorized by the City Subdivision Code) until the private street(s) have been constructed and a letter certifying their compliance to the City's development standards and regulations is on file with the City."

### **12A.09.060.03 – Maintenance**

All private streets and sidewalks subject to the terms of these regulations shall have a Maintenance Covenant approved by the City Engineer and recorded with the Pierce County Auditor's Office prior to or concurrent with the recording of the subdivision or plat. An active association shall be established to carry out the terms of the covenant. Private streets or easements existing prior to the effective date of this Chapter will be exempted from the Street Maintenance Covenant. Any new private street shall conform to these standards.

Maintenance of the street shall include but not be limited to street surfacing, shoulders, gates, signs, stormwater facilities, landscape maintenance, and vegetation control.

### **12A.09.060.04 - Conditions of Recording**

Prior to recording a plat, the applicant shall dedicate private street easements to the City in the event of formation of a Local Improvement District (L.I.D.). If private street easement widths are insufficient to allow dedication to the City, then a note will be placed on the face of the plat stating that "Future dedication of the private street to the City may require the dedication of additional right-of-way."

### **12A.09.070 - Traffic Control**

A traffic control plan meeting the approval of the City Engineer, based on engineering principles, shall be prepared for any activities within the right-of-way that disrupt pedestrian or vehicular traffic patterns in accordance with the most current version of the MUTCD. This plan shall be developed and submitted with the permit application.

- A) Temporary traffic control to ensure traffic safety during construction activities must be provided. A City-approved plan is required prior to starting construction activities.
- B) The applicant is responsible for supplying and installing all necessary permanent traffic control devices such as street name signs, stop signs, speed limit signs, and channelization.
- C) The traffic control plan shall minimize disruption to pedestrians during construction. In the event of pedestrian disruption, the plan shall contain adequate pedestrian connections and clear signage.

City approval of traffic control plans does not relieve the contractor of responsibility for maintaining proper traffic control for the project's duration.

## **12A.10.000 - Site Development Provisions**

### **Chapter 12A.10**

#### **Site Development Provisions**

The provisions of this chapter shall be in addition to any other applicable adopted regulations.

Sections:

- 12A.10.010 Storm Drainage
- 12A.10.020 Wastewater Disposal
- 12A.10.030 Earthwork
  - 12A.10.030.01 Excavation Standards
  - 12A.10.030.02 Fill Standards
  - 12A.10.030.03 Soil-Engineering Geology Report
- 12A.10.040 Erosion Control
- 12A.10.050 Floodplain
  - 12A.10.050.01 Elevating By Fill, Pilings and Diking
  - 12A 10.050.02 Access Requirements
  - 12A.10.050.03 Floodways
- 12A.10.060 Ingress/Egress, Driveways and Access
  - 12A.10.060.01 Residential Driveways
  - 12A.10.060.02 Commercial and Multi-Family Driveways
  - 12A.10.060.03 Emergency Vehicle (EV) Access Standards
- 12A.10.070 Gates
- 12A.10.080 Exemptions from Site Development Permits

#### **12A.10.010 - Storm Drainage**

Storm drainage review and inspection shall be required in accordance with Chapter 12A.11 of this Title.

#### **12A.10.020 - Wastewater Disposal**

All development proposals shall be served by a wastewater disposal system, including both collection and treatment facilities as follows.

- A) For the issuance of a building permit, preliminary plat approval, or other land use approval, documentation shall be provided indicating that the disposal system for the project site is consistent with adopted rules and regulations of Pierce County Sewer Utility and/or the Tacoma Pierce County Health Department;
- B) Prior to the issuance of a certificate of occupancy for a building or change of use permit, the applicant shall provide documentation to the City that an approved wastewater disposal system has been properly installed to serve each building, unit, tenant space, or lot; and

- C) Prior to recording a final plat, final short plat, or binding site plan the approved wastewater disposal system shall be installed to serve each lot respectively, or an appropriate financial guarantee shall be posted with the sewer utility or Health Department.

**12A.10.030 - Earthwork**

**12A.10.030.01 - Excavation Standards**

Cut slopes shall be no steeper than is safe for the intended use and shall not be steeper than 2 horizontal to 1 vertical, or as recommended by a soils engineer. The cut depth shall be set back from property lines as follows:

<u>Cut Depth</u>	<u>Set Back Distance</u>
Under 5 Feet	2 Feet
5 - 20 Feet	Height of Cut/2
Over 20 Feet	10 Feet

**12A.10.030.02 - Fill Standards**

Fills which are intended for building sites shall be constructed in conformance with the requirements of the latest edition of the International Building Code (IBC), as adopted by the City of Lakewood, and an assignment of allowable soil-bearing pressures will be determined under the jurisdiction of the City Building Official in accordance with the latest edition of the IBC.

Fill slopes shall be no steeper than is safe for the intended use and shall not be steeper than 2 horizontal to 1 vertical, or as recommended by a soils engineer. Fill sites shall be approved by the engineer as suitable locations for the proposed fill.

The ground surface for fills over five feet in height shall be prepared by removing vegetation, non-complying fill, topsoil, and other unsuitable materials; scarifying to provide a bond with the new fill; and, where existing slopes are steeper than 5 horizontal to 1 vertical, by benching into competent material as determined by the engineer. The bench under the toe of a fill on a slope steeper than 5 horizontal to 1 vertical shall be at least 10 feet wide, or as recommended by a soils engineer.

Except as permitted by the City, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required. Fills shall be constructed using earth materials, compaction methods, and construction techniques so that stable fills are created.

The toe or catch point of fill slopes shall be set back from the site boundary line in accordance with the following table unless a retaining wall is designed by the engineer and constructed for the project:

<u>Fill Depth</u>	<u>Set Back Distance</u>
Under 5 Feet	2 Feet
5 - 40 Feet	Height of Fill/2
Over 40 Feet	20 Feet

### **12A.10.030.03 - Soil Engineering-Geology Report**

When site conditions or the proposed work involve slide-prone or unstable soils, in accordance with LMC 14A.146 or as determined by the City Engineer, the applicant shall be required to retain a soils engineer to prepare a report that includes data regarding the nature, slide potential, soil bearing capacity, and slope stability of existing soils; conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary; and opinions and recommendations covering adequacy of sites to be developed. The report shall be stamped and signed by the engineer. Recommendations in the report shall be incorporated in the proposed plans or specifications.

### **12A.10.040 - Erosion Control**

All proposed projects that will clear, grade, or otherwise disturb a site shall provide erosion and sediment controls to prevent, to the maximum extent possible, the transport of sediment from the project site to downstream drainage facilities, water resources, and adjacent properties. Both temporary and permanent erosion and sediment controls shall be designed, implemented, and maintained as described in Chapter 5 of this Title and the Engineering Standards Manual.

### **12A.10.050 – Floodplain**

Flood hazard areas are designated in LMC 14A.158.000. Development in the Flood Hazard Overlay is regulated by LMC 18A.40.100 – 170. The following provisions apply to project proposals located in flood hazard areas and requiring site development permits.

#### **12A.10.050.01 - Elevating By Fill, Pilings and Diking**

No filling or grading shall be permitted which increases flood hazards, water velocities, or flood elevations. Compensatory storage volumes may be required. Armoring protection such as rock riprap or bulkheads shall be constructed to protect filled areas when water velocities exceed two feet per second. All armoring protection shall be elevated at least three feet above the base flood elevation. All construction elevated by piling shall be designed by a professional structural engineer and approved by the City prior to construction.

### **12A.10.050.02 - Access Requirements**

Private roads and access easements and all public or future public roads shall be armored and elevated one foot above the base flood elevation. Parking lots are not considered as private roads or access easements.

### **12A.10.050.03 - Floodways**

A floodway is an extremely hazardous area due to the height and/or velocity of flood waters which carry debris, potential projectiles, and erosion potential. Encroachments, filling, new construction, and substantial improvements shall be prohibited except as follows:

- A) Work done by or for a public agency or utility; such as bridges, flood control works, revetments, retaining walls, drainage structures, or other structures necessary to promote the public health, safety, and welfare when the improvements do not obstruct the floodway, increase the water surface elevation more than one foot, or cause an adverse impact to adjacent, cross-channel or downstream properties, and the improvements use appropriate flood hazard protection standards.

Certification by a registered professional engineer is required to verify that the proposed work shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- B) Agricultural uses or recreational facilities that do not require the installation of utilities or structures.
- C) Repairs and/or interior remodels (which are not substantial improvements) to a structure that do not increase the ground floor area or overall square footage of the structure.

### **12A.10.060 - Ingress/Egress, Driveways and Access**

Driveways and driveway approaches shall be constructed in accordance with the Engineering Standards Manual.

All development proposals shall provide adequate access to a street system or fire lane system that provides life safety/rescue access, and other adopted fire protection requirements for buildings.

Except for a single family dwelling (not located on an arterial street), all development access shall be provided with adequate aisles/driveways and/or turnaround areas so that all vehicles may enter the street in a forward manner. The access shall be designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and which shall be clearly and permanently marked and defined.

Wherever a potential access exists to any property from both a local access road and a road of a higher classification, the City shall refuse access to the higher classified road for residential uses.

Lots of record in existing formal plat subdivisions, short plats and large lots not served by a minor or major driveway shall be permitted a minimum of one residential driveway.



All driveway locations shall be shown on the plat maps and/or on the site development plans. Residential driveway locations for lots in formal plats are not restricted to any location unless so noted on the plat maps.

#### **12A.10.060.01 - Residential Driveways**

Driveway locations shall be unified whenever possible to create the fewest number of accesses onto a street. Driveways that serve only one lot shall be located a minimum of 5 feet from an adjacent property line where the driveway enters the right-of-way. The City Engineer or designee may approve driveways for flag lots on easements to land-locked properties to be located 2.5 feet from an adjacent property line.

Residential driveways shall be constructed the maximum practical distance but in no event less than thirty-five feet or the posted speed limit in feet, whichever is greater, from a side street or intersection. The distance is measured from the road right-of-way line to the nearest edge of the driveway.

#### **12A.10.060.02 - Commercial and Multi-Family Driveways**

Commercial and multi-family driveways shall be located a minimum of 125 feet from a side street or intersection except where physical site conditions and spacing of existing driveways may cause the City to require another location. The 125 feet is measured along the property line from the right-of-way of the perpendicular street to the edge of the driveway. New driveways that would create a four-legged intersection are undesirable unless the existing City street has an arterial classification, or if a stop condition to the City street exists. Access to a corner lot with a frontage less than 155 feet in width will be established on a case-by-case basis by the City and the driveway(s) shall be placed at such a location to maximize safety.

New driveway locations created by the platting of property shall be unified whenever possible to create the fewest number of accesses onto a City street.

The number, location, and size of commercial and multi-family driveways shall be determined by the volume and type of traffic generated by the development, other driveways in the vicinity of the proposed approach, the amount of lot frontage along the City street, and channelization/traffic control on the City street along the lot frontage.

When multiple driveways to one parcel or development are permitted, they shall not be less than 125 feet apart, measured from centerline to centerline.

A minimum of two major driveways shall be required for developments that will generate 500 ADT or more unless other mitigating measures are approved by the City.

Notwithstanding the requirements of these Regulations, the number and location of major driveways may be more restrictive than described herein if deemed necessary by the City. The City shall base its determination on existing and projected traffic volumes and channelization and signalization on the existing City street, traffic, and turning movements generated by the existing and/or proposed project and other applicable traffic design criteria.

When a three-lane driveway is requested, a traffic engineering study along with a signing, striping, and traffic channelization plan shall be done by the applicant's engineer for submittal to the City for review and approval.

### **12A.10.060.03 - Emergency Vehicle (EV) Access Standards**

The following provisions are required for property access roads and shall be approved by the City Engineer and Fire Marshal:

- A) Length. Approved emergency vehicle (EV) access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the facility.
- B) Width. EV Access servicing not more than two dwelling units shall not be less than fifteen (15) feet wide. EV Access for all other projects shall not be less than 24 feet with no parking, twenty-eight (28) feet with parking on one side and thirty-two (32) feet with parking on both sides.
- C) Vertical Clearance. EV Access shall have an unobstructed vertical clearance of not less than thirteen feet, six inches (13' 6"). The City, after conferring with the Fire Marshal, may allow a reduction in the vertical clearance, provided such reduction does not impair access by emergency vehicles, and approved signs are installed and maintained indicating the established vertical clearance.
- D) Surface Requirements. EV Access shall be designed and maintained to support the imposed loads of fire apparatus and shall be paved with asphalt or concrete so as to provide all-weather driving capabilities. Exception: access designated "Emergency Vehicles Only" may be designed by a professional engineer and can be alternative surfacing, as approved by the City Engineer or designee.
- E) Turning Radii. A minimum outside turning radius of forty-five (45) feet shall be provided for all EV Access.
- F) Number of Accesses. More than one EV access may be required for commercial developments when it is determined by the Pierce County Fire District No. 2 that access by a single street may be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access unless mitigation acceptable to the City and the Fire District is provided.
- G) Grade. The maximum grade (vertical profile grade) of an EV access shall be fifteen (15) percent. All sections of EV accesses with grades over twelve (12) percent shall be paved with 0.17 feet compacted asphalt concrete or its cement concrete equivalent.
- H) Dead End Road Access. Dead-end emergency access roads or drive aisles in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The turnaround shall be as follows.
  - 1. Hammerhead turnarounds may be used when the required EV access road serves four (4) or fewer residential units.
  - 2. Cul-de-sac turnarounds or through-street access shall be used when the required EV access road serves more than four (4) residential units.

3. New additions; alterations or tenant improvements, on a dead end street or interior drive access aisle, that increase the number of uses to the site shall construct an EV turnaround.
  4. A hammerhead turnaround shall be provided within all new commercial/industrial projects whose EV access meets the “Dead End Access Road” criteria.
  5. Hammerhead turnarounds and cul-de-sac design shall comply with the latest edition of the Engineering Standards Manual.
- I) Modifications to the Standards. The Fire Marshal may modify the emergency vehicle access requirements of this section in accordance with the latest edition of the International Fire Code (IFC) or as amended by City Ordinance.

### **12A.10.070 – Gates**

A building permit issued by the City is required when gates are installed over private streets and driveways. The following requirements shall be met:

- A) Gates which serve ten (10) or more dwelling units shall have an Opticom activation system or an equivalent and compatible system that is approved by the Fire Marshal.
- B) Gates shall have rapid-entry key capabilities compatible with the Fire District per IFC, Section 506.
- C) All electrically-activated gates shall have default capabilities to the unlocked position.
- D) The minimum clear width of a gate shall be compatible with the street or driveway required width.
- E) Gates that might be obstructed by the accumulation of snow shall not be installed.
- F) A vehicular turn around shall be provided in front of the gate.

Gates on residential driveways shall be set back from the right-of-way line a minimum of 20 feet. Gates on private streets and commercial and multi-family driveways shall be set back from the right-of-way line a minimum of 60 feet.

### **12A.10.080 - Exemptions from Site Development Permits**

Subject to the requirements of International Building Code appendix “J,” the following work is exempt from the requirements of these regulations.

- A) Construction or maintenance of public roads or flood control projects when done by a public agency sponsoring the project has a completed a SEPA Checklist, if required, has been approved by the City, and the work is in existing public right-of-way or easement dedicated to or owned by the City of Lakewood.
- B) The import or disturbance of not more than a total of 25 cubic yards of material, throughout the life of a development from its existing condition, except in sensitive areas; import or disturbance placed within 25 feet of a drainage course, pothole, or floodplain; and for road construction.

- C) Cutting and Clearing and/or grubbing of a parcel of land or portion thereof less than 5,000 square feet except in sensitive areas.
- D) The stockpiling or broadcasting of less than 500 cubic yards of topsoil, peat, sawdust, mulch, bark, chips or solid nutrients on a lot, tract, or parcel of land, per year except in floodplains and except in sensitive areas.
- E) The installation of utilities in accordance with a valid City permit, well drilling activities, installation of sanitary drain fields, or excavation for soil logs.
- F) Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property.
- G) The excavation or filling required to accommodate only the footprint of a proposed single family residential structure in preparation for the proposed structure.

**12A.11.000 - Stormwater Management**

**Chapter 12A.11**

**Stormwater Management**

Sections:

- 12A.11.010 Purpose
- 12A.11.020 General Provisions
- 12A.11.030 Development Proposal Requirements
- 12A.11.040 Minimum Surface Water and Stormwater Requirements
  - 12A.11.040.01 Minimum Requirement #1: Preparation of Stormwater Site Plans
  - 12A.11.040.02 Minimum Requirement #2: Construction Stormwater Pollution Prevention
  - 12A.11.040.03 Minimum Requirement #3: Source Control of Pollution
  - 12A.11.040.04 Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls
  - 12A.11.040.05 Minimum Requirement #5: On-Site Stormwater Management
  - 12A.11.040.06 Minimum Requirement #6: Runoff Treatment Project Thresholds
  - 12A.11.040.07 Minimum Requirement #7: Flow Control
  - 12A.11.040.08 Minimum Requirement #8: Wetlands Protection
  - 12A.11.040.09 Minimum Requirement #9: Basin/Watershed Planning
  - 12A.11.040.10 Minimum Requirement #10: Operation and Maintenance
- 12A.11.050 Construction Timing and Final Approval
- 12A.11.060 Illicit Discharge

### **12A.11.010 – Purpose**

The purpose of this subchapter is to describe requirements for new development and redevelopment to:

- A) Reduce flooding, erosion, and sedimentation;
- B) Prevent and mitigate habitat loss;
- C) Enhance groundwater recharge; and
- D) Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection.

### **12A.11.020 - General Provisions**

All new development and redevelopment shall be served by an adequate stormwater management system as follows:

- A) The proposed system is adequate if the development proposal site is served by a stormwater management system approved by the City Engineer as being consistent with the design, operating and procedural requirements adopted by the City. The project engineer shall submit a letter to the City certifying completeness of the stormwater management system in accordance with section 12A.060.020;
- B) For a formal subdivision, special use permit or zone reclassification, the phased installation of required stormwater management improvements shall be stated in the approving documents.

### **12A.11.030 - Development Proposal Requirements**

A drainage review and approval is required when any development proposal is subject to a City permit. All proposals for development or redevelopment, whether public or private, which are submitted to the City for review and approval, shall conform to these Requirements which are to be used as the basis for review and approval of design and construction.

Development projects that capture and infiltrate all stormwater on site are also subject to these regulations, since these projects contribute to groundwater and have a probability of contributing stormwater to the City stormwater system in the event the design capacity is exceeded; or the system is compromised or fails.

Not all of the minimum requirements apply to every development or redevelopment project. The applicability varies depending on the type and size of the project. The flow charts in Figures

11.1 and 11.2 shall be used to determine which of the Minimum Requirements apply.

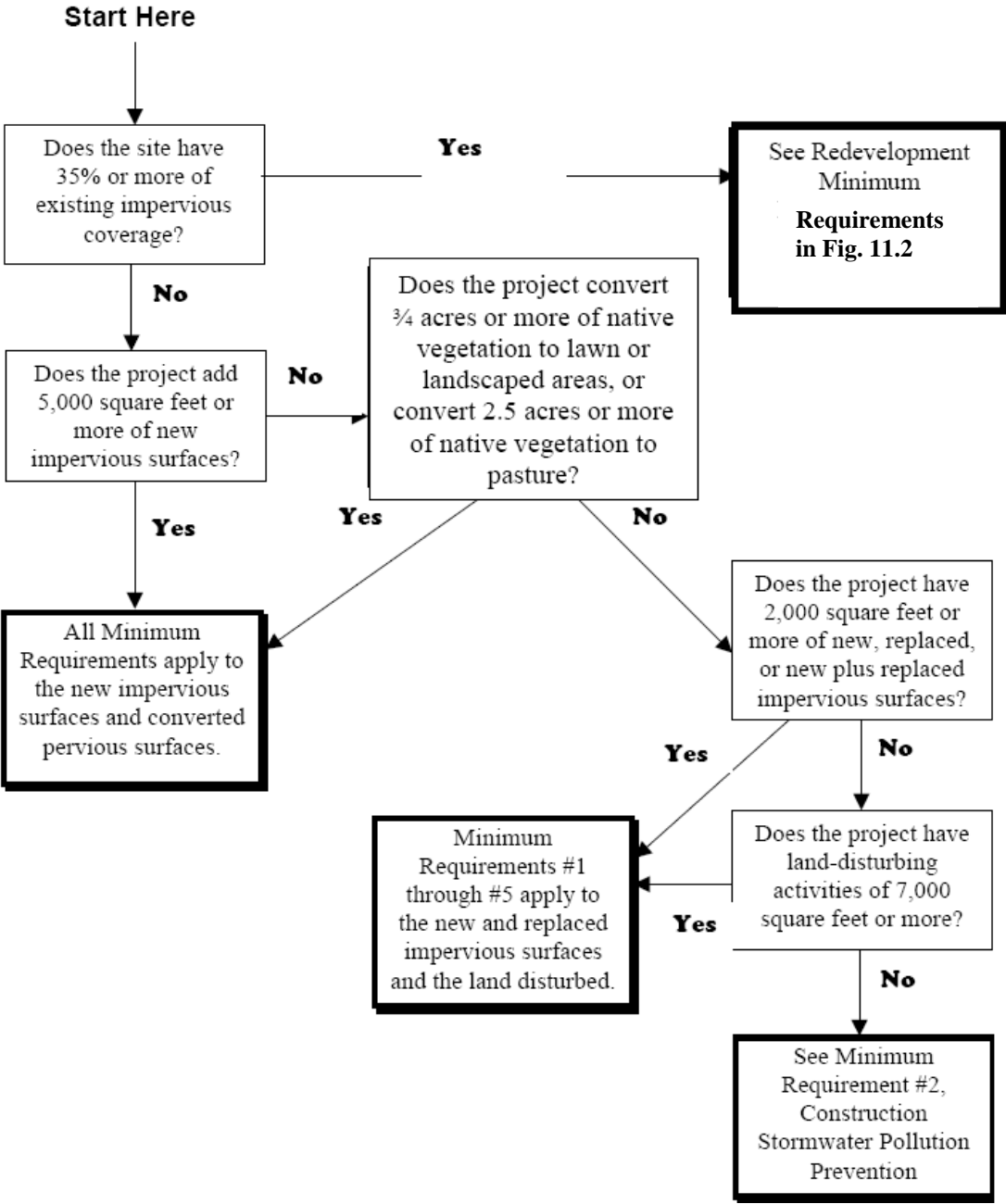


Figure 11.1: Flow Chart for Determining Requirements for New Development

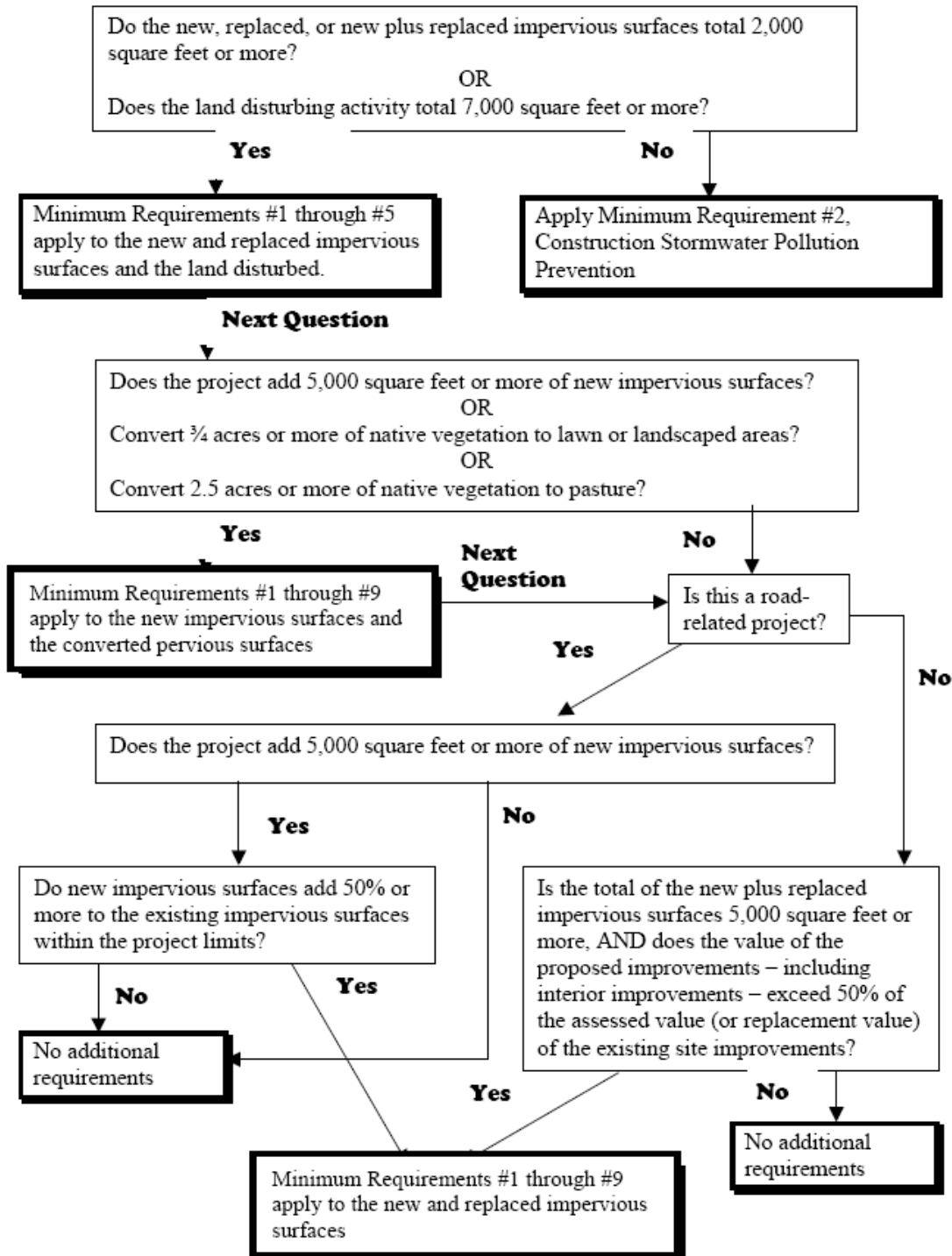


Figure 11.2: Flow Chart for Determining Requirements for Redevelopment

12A.11.040 - Minimum Surface Water and Stormwater Requirements

When drainage review and approval is required the City requires at a minimum, full compliance with the LMC 12A.11.040.01 – 12A.11.040.10.

#### **12A.11.040.01 - Minimum Requirement #1: Preparation of Stormwater Site Plans**

All projects meeting the thresholds in LMC 12A.11.030, figure 11.1 or 11.2 shall prepare a Stormwater Site Plan for City review. Stormwater Site Plans shall be prepared in accordance with the DOE Stormwater Manual as amended by the Engineering Standards Manual.

#### **12A.11.040.02 - Minimum Requirement #2: Construction Stormwater Pollution Prevention**

All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants leaving the site. Projects meeting the thresholds described in LMC 12A.11.030 figure 11.1 or 11.2 and not qualifying for an Erosivity Waiver, as described below, shall prepare a Construction Stormwater Pollution Prevention Plan (SWPPP) as part of the Stormwater Site Plan (see LMC 12.11.040.01, Minimum Requirement #1). **Projects that will not discharge stormwater to waters of the state are not required to prepare a SWPPP nor need apply for an erosivity waiver. However, projects greater than one acre that have the potential to discharge to waters of the state, as determined by the City Engineer, shall apply for a Construction Stormwater General Permit through the DOE.**

The SWPPP shall be implemented beginning with initial soil disturbance and until final stabilization. The SWPPP shall meet the following objectives:

- A) To implement Best Management Practices (BMPs) to prevent erosion and sedimentation, and to identify, reduce, eliminate or prevent stormwater contamination and water pollution from construction activity;
- B) To prevent violations of surface water quality, ground water quality or sediment management standards; and
- C) To control peak volumetric flow rates and velocities of stormwater discharges.

#### **Erosivity Waiver**

Qualifying projects may apply for an Erosivity Waiver from the DOE. Projects approved to use the Erosivity Waiver would be waived from the requirement to submit a SWPPP for review. Applicants may apply for a waiver from the requirement to submit a SWPPP if the following conditions are met:

- A) The site will result in the disturbance of less than 5 acres; and the site is not a portion of a common plan of development or sale that will disturb 5 acres or greater; and
- B) The project's rainfall erosivity factor ("R" Factor) is less than 5 during the period of construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator at: <http://ei.tamu.edu/>. The period of construction activity begins at initial earth disturbance and ends with final stabilization; and
- C) The entire period of construction activity falls between June 15 and September 15; and



- D) The site or facility has not been declared a significant contributor of pollutants; and
- E) There are no planned construction activities at the site that will result in non-stormwater discharges; and
- F) The City Engineer deems the waiver appropriate.

Applicants shall notify the local jurisdiction at least one week prior to commencing land disturbing activities. The waiver shall include a certified statement that:

- A) The operator will comply with issued permit requirements; and
- B) The operator will implement appropriate erosion and sediment control BMPs to prevent violations of water quality standards.

**12A.11.040.03 - Minimum Requirement #3: Source Control of Pollution**

All known, available and reasonable source control BMPs shall be applied to all projects. Source control BMPs shall be selected, designed, and maintained according to the DOE Stormwater Manual and as amended by the Engineering Standards Manual.

**12A.11.040.04 - Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls**

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site shall not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.

**12A.11.040.05 - Minimum Requirement #5: On-Site Stormwater Management**

Projects shall employ On-site Stormwater Management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding or erosion impacts. Roof Downspout Control BMPs and Dispersion and Soil Quality BMPs shall be required to reduce the hydrologic disruption of developed sites.

**12A.11.040.06 - Minimum Requirement #6: Runoff Treatment Project Thresholds**

The following require construction of stormwater treatment facilities (see Table 11.6 in this section):

- A) Projects in which the total of effective, pollution-generating impervious surface (PGIS) is 5,000 square feet or more in a threshold discharge area of the project, or
- B) Projects in which the total of pollution-generating pervious surfaces (PGPS) is 0.75 acres or more in a threshold discharge area, and from which there is a surface discharge in a natural or manmade conveyance system from the site.

**Table 11.6 Treatment Requirements by Threshold Discharge Area**

	< 0.75 acres of PGPS	> 0.75 acres PGPS	< 5,000 sf PGIS	> 5,000 sf PGIS
Treatment Facilities		X		X
Onsite Stormwater BMPs	X	X	X	X

PGPS = pollution-generating pervious surfaces

PGIS = pollution-generating impervious surfaces

sf = square feet

Treatment-Types and Facilities are described in the DOE Stormwater Manual.

**12A.11.040.07 - Minimum Requirement #7: Flow Control**

Projects shall provide flow control to reduce the impacts of stormwater runoff from impervious surfaces and land cover conversions. This requirement shall be interpreted as follows within the City of Lakewood:

- This minimum requirement applies to projects that discharge stormwater directly or indirectly through a conveyance or overflow system, into waters of the state.
- This minimum requirement applies to projects that discharge stormwater to a City-owned conveyance system which subsequently infiltrates stormwater. However, for this scenario, the level of control required for such discharges will be approved on a site-by-site basis by the City Engineer. The intent is to ensure that drainage from the project site will not exceed the capacity of the downstream conveyance and/or the downstream infiltration system.
- This minimum requirement is waived for sites that will infiltrate on-site all runoff from impervious surfaces and converted pervious surfaces.

**Thresholds**

The following require construction of flow control facilities and/or land use management BMPs that will achieve the standard requirements of the DOE Stormwater Manual:

- A) Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area, or
- B) Projects that convert 0.75 acres or more of native vegetation to lawn or landscape, or convert 2.5 acres or more of native vegetation to pasture in a threshold discharge area, and from which there is a surface discharge in a natural or man-made conveyance system from the site, or
- C) Projects that through a combination of effective impervious surfaces and converted pervious surfaces cause a 0.1 cubic feet per second increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other approved model.

That portion of any development project in which the above thresholds are not exceeded in a threshold discharge area shall apply Onsite Stormwater Management BMPs in accordance with Minimum Requirement #5.

### **Standard Requirement**

Stormwater discharges shall match developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50 percent of the 2-year peak flow up to the full 50-year peak flow. The pre-developed condition to be matched shall be a forested land cover unless either of the following occur:

- A) Reasonable, historic information is provided that indicates the site was prairie prior to settlement (modeled as “pasture” in the Western Washington Hydrology Model); or,
- B) The drainage area of the immediate stream and all subsequent downstream basins have had at least 40 percent total impervious area since 1985. In this case, the pre-developed condition to be matched shall be the existing land cover condition. Where basin-specific studies determine a stream channel to be unstable, even though the above criteria is met, the pre-developed condition assumption shall be the “historic” land cover condition or a land cover condition commensurate with achieving a target flow regime identified by an approved basin study.

This standard requirement is waived for sites that will reliably infiltrate on-site all the runoff from impervious surfaces and converted pervious surfaces.

### **Alternative Requirement**

An alternative requirement may be established through application of watershed-scale hydrological modeling and supporting field observations. Possible reasons for an alternative flow control requirement include the following:

- A) Establishment of a stream-specific threshold of significant bed load movement other than the assumed 50 percent of the 2-year peak flow;
- B) Zoning and Land Clearing Ordinance restrictions that, in combination with an alternative flow control standard, maintain or reduce the naturally occurring erosive forces on the stream channel; or
- C) A duration control standard is not necessary for protection, maintenance, or restoration of designated beneficial uses or Clean Water Act compliance.

## **12A.11.040.08 - Minimum Requirement #8: Wetlands Protection**

### **Applicability**

The requirements below apply only to projects whose stormwater discharges into a wetland, either directly or indirectly through a conveyance system. These requirements shall be met in addition to meeting Minimum Requirement #6, Runoff Treatment; and comply with the provisions of LMC Chapter 14A.162, Wetlands Areas.

### **Thresholds**

The thresholds identified in Minimum Requirement #6 – Runoff Treatment, and Minimum Requirement #7 – Flow Control shall also be applied for discharges to wetlands.

## **Standard Requirement**

Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or stormwater treatment in accordance with the DOE Stormwater Manual specified by and as modified by the Engineering Standards Manual.

## **Additional Requirements**

The standard requirement does not excuse any discharge from the obligation to apply whatever technology is necessary to comply with state water quality standards, Chapter 173-201A WAC, or state groundwater standards, Chapter 173-200 WAC. Additional treatment requirements to meet those standards may be required by federal, state, or local governments. Stormwater treatment and flow control facilities shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government or as allowed in wetlands approved for hydrologic modification and/or treatment in accordance with the Stormwater Manual.

An adopted and implemented basin plan (Minimum Requirement #9), or a Total Maximum Daily Load (TMDL), also known as a Water Clean-up Plan, may be used to develop requirements for wetlands that are tailored to a specific basin.

### **12A.11.040.09 - Minimum Requirement #9: Basin/Watershed Planning**

Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, and operation and maintenance, and alternative requirements for flow control and wetlands hydrologic control as identified in basin/watershed plans, if applicable.

### **12A.11.040.10 - Minimum Requirement #10: Operation and Maintenance**

An operation and maintenance manual shall be provided for all proposed stormwater facilities and BMPs, and the party (or parties) responsible for maintenance and operation shall be identified. At private facilities, a copy of the manual shall be retained onsite or within reasonable access to the site, and shall be transferred with the property to the new owner. For short plats and subdivisions, a plat agreement to follow the long term operation and maintenance plan shall be signed. For public facilities, a copy of the manual shall be retained in the appropriate department. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the City.

### **12A.11.050 - Construction Timing and Final Approval**

Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

- A) Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and
- B) Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.

Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of short plats and subdivisions may occur prior to the construction of drainage facilities when approved in writing by the City Engineer only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities then a financial guarantee will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.

**12A.11.060 – Illicit Discharge**

A. Prohibited Discharges. It is unlawful for any individual, person, firm or corporation to discharge into the public storm drainage system directly or indirectly any liquid or solid foreign substances of biodegradable or other nature which may cause or tend to cause water pollution, including but not limited to the following items:

- 1. Petroleum and automotive products including but not limited to oil, gasoline, diesel fuel, grease, fuel oil and heating oil, antifreeze or other automotive products;
- 2. Trash, waste and debris including but not limited to food waste, garbage, pet wastes, sanitary sewage, bark and other fibrous material, lawn clippings, leaves or branches, animal carcasses, silt, sand, dirt or rock;
- 3. Chemicals, paints, paint chips, steam cleaning wastes, laundry wastes, soaps, pesticides, herbicides or fertilizers, degreasers and/or solvents, acids or alkalis, or dyes;
- 4. Heated water, chlorinated water or chlorine;
- 5. Construction materials including waste from washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates, mortar, gypsum, paint, or any other building materials.

B. Discharging of the following non-stormwater into the public storm drainage system directly or indirectly is illegal unless the stated conditions are met:

- 1. Discharges from potable water sources that have not been dechlorinated, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-

adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the City drainage system;

2. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the City drainage system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the City drainage system;
3. Street and sidewalk wash water, water used to control dust, and routine external building wash down water at active construction sites. Street sweeping must be performed prior to washing the street;
4. Discharges shall be in compliance with the requirements of the stormwater pollution prevention plan reviewed by the City, which addresses control of construction site de-watering discharges.

C. Permissible Discharges. The City Engineer, or the designee thereof, may determine that the following types of discharges, whether singly or in combination with others, is a significant source of water pollution and therefore prohibited and illegal:

Natural uncontaminated groundwater; uncontaminated air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; irrigation runoff from agricultural sources that is comingled with urban stormwater; discharges in compliance with an NPDES permit; and discharges from approved footing drains and foundation drains.

D. Exemption. Discharges resulting directly from public firefighting activities, but not from such as the maintenance or cleaning of firefighting equipment, are exempt from regulation under this section.

E. Enforcement. The City Engineer, or the designee thereof or enforcement inspector or official, is authorized to enforce the regulations of this section through the following process or procedure:

1. Notice to Correct Violation. Whenever the code enforcement official or other authorized enforcement official, or his/her designee, determines that a violation of this section is occurring or has occurred, a written notice may be issued to correct the violation, with such notice being posted upon the property or delivered to the to the property owner(s) and/or tenant(s) and/or to any person(s) causing or allowing or participating in the violation.
2. Service of Notice. Such notice shall be served by posting the property, personally serving a copy of the notice upon a party responsible for the property, or by certified mail to the property owner or taxpayer of record for the property.
3. Notices pursuant to this section shall be in writing, shall state the specific violation to be remedied, the location of the violation, and the property owner and/or persons responsible for the property.
4. The code enforcement officer or inspecting official shall require the violation to be corrected within one to fifteen (15) working days from the issuance of

the notice to correct. The length of time to correct shall be determined, in the sole discretion of the code enforcement official or other authorized enforcement official, or his/her designee, by the scope of violation, the history of prior violations by the same persons and/or at the same location and method needed to correct violation. All violations, in any event, shall be corrected expeditiously.

5. Failure to remedy a violation of this section after proper service of a Notice to Correct is a misdemeanor crime, punishable by up to ninety (90) days in jail, a \$1,000 fine or any combination thereof.
6. Public Nuisance. Violations of this section are public nuisances and may be abated by the City. LMC 12A.02.050 Public Nuisance.

### **12A.12.000 - Street and Alley Vacation Procedures**

#### **Chapter 12A.12**

#### **Street and Alley Vacation Procedures**

Sections:

- 12A.12.010 Definitions
- 12A.12.020 Statement of Purpose
- 12A.12.030 Initiation of Vacation
- 12A.12.040 Petition for Vacation
- 12A.12.050 Petition Fees
- 12A.12.060 Survey, vicinity map, plat map and legal description
- 12A.12.070 Setting of hearing
- 12A.12.080 Staff Report
- 12A.12.090 Notice of Hearing
- 12A.12.100 Protest
- 12A.12.110 Hearing and Committee Report
- 12A.12.120 City Council Decision
- 12A.12.130 Limitation on vacations of streets abutting bodies of water
- 12A.12.140 Requirements prior to Resolution regarding vacation of streets butting bodies of water
- 12A.12.150 Vacation by Ordinance
- 12A.12.160 Compensation for Vacation
- 12A.12.170 Appraisals
- 12A.12.180 Payment of Compensation of Conveyance
- 12A.12.190 Recording with County Auditor

#### **12A.12.010 - Definitions**

A street or alley "vacation" means that the public is letting go of, or "vacating", the public interest in a property. After a street or an alley is vacated, the public no longer has a right to use the property for access. (Ord. 48 § 1, 1996.)

### **12A.12.020 - Statement of Purpose**

The purpose of this ordinance is to establish procedures, notice requirements and fees for the vacation of streets and alleys within the City. This ordinance is intended to implement the authority granted to the City by Chapter 35.79 RCW and RCW 35A.47.020 and to conform to their provisions. In case of conflict between this chapter and those statutes, the statutory provisions shall be controlling. (Ord. 48 § 2, 1996.)

### **12A.12.030 - Initiation of Vacation**

The owners of an interest in any real property abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the City Council. In the alternative, the City Council may itself initiate a vacation by Resolution. The petition or Resolution shall be filed with the City Clerk. (Ord. 48 § 3, 1996.)

### **12A.12.040 - Petition for Vacation**

The petition shall be in a form prescribed by the City Manager or designee and shall contain a name, address and telephone number of a representative for the petitioners. The petition shall also discuss the criteria set forth in Section 12.20.110 of this Chapter. The sufficiency of the petition shall be governed by RCW 35A.01.040. (Ord. 48 § 4, 1996.)

### **12A.12.050 - Petition Fees**

Every petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established by resolution of the City to defray the administrative costs incurred in processing the petition and publishing, posting and mailing notices, plus any consulting costs incurred by the City during the review process. The fee shall not be refunded under any circumstances. (Ord. 48 § 5, 1996.)

### **12A.12.060 - Survey, Vicinity Map, Plat Map and Legal Description**

A. Every petition shall be accompanied by: (1) a survey, (2) a vicinity map showing the general area of the proposed vacation, (3) a plat map prepared and sealed by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the proposed street or alley to be vacated, and (4) an exact legal description of the portion of road to be vacated prepared and sealed by a professional land surveyor, registered in the State of Washington.

B. Flagging which indicates the boundaries of the street or alley shall be installed when the survey is conducted. (Ord. 48 § 6, 1996.)

### **12A.12.070 - Setting of Hearing**

Upon receipt of the petition, the fee and all required documents the City Clerk shall forward the petition and required documents to the City Manager or designee who shall determine whether



the petition has been signed by the owners of more than two-thirds of the property abutting the part of the street or alley to be vacated. If the petition has been signed by the required percentage of such owners, the City Manager or designee shall bring the petition before the City Council within 30 days of receipt of the petition, and the City Council shall, by Resolution, fix a time when the petition will be heard and determined by the City Council, or committee of the City Council, which time shall be not more than 60 days nor less than 20 days after the date of adoption of the resolution. Where the City Council initiates the vacation by Resolution, that Resolution shall fix a time when the proposed vacation will be heard by the City Council or a committee of the City Council. (Ord. 48 § 7, 1996.)

#### **12A.12.080 - Staff Report**

The City Manager or designee shall prepare a report concerning the proposed vacation, which report shall address the criteria (see Section 12.20.110) to be considered by the City Council in determining whether to vacate the street or alley, and such other information as deemed appropriate by the City Manager or designee. In preparing the report, the City Manager or designee shall solicit comments from Law Enforcement, Public Works and other departments of the City, and may solicit comments from other governmental agencies and utility service providers operating within the boundaries of the City, including Fire Districts. The report shall be submitted to the City Council, or the City Council committee hearing the matter, and to the representative of the petitioners, not less than five days before the hearing. (Ord. 48 § 8, 1996.)

#### **12A.12.090 - Notice of Hearing**

Upon the passage of the resolution fixing the time for hearing the petition or proposal for vacation, the City Clerk shall give not less than 20 day's notice to the time, place and purpose of the hearing by (1) publishing written notice once in the City's official newspaper, (2) posting a placard in a conspicuous place at each end of the street or alley sought to be vacated, and (3) mailing written notice to all petitioners at the address on the petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Pierce County Assessor. In addition, notice shall be given to the owners of property which lie within 300 feet beyond the street or alley to be vacated, measuring in both directions from the area to be vacated. The City Manager or designee shall send the same written notice to the representative of the petitioners at the address on the petition. The placards shall be highly visible and at least 11 by 14 inches in size, and shall include a map showing the location of the street or alley proposed to be vacated. (Ord. 48 § 9, 1996.)

#### **12A.12.100 - Protest**

If fifty percent (50%) or more of the owners of the abutting property file written objections to a City Council-initiated vacation with the City Clerk, prior to the time of the hearing, the City shall be prohibited from proceeding with the vacation. (Ord. 48 § 10, 1996.)

#### **12A.12.110 - Hearing and Committee Report**

The hearing on the petition proposal shall be held before the City Council, or a committee of the City Council, upon the day fixed by Resolution or at the time to which a hearing may be adjourned. Following the hearing, the committee shall report its recommendation on the petition or proposal to the City Council, which may adopt or reject the recommendation. If a hearing is held before a committee, it shall not be necessary to hold a hearing before the City Council. (Ord. 48 § 11, 1996.)

#### **12A.12.120 - City Council Decision**

Following the hearing and receipt of committee report, if applicable, the City Council shall determine whether to vacate the street or alley. The determination shall include, but not be limited to, consideration of the following criteria:

- A. Whether a change of use or vacation of the street or alley will better serve the public good;
- B. Whether the street or alley is no longer required for public use or public access;
- C. Whether the substitution of a new and different public way would be more useful to the public;
- D. Whether conditions may so change in the future as to provide a greater use or need than presently exists; and,
- E. Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the street or alley or other governmental agencies or members of the general public. (Ord. 48 § 12, 1996.)

#### **12A.12.130 - Limitation on Vacations of Streets Abutting Bodies of Water**

If the street or alley to be vacated, or any portion of the street or alley to be vacated, abuts a body of fresh or salt water, the City shall not vacate such street or alley unless the following additional criteria and the requirements are met:

- A. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;
- B. The City, by Resolution, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or
- C. The vacation is sought to enable the City to implement a plan, adopted by Resolution or Ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated. (Ord. 48 § 13, 1996.)

**12A.12.140 - Requirements Prior to Resolution Regarding Vacation of Streets Abutting Bodies of Water**

Before adopting a Resolution vacating a street or alley under subsection 12.20.130(B) above, the City shall complete the following:

- A. Compile an inventory of all rights of way within the city that abut the same body of water that is abutted by the street or alley sought to be vacated;
- B. Conduct a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education.
- C. Hold a public hearing on the proposed vacation in the manner required by this ordinance, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular designated official indicating his or her objection; and
- D. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under B. of LMC section 12.20.140, and that the vacation is in the public interest.
- E. No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites. (Ord. 48 § 14, 1996.)

**12A.12.150 - Vacation by Ordinance**

If the City Council determines to grant the vacation, the action shall be made by Ordinance in conformance with 12.20.120 and with such conditions or limitations as the City Council deems necessary and proper to preserve any desired public use or benefit. The ordinance may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services. (Ord. 48 § 15, 1996.)

**12A.12.160 - Compensation for Vacation**

- A. Where a vacation has been initiated by petition, the owners of the property abutting the area vacated shall pay to the City, prior to the effective date of the ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated plus the full cost of physical closure and road repairs as required by the City Manager or designee. If the property sought to be vacated, however, has been part of a dedicated public right-of-way, whether open or unopened for twenty-five (25) years or more, or if the property or portions thereof were acquired at public expense, the City may require the petitioner(s) to pay compensation in an amount that does not exceed the full appraised value of the area vacated. Where the vacation was initiated by the City

or was required by the City as a condition of a permit or approval, the owners of the property abutting the area vacated shall not be required to compensate the City.

B. Conveyance of other property acceptable to the City may be made in lieu of the required payment, whether required to mitigate adverse impacts of the vacation or otherwise. When the conveyance is made for street purposes, one-half of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed shall be credited to the required payment.

C. When the value of the in-lieu parcel is less than the required payment, the petitioners shall pay the difference to the City. When the value of the in-lieu parcel exceeds the required payment, the City shall pay the difference to the petitioners.

D. One-half of the revenue received by the City as compensation for vacated public property shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation projects within the City.  
(Ord. 377 § 1 (part), 2005; Ord. 48 § 16 (part), 1996.)

#### **12A.12.170 - Appraisals**

A. The City Manager or designee shall determine the appraised value of the area vacated based on an appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. To obtain such appraisal, the City Manager or designee shall present to the representatives of the petitioners a list of three such certified and designated appraisers from which the representatives of the petitioners shall select one appraiser. The petitioner shall pay for the appraisal if the City Manager or designee is not satisfied with the appraisal, the City Manager or designee may order a second appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. The City shall pay for the second appraisal.

B. The City Manager or designee shall use the appraisal having the highest value for the area vacated. The City Manager or designee shall determine the fair market value or full appraisal value of the real property proposed to be granted or dedicated to the City in lieu of cash payment under 12A.20.120 of this Chapter in accordance with the appraisal procedure of this Section. A of this 12A.20.170. (Ord. 48 § 17, 1996.)

#### **12A.12.180 - Payment of Compensation of Conveyance**

After determining the appraisal of the value of the street or alley to be vacated, pursuant to 12.20.030 of this Chapter, the City Manager or designee shall notify the representatives of the petitioners of the amount of compensation. The payment shall be delivered to the City Manager or designee who, upon receipt of the payment, shall transmit it to the City Finance Department for deposit in the street fund and shall make a written report of the payment to the City Council. If the petitioner has been authorized to deliver an instrument granting or dedicating to the City a parcel or parcels of land in lieu of cash payment, as contemplated in 12.04.150 of this Chapter,

the City Manager or designee, at the petitioner's expense, may obtain either a policy of title insurance insuring title of the property in the City, or a certificate of title as to the title insurance insuring title of the property in the City, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate, shall transmit it to the City Council. (Ord. 48 § 18, 1996.)

### **12A.12.190 - Recording With County Auditor**

A certified copy of any such Ordinance vacating a street or alley or part thereof, shall be recorded by the City Clerk in the office of the Pierce County Auditor. (Ord. 48 § 19, 1996.)

### **12A.13.000 - Commute Trip Reduction**

#### **Chapter 12A.13**

#### **Commute Trip Reduction**

Sections:

- 12A.13.010 Definitions
- 12A.13.020 Commute Trip Reduction Goals
- 12A.13.030 Designation of CTR Zone and Base Year Values
- 12A.13.040 City Employee CTR Plan
- 12A.13.050 Implementation Responsibility
- 12A.13.060 Responsible City Department
- 12A.13.070 Applicability
- 12A.13.080 Notification of Applicability
- 12A.13.090 New Affected Employers
- 12A.13.100 Change in Status as An Affected Employer
- 12A.13.110 Requirements for Employers
- 12A.13.120 Record Keeping
- 12A.13.130 Schedule and Process for CTR Reports, Program Review and Implementation
- 12A.13.140 Exemptions and Goal Modifications
- 12A.13.150 Credit for Transportation Demand Management (TDM) Efforts
- 12A.13.160 Appeals of Final Decisions
- 12A.13.170 Enforcement

### **12A.13.010 - Definitions**

The following definitions shall apply to this Chapter:

A. Affected Employee - A full-time employee who is scheduled to begin his or her regular work day at a single worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays per week for at least twelve continuous months. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees. For the purposes of this Chapter, principals and associates in a corporation, partners (general or limited) in a partnership and participants in a joint venture are to be

considered employees.

B. Affected Employer - An employer that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve continuous months. Construction work sites, when the expected duration of the construction is less than two years, are excluded from this definition. (See also definition of "Employer.")

C. Alternative Mode - Any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including teleworking and compressed work weeks if they result in reduced commute trips.

D. Alternative Work Schedules - Programs such as compressed work weeks that eliminate work trips for affected employees.

E. Base Year - The period on which goals for vehicle miles traveled (VMT) per employee and the proportion of single-occupant vehicle (SOV) trips shall be based.

F. Carpool - A motor vehicle occupied by two to six people 16+ years of age traveling together for their commute trip that results in a reduction of a minimum of one motor vehicle commute trip.

G. City - The City of Lakewood, including any persons, agencies, or entities providing services for and on behalf of the City in connection herewith.

H. Commute Trips - Trips made from a worker's home to a worksite with a regularly scheduled arrival time of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.

I. CTR (Commute Trip Reduction) Plan - The City of Lakewood's plan and ordinance to regulate and administer the CTR programs of affected employers within its jurisdiction.

J. CTR (Commute Trip Reduction) Program - An employer's strategies to reduce affected employees' SOV use and VMT per employee.

K. CTR (Commute Trip Reduction) Task Force Guidelines - The model standards for local jurisdictions to use in the creation and administration of CTR plans and programs. The standards are guidelines to create consistency among local jurisdictions.

L. CTR (Commute Trip Reduction) Zone - An area, such as a census tract or combination of census tracts within Pierce County and/or the City of Lakewood, characterized by similar employment density, population density, level of transit service, parking availability, access to high-occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.

M. Commuter Matching Service - A system that assists in matching commuters for the purpose of commuting together.

N. Compressed Work Week - An alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four ten-hour days or 80 hours in nine days, but may also include other arrangements.

O. Custom Bus/Buspool - A commuter bus service arranged specifically to transport employees to work.

P. Dominant Mode - The mode of travel used for the greatest distance of a commute trip.

Q. Employee - Anyone who receives financial or other remuneration in exchange for work provided to an employer, including owners or partners of the employer.

R. Employer - A sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit, or private, that employs workers.

S. Exemption - A waiver from any or all CTR program requirements granted to an employer by the City based on unique conditions that apply to the employer or employment site.

T. Flex-Time – An employer policy or a mutual agreement between employee and employer allowing individual employees some flexibility in choosing the time, but not the number, of their working hours in order to facilitate the use of alternative modes.

U. Full-Time Employee - A person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks per year for an average of at least 35 hours per week.

V. Good Faith Effort - That an employer is meeting the minimum requirements identified in RCW 70.94.531 and this Chapter and is working collaboratively with the City to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

W. Implementation - Active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and this Chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to their CTR program and schedule.

X. Mode - The means of transportation used by employees, such as SOVs, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedules, and teleworking.

Y. Notice - Written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the Postal Service, unless the third day falls on a weekend or legal holiday, in which case the notice is

deemed accepted the day after the weekend or legal holiday.

Z. Peak Period - The hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

AA. Peak Period Trip - Any employee trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

BB. Proportion of SOV (Single-Occupant Vehicle) Commute Trips or SOV Rate - The number of commute trips over a set period made by affected employees in SOVs divided by the number of potential trips taken by affected employees working during that period.

CC. Single-Occupant Vehicle (SOV) - A motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.

DD. Single-Occupant Vehicle (SOV) Trips - Trips made by affected employees in SOVs.

EE. Single Worksite - A building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way occupied by one or more affected employers.

FF. State - The Commute Trip Reduction Program of the Washington State Department of Transportation, its successor(s) and/or assign(s).

GG. Teleworking - The use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

HH. Transit - A multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

II. Transportation Demand Management (TDM) - A broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

JJ. Transportation Management Organization (TMO) - A group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

KK. Vanpool - A vehicle occupied by from seven to 15 people 16+ years of age traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.



LL. Vehicle Miles Traveled (VMT) Per Employee - The sum of the individual vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period.

MM. Week - A seven-day calendar period, starting on Monday and continuing through Sunday.

NN. Weekday - Any day of the week except Saturday or Sunday.

OO. Writing, Written, or In Writing - Original signed and dated documents. Facsimilie (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.020 - Commute Trip Reduction Goals**

The CTR goals for employers affected by this Chapter are to achieve the following reductions in vehicle miles traveled (VMT) per employee or in the proportion of single-occupant vehicle (SOV) commute trips from the base year value of Lakewood's CTR zone or the worksite's measured base year value:

- A. 15 percent by January 1, 1995;
- B. 20 percent by January 1, 1997;
- C. 25 percent by January 1, 1999; and
- D. 35 percent by January 1, 2005.

New employers that become subject to this Chapter after 1997 shall have two years from the date on which they become subject to this Chapter to achieve the 15 percent reduction goals, four years to achieve the 20 percent reduction goals, six years to achieve the 25 percent reduction goals, and 12 years to achieve the 35 percent reduction goals. (Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.030 - Designation of CTR Zone and Base Year Values**

Employers in Lakewood shall be placed into a given CTR zone that shares generally common values for employees' VMT and proportion of SOV trips. (Ord 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.040 - City Employee CTR Plan**

The City of Lakewood's CTR plan for City employees, developed in accordance with the provisions of RCW 70.94.521-551 and the provisions of this Chapter shall be on file in the Office of the City Clerk, provided that the plan may be amended from time to time. (Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.050 - Implementation Responsibility**

The City of Lakewood has a variety of responsibilities pursuant to the requirements of RCW 70.94.521-551 and this Chapter, including, but not limited to the following:

- A. Adoption and implementation of CTR programs and plans for all major employers, consistent with RCW 70.94.527, and in cooperation with other major employers and other public agencies.
- B. Provide for civil penalties for affected employers that fail to implement or modify a CTR program as required by this Chapter.
- C. Coordinate with neighboring jurisdictions to ensure consistency in the development and interpretation of the CTR plan.
- D. Implement a CTR program for City of Lakewood employees.
- E. Provide technical assistance to affected employers within the City of Lakewood to help them meet the requirements of this Chapter.
- F. Review the CTR programs of affected employers within the City of Lakewood.
- G. Review and revise the City of Lakewood CTR program as necessary.
- H. Provide information on the adopted CTR plan, as well as annual reports and other information as required, to the State Commute Trip Reduction Task Force (RCW 70.94.537) via the State. (Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.060 - Responsible City Department**

The City of Lakewood Engineering Department shall be responsible for implementing this Chapter, the CTR Plan, and the City's CTR program for its own employees. The City Engineer or designee shall have the authority to issue such rules and administrative procedures as are necessary to implement this Chapter. (Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.070 - Applicability**

The provisions of this Chapter shall apply to any affected employer at any single worksite within the corporate limits of the City of Lakewood. (Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.080 - Notification of Applicability**

A. In addition to the City's established public notification for adoption of an ordinance, a notice of availability of a summary of this Chapter, a notice of the requirements and criteria for affected employers to comply with this Chapter, and subsequent revisions shall be published at least once

in the City's official newspaper not more than 30 days after the passage or revision of this Chapter.

B. Affected employers located in the City are to receive formal written notification that they are subject to this Chapter. Such notification shall be at least 180 days prior to the due date for submittal of their CTR program.

C. Affected employers that, for whatever reason, do not receive notice within 30 days of passage of the ordinance providing for this Chapter and are either notified or identify themselves to the City within 180 days of the passage of the ordinance providing for this Chapter will be granted an extension to assure up to 180 days from the passage of the ordinance providing for this Chapter within which to develop and submit a CTR program.

D. Affected employers that have not been identified or do not identify themselves within 180 days of the passage of the ordinance providing for this Chapter and do not submit a CTR program within 180 days from the passage of the ordinance providing for this Chapter are in violation of this ordinance.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

#### **12A.13.090 - New Affected Employers**

A. Employers that meet the definition of the "affected employer" in this Chapter must identify themselves to the City within 180 days of either moving into the boundaries of the city or growing in employment at a worksite to one hundred (100) or more affected employees. Such employers shall be given 180 days to develop and submit a CTR program. Employers that do not identify themselves within 180 days are in violation of this ordinance.

B. Employers must conduct a baseline survey within one year of becoming an affected employer. Employers must survey all of their affected employees. Employers are required to achieve a 70 percent response rate. An employer's survey of employees shall utilize the State form or Pierce County approved equivalent data as set forth in the CTR Task Force Guidelines.

C. New affected employers shall have two years to meet the first CTR goal of a 15 percent reduction in proportion of SOV trips or VMT per person; four years to meet the second goal of a 20 percent reduction; six years to meet the third goal of a 25 percent reduction; and 12 years to meet the fourth goal of a 35 percent reduction, from the time they begin their programs.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

#### **12A.13.100 - Change in Status as an Affected Employer**

Any of the following changes in an employer's status will change the employer's CTR program requirements:

A. If an employer initially designated as affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the City that it is no longer an affected employer.

B. If the same employer returns to the level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers.

C. If the same employer returns to the level of 100 or more affected employees 12 or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer and will be subject to the same program requirements as other newly affected employers.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.110 - Requirements for Employers**

An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this Chapter, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips. The employer shall submit a description of its program to the City and provide an annual progress report to the City on employee commuting and progress toward meeting the SOV goals. The CTR program must include the mandatory elements described below.

A. CTR Program Description Requirements. The CTR program description presents the strategies to be undertaken by an employer to achieve the CTR goals for each goal year. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other and to form or use transportation management organizations in developing and implementing their CTR programs.

At a minimum, the employer's description must include the following:

1. General description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;
2. Number of employees affected by the CTR program;
3. Documentation of compliance with the mandatory CTR program elements (as described in Subsection B of this section);
4. Description of the additional elements included in the CTR program (as described in subsection B of this section); and
5. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

B. Mandatory program elements. Each employer's CTR program shall include the following mandatory elements:

1. Transportation Coordinator. The employer shall designate a transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and telephone number must be displayed prominently at each affected worksite. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the City of Lakewood. The objective is to have an effective transportation coordinator presence at each worksite; an affected employer with multiple sites may have one transportation coordinator for all sites.
2. Information Distribution. Information about alternatives to SOV commuting shall be provided to employees at least once a year. Each employer's program description and annual report must report the information to be distributed and the method of distribution.
3. Annual Progress Report. The CTR program must include an annual review of employee commuting and progress and good faith efforts toward meeting the SOV reduction goals. Affected employers shall file an annual progress report with the City in accordance with the format established by this Chapter and consistent with the CTR Task Force Guidelines. The report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals. Survey information or approved alternative information must be provided in the reports submitted in the second, fourth, sixth, eighth, tenth, and twelfth years after implementation begins. The employer should contact the City for the format of the report.
4. Additional Program Elements. In addition to the specific program elements noted above, the employer's CTR program shall include additional elements as needed to meet CTR goals. Elements may include, but are not limited to, one or more of the following:
  - a. Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles;
  - b. Instituting or increasing parking charges for SOVs;
  - c. Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
  - d. Provision of subsidies for transit fares;

- e. Provision of vans for vanpools;
- f. Provision of subsidies for carpools or vanpools;
- g. Permitting the use of the employer's vehicles for carpooling or vanpooling;
- h. Permitting flexible schedules to facilitate employees' use of transit, carpools or vanpools;
- i. Cooperation with transportation providers to provide additional regular or express service to the worksite;
- j. Construction of special loading and unloading facilities for transit, carpool, and vanpool users;
- k. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- l. Provision of a program of parking incentives such as rebates for employees who do not use the parking facilities;
- m. Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their homes;
- n. Establishment of a program of alternative work schedules, such as a compressed work week which reduces commuting; and
- o. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi service.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

#### **12A.13.120 - Record Keeping**

Affected employers shall include a list of the records they will keep as part of the CTR program they submit to the City for approval. Employers will maintain all records listed in their CTR program for a minimum of 24 months. The City and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

#### **12A.13.130 - Schedule and Process for CTR Reports, Program Review and Implementation**

A. CTR Program. Not more than 180 days after the adoption of the ordinance providing for this Chapter, or within six months after an employer qualifies under the provisions of this Chapter, the employer shall develop a CTR program and shall submit to the City a description of that program for review.

B. Document Review. The City shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR program or annual report within 90 days of submission, the employer's program or annual report is deemed accepted. The City may extend the review period up to 90 days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

C. CTR Annual Progress Reports. Upon review of an employer's initial CTR program, the City shall establish the employer's annual reporting date, which shall not be less than 12 months from the day the program is submitted. Each year on the employer's reporting date, the employer shall submit to the City its annual CTR report.

D. Surveying. Employers are required to survey their affected employees to measure progress toward CTR performance targets. Remaining survey years are 1999 and 2005. New affected employers shall survey on an alternative schedule consistent with Section 12A.24.020 of this Chapter. An employer's survey of employees shall use the State form or Pierce County approved equivalent data as set forth in the CTR Task Force Guidelines.

E. Modification of CTR Program Elements. Any affected employer may submit a request to the City for modification of CTR program elements, other than the mandatory elements specified in this ordinance, including record keeping requirements. Such request may be granted if one of the following conditions exists:

1. The employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or
2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship. This may include evidence from employee surveys administered at the worksite; first, in the base year, showing that the employer's own base year values of VMT per employee and SOV rates were higher than the CTR zone average; and/or secondly, in the goal measurement year(s), showing that the employer has achieved reductions from its own base values that are comparable to the reduction goals established for the employer's CTR zone.

F. Extensions. An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be via written notice at least 30 days before the due date for which the extension is being requested. Extensions not to exceed 90 days shall be considered for reasonable causes. The City shall grant or deny the employer's extension request by written notice within ten working days of its receipt of the

extension request. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the direction of the City Engineer or designee.

G. Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program not more than 180 days after the program was first submitted to the City. Implementation of the approved program modifications shall begin within 30 days of the final decision or 180 days from submission of the CTR program or CTR annual report, whichever is greater.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.140 - Exemptions and Goal Modifications**

A. Worksite Exemptions. An affected employer may request that the City grant an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of the ordinance as a result of the characteristics of its business, its workforce, or its location(s). An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement measures that could reduce the proportion of SOV trips or VMT per employee. Exemptions may be granted by the City at any time based on written notice provided by the affected employer. The notice shall clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. The City shall review annually all employers receiving exemptions and shall determine whether the exemption will continue to be in effect during the following program year.

B. Employee Exemptions. Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The City will use the criteria identified in the CTR Task Force Guidelines to assess the validity of employee exemption requests. The City shall review annually all employee exemption requests and shall determine whether the exemption will be in effect during the following program year.

C. Modification of CTR Program Goals.

1. An affected employer may request that the City modify its program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description or annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program.



2. The City will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Task Force Guidelines.

3. An employer may not request a modification of the applicable goals until one year after City approval of its initial program description or annual report.

(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

### **12A.13.150 - Credit for Transportation Demand Management (TDM) Efforts**

A. Leadership Certificate. As public recognition for their efforts, employers with VMT per employee and proportion of SOV trips lower than the zone average will receive a Commute Trip Reduction Certificate of Leadership from the City.

B. Credit for Programs Implemented Prior to the Base Year. Employers with successful TDM programs implemented prior to the base year may be eligible to apply for program exemption credit, which exempts them from most program requirements.

1. Affected employers wishing to receive credit for the results of existing TDM efforts may do so by applying to the City within 90 days of the adoption of the ordinance providing for this Chapter. Applications shall include data from a survey of employees or equivalent to establish the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent data shall conform to all applicable standards established in the CTR Task Force Guidelines.

2. The employer shall be considered to have met the first measurement goals if their VMT per employee and proportion of SOV trips are equivalent to a 12 percent or greater reduction from the final base year CTR zone values. This three-percentage-point credit applies only to the first measurement goals.

C. Program Exemption Credit. Affected employers may apply for program exemption credit for the results of past or current TDM efforts by applying to the City within 90 days of adoption of the applicable CTR ordinance, or as part of any annual report. Application shall include results from a survey of employees or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the CTR Task Force Guidelines.

Employers that apply for credit whose VMT per employee and proportion of SOV trips are equal to or less than goals for one or more future goal years and who commit in writing to continue their current level of effort shall be exempt from the requirements of the ordinance providing for this Chapter, except for the requirements to report performance in the measurement years (Section 12A.24.090(B)(3) of this Chapter). If any of these reports indicate the employer does not satisfy the next applicable goal(s), the employer shall immediately become subject to all requirements of this Chapter.

(Ord. 197 § Ord. 99 § 1, (part) 1996.)

### **12A.13.160 - Appeals of Final Decisions**

Employers may file a written appeal of the City's final decisions regarding the following actions:

- A. Rejection of an employer's proposed program.
- B. Denial of an employer's request for a waiver or modification of any of the requirements under this Chapter or a modification of the employer's program.
- C. Denial of credits requested under Section 12.24.150 of this Chapter.
- D. Mandated program element changes.

Such appeals must be filed with the City within 20 days after the employer receives notice of a final decision. Timely appeals shall be heard by the City's Hearing Examiner. Determinations on appeals shall be based on whether the decision being appealed is consistent with the state law. (Ord. 197 § 1, (part) 1999; Ord. 99 §1, (part) 1996.)

### **12A.13.170 - Enforcement**

A. Compliance. For purposes of this section, compliance shall mean fully implementing, in good faith, all provisions in an approved CTR program. It is provided, however, that affected employers shall be considered as being in compliance with the terms of this Chapter if, on the effective date of the ordinance adopting this Chapter, such employers are in compliance with the provisions of the Pierce County CTR Ordinance (Pierce County Ordinance No. 93-30S and any subsequent amendments). In order to remain in compliance herewith following the effective date of the ordinance adopting this Chapter, such affected employers shall continue on the time table originally established by Pierce County Ordinance No. 93-30S, or any subsequent amendments to said timetable, to meet the CTR goals. New employers shall be required to meet the CTR goals in accordance with the schedule set forth in Section 12.24.070(B) of this Chapter.

B. Program Modification Criteria. The following criteria for achieving goals for VMT per employee and proportion of SOV trips shall be applied in determining requirements for employer CTR program modifications:

1. If an employer is making good faith effort, as defined in RCW 70.94.534(2) and this Chapter, and is meeting either or both goals, the employer is satisfying the objectives of the CTR plan and will not be required to modify its CTR program.
2. If an employer is making a good faith effort, as defined in RCW 70.94.534(2) and this Chapter, but is not meeting or is not likely to meet the applicable SOV or VMT goal, the City shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the City for approval within 30 days of reaching an agreement. If an employer is not making a good faith effort,

as defined in RCW 70.94.534(2) and this Chapter, and is failing to meet either the applicable SOV or VMT reduction goal, the City shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The City shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the City will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with the program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the City within ten working days of the conference.

C. Violations. The following constitute violations if the deadlines established in this ordinance are not met:

1. Failure to develop and/or submit on time a complete CTR program, including the following:
  - a. Employers notified or that have identified themselves to the City within 180 days of the ordinance providing for this Chapter being adopted and that do not submit a CTR program within 180 days from the notification or self-identification; and
  - b. Employers not identified or self-identified within 180 days of the ordinance being adopted and that do not submit or implement a CTR program within 180 days from the adoption of the ordinance providing for this Chapter.
2. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and SOV goals as specified in this Chapter.
3. Failure of an employer to meet the requirements of RCW 70.94.534(2) and this Chapter for good faith effort.
4. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this Chapter.

D. Penalties.

1. The City shall notify employers in writing if they are in violation of this Chapter. The written notification shall state the effective date upon which penalties will begin to accrue. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals process. Should the outcome of the appeals process favor the employer, all or a portion of monetary penalties will be dismissed.

2. No affected employer with an approved CTR program which is making a good faith effort may be held liable for failure to reach the applicable SOV or VMT goal;

3. Each day of failure to implement the program shall constitute a separate violation and is classified as a Class I civil infraction pursuant to the City Code. The penalty for this violation shall be \$250.00 per day.

4. An affected employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they do the following:

a. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

b. Advise the union of the existence of the statute and mandates of the CTR program approved by the City of Lakewood and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

E. Appeals of Penalties. Affected employers may appeal penalties pursuant to the provisions of the City Code and RCW 7.80.100.  
(Ord. 197 § 1, (part) 1999; Ord. 99 § 1, (part) 1996.)

## **12A.14.000 - Definitions and Abbreviations**

### **Chapter 12A.14**

#### **Definitions and Abbreviations**

Except for chapters with identified definition sections or specific definitions provided, the following definitions apply to Title 12A:

ADT. Average Daily Traffic

APPLICANT. The person, party, firm, corporation, or other legal entity that proposes to develop property in the City of Lakewood by submitting an application for any of the activities covered by these Regulations on a form furnished by the City and paying the required fees.

AVERAGE DAILY TRAFFIC or ADT. The total traffic during a given time period (in whole days), greater than one (1) day and less than one (1) year, divided by the number of days in that time period. To determine potential ADT for a local access City street, it will be assumed, for the purposes of this Chapter only, that each dwelling unit or each existing or proposed segregated lot that accesses onto the street will generate ten (10) traffic trips per day. Traffic generation for

other uses will be in accordance with the publication "Trip Generation", by the Institute of Traffic Engineers, or other approved sources and will include the traffic generated by the proposed development unless otherwise noted. Projects submitted to the City for review and approval will be considered to be proposed projects.

**BASE FLOOD ELEVATION.** The water surface elevation, in feet, above mean sea level for the base flood and referenced to the National Geodetic Vertical Datum of 1929 (or Pierce County Datum or United States Coast and Geodetic Survey 1929 Datum which are the same).

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood." Designation on maps will always include the letter "A" or "V".

**BENCH.** A relatively level step excavated into natural earth or fill material.

**BEST MANAGEMENT PRACTICES ("BMPs").** The schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

**BMP.** Best Management Practice(s).

**BUILDING.** means any structure used or intended for supporting or sheltering any use or occupancy.

**CERTIFICATION.** A written engineering opinion, stamped, signed, and dated by an engineer, concerning the progress or completion of work.

**CHANGE OF USE.** A change of use shall be determined to have occurred when it is found that the general character of the use in question has been modified. This determination shall include review of but not be limited to: hours of operation, materials processed or sold, required parking, traffic generation, impact on public utilities, clientele, general appearance and location or a change in use type.

**CITY.** The City of Lakewood or an official representative of the City of Lakewood.

**CITY ENGINEER.** The individual appointed to be the City Engineer for the City of Lakewood or his/her designee.

**CITY ENVIRONMENTAL OFFICIAL.** The individual appointed to be the Environmental Official for the City of Lakewood or his/her designee.

**CLEARING.** The cutting, moving on site, or removal of standing or fallen timber (including stumps); the removal or moving on site of stumps; or the cutting or removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the Earth's surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved Forest Practices Application/notification issued by the Department of Natural Resources.

**COMPACTION.** The densification of a fill by mechanical means.

**CUL-DE-SAC.** A circular pavement symmetrical or offset about the centerline of a dead-end street.

CLEAN WATER ACT (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 *et.seq.*

DEDICATION. A conveyance of land by the owner of the land to some public use through a clause or conveyance in a deed or some other instrument of conveyance or a duly filed plat.

DETENTION. The short-term storage of storm drainage runoff that has been artificially collected and then released at a predetermined rate.

DEVELOPMENT. Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Most activities may take place in conjunction with a variety of uses.

DEVIATION. A deviation from the engineering standards is a mechanism to allow the City Engineer to grant an adjustment in the application of engineering standards.

DOE. Washington State Department of Ecology.

DOE STORMWATER MANUAL. Stormwater Management Manual for Western Washington published by the Washington State Department of Ecology, 2005 edition.

DRAINAGE. Rainfall runoff from a basin or contributing area which flows on the surface of the ground.

DRIVEWAY. Any area, construction, or facility between a public road and private property which provides access for vehicles from the public roadway to or from private property.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

DWELLING. A building or portion thereof designed exclusively for human habitation, but not including hotels or motel units.

EARTH/EARTH MATERIAL. Naturally occurring rock, soil, stone, dirt, or a combination thereof.

EARTHWORK. Any operation involving the excavation, grading, filling, or moving of earth materials.

EASEMENT. A grant by the property owner of the use of a strip of land by the public, corporation, or persons for specific purposes.

EFFECTIVE IMPERVIOUS SURFACE. Those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed through at least one hundred feet of native vegetation in accordance with BMP T5.30 – “Full Dispersion,” as described in Chapter 5 of Volume V of the Stormwater Management Manual for Western Washington (2005)

EMERGENCY VEHICLE (EV) ACCESS. An all weather drivable surface constructed and maintained in accordance with this Chapter that provides emergency access between a public or private street and one hundred fifty (150) feet of all portions of an exterior wall of the first story of any structure requiring EV Access as measured by an approved route around the exterior of the building.

**ENGINEER.** Also **PROJECT ENGINEER.** A professional civil engineer, currently licensed in the State of Washington, retained by and acting on behalf of the applicant.

**EROSION.** The wearing away of the earth's surface as a result of the movement of wind, water, or ice.

**EV ACCESS.** See Emergency Vehicle Access

**EXCAVATE.** The removal by man of sand, sediment, or other material from an area of land or water for other than commercial or industrial use.

**FILL.** The placement by man of sand, sediment or other material to create new uplands or raise the elevation of the land.

**FILLING.** The act of transporting or placing (by any manner or mechanism) earth material, including temporary stockpiling.

**FINANCIAL GUARANTEE.** An assignment of funds, surety bond, cash guarantee, escrow account assignment of savings, irrevocable letter of credit, or other means acceptable to or required by the City Engineer or Director of Community Development to guarantee work is in compliance with all applicable requirements.

**FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODFRINGE.** The area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for flood waters.

**FLOODPLAIN.** The total area subject to inundation by the base flood, including the floodfringe and the floodway areas.

**FLOODWAY.** The channel of a river, or other watercourse, and the adjacent land areas that shall 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.

**FRONTAGE.** Frontage refers to length of a property line along a public street or right-of-way.

**GATE (At Driveway Entrance).** A moveable fence or other blockade designed to prevent general purpose traffic from entering a private development.

**GRADING.** Any excavating, filling, or creating of impervious surfaces or combination thereof.

**GROUNDWATER.** Subsurface water in the subsoil or in a zone of saturation.

**GRUBBING.** The removal and disposing of all unwanted vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris.

**HEARING EXAMINER.** A person appointed by the City to carry out the functions authorized under LMC 18A.02, Administration, and Chapter 35A.63 RCW.

**IBC.** International Building Code.

**IFC.** International Fire Code.

**IMPERVIOUS SURFACE.** A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, grasscrete, and oiled, macadam or other surfaces, which similarly impede the natural infiltration of surface water. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

**INTERNATIONAL BUILDING CODE (IBC).** The most recent version of the International Building Code adopted by the City of Lakewood.

**LAND SURVEYOR.** A professional land surveyor currently licensed by the State of Washington.

**LANDSCAPING.** The improvement or installation on a parcel or portion thereof of objects or vegetation for decorative or ornamental effect. Examples include: trees, bushes, shrubs, flowers, grass, weeds, ornamental rocks or figures, and low-lying ground cover, sprinkler systems, sidewalks, and lighting fixtures.

**LARGE LOT.** As defined by the City of Lakewood Subdivision Code.

**LEVEL OF SERVICE.** A way to measure the level of traffic congestion, with "A" being the best level of service, and "F" the lowest.

**LOCAL IMPROVEMENT DISTRICT.** A special assessment district whereby a capital improvement is financed and paid for over a period of time through assessments on the benefitting properties.

**LOS.** Level of service.

**LOT.** A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, and developed or built upon as a unit. The term shall include "tracts" or "parcels."

**MAINTAINED CITY STREET.** A road dedicated to the City through various legal instruments or processes, or claimed through usage, and maintained by City maintenance forces on a periodic and regular basis, or as determined by the City. The road shall be listed on the City of Lakewood most recent Road Log or accepted by the City for inclusion into the City's road system and not yet shown on the Road Log.

**MAINTENANCE.** The regular and continual preservation of the private street and appurtenant features within the easement in an "as new" condition.

**MAJOR MUNICIPAL SEPARATE STORM SEWER OUTFALL.** A municipal separate storm sewer outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 12 acres or more).



**MAXIMUM EXTENT PRACTICABLE.** (MEP) refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act which reads as follows: Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.

**MEDIAN.** The portion of a divided street separating the traveled way for traffic in opposing directions.

**MEP.** Maximum Extent Practicable

**MOTOR VEHICLE.** Motor vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway except for mopeds, bicycles and other devices moved by human or animal power or used exclusively upon stationary rails or tracks.

**MUNICIPAL SEPARATE STORM SEWER.** (MS4) means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States; designed or used for collecting or conveying stormwater; and that is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**MUTCD.** Manual on Uniform Traffic Control Devices

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).** means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

**NATIVE VEGETATION.** Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

**NEW DEVELOPMENT.** Land disturbing activities, including Class IV -general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

**OCCUPANCY.** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

**OUTFALL.** Point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state.

**OWNER.** The owner of record of real property as shown on the tax rolls of the Pierce County Assessor, or a person who is purchasing a piece of property under contract.

**PARCEL.** Any portion, piece, or division of land. Fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.

**PARKING AREA.** An area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

**PAVED ROAD.** A road that has been treated or covered with asphalt to create an oil mat surface; a road that has a bituminous surface treatment, asphalt, or cement concrete surface.

**PAVED SURFACE.** Minimum of two inches of hot mix asphalt per Washington State Department of Transportation specifications, or six inches of portland cement concrete.

**PERCOLATION.** The downward or lateral movement of water through soil under either saturated or unsaturated ground conditions.

**PERMANENT EROSION CONTROL.** Continuous onsite and offsite control measures that are needed to control conveyance and/or the deposit of earth, turbidity, or pollutants after construction or development.

**PERSON.** An individual, partnership, corporation, or other legal entity.

**PLAT.** A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other division and dedications.

**POLLUTION-GENERATING IMPERVIOUS SURFACE (PGIS).** Surfaces considered to be significant sources of pollutants in stormwater runoff. Such surfaces include those that are subject to vehicular use, industrial activities, or storage of erodible or leachable materials that receive direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS unless coated with an inert, non-leachable material. Roofs that are subject to venting of indoor pollutants from manufacturing, commercial or other operations or processes are also considered PGIS. A surface, whether paved or not, shall be considered PGIS if it is regularly used by motor vehicles. The following are considered regularly-used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

**POLLUTION-GENERATING PERVIOUS SURFACES (PGPS).** Any non-impervious surface subject to use of pesticides and fertilizers or loss of soil. Typical PGPS include lawns, landscaped areas, golf courses, parks.

**PRE-DEVELOPED CONDITION.** The native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

**PRIVATE DRAINAGE SYSTEM.** A system that is totally owned and maintained by an individual, joint venture, partnership, corporation, or other legal entity.

**PRIVATE STREET EASEMENT.** An easement or parcel which creates a legal source of access from a public street to an existing or proposed lot or lots of record or project, across other parcels of property.

**PRIVATE STREET.** A street which is owned, controlled, and maintained by one or more property owners.

**PROCESS WASTEWATER.** Any water which, during manufacture or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

**PROJECT ENGINEER.** A professional civil engineer, currently licensed in the State of Washington, retained by and acting on behalf of the applicant.

**PROJECT SITE.** That portion of a property, properties, or right-of-way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.

**PUBLIC DRAINAGE SYSTEM.** A system that is owned by the City of Lakewood or exists through accepted easements.

**RCW.** Revised Code of Washington

**RECEIVING WATERS.** Bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.

**RECORD DRAWINGS.** Drawings that reflect changes made during the construction process, recording differences between the original design and the completed structure.

**RECORDED.** Unless otherwise stated, filed for record with the Auditor of the County of Pierce, State of Washington.

**REDEVELOPMENT.** On a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

**REPLACED IMPERVIOUS SURFACE.** For structures, the removal and replacement of any exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal down to bare soil, or base course, and replacement. Exemptions and partial exemptions are defined in Appendix 1 of the City's NPDES Permit.

**RETENTION.** The long-term storage of water on site with the dissipation of said water into the ground by means of percolation.

**RIGHT-OF-WAY (ROW).** That area of land dedicated for public road uses including all road appurtenances, secured by the County or the public for purposes of public traffic, drainage, and/or franchised utilities.

**RUNOFF.** Water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system. See also “Stormwater”.

**RUNOFF.** That portion of the precipitation on a drainage area that is discharged in the form of overland flow from the area to downhill properties, watercourses, or pipe systems.

**SAFETY CONCERN.** Geometric or design conditions on an existing, maintained City street that does not meet the standards of these regulations or the City Engineering Standards Manual.

**SENSITIVE AREA.** Those areas designated by resolution or ordinance of the City of Lakewood City Council pursuant to LMC 14A and the Washington Administrative Code 197-11-908.

**SEPA.** Washington State Environmental Policy Act

**SIGNIFICANT CONTRIBUTOR.** A discharge contributes a loading of pollutants considered to be sufficient to cause or exacerbate the deterioration of receiving water quality or instream habitat conditions.

**SITE DEVELOPMENT PERMIT.** A permit issued by the City of Lakewood authorizing the applicant to access the property; fill, grade or create an impervious surface or any combination thereof.

**SITE DEVELOPMENT PLAN.** Site development plans shall include the following, as specifically required by the City in each instance: Site plan, erosion and sedimentation control plan, grading plan, storm drainage plan, stormwater drainage control report, soils report, flood study, entering sight distance variances and verifications, and other documents required in the review of proposed development of the property.

**SITE.** Any parcel or combination of contiguous parcels where grading, filling, clearing, or creation of an impervious surface is proposed, and which may be controlled by more than one property owner.

**SITE-SPECIFIC TRAFFIC.** That traffic generated by a development. This traffic volume(s) shall be used to determine measures necessary to mitigate significant impacts on the City’s street system.

**SLOPE.** An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

**SOILS ENGINEER.** A professional civil engineer, licensed by the State of Washington, and experienced and knowledgeable in geotechnical engineering.

**SOURCE CONTROL BMP.** A structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants.

**STOCKPILING.** The placement of material that will be removed within a six month period or material that is placed on the property of a licensed business for sale.

**STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (DOE STORMWATER MANUAL).** The 5-volume technical manual (Publication Nos. 99-11 through

15 for the 2001 version and Publication Nos. 05-10-029-033 for the 2005 version (The 2005 version replaces the 2001 version) prepared by Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

**STORMWATER.** Runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

**STREET FRONTAGE IMPROVEMENTS.** The construction, reconstruction or repair of the following right-of-way facilities:

- Curbs, gutters and sidewalks;
- Storm drainage facilities;
- Patching the street from its preexisting edge to the new curb line;
- Overlayment of the existing public street to its centerline;
- Relocating utilities as necessary;
- Street frontage landscaping;
- Street lights;
- Other such improvements deemed necessary by the City Engineer.

The improvements may be required to be installed along the entire length of abutting public street frontage of property being developed, or for a greater length, as determined by the City Engineer as a condition of project approval for a new construction, new subdivision, short plat, or addition, alteration or tenant improvement project, a Local Improvement District, or City project. All such frontage improvements shall be constructed to city specifications.

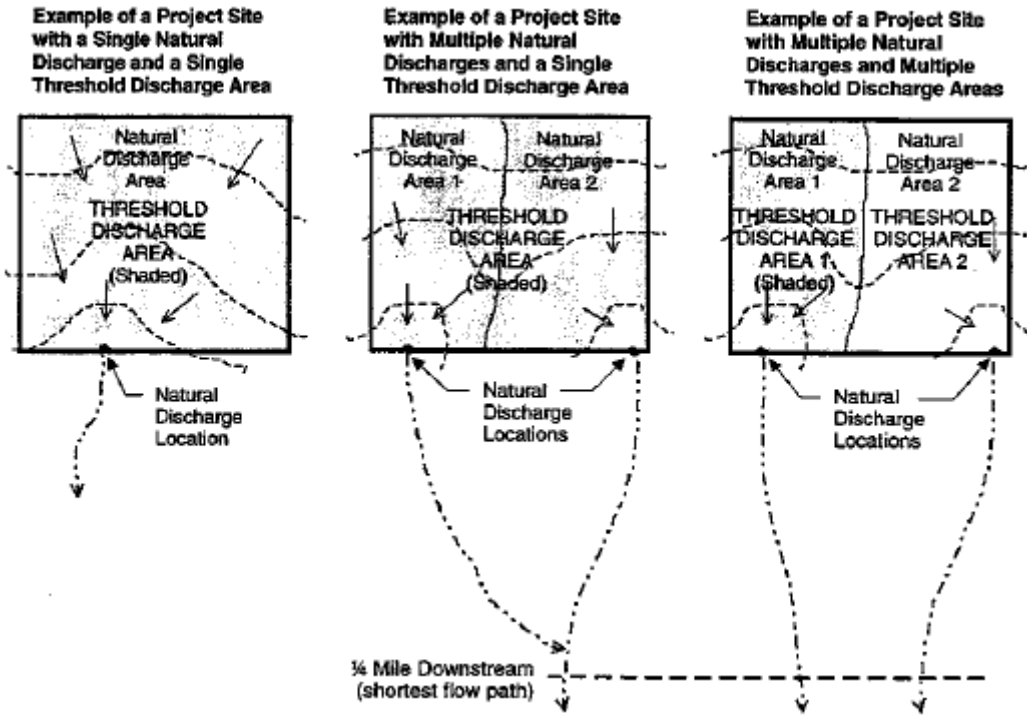
**STRUCTURE.** Anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together.

**SUBDIVISION OR FORMAL PLAT.** As defined in the City of Lakewood Subdivision Code.

**SUBDIVISIONS.** Any division or redivision of land into lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership by formal plat, short plat, large lot division, or planned development district, or other subdivisional process.

**SURVEYOR.** A professional land surveyor, currently licensed in the State of Washington and retained and acting on behalf of the applicant.

**THRESHOLD DISCHARGE AREA.** An onsite area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flow path). The examples below illustrate this definition. The purpose of this definition is to clarify how the thresholds in Figures 5.1 and 5.2 are applied to project sites with multiple discharge points. For projects where stormwater will be infiltrated on-site the threshold discharge area shall be defined as the entire project area.



**TOTAL MAXIMUM DAILY LOAD (TMDL).** A water cleanup plan, TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for reasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

**TRACT.** Any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

**TRAFFIC IMPACT AREA.** All public roads within an area which would be impacted by the proposed project.

**TRAVELED WAY.** The improved driving surface of the road normally used by the traveling vehicle.

**TRIP GENERATION ANALYSIS.** A reporting of the number of vehicular trips generated, both average daily traffic (ADT) and PM peak hour, by proposed new development, redevelopment or increase of traffic related trips due to change of use. The data may be obtained from the latest edition of the Institute of Transportation Engineers (ITE) manual. Data does not need to be presented by a traffic engineer unless, due to its absence in the ITE manual, traffic data shall be collected.

**TRAFFIC IMPACT ANALYSIS.** An in-depth analysis of the traffic generated by a new development, redevelopment or increase of traffic related trips due to change of use and its impacts on the surrounding street system. Data shall be presented by a licensed engineer who has special training in and practices in the profession of traffic engineering.

**USC & GS.** United States Coast and Geodetic Survey

**USGS.** United States Geodetic Survey

**UTILITIES.** Public or private facilities including electrical substation, electrical generation facilities, electrical transmission, telephone or communication lines, pipelines, sewer lines, water lines, natural gas lines, or similar transmission facilities, natural gas gate valve and storage facilities, sewage collection and treatment facilities, waste disposal facilities, waste transfer facilities, and water supply facilities.

**VARIANCE.** A modification of regulations of this title when authorized by the hearing examiner after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

**WATER QUALITY STANDARDS.** Surface Water Quality Standards, Chapter 173-201A WAC, Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management Standards, Chapter 173-204 WAC.

**WATERCOURSE.** A river, stream, creek, or other course of flowing water which flows intermittently or perennially and discharges into another watercourse or body of water.

**WATERS OF THE STATE.** Those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

**WETLAND OR WETLANDS.** An area or areas that are inundated or saturated by surface water 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 soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland 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 include those artificial wetlands intentionally created to mitigate conversion of wetlands.

**WSDOT.** Washington State Department of Transportation

Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED by the City Council this 5th day of October, 2009.

CITY OF LAKEWOOD

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Douglas G. Richardson, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to form:

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Heidi Ann Wachter, City Attorney