

ORDINANCE NO. 595

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, RELATING TO SITE DEVELOPMENT PERMITS, AMENDING TITLE 13 OF THE UNIVERSITY PLACE MUNICIPAL CODE TO ADD TWO NEW EXEMPTIONS TO SITE DEVELOPMENT PERMITS AND EXPIRATION OF SITE DEVELOPMENT PERMIT APPLICATIONS

WHEREAS, on May 12, 1997, the City Council adopted Ordinance 142 adopting the Public Works Standards, codified at Title 13, and amended the standards on February 1st and June 7th, 1999; and

WHEREAS, on December 13, 2003, the City Council repealed Ordinance 142 and adopted Ordinance No. 395 adopting a new Title 13 responding to amendments to the City's Comprehensive Plan, City's Zoning Code, and to the King County Surface Water Design Manual; and

WHEREAS, Title 13 Public Works Code includes exemptions from Site Development Permits for specific clearing and grading activities not likely to have an adverse impact on surrounding properties or sensitive areas; and

WHEREAS, there are no general exemptions allowing the public to reasonably determine when a permit is not required or on which staff can base an exemption determination; and

WHEREAS, it is common to find city and county codes that contain general exemptions similar in the proposed exemptions; and

WHEREAS, there is currently no provision in the Public Work Standards addressing expiration of permit applications; and

WHEREAS, a SEPA Determination of Non-Significance was issued on April 27, 2011; and

WHEREAS, the City Council conducted a Public Hearing on May 2, 2011, a Study Session on July 11, 2011 and duly considered the amendment on July 18, 2011; and

WHEREAS, the City Council finds that the proposed amendments to the Public Works Code are in the best interest of the citizens and property owners of the City; and the proposed amendments enhance the public health, safety, comfort, convenience, and general welfare.

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

Section 1. UPMC Title 13 Public Works Code Amended. The University Place Municipal Code Title 13 Public Works Code is hereby amended as set forth in Exhibit "A".

Section 2. Severability. If any section, sentence, clause phrase of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phase of this Title.

Section 3. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days following publication.

PASSED BY THE CITY COUNCIL ON JULY 18, 2011.


Debbie Klosowski, Mayor

ATTEST:


Emy Benetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Published: 07/21/11
Effective Date: 07/26/11

OFFICIAL DOCUMENT

EXHIBIT A – TITLE 13 PUBLIC WORKS CODE AMENDMENTS

13.05.520 Site development permit.

A. Permit Required. A site development permit is required for any of the following activities:

1. Clearing.
2. Grading or stockpiling.
3. Constructing or modifying storm drainage facilities or drainage courses.
4. Constructing or modifying roadways (including but not limited to sidewalks, curbs, gutters, bike lanes, planter strips, and street lighting).
5. Creating or modifying impervious surfaces.
6. Any other activity that the Director determines may impact the right-of-way, adjacent properties, and sensitive areas.

B. Permit Exemptions. A site development permit shall not be required for the activities listed below. Properties which are contiguous and in common ownership at any time during the year preceding will be considered one tract for the purpose of applying these exemptions. Any work that is exempt from the permitting requirements of this code still must comply with all other applicable provisions of this code and the UPMC.

1. Construction, maintenance or repair of public roads or public storm drainage facilities when performed by the City.

2. Any grading activity for which a building permit has been issued. Only grading activity that is reasonably connected to, or required to accomplish the work permitted by, the building permit is exempt from a separate permit.

3. Any grading activity qualifying for a permit exemption in accordance with UPMC Title 14.

4. The import or disturbance of not more than a total of 50 cubic yards of material, for the life of the project except in or near sensitive areas including within 25 feet of a drainage course, pothole, or floodplain and provided adequate measures are taken to prevent off-site erosion or sedimentation.

44. Emergency sandbagging, diking, ditching, filling or similar work when done to protect life or property.

65. The clearing of any area less than 20,000 square feet. This general exemption is not applicable for clearing within sensitive areas.

7. The stockpiling or broadcasting of less than 250 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 provided adequate measures are taken to prevent off-site erosion or sedimentation

86. Any activity that the Director determines will have negligible impact on the right-of-way, sensitive areas, or other properties or persons.

C. Permit Application. To obtain a site development permit, the applicant must file a written application on the form furnished by the City for that purpose. Any permit application that does not comply with this section may be ineligible for review. The application shall:

1. Identify and describe all work proposed to be covered by the permit.

2. Provide the legal description, street address or other description of the site on which the proposed work will be done and specify the location on the site where the proposed work will occur.
3. Identify the use for which the work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and any other data required by subsection (D) of this section.
5. Be signed by the applicant, or the applicant's authorized agent.
6. Provide such other data and information as may reasonably be required by the Director to process the application pursuant to the UPMC.
7. Pay the appropriate fees.
8. Identify the property owner and the engineer of record.

D. Submittal Documents. Plans, specifications, engineering calculations, diagrams, geotechnical reports, storm drainage reports, easements, dedications, special inspection and observation programs, and other data required by the Director shall constitute the submittal documents and shall be submitted with each application for a permit. The submittal documents shall be prepared by an engineer licensed in the State of Washington unless the Director determines that the nature of the work applied for is such that an engineered design is not necessary to obtain compliance with this code. All submittal documents shall conform to the University Place submittal requirements.

1. Plans and Specifications. Plans and specifications shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work proposed will conform to this code and other applicable laws, ordinances, rules and regulations. The plans shall include all applicable construction notes and details as provided in the University Place Standard Notes and Details.

2. Engineering Reports. Engineering reports include, but are not limited to, storm drainage reports, traffic impact analyses, geotechnical reports, and any other engineering calculations or analyses.

3. Easements and Dedications. Easements and dedications shall be prepared by a professional land surveyor licensed in the State of Washington. All easements and dedications shall include a legal description and drawing depicting the easement or dedication area. Easements and dedications shall conform to Chapter [13.10](#) UPMC. All easements and dedications to the public must be in a form acceptable to the City Attorney.

4. Special Inspection and Observation Program. The special inspection and observation program shall be submitted with the permit application in accordance with Article VII of this chapter.

5. Financial Guarantees. Financial guarantees shall be submitted as required in Article VI of this chapter prior to permit issuance.

E. Permit Issuance. The application and submittal documents shall be reviewed by the Director. Such documents may also be reviewed by other departments of the City or independent consultants if determined necessary by the Director. If the Director finds that the work described in an application for a permit and the submittal documents conform to the requirements of this code, other provisions of the UPMC and any other pertinent ordinances, and that the appropriate fees have been paid and financial guarantees presented, the Director shall issue a permit to the applicant. The Director

may attach conditions as may be necessary to ensure compliance with this code, other provisions of the UPMC and City ordinances.

F. Approval Limited to Approved Plan. When the Director issues a permit where plans are required, the Director shall sign the plans in an approval block. Such approved plans shall not be changed, modified or altered without authorization from the Director. All work regulated by this code shall be done in accordance with the approved plans.

G. Violations. Failure to obtain a permit is a violation of this code and may be cause for withholding or withdrawing approval of project plans, revocation of a permit, suspension of building (or other) inspections, forfeiture of financial guarantees submitted to the City, refusal of the City to accept the work or other enforcement action under this code or other provisions of the UPMC. It shall be unlawful for any work that requires a permit to be undertaken without a permit. Any permit application submitted for work commenced prior to the application submittal shall be subject to a charge equal to double the applicable fees plus the actual cost for any investigation undertaken in conjunction with the consideration of the permit.

H. Timely Completion of Work. The applicant shall complete the work, obtain an engineer's certification of the work, submit any associated maintenance and defect guarantees, and secure the City's acceptance of the work prior to permit expiration.

I. Validity of Permit.

1. Issuing or granting a permit or approving plans or other submittal documents shall not be construed to be a permit for, or approval of, any violation of this code or other City ordinance.

2. Permit issuance shall not prevent the Director from: (a) requiring the correction of errors in the plans, specifications and other data; or (b) preventing construction activities from being carried out in violation of this code, other provisions of the UPMC, or City ordinances.

3. Permit issuance shall not be construed as approval for any additional work beyond the scope of the permit.

J. Expiration.

1. A site development permit application shall expire when the applicant fails to provide necessary documentation and/or correction necessary to issue a permit in compliance with this code within 180 days of a request to provide such documentation and/or correction. A site development permit application may be extended for a single period not exceeding 180 days. The applicant shall submit a request in writing and demonstrate that circumstances beyond the control of the applicant have prevented completion of the request for documentation and/or correction.

2. Site development permits expire upon any of the following:

4a. Two years after permit issuance.

2b. One hundred eighty days after permit issuance if construction has not commenced.

3. The work authorized by such permit is either abandoned or suspended for a period of 180 days following commencement of the work.

K. Extension of Permit*. A site development permit may be extended for a period not exceeding 180 days. The applicant shall submit a request in writing and

demonstrate that circumstances beyond the control of the applicant have prevented completion of the work under the permit. No permit shall be extended more than once.

L. Suspension or Revocation. The Director may suspend or revoke any permit issued in error or on the basis of incorrect information supplied by the applicant. The Director may also suspend or revoke any permit when the applicant fails to comply with the provisions of the permit. Any permit applicant aggrieved by the Director's decision to suspend or revoke a permit may appeal this action as provided in this chapter. (Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

*Code reviser's note: Ordinance 533 §§ 1 and 3, effective until December 31, 2010, state: "The Development Services Director is hereby authorized to extend permit and permit applications without fee for periods not to exceed 180 days upon written request. Said request shall demonstrate that circumstances beyond the control of the applicant have prevented work on the permit application or work under an issued the permit. The current economic slowdown resulting in lax housing sales and unavailable credit may be cited as a circumstance beyond the applicant's control."

The Development Services Director shall not issue an extension under Section 1 if a Title of the Municipal Code has been amended affecting the property for which the permit was issued or the permit application pertains unless the applicant agrees in writing to abide by any applicable amended provisions."