

# Ordinance No. 00583

[CITY COUNCIL MEETING MINUTES MAY 5, 2014](#)

## ORDINANCE NO. 583

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending sections 12A.1.020, 12A.4.030, 12A.4.040, 12A.4.070, 12A.9.026, 12A.9.031, 12A.10.080, 12A.11.060, 12A.12.040, 12A.12.080, 12A.12.140, 12A.12.150, 12A.12.170 12A.12.180, and 12A.13.080 of the Lakewood Municipal Code relative to Public Works.

WHEREAS, in 2009 the City of Lakewood adopted Ordinance No. 501 which enacted Title 12A of the Lakewood Municipal Code, the City's Public Works Code, which repealed and reenacted a number of provisions which were previously codified in former Title 12 LMC; and,

WHEREAS in the course of the recodification process, a number of cross-references to the new Title 12A were omitted; and

WHEREAS, several other changes should have been made which reflects current processes;

WHEREAS it is desirable that Title 12A LMC maintain internal consistency;

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

Section 1. Section 12A.1.020 of the Lakewood Municipal Code currently titled "Purpose" is amended to read as follows:

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.

Section 2. Section 12A.4.030 of the Lakewood Municipal Code currently titled "Major Variance Procedures" is amended to read as follows:

Proposed variances that do not meet the deviation criteria shall be subject to the Major Variance process as described in LMC 18A.210.

Section 3. Section 12A.4.040 of the Lakewood Municipal Code currently titled as "Site Development Permit" is amended to read as follows:

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.

Section 4. Section 12A.4.070 of the Lakewood Municipal Code currently titled as

"Oversize Load Permits" is amended to read as follows:

All vehicles in excess of the legal size, weight or size, or load 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 eCity 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.

Section 5. Section 12A.9.026 of the Lakewood Municipal Code currently titled as "Minimum Street Standards" is amended to read as follows:

See the Engineering Standards Manual, current edition, for street details.

*space*

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.

Section 6. Section 12A.9.031 of the Lakewood Municipal Code currently titled as "Street

Frontage Improvements" is amended to read as follows:

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, unless otherwise required by the City Engineer.
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, unless otherwise required by

the City Engineer.

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~~1 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.

Section 7. Section 12A.10.080 of the Lakewood Municipal Code currently titled as "Exemptions From Site Development Permits" is amended to read as follows:

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.

Section 8. Section 12A.11.030 of the Lakewood Municipal Code currently titled as "Development Proposal Requirements" is amended to read as follows:

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.



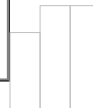
Do the new, replaced, or new plus replaced impervious surfaces total 2,000 square feet or more?

OR

Does the land disturbing activity total 7,000 square feet or more?

Minimum Requirements #1 through #5 apply to the new and replaced impervious surfaces and land disturbed.

Apply Minimum Requirement #2, Construction Stormwater Pollution Prevention.



**Yes No Next Question**

Does the project add 5,000 square feet or more of new impervious surfaces?

OR

Convert  $\frac{3}{4}$  acres or more of native vegetation to lawn or landscaped areas?

OR

Convert 2.5 acres or more of native vegetation to pasture?

Yes  No

**Next Question**

Minimum requirements #1 through #9-10 apply to the new impervious surfaces and the converted pervious surfaces.

**Yes No**

Is this a road-related project?	Does the project add 5,000 square feet or more of impervious surfaces?
<input type="checkbox"/>	<input type="checkbox"/>

**Yes No**

Do new and impervious surfaces add 50% or more to the existing impervious surfaces within the project limits?

Is the total of the new plus replaced impervious surfaces 5,000 square feet or more? AND does the value of the proposed improvements – including interior improvements – exceed 50% of the assessed value (or replacement value) of the existing site

**No Yes**

No  Yes

Additional requirements

improvements? No additional requirements.

**Yes No**

Minimum Requirements #1 through #9-10 apply to the new and replaced impervious surfaces.		No additional requirements.
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**Figure 11.2: Flow Chart for Determining Requirements for Redevelopment**

Section 9. Section 12A.11.060 of the Lakewood Municipal Code currently titled as

“Illicit Discharge” is amended to read as follows:

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:~~ Discharges from the sources listed below shall only be considered illicit discharges if the City Engineer, or designee thereof, determines that the type of discharge, whether singly or in combination with others, is a significant source of water pollution:

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.

Section 10. Section 12A.12.040 of the Lakewood Municipal Code currently titled

as "Petition For Vacation" is amended to read as follows:

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 ~~12A.1220.120+10~~ of this Chapter. The sufficiency of the petition shall be governed by RCW 35A.01.040.

Section 11. Section 12A.12.080 of the Lakewood Municipal Code currently titled

as "Staff Report" is amended to read as follows:

The City Manager or designee shall prepare a report concerning the proposed vacation, which report shall address the criteria (see Section ~~12A.1220.120+10~~) 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.

Section 12. Section 12A.12.140 of the Lakewood Municipal Code currently titled

as "Requirements Prior To Resolution Regarding Vacation Of Streets Abutting Bodies Of Water" is amended to read as follows:

Before adopting a Resolution vacating a street or alley under subsection ~~12A.1220.130(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 ~~12A.1220.140~~, 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.

Section 13. Section 12A.12.150 of the Lakewood Municipal Code currently titled

as "Vacation By Ordinance" is amended to read as follows:

If the City Council determines to grant the vacation, the action shall be made by Ordinance in conformance with ~~12A.1220.120~~ 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.

Section 14. Section 12A.12.170 of the Lakewood Municipal Code currently titled

as "Appraisals" is amended to read as follows:

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.1220.120~~ of this Chapter in accordance with the appraisal procedure of this Section. A of this ~~12.20.170~~ Section.

Section 15. Section 12A.12.180 of the Lakewood Municipal Code currently titled

as "Payment Of Compensation Of Conveyance" is amended to read as follows:

After determining the appraisal of the value of the street or alley to be vacated, pursuant to ~~12A.1220.030~~ 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 ~~12A.1220.160+50~~ 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.

Section 16. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 17. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this 5th day of May, 2014.

CITY OF LAKEWOOD

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Don Anderson, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to Form:

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Heidi A. Wachter City Attorney