

CITY OF DEER PARK
STREETS / RIGHTS-OF-WAY
DEER PARK, WASHINGTON

CONSTRUCTION
STANDARDS

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TABLE OF CONTENTS

Construction Requirements

A. General	1
B. Backfill	2
C. Restoration.....	2
D. Overlays	3
E. Conduit & Ductbanks for Telecommunication	3
F. Ductbanks for Buried Coble	5

Standard Details

Joint Trenching Option 1	TR-1
Joint Trenching Option 2	TR-2
Trench Repair & Pavement Restoration (Overlay not required).....	TR-3
Window & Transverse Trench Repair (Overlay required)	TR-4
Typical City Utility Location.....	TR-5

Driveway & Approach Details

Separated Sidewalk	TR-6
Swale Inlet.....	TR-7
Adjacent Sidewalk	TR-8
High Volume	TR-9
Rural.....	TR-10
General Requirements.....	TR-11

Appendix

- A. Deer Park Municipal Code 12.04
Standard Specifications for Road and Drainage
in New Public Works Construction
- B. Deer Park Municipal Code 12.10
Telecommunications in Right-of-Way
- C. Deer Park Municipal Code 17.28 Subdivision Requirements

CONSTRUCTION REQUIREMENTS

The standards of this section primarily apply to installations in paved areas within public rights-of-way. The City encourages trenching for franchise utilities to occur outside of paved areas, in which case the following pavement restoration standards would not apply. For work in paved areas, the following standards shall apply.

A. General

Materials and workmanship shall be in conformance with the adopted standards of the City of Deer Park, including the most recent version of the WSDOT/APWA Standard Specifications for Road, Bridges, and Municipal Construction. Construction shall be in conformance with the details and conditions outlined in the Construction Permit and with the following. The City Community Services Director and/or Maintenance Superintendent reserves the right to use discretion in this matter when deviations are in the best public interest.

1. No pavement cuts of any kind are allowed in pavement less than 10-years old.
2. Windows *may* be allowed in pavement more than 10-years old. A Class B asphalt overlay is required for all windows in the traveled way.
3. Open cuts *may* be allowed, on a case-by-case basis depending on traffic issues, for pavement that is more than 10-years old. A Class B asphalt overlay is required for all open cuts in the traveled way.
4. The "traveled way" is defined as the area of pavement from curb to curb. When there are no curbs, then the traveled way is defined as the area of pavement from fog-line to fog-line. When the paved roadway is without permanent markings, the travel way is defined as a 12' width of pavement on each side of a determined centerline of the street. Paved shoulders outside of the fog line are not considered to be in the traveled way.
5. Street crossings for public utilities shall be pushed or bored whenever possible. When existing utilities are located in the push or bore vicinity in pavement more than 10-years old, a window may be excavated to reveal the exact location of the existing utility. The window shall be the smallest size possible that insures that the push or bore will not damage the existing utility. Existing windows shall be used whenever possible.
6. Excavation or tunneling under sidewalks is not allowed. Sidewalks shall be sawcut, removed, and replaced at a location approved by the City Maintenance Superintendent. The sidewalk replacement shall conform to city standards.
7. Maintain two-lanes of traffic whenever possible. A minimum of one-lane of alternating two-way traffic shall be maintained at all times with appropriate signs and flaggers. NO street closures will be allowed.
8. A pedestrian detour route shall be clearly delineated whenever sidewalks are obstructed.

B. Backfill

1. A backfill material for transverse trenches shall be imported 3/4" minus crushed rock or Controlled Density Fill (CDF) conforming to the Standard Specifications. Native backfill will not be allowed. Sand, gravel screenings, or pea gravel may be used within the pipe zone for bedding. Crushed rock or CDF shall then be placed and compacted in the remainder of the excavation.
2. Trench backfill for longitudinal trenches shall be imported unless the City Engineer determines that the native material is suitable. The top 8" of backfill shall be crushed surfacing top course in any case.
3. All trench backfill shall be compacted to 95% maximum density as described in the APWA Standard Specifications.
4. The City Engineer may require compaction testing of trenches and/or paving. Testing shall be performed by an independent certified testing laboratory. The cost of testing is the responsibility of the franchise utility or the contractor. Compaction of all lifts of asphalt shall be per the APWA Standard Specifications. The number of tests required per square foot of trenching shall be as follows unless directed otherwise by the City:
 - a. One (1) test for less than 50-square feet of trenching area.
 - b. Two (2) tests for 50 to 100-square of feet of trenching area.
 - c. Three (3) tests for 101 to 300- square feet of trenching area.
 - d. One (1) test for every 200-square feet over 300-square feet of trenching area or every 100- lineal feet of trench, if applicable.
5. Trenches or other excavations 4' or more in depth that do not meet the open pit requirements of the latest edition of the WSDOT Standard Specifications shall be shored. The contractor shall be solely responsible for worker safety and damages related to shoring or failure to shore.

C. Restoration

1. Trench restoration shall be accomplished with a patch or an overlay as required by the City.
2. All trench and pavement cuts shall be made by sawcuts or by grinding. The sawcuts or grinding shall be a minimum of 1' outside the trench width. If a patch is allowed, the trench limits shall be a sawcut prior to final patching.
3. The replacement pavement section shall include a minimum of 8", compacted depth, crushed rock top course and 4" Class B asphalt.
4. All patching and paving shall be asphalt Class B, placed and compacted in two (2) lifts. Emulsified asphalt tack shall be placed on all cut pavement edges. All

pavement joints shall be sealed with rubberized asphalt sealer. All materials shall conform to the Standard Specifications.

5. Trenches and excavations within paved areas must be patched at the close of each workday. Cold mix asphalt may be placed temporarily. Cold patches shall be maintained constantly until permanent patching is complete. Permanent patching with hot mix asphalt sealer, including rubberized asphalt sealer, must be completed within a time frame determined by the City, usually two (2) weeks, unless traffic conditions warrant paving sooner as determined by the City. Overlays, when required, shall be completed in a timely manner or within a time frame determined by the City as stated on the Construction Permit. Since it is more cost effective to pave multiple locations at one time, the City may allow an extension of time to complete overlays. The City may allow the time frame to be adjusted if paving delays are due to inclement weather or other adverse conditions.
6. Disturbed unpaved shoulder areas shall be compacted to 95% maximum density and restored to original or better condition. At a minimum, 3/4" minus crushed rock shall be placed at a minimum compacted depth of 2".

D. Overlays

A Class B asphalt overlay shall be required for all open cuts and new "windows" in the traveled way. The existing pavement shall be ground to a depth of 1.5". Joint edges shall be sealed with rubberized asphalt sealer. The overlay shall extend transversely across the entire lane width and longitudinally for a distance determined by the City on a case-by-case basis. For windows, the minimum longitudinal distance shall be 4' on each side of the excavation.

E. Conduit & Ductbanks for Telecommunications

1. Background

The City of Deer Park has adopted a Telecommunications Ordinance responding to ESSB 6676 and as such identified a need to develop standards that will facilitate the cost-effective installation of underground infrastructure while preserving the integrity and safety of public rights-of-way.

2. Purpose

The purpose of these conduit and ductbank standards will be to:

- a. Facilitate the installation of state-of-the-art telecommunications facilities for the City of Deer Park and Spokane County.
- b. Minimize the duration and frequency of disruption to the public caused by construction within the rights-of-way.
- c. Allow and require, as necessary, the installation of empty conduit for future use by various providers.

- d. Establish a moratorium on right-of-way use permits that require trenching following street construction or resurfacing.
- e. Provide uniform trenching and conduit installation guidelines for utility companies, telecommunications providers, and developers.
- f. Outline trenching and pavement restoration standards.

3. Deviations

Deviations from these standards may be authorized by the City as conditions warrant. Emergency situations will be handled on a case-by-case basis.

4. Planning and Coordination

It is incumbent on the individual utility companies and telecommunications providers to initiate contact with the City and to be aware of any projects in the City's Six Year Transportation Improvement Program, Capital Improvement Program, or on-going developer activities that may coincide with their planned installation(s). The City will attempt to facilitate these communications insofar as possible, but the responsibility rests with the providers and failure to be aware of, and coordinate with, other projects will not become a valid reason for providers to request a deviation from the moratorium on pavement cutting.

5. Joint Trenching

In order to reduce damage to city streets, minimize disruption to the public, and encourage cost-effective installation of utilities and conduits, the City may require joint trenching. This concept may be initiated in a variety of ways such as:

- a. A utility company applies for a permit to install facilities in the right-of-way.
 - 1) the City may notify other companies that they need to occupy the same trench, or
 - 2) the City may furnish pipe and/or conduit to be included at the same time,
 - 3) the City may require that the applicant install additional empty conduit for future use.
- b. The City initiates a Capital Improvement Project.
 - 1) the City may elect to install its own pipes and/or conduit that can be leased to providers for future use, or
 - 2) the City contacts other companies to give them an opportunity to install their facilities in the right-of-way at the same time in order to avoid a moratorium on pavement cutting.
- c. For new developments, subdivisions, street construction, reconstruction, or commercial sites, the City may require developers to install additional empty ductbanks, conduits, pull-boxes, and related hardware to facilitate the future installation of the state-of-the-art telecommunications. Since the industry is changing rapidly, the City Staff will consult with potential providers in order to determine the details of the required installation.

In all cases, the City will make the determination as to when joint trenching is in the overall public interest.

Some of these situations may provide an opportunity for the installer to recover a portion of their cost through a delayed benefit agreement or similar cost-recovery process. Delayed benefit agreements must be approved in advance by the City Council.

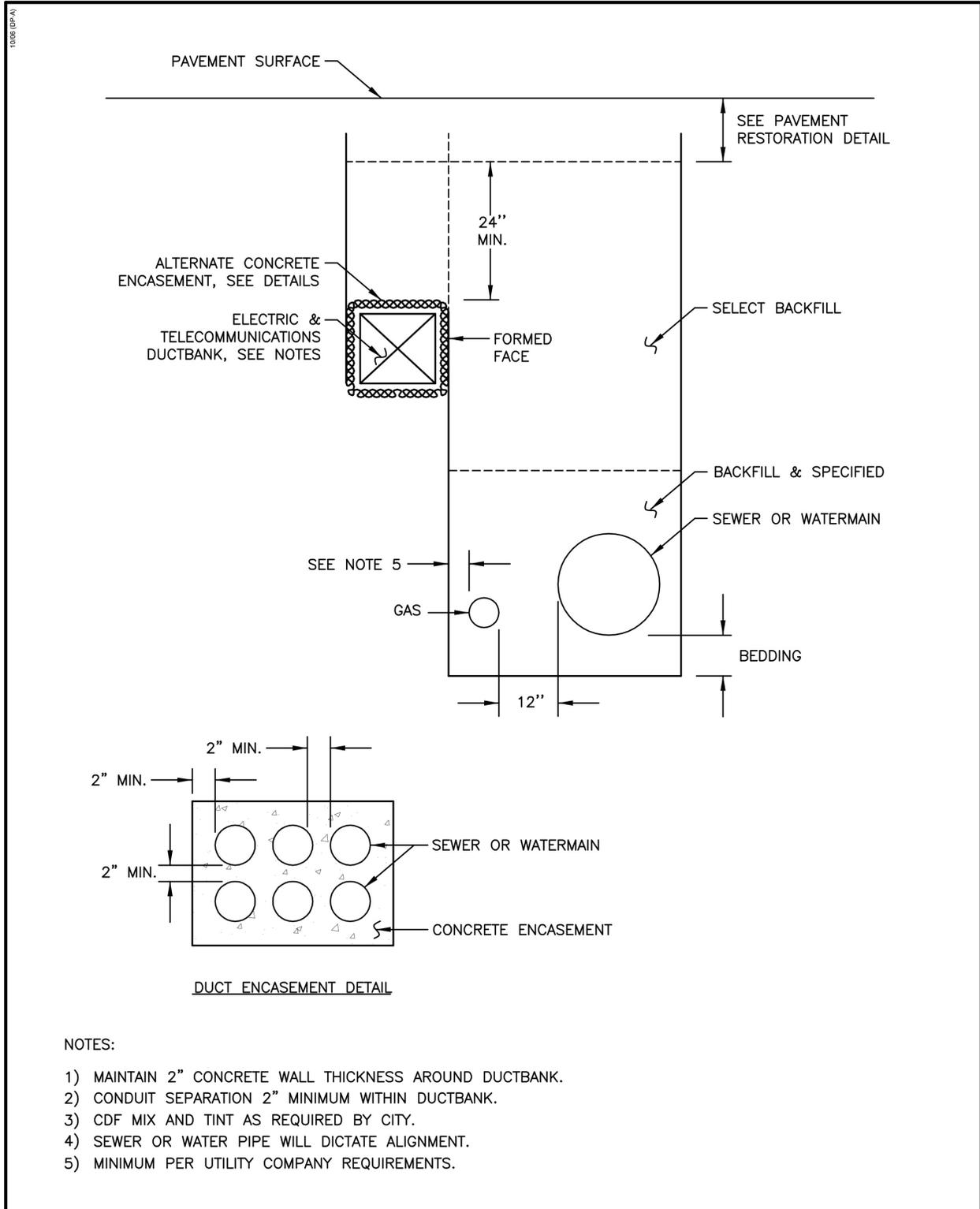
6. Moratorium on Pavement Cutting

No pavement cuts of any kind are allowed in pavement less than 10-years old. Exceptions to this may be authorized by the City on a case-by-case basis and would take into consideration emergency situations and/or cases where the overall public interest would be served by allowing a deviation from this standard.

F. Ductbanks and Buried Cable

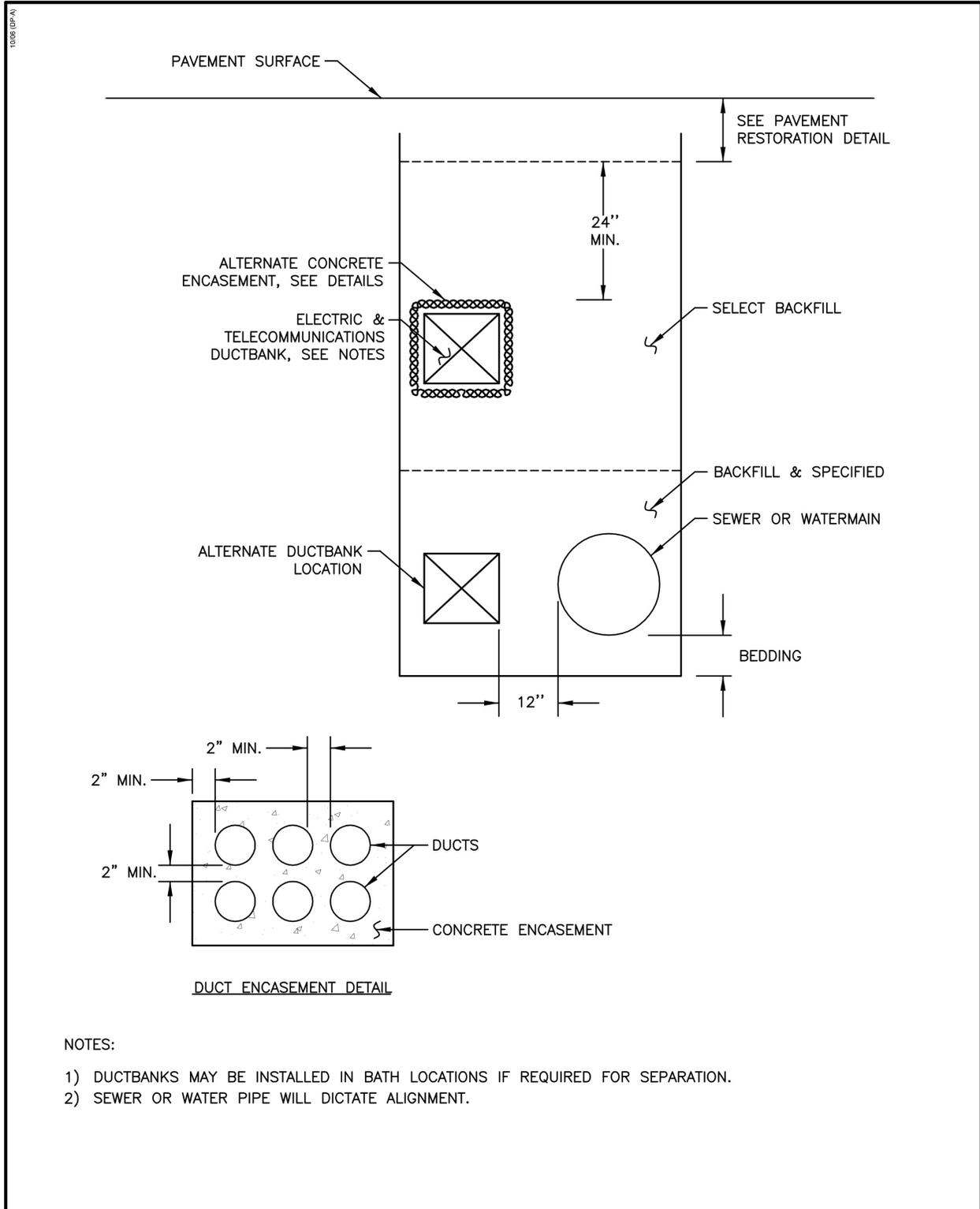
1. Separation between communication cables and power, or other electrical conductors, shall be a minimum of 12".
2. The minimum depth of cover in main trenches shall be 24" and 12" in service trenches unless utility regulations dictate otherwise.
3. Trench depths and alignment may require variations to accommodate pull boxes, vaults, manholes, etc. Conduit sweeps generally require a 36" radius.
4. Concrete encasement for ductwork shall meet the City specifications for controlled density fill. Iron oxide red dye may be required for tinting.
5. Generally, on trenches to be shared with sewer or water lines, the alignment and grade of the pipelines will govern.
6. Unique field conditions, accepted industry standards, or utility regulations required by law may require exceptions to any of the afore mentioned installation standards.

STANDARD DETAILS



- NOTES:
- 1) MAINTAIN 2" CONCRETE WALL THICKNESS AROUND DUCTBANK.
 - 2) CONDUIT SEPARATION 2" MINIMUM WITHIN DUCTBANK.
 - 3) CDF MIX AND TINT AS REQUIRED BY CITY.
 - 4) SEWER OR WATER PIPE WILL DICTATE ALIGNMENT.
 - 5) MINIMUM PER UTILITY COMPANY REQUIREMENTS.

JOINT TRENCHING OPTION 1	SCALE: NTS	DATE: 10-20-06
CITY OF DEER PARK STANDARD STREET DETAIL	SHEET NO. TR-1	

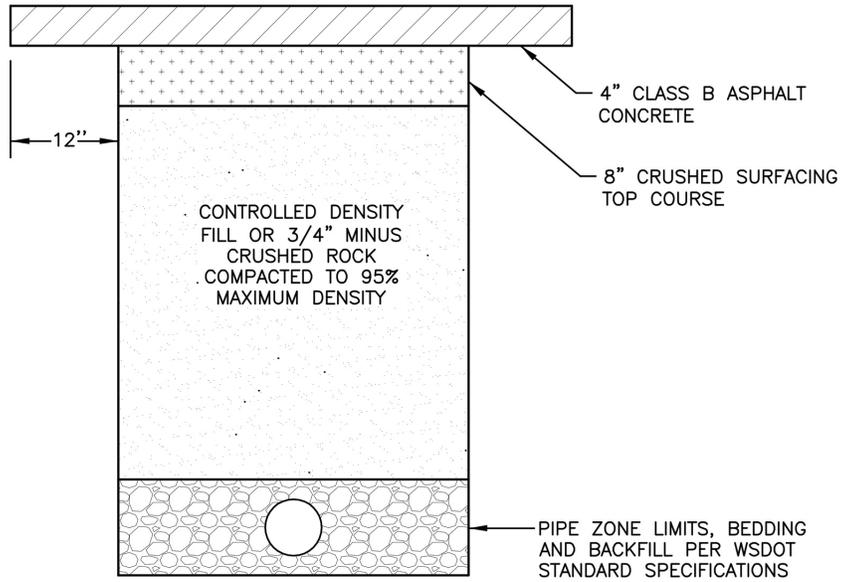


NOTES:

- 1) DUCTBANKS MAY BE INSTALLED IN BATH LOCATIONS IF REQUIRED FOR SEPARATION.
- 2) SEWER OR WATER PIPE WILL DICTATE ALIGNMENT.

JOINT TRENCHING OPTION 2	SCALE: NTS	DATE: 10-20-06
CITY OF DEER PARK STANDARD STREET DETAIL	SHEET NO. TR-2	

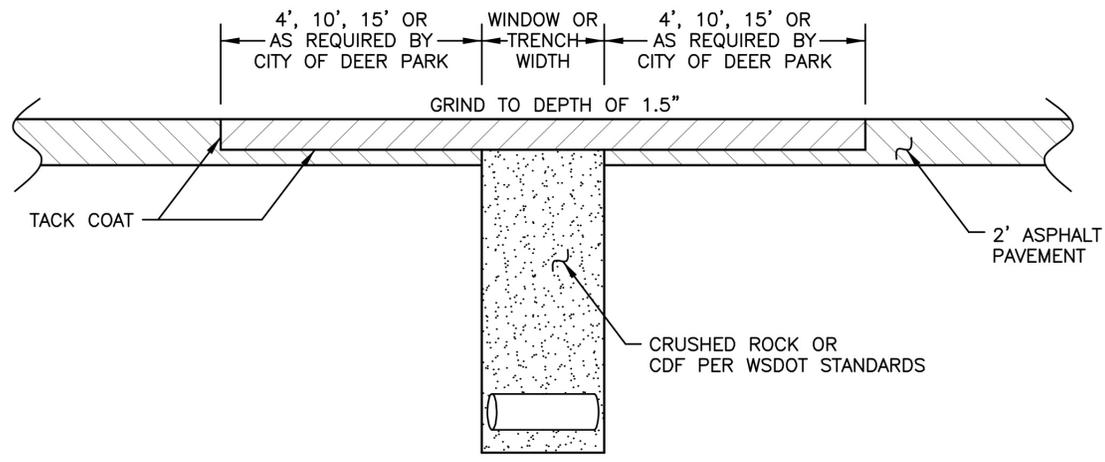
1006 (DPA)



NOTES:

- 1) SAWCUT ALL ASPHALT. CUT ASPHALT BACK 12" FROM EDGE OF TRENCH.
- 2) PLACE TACK COAT ON THE FACE OF ALL CUT PAVEMENT EDGES.
- 3) SEAL ALL JOINTS WITH RUBBERIZED ASPHALT SEALER.

TRENCH REPAIR AND PAVEMENT RESTORATION (OVERLAY NOT REQUIRED)	SCALE: NTS	DATE: 10-20-06
CITY OF DEER PARK STANDARD STREET DETAIL	SHEET NO. TR-3	



NOTES:

- 1) THE OVERLAY SHALL EXTEND ACROSS THE ENTIRE LANE WIDTH.
- 2) THE REPAIR SHALL BE COMPLETED WITHIN THE TIME FRAME STATED ON THE PERMIT.
- 3) THE TEMPORARY PATCH SHALL BE INSTALLED AS STATED ON PERMIT. THE APPLICANT IS RESPONSIBLE FOR MAINTENANCE OF THE PATCH DURING THE INTERIM PERIOD.
- 4) SEAL JOINTS WITH RUBBERIZED ASPHALT SEALER.
- 5) SAND, GRAVEL SCREENING, OR PEA GRAVEL MAY BE USED AS BACKFILL WITHIN THE PIPE ZONE. THE REMAINDER OF THE EXCAVATION SHALL BE BACKFILLED WITH CRUSHED ROCK OR CDF PER WSDOT STANDARDS.

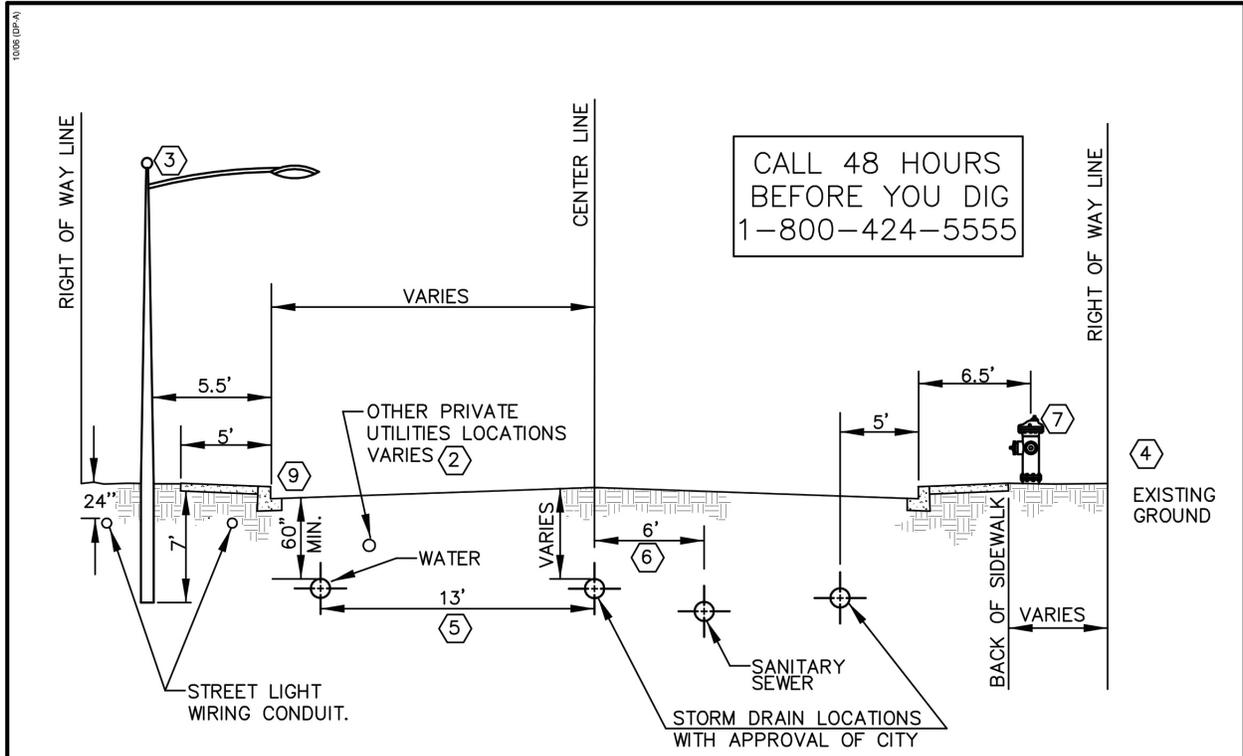
WINDOW AND TRANSVERSE TRENCH REPAIR
(OVERLAY REQUIRED)

SCALE: NTS

DATE: 10-20-06

CITY OF DEER PARK STANDARD
STREET DETAIL

SHEET NO.
TR-4



NOTES:

- ① DEVELOPER OR CONTRACTOR IS REQUIRED TO CALL 1-800-424-5555 A MINIMUM OF 48 HOURS PRIOR TO DIGGING WITHIN THE LIMITS OF CITY RIGHT-OF-WAY FOR THE LOCATION MARKING OF ALL UNDERGROUND UTILITIES.
- ② TYPICAL LOCATIONS FOR OTHER PROPOSED OR EXISTING PUBLIC UTILITIES SHALL BE VERIFIED BY THE DEVELOPER OR CONTRACTOR. A MINIMUM HORIZONTAL SEPARATION OF 3 FOOT SHALL BE MAINTAINED FROM CITY WATER MAINS AND A MINIMUM 5 FOOT HORIZONTAL SEPARATION SHALL BE MAINTAINED FROM CITY SEWER AND STORM SEWER MAINS.
- ③ STREET LIGHT POLES TYPICALLY WILL BE INSTALLED ON ALTERNATING SIDES OF THE STREET.
- ④ WATER SERVICE STOPS WILL BE INSTALLED AT THE PROPERTY LINE.
- ⑤ POTABLE WATER LINES TYPICALLY SHALL BE INSTALLED 13 FEET FROM AND PARALLEL TO THE CENTERLINE OF THE RIGHT-OF-WAY ON THE NORTH OR WEST SIDE.
- ⑥ SANITARY SEWER LINE TYPICALLY SHALL BE INSTALLED 6 FEET FROM AND PARALLEL TO THE CENTERLINE OF THE RIGHT-OF-WAY ON THE SOUTH OR EAST SIDE.
- ⑦ FIRE HYDRANTS TYPICALLY WILL BE INSTALLED ON ALTERNATING SIDES OF THE STREET ON 300 FOOT SPACING.
- ⑧ GAS, POWER, TELEPHONE AND OTHER UTILITIES SHALL MAINTAIN A MINIMUM 3 FOOT HORIZONTAL CLEARANCE FROM CITY WATER LINES, AND 5 FOOT HORIZONTAL CLEARANCE FROM CITY SEWER LINES.
- ⑨ IF CONFLICTS REQUIRE ALTERNATE WATER OR SEWER MAIN LOCATIONS, APPROVAL SHALL BE OBTAINED FROM THE CITY FOR THE LOCATION. A MINIMUM 3 FOOT SEPARATION FROM THE FACE OF CURB IS REQUIRED.

TYPICAL CITY UTILITY LOCATION	SCALE: NTS	DATE: 10-20-06
	CITY OF DEER PARK STANDARD STREET DETAIL	
		SHEET NO. TR-5

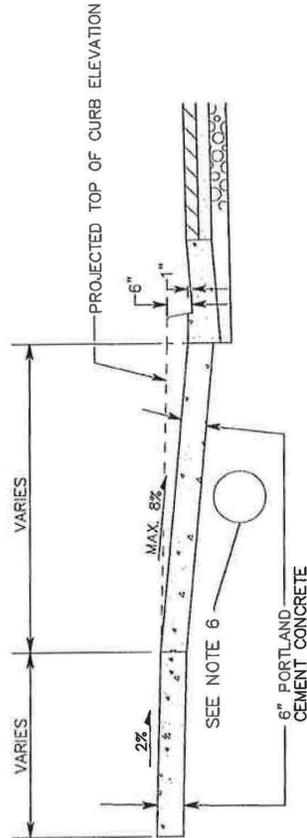
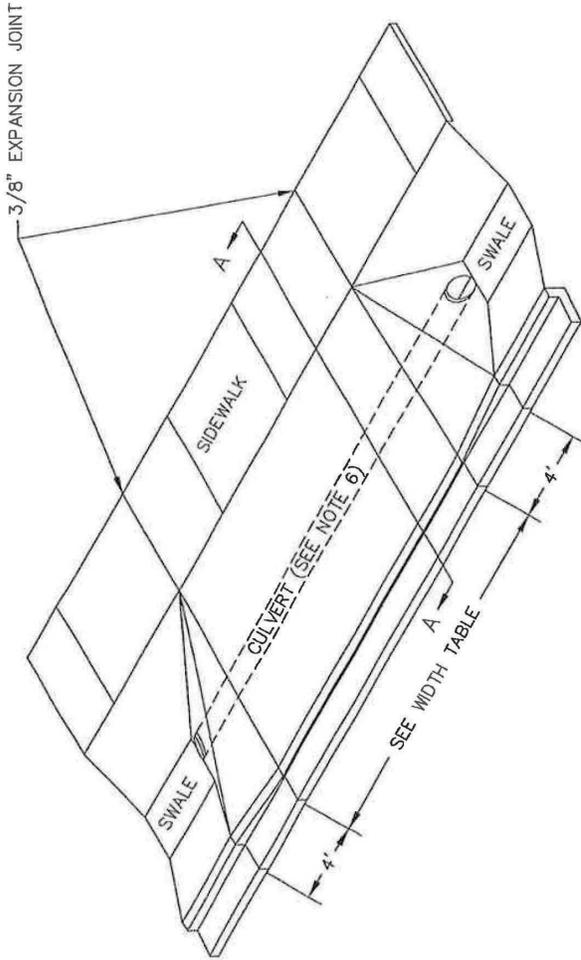
DRIVEWAY AND APPROACH DETAILS

GENERAL NOTES

1. EXPANSION JOINT MATERIAL SHALL BE PLACED IN THE CENTER OF ALL DRIVEWAYS OVER 20' IN WIDTH.
2. EXPANSION JOINT REQUIRED IF POUR INCLUDES ADDITIONAL DRIVEWAY AREA.
3. CONCRETE FOR DRIVEWAYS SHALL BE CLASS 3000 AIR ENTRAINED.
4. ALL EXTERNAL EDGES TO BE TROWELLED WITH 1/4" RADIUS EDGER.
5. SIDEWALK TO BE SCORED EVERY 5'. 3/8" EXPANSION JOINT TO BE INSTALLED AT LOCATIONS WHERE SIDEWALK INTERSECTS OTHER SIDEWALKS AND DRIVEWAYS.
6. FOR ROADSIDE SWALE APPLICATIONS, INSTALL 12" CULVERT UNDER APPROACH PER SPOKANE REGIONAL STORMWATER MANUAL. ENDS SHALL BE BEVELED TO MATCH SWALE SLOPE.
7. MIN. 4" THICK CRUSHED SURFACING TOP COURSE LAYER UNDER DRIVE APPROACH.
8. FIRST 2' OF DRIVE APPROACH (AT CURB SIDE) SHALL BE THICKENED TO MATCH BOTTOM OF CURB.

DIMENSION TABLE

TYPE	DISTANCES IN "W"	
	MIN.	MAX.
COMM.	30'	40'
RES.	16'	30'



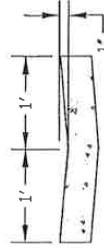
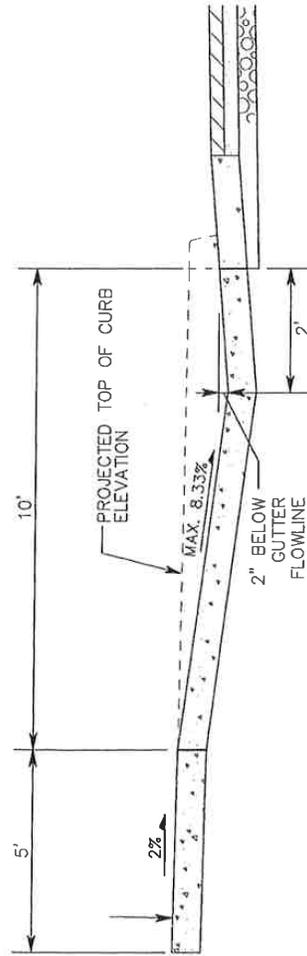
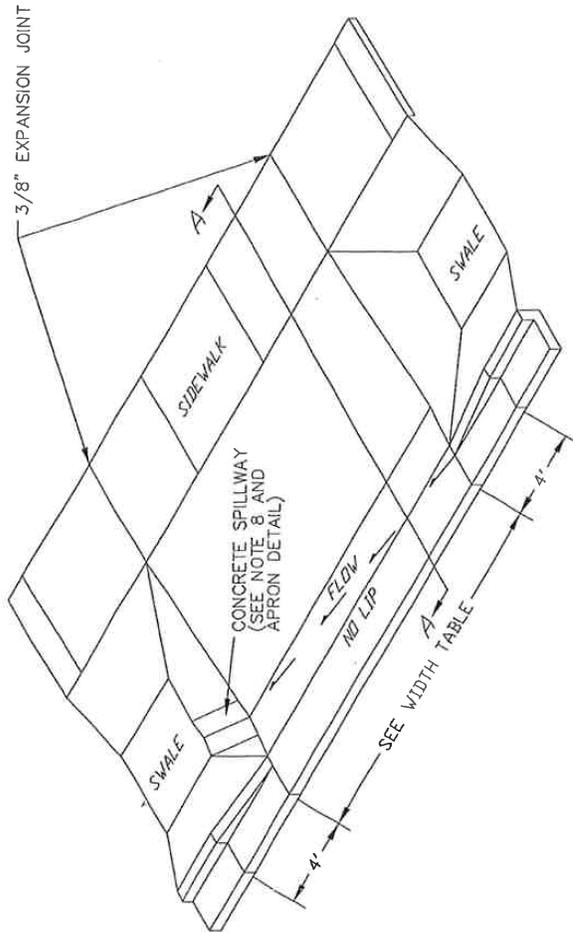
<p>DRIVEWAY APPROACH SEPARATED SIDEWALK CITY OF DEER PARK STANDARD STREET DETAIL</p>	<p>SCALE: NTS</p>	<p>DATE: 7-01-09</p>
<p>SHEET NO. TR-6</p>		

GENERAL NOTES

1. EXPANSION JOINT MATERIAL SHALL BE PLACED IN THE CENTER OF ALL DRIVEWAYS OVER 20' IN WIDTH.
2. EXPANSION JOINT REQUIRED IF POUR INCLUDES ADDITIONAL DRIVEWAY AREA.
3. CONCRETE FOR DRIVEWAYS SHALL BE CLASS 3000 AIR ENTRAINED.
4. ALL EXTERNAL EDGES TO BE TROWELLED WITH 1/4" RADIUS EDGER.
5. SIDEWALK TO BE SCORED EVERY 5'. 3/8" EXPANSION JOINT TO BE INSTALLED AT LOCATIONS WHERE SIDEWALK INTERSECTS OTHER SIDEWALKS AND DRIVEWAYS.
6. THIS APPLICATION IS FOR RESIDENTIAL USE ONLY.
7. MIN. 4" THICK CRUSHED SURFACING TOP COURSE LAYER UNDER DRIVE APPROACH.
8. APRON SHALL BE SECURED TO DRIVE APPROACH WITH TWO 12" #4 REBAR, EMBEDDED 6".

DIMENSION TABLE

TYPE	DISTANCES IN FT.	
	MIN.	MAX.
COMM.	30'	40'
RES.	16'	30'



APRON DETAIL

SECTION A-A

DRIVEWAY APPROACH
SWALE INLET

CITY OF DEER PARK
STANDARD STREET DETAIL

SCALE: NTS

DATE: 7-01-09

SHEET NO.

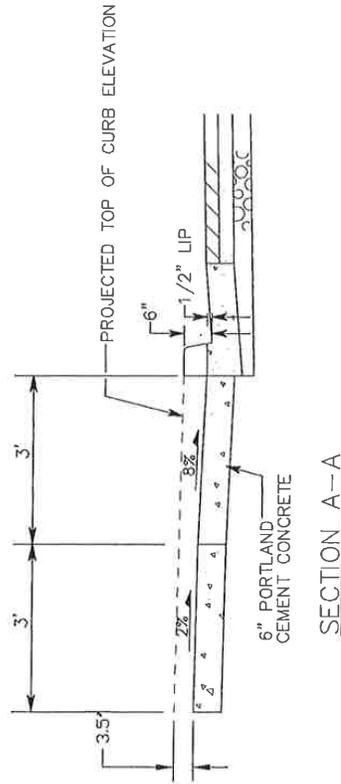
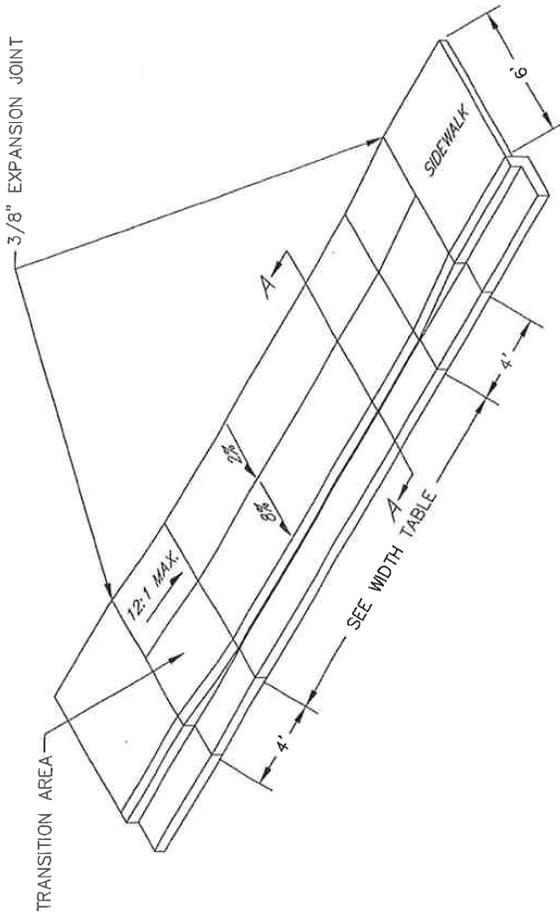
TR-7

GENERAL NOTES

1. EXPANSION JOINT MATERIAL SHALL BE PLACED IN THE CENTER OF ALL DRIVEWAYS OVER 20' IN WIDTH.
2. EXPANSION JOINT REQUIRED IF POUR INCLUDES ADDITIONAL DRIVEWAY AREA.
3. CONCRETE FOR DRIVEWAYS SHALL BE CLASS 3000 AIR ENTRAINED.
4. ALL EXTERNAL EDGES TO BE TROWELLED WITH 1/4" RADIUS EDGER.
5. SIDEWALK TO BE SCORED EVERY 5'. 3/8" EXPANSION JOINT TO BE INSTALLED AT LOCATIONS WHERE SIDEWALK INTERSECTS OTHER SIDEWALKS AND DRIVEWAYS.
6. MIN. 4" THICK CRUSHED SURFACING TOP COURSE LAYER UNDER DRIVE APPROACH.
7. FIRST 2' OF DRIVE APPROACH (AT CURB SIDE) SHALL BE THICKENED TO MATCH BOTTOM OF CURB.

DIMENSION TABLE

TYPE	DISTANCES "W"	
	MIN.	MAX.
COMM.	30'	40'
RES.	16'	30'



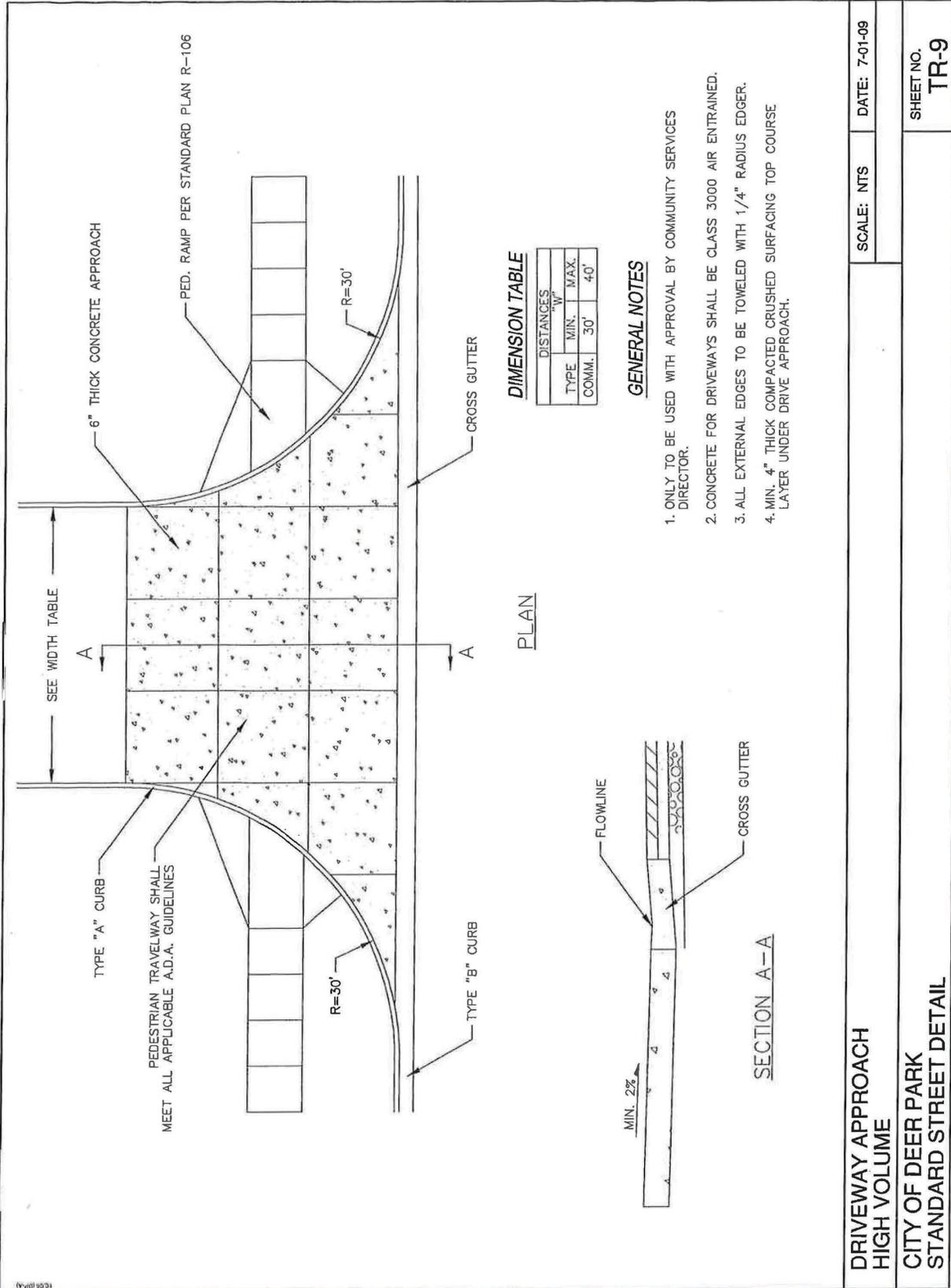
DRIVEWAY APPROACH
ADJACENT SIDEWALK

CITY OF DEER PARK
STANDARD STREET DETAIL

SCALE: NTS

DATE: 7-01-09

SHEET NO.
TR-8



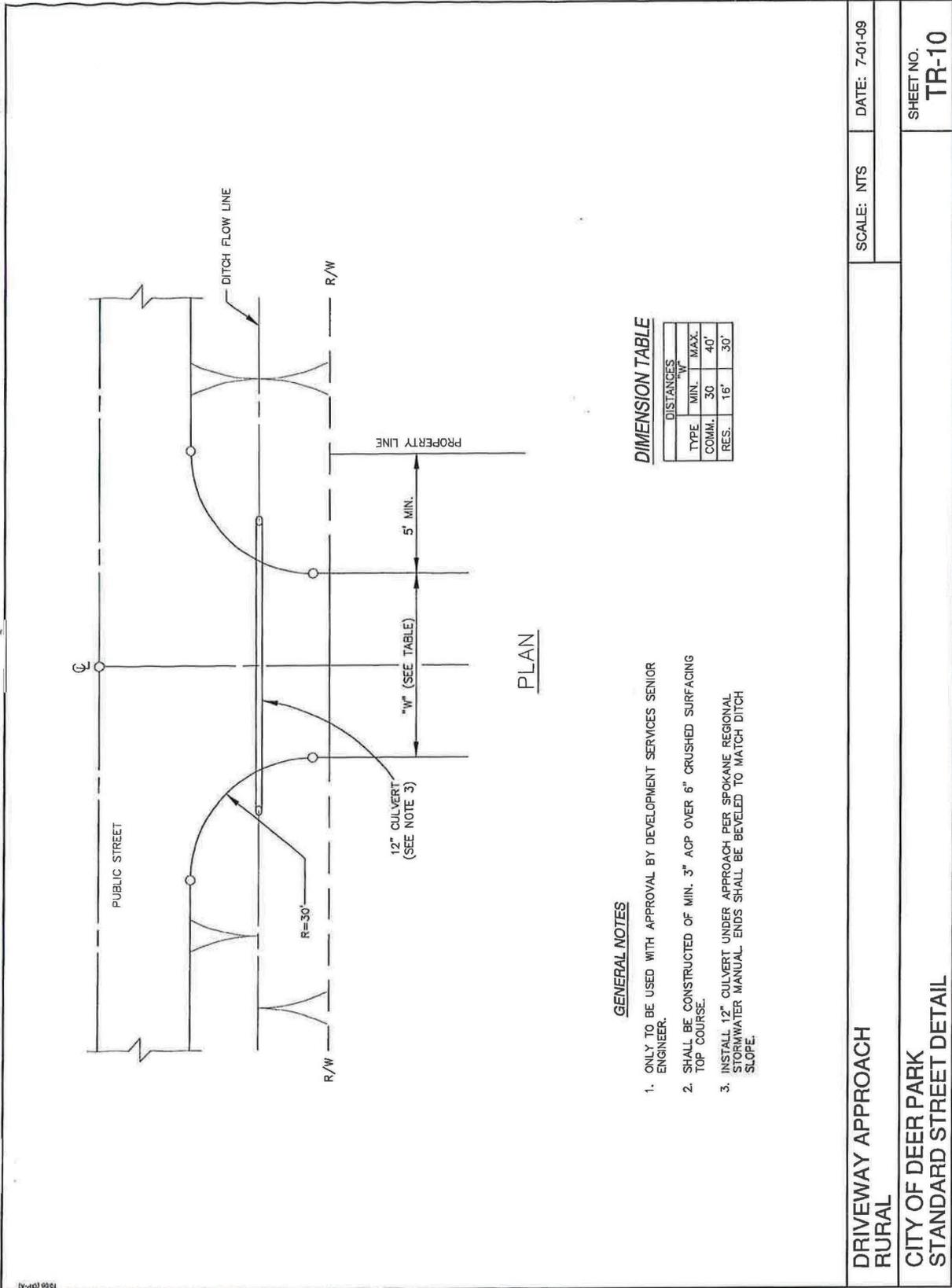
DRIVEWAY APPROACH
HIGH VOLUME

CITY OF DEER PARK
STANDARD STREET DETAIL

SCALE: NTS

DATE: 7-01-09

SHEET NO.
TR-9



PLAN

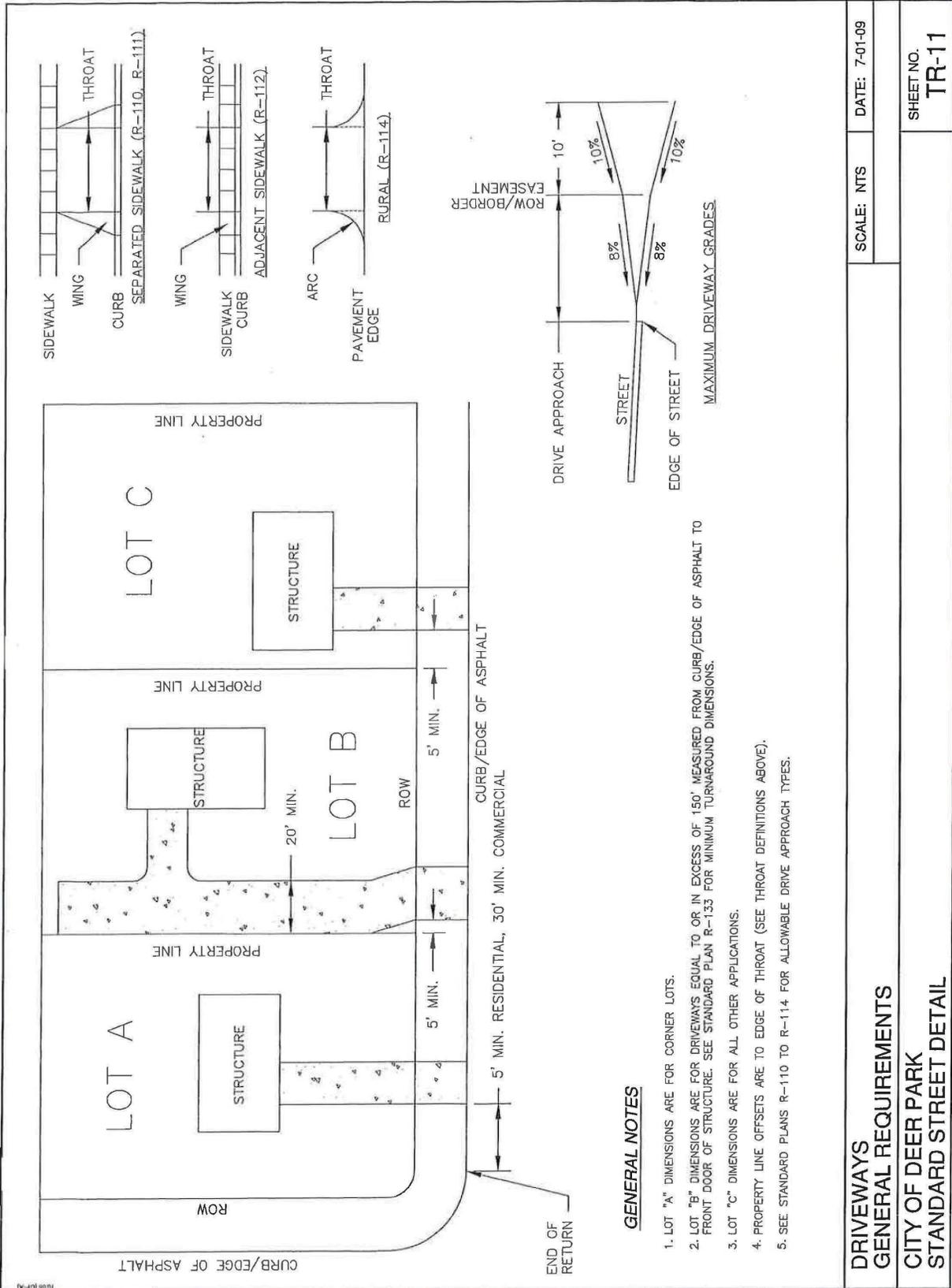
DIMENSION TABLE

DISTANCES	
TYPE	"W" MAX.
COMM.	40'
RES.	30'

GENERAL NOTES

1. ONLY TO BE USED WITH APPROVAL BY DEVELOPMENT SERVICES SENIOR ENGINEER.
2. SHALL BE CONSTRUCTED OF MIN. 3" ACP OVER 6" CRUSHED SURFACING TOP COURSE.
3. INSTALL 12" CULVERT UNDER APPROACH PER SPOKANE REGIONAL STORMWATER MANUAL ENDS SHALL BE BEVELED TO MATCH DITCH SLOPE.

DRIVEWAY APPROACH RURAL	SCALE: NTS	DATE: 7-01-09
	SHEET NO. TR-10	



GENERAL NOTES

1. LOT "A" DIMENSIONS ARE FOR CORNER LOTS.
2. LOT "B" DIMENSIONS ARE FOR DRIVEWAYS EQUAL TO OR IN EXCESS OF 150' MEASURED FROM CURB/EDGE OF ASPHALT TO FRONT DOOR OF STRUCTURE. SEE STANDARD PLAN R-133 FOR MINIMUM TURNAROUND DIMENSIONS.
3. LOT "C" DIMENSIONS ARE FOR ALL OTHER APPLICATIONS.
4. PROPERTY LINE OFFSETS ARE TO EDGE OF THROAT (SEE THROAT DEFINITIONS ABOVE).
5. SEE STANDARD PLANS R-110 TO R-114 FOR ALLOWABLE DRIVE APPROACH TYPES.

**DRIVEWAYS
GENERAL REQUIREMENTS**

**CITY OF DEER PARK
STANDARD STREET DETAIL**

SCALE: NTS

DATE: 7-01-09

SHEET NO.
TR-11

Appendix A

Municipal Code 12.4

Chapter 12.04

STANDARD SPECIFICATIONS FOR ROADS AND DRAINAGE IN NEW PUBLIC WORKS CONSTRUCTION¹

Sections:

- 12.04.010 Purpose.
- 12.04.020 Preparation and administration of standards.
- 12.04.030 Submission of plans.
- 12.04.040 Fees for inspection and plan review.
- 12.04.050 Surety or bond.
- 12.04.060 Responsibility for plan and construction conformance.
- 12.04.070 Compliance.
- 12.04.080 Permits required.
- 12.04.090 Roads-Permit required.
- 12.04.100 Roads – Authority to develop and administer standards.
- 12.04.110 Roads – Adoption of standards.
- 12.04.120 Approach – Permit required.
- 12.04.130 Approach – Authority to develop and administer standards.
- 12.04.140 Approach – Adoption of standards.
- 12.04.150 Approach – Denial.
- 12.04.160 Drainage – Approval by City.
- 12.04.170 Drainage – Authority to develop and administer standards.
- 12.04.180 Drainage – Adoption of standards.
- 12.04.190 Erosion and sediment control.
- 12.04.200 Denial of permit.
- 12.04.210 Bonds or sureties.
- 12.04.220 Failure to maintain drainage facilities.
- 12.04.230 Maintenance within right-of-way.
- 12.04.240 Maintenance outside of right-of-way.
- 12.04.250 Rates and charges.
- 12.04.260 Penalty.
- 12.04.270 Authority to inspect for conformance.
- 12.04.280 Penalty – Requirements not met.
- 12.04.290 Appeals – Procedure.
- 12.04.300 Appeals – Appeal from the City council decision.

12.04.010 Purpose.

The purpose of this chapter is to insure the public's health, safety, and welfare are met by uniform construction and development regulations within the city limits of Deer Park. (Ord. 756 § 1, 2001)

12.04.020 Preparation and administration of standards.

The community services director is authorized and directed to prepare, revise, and administer standards describing proper controls for road construction, access to, or drainage for building sites in conformance with these regulations. The city by reference adopts the "Standard Specifications for Municipal Works Construction" as prepared by the Washington State Chapter of American Public Works Association, the "City of Deer Park, Streets and Rights-of-Way Construction Standards and Water Utility Construction Standards," the "Spokane County Road and Sewer Construction Standards" and the "Spokane County Guidelines for Stormwater Management," as now enacted or hereafter amended, and are considered included as a part of this chapter. (Ord. 756 § 1, 2001)

12.04.030 Submission of plans.

Any person, including political subdivisions, government agencies or special districts applying for permits and/or final approvals shall upon recommendation of the community services director, submit for approval plans, in conformance with these standards, for proper road, approach and drainage with their applications. Actions requiring road, approach, and/or drainage plans include, but are not limited to:

- A. Preliminary and final subdivision approval;
- B. Preliminary and final short plat approval;
- C. Preliminary and final planned unit developments;
- D. Preliminary and final zone changes;

- E. Preliminary and final requests for annexation;
- F. Building permits for new construction, with identified roadway or storm drainage improvements. (Ord. 756 § 1, 2001)

12.04.040 Fees for inspection and plan review.

The community service director is authorized to collect a fee for plan review of development proposals listed in DPMC 12.04.030 and an inspection fee for review of the work done in the field in conjunction with such proposals. The fee for plan review is based on the hourly rate charged to the city by the city's consultant engineer for inspection services. Fees for inspection services are based on the hourly rate charged to the city by licensed inspectors, or the rate of pay for inspection by city staff. (Ord. 756 § 1, 2001)

12.04.050 Surety or bond.

The community service director is authorized to require the posting of a surety or bond to guarantee performance of conditions imposed on actions enumerated in DPMC 12.04.030(A) through (F). The community services director is also authorized to require the posting of a surety or bond to warrant the quality of workmanship and materials in all road, approach or drainage facility construction required by this chapter. (Ord. 756 § 1, 2001)

12.04.060 Responsibility for plan and construction conformance.

The responsibility for preparing plans for and constructing roads, accesses and drainage facilities in conformance with these regulations, and the therein authorized adopted standards lies with the project sponsor in the case of land subdivision activity and the builder in the case of construction. Where applicable by these requirements, the maintenance of such facilities shall be the responsibility of the sponsor or builder. When plans are required they shall be prepared by a civil engineer registered by the State of Washington. During the period of construction, the builder and, where applicable during the period of maintenance, the

sponsor, shall maintain a liability policy which protects the city from any liability for any accident, negligence, failure or any other liability whatsoever relating to the facility. (Ord. 756 § 1, 2001)

12.04.070 Compliance.

All governmental entities and special purpose districts shall be required to comply with the terms of this chapter when developing and/or improving land including, but not limited to, construction of new roads, within incorporated areas of the city. (Ord. 756 § 1, 2001)

12.04.080 Permits required.

A. Construction work under any of the applications listed under DPMC 12.04.030 shall not begin until such time as final plans have been approved and permits obtained as provided in this chapter. The following permits are required for actions listed in DPMC 12.04.030:

1. A permit to perform work on city road rights-of-way, hereinafter called a "construction permit," is required for construction of roads or other facilities within the existing or proposed public rights-of-way. Application for a construction permit to do work within city road rights-of-way shall be made on forms furnished by the city.
2. A "development and/or approach permit" is required before.
 - a. Issuance of a building permit as outlined in DPMC 12.04.030; or
 - b. Construction of a city road approach for any other action established in DPMC 12.04.030.

B. Application for a development and/or approach permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities;

and the location of the foregoing. Specifically, the following information is required;

1. Elevation in relation to the city road of the lowest floor (including basement and garage) of all structures;
2. Existing city road cross-section extended to and distance from city road centerline to the structure (garage, where applicable);
3. Plan and profile of any existing or proposed modifications of storm drainage facilities on the property or in the city road right-of-way.

C. The community services director shall review all applications for construction permits and development and/or approach permits to:

1. Determine that the permit requirements of this chapter have been satisfied.
2. Impose conditions in conjunction with the approval of the permits necessary to insure compliance with the purposes and provisions of this chapter, and insure the public health, safety, and welfare and/or provide minor deviations to standards where conditions warrant;
3. Determine if the proposed development and/or approach is subject to flooding. If subject to flooding, assure that the provisions of DPMC 12.04.170 through 12.04.230 are met. (Ord. 756 § 1, 2001)

12.04.090 Roads – Permit required.

No person shall construct a road or other facilities within the existing proposed, or future public right-of-way, or the private road easement in connection with the actions enumerated in DPMC 12.04.030 without first having received a permit as specified in DPMC 12.04.080(A) for such facilities from the city. (Ord. 756 § 1, 2001)

12.04.100 Roads – Authority to develop and administer standards.

The community services director is authorized and directed to develop standards for building roads within the county and to administer the same. As a minimum, such standards shall include:

- A. Drawings showing typical roadway sections.
- B. Horizontal and vertical alignment requirements.
- C. Specifications for roadway design and pavement type.
- D. Specifications for safety features, traffic control, sidewalks, and other appurtenances.
- E. Drainage control requirements.
- F. Private road requirements. (Ord. 756 § 1, 2001)

12.04.110 Roads – Adoption of standards.

Details of these design criteria and standards shall be printed as “City of Deer Park, Streets/ Right-of-Way Construction Standards” and “Spokane County Road Standards,” and adopted by the city council concurrently with this chapter and hereafter are to be made available to the public. (Ord. 756 § 1, 2001)

12.04.120 Approach – Permit required.

No person shall construct an approach to a city street without first having received a permit as specified, in DPMC 12.04.080 for such approach from the city. (Ord. 756 § 1, 2001)

12.04.130 Approach – Authority to develop and administer standards.

The community services director is authorized and directed to develop standards for constructing approaches to city streets and to administer the same. As a minimum, such standards shall include:

- A. Drawings showing typical sections;

- B. The width and number of approaches for building sites by type of use;
- C. Horizontal and vertical alignment requirements;
- D. Standards for drainage control at approaches. (Ord. 756 § 1, 2001)

12.04.140 Approach – Adoption of standards.

Details of these design criteria and standards shall be printed as “City of Deer Park Streets/Right-of-Way Construction Standards” and “Spokane County Road Standards,” and adopted by the city council concurrently with this chapter and hereafter are to be made available to the public. (Ord. 756 § 1, 2001)

12.04.150 Approach – Denial.

The community services director is authorized to deny an approach to a city street when the location of the approach is deemed hazardous to public health, safety, and welfare. (Ord. 756 § 1, 2001)

12.04.160 Drainage – Approval by city.

Before a development and/or approach permit is issued, as specified in DPMC 12.04.080, or approval is granted for those actions outlined in DPMC 12.04.030, drainage controls in accordance with DPMC 12.04.170 through 12.04.220 shall be submitted to and approved by the city. (Ord. 756 § 1, 2001)

12.04.170 Drainage – Authority to develop and administer standards.

The community services director shall develop and administer standards for drainage controls that as a minimum provide;

- A. Preservation and protection from blockage of natural or prior existing drainage ways and facilities; and
- B. Reasonable assurance that the site and buildings thereon will be protected from damage due to drainage waters; and

- C. Conformance with National Flood Insurance Program, resource lands and critical areas regulations in Chapter 18.70 DPMC; and
- D. Reasonable assurance that properties up and downstream from the site being developed are protected from drainage damage resulting from site development; and
- E. Design criteria and construction standards for drainage facilities; and
- F. Quantity and quality standards for drainage water; and
- G. Preservation and protection of surface water, pursuant to RCW 56.08.013. (Ord. 756 § 1, 2001)

12.04.180 Drainage – Adoption of standards.

Details of these design criteria and standards shall be printed as “Guidelines for Stormwater Management” as published by Spokane County Engineers and adopted by the city council concurrently with this chapter and hereafter are to be made available to the public. (Ord. 756 § 1, 2001)

12.04.190 Erosion and sediment control.

The requirements and performance standards of this chapter are intended to control soil erosion and sedimentation through the use of temporary and permanent erosion and sediment control practices. The purpose of the requirements is to allow flexibility in choice of erosion and sediment control methods through the requirement of applicants to prepare an erosion and sediment control (ESC) plan that meets the specific needs of each site and employs appropriate measures to meet the performance standards for erosion and sediment control. (Ord. 756 § 1, 2001)

- A. Purpose and Intent.
 1. Protect and prevent damage to the city and Spokane County’s stormwater management infrastructure;
 2. Minimize erosion and sedimentation, and the impact of increased runoff, onto private property, public roads

- and rights-of-way, and water bodies caused by land-distributing activities; and
3. Protect the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.
- B. General Provisions.
1. Administration. The community service director is responsible for interpretation, administration and enforcement of requirements of this chapter.
 2. Applicability. This chapter applies to all major land-disturbing activities, and all minor land-disturbing activities for which a permit is required by city ordinances, within the incorporated boundaries of the city of Deer Park unless exempt in this chapter.
 3. Exemptions. The provisions of this chapter do not apply to the following:
 - a. Commercial agriculture as regulated under RCW 84.34.020;
 - b. Forest practices regulated under WAC Title 222, except for Class IV General forest practices that are conversions from timber land to other uses;
 - c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition, restore utility service or reopen a public thoroughfare to traffic; provided, the public utility or agency cleans and/or removes any erosion and sedimentation after the emergency condition is alleviated, utility service restored or thoroughfare reopened, pursuant to the performance standards in subsection (E)(2) of this section;
 - d. Issuance of permits and/or approvals for land divisions, interior improvements to an existing structure, or other approvals for which there is no physical disturbance to the surface of land;
 - e. Minor land-disturbing activities which do not require a permit under city ordinances.
 4. ESC Best Management Practices (BMPS). ESC BMPs should be used to comply with the requirements in this chapter.
 5. Interpretation. The provisions of this chapter will be held to be minimum requirements in their interpretation and application.
 6. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions for erosion and sediment control, the provisions of this chapter will prevail.
 7. Severability. If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.
- C. Definitions.
1. “Best Management Practices” (BMPs) means physical, structural, and/or managerial practices that, when used singularly or in combination, have been shown to prevent or reduce erosion and sediment transport.
 2. “Class IV General Forest Practices” are defined as forest practices other than those contained in Class I or II:
 - a. On lands platted after January 1, 1960;

- b. On lands being converted to another use;
 - c. On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development; and/or
 - d. Which have a potential for substantial impact on the environment and therefore require an evaluation by the city as to whether or not a detailed statement must be prepared pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, as amended.
3. "Commercial Agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of ditches, canals or drainage ditches related to an existing and ongoing agricultural activity.
 4. "Earthen Material" means any rock, natural soil or fill and/or a combination thereof.
 5. "Erosion" is the wearing away of the land surface by running water, wind, ice, or other geological agents including such processes as gravitational creep, detachment and movement of soil or rock fragments by water, wind, ice or gravity.
 6. "Land-Disturbing Activities" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filing, logging and excavation.
 7. "Minor Land-Disturbing Activity" means a land-disturbing activity of less than one acre of disturbed area; an individual, detached, single-family residence or duplex; or the creation or addition of impervious surface areas greater than or equal to 10,000 square feet.
 8. "Permanent Erosion and Sediment Control Measures" are erosion and sediment control devices that replace any temporary devices and provide for long-term, permanent stabilization of a site.
 9. "Sediment" means earthen material moved by wind, water, ice and tracking.
 10. "Sedimentation" means the gravitational deposit of transported material in flowing or standing water.
 11. "Site" means the piece of property which is directly subject to land-disturbing activities.
 12. "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.
 13. "Stormwater" means that portion of precipitation or snow melt that has not naturally percolated into the ground or evaporated, but is flowing via overland flow; interflow, channels or pipes into a defined surface water channel, or a constructed detention and/or infiltration facility.
 14. "Temporary Erosion and Sediment Control Measures" means erosion and sediment control devices used to provide temporary stabilization of a

- site, usually during construction or land-disturbing activities, before permanent devices are installed.
15. "Tracking" means the deposit of sediment onto paved surfaces from the wheels of vehicles.
 16. "Water Body" shall include those water bodies that are defined as surface waters of the state or waters defined as waters of the state under RCW 90.48.020, as amended.
 17. "Wetland" or "Wetlands" means those areas in the city or county that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- D. Erosion and Sediment Control Plans.
1. Submittal of Plans. An ESC plan is required for major land-disturbing activities that require a permit or plan acceptance by the city. An ESC plan is not required for minor land-disturbing activities. An ESC plan, when required, shall be submitted with a permit application prior to any land-disturbing activities. ESC plans are only required to address the areas of land that is subject to the land-disturbing activity for which a permit is being requested. Although others may prepare the ESC plan, the permit applicant is responsible for ensuring that all requirements are addressed in the ESC plan. The ESC plan is required to be on file at the city, although it will not be reviewed or approved by the city.
 2. Content of Plans. At a minimum, all ESC plans must be legible, reproducible, and contain the following information;
 - a. Title block,
 - b. Name of property owner;
 - c. Name of permit applicant;
 - d. Name of contact person at project site.
 - e. Project address;
 - f. Legal description;
 - g. Name of person preparing plan;
 - h. Professional seal (required for major land-disturbing ESC plans);
 - i. Description of project;
 - j. Description of ESC measures;
 - k. Description of existing vegetation on the site;
 - l. Location of any existing water bodies;
 - m. Date plan was prepared;
 - n. Scale of drawing;
 - o. North arrow;
 - p. Property boundary and dimensions;
 - q. Vicinity map;
 - r. List of soils on-site obtained from the county soil conservation district;
 - s. Certification statement by the person preparing the plans that the plan meets the ESC plan requirements as listed in Chapter 4.5 of the Guidelines for Stormwater Management.
 3. ESC Requirements for Minor Land-Disturbing Activities. Though an ESC plan is not required to be submitted for minor land-disturbing activities for which a permit is required, the performance standards and other provisions of this section shall remain in effect. The provisions of this section shall not govern minor land-disturbing activities for which no permit is required. However, individuals/property owners undertaking minor land-disturbing activities for which a permit is not required may desire to ensure that such activity protects adjacent and surrounding private properties.

4. ESC Plan Requirements for Major Land-Disturbing Activities. All ESC plans for major land-disturbing activities shall be prepared and have a seal affixed by either a licensed professional engineer (PE) or licensed landscape architect (LA). Both the professional engineer and the landscape architect must be licensed in the State of Washington and be knowledgeable in both hydrology and ESC practices. The following 15 items shall be addressed in the ESC plans for major land-disturbing activities. Special site conditions may include, but are not limited to, steep slopes, slope length, soil type, or vegetative cover.
 - a. Construction Access Route. Access for construction vehicles should be limited to one route whenever possible. The access route must be stabilized to minimize the tracking of sediment onto public roads.
 - b. Stabilization of Denuded Areas. Stabilization of all exposed soils to prevent soils from eroding and depositing sediment downstream.
 - c. Protection of Adjacent Properties/Water Bodies, Public and Private Roads. Protection of adjacent properties, water bodies, public and private roads from erosion and sediment deposition. The intent is to keep sediment on the project site and not allow it to reach adjacent properties, water bodies, and public and private roads.
 - d. Protection of Inlets. Protection of downstream inlets to dry-wells, catch basins and other stormwater management facilities.
 - e. Increase Runoff from Construction Sites. Consideration and mitigation of the effects and impacts of increased and concentrated runoff from land-disturbing activities on downstream properties, water bodies, and public and private roads.
 - f. Washout Site for Concrete Trucks and Equipment. Designate the location of a slurry pit where concrete trucks and equipment can be washed out. Slurry pits shall not be located in a swale, drainage area, stormwater facility, or water body nor in an area where a stormwater facility is proposed.
 - g. Material Storage/Stockpile. Identify location for storage/stockpile areas, within the proposed ESC plan boundaries, for any soil, earthen and landscape material which is used or will be used on-site.
 - h. Maintenance and Permanent Installation. Maintenance of all erosion and sediment control is required during the land-disturbing activity. Regular inspection and maintenance of all erosion and sediment control is required to ensure successful performance of the facility.
 - i. Clearing Limits Delineation. Field identification and delineation of all clearing limits, sensitive/critical areas, buffers, trees to be preserved, and drainage courses.
 - j. Sediment Trapping Measures. Design and construction of sediment ponds and traps, perimeter dikes, sediment barriers, and other on-site sediment trapping measures as necessary prior to

- the start of other land-disturbing activities.
- k. Cut and Fill. Slopes. Design and construction of cut and fill slopes in a manner that will minimize erosion.
 - l. Stabilization of Temporary Conveyance Channels and Outlets. Design, construction, and stabilization of all temporary on-site conveyance channels to prevent erosion from the velocity of runoff from storms under developed conditions. Design, construction, and stabilization of all temporary conveyance system outlets to prevent erosion of stormwater facilities, adjacent stream banks, slopes and downstream reaches.
 - m. Removal of Temporary Controls. Removal of all temporary sediment control shall be completed within 30-days after final site stabilization or after the temporary controls are no longer needed. Trapped sediment shall be removed from the project site or stabilized on-site.
 - n. De-watering Construction Site. Discharge of dewatering devices to appropriately designed sediment traps or sediment ponds.
 - o. Control of Pollutants other than Sediment on Construction Sites. Control of all on-site pollutants other than sediment in a manner that does not cause contamination of stormwater or groundwater.
5. Modifications to Plans. ESC plans may be modified after submittal to the city. An amended plan should be submitted to illustrate any modifications to the techniques and methods used to prevent and control erosion and sedimentation.
- E. Maintenance, Performance Standards, and Enforcement.
- 1. Maintenance Responsibility. During any land-disturbing activity subject to this chapter, the property owner(s) or permit applicant, if different than the property owner(s), engaged in the land-disturbing activity is responsible for preventing erosion and sedimentation through the use of BMPs. The property owner(s) or permit applicant, if different than the property owner(s), is subject to the enforcement and penalty provisions provided herein, and it is their responsibility to ensure BMPs are used and the performance standards are met. After any land-disturbing activity is completed and the site has been permanently stabilized, maintenance and the prevention of erosion and sediment is the responsibility of the property owner(s).
 - 2. Performance Standards. The performance standards set forth below are intended to provide a minimum threshold for controlling soil erosion and sedimentation caused by land-disturbing activities and will be used to determine if the requirements of this chapter have been met.
 - a. Minimize Tracking onto Public, Private, and Future Public Roads. The performance standard for minimizing tracking onto public, private, or future public roads has not been met if soil, dirt, mud or debris is tracked onto a public, private, or future public road and there is no evidence of reasonably trying to control it through the use of sweeping or other means.
 - b. Protection of Public Roads and Stormwater Facilities. The performance standard for protecting

public roads and stormwater facilities has not been met if there is deposition, other than tracking, of more than two gallons (0.27 cubic feet) per day of soil, dirt, mud or debris from the project site onto adjacent public roads and/or a stormwater system within a public right-of-way.

- c. Proper Washout of Concrete Truck and Equipment. The performance standard for ensuring the proper washout of concrete trucks and equipment has not been met if there is observation or evidence of concrete washout material within a drainage area, stormwater facility, or water body, nor in an area where a stormwater facility is proposed.
 - d. Protection of Private Properties. The City of Deer Park does not have sufficient resources to enforce the provisions of this section for violations that affect private properties. Therefore, no performance standards have been established with respect to the deposit of soil, dirt, mud or debris from a project site onto adjacent private property. Private property owners, however, may have the ability to seek judicial redress for such actions.
 - e. Protection of Water Bodies and Wetlands. The performance standard for protection of water bodies has not been met if there is deposition of soil, dirt, mud, or debris from the project site onto adjacent water bodies.
3. Enforcement.
- a. General. Enforcement and penalties will be in accordance with this section whenever there is a violation of the project's erosion and sediment control plan or any

performance standard(s) contained herein, as they relate to public facilities. Failure to submit an erosion and sediment control plan will result in non-issuance of the underlying permit. The maintenance superintendent has the authority to assess penalties only related to public facilities including but not limited to, swales, drainage areas, or stormwater facilities. Violations related to private property are a civil matter and are not enforced by the City of Deer Park.

- b. Notice of Noncompliance. The maintenance superintendent will have the authority to issue a notice of noncompliance and penalty to the property owner(s), or permit applicant if different than the property owner(s), engaged in the land-disturbing activity, if an action is being undertaken that does not comply with all performance standard(s) of this chapter.
- c. Content of notice of noncompliance will contain:
 - i. The name and address of the property owner(s) or permit applicant to whom the notice of noncompliance is directed;
 - ii. The street address, when available, or a general description of the building, lot, or land upon which the noncompliance is occurring;
 - iii. A description of the specific nature, extent, and date of noncompliance;
 - iv. A notice of noncompliant activity cease and desist, and corrective action be undertaken to correct the activity within 24-hours;

- v. A statement that a cumulative civil penalty in the amount of \$250.00 per day for minor land-disturbing activities, will be assessed for each and every day set for correction on which the non-compliant activity continues; and
- vi. A statement regarding the appeal process.
- d. Notification. The notice of compliance will be issued in writing, either by certified mail with return receipt requested, or by personal service, to the property owner(s) or permit applicant. If the notice of noncompliance is not issued to the property owner(s), the property owner will be given a copy of the notice of noncompliance so that the property owner(s) are informed that a notice of noncompliance has been issued to the permit applicant. A copy of the notice of noncompliance may also be given to the contact person at the project site.
- e. Effective Date. The notice of noncompliance issued under this section will become effective immediately upon receipt.
- f. Compliance. Failure to comply with the terms of a notice of noncompliance will result in the issuance of a civil penalty.
- g. Civil Penalty. A person who fails to meet the performance standards of this chapter and who fails to comply with a notice of noncompliance issued under this chapter will be subject to a civil penalty.
- h. Amount of Penalty. The penalty will be \$250.00 per day for each violation associated with a minor land-disturbing activity and \$1,000.00 per day for each violation associated with a major land-disturbing activity. Each day of continued violation or repeated violation will constitute a separate violation. Any costs associated with clean-up or other corrective actions shall be the sole responsibility of the violator.
- i. Notice and Assessment of Penalty. A civil penalty will be imposed by a written notice of penalty either by certified mail with return receipt requested, or by personal service. A notice of penalty will contain:
 - i. The name and address of the property owner(s) or permit applicant to whom the notice of penalty is directed;
 - ii. The street address, when available, or a general description of the building, lot, or land upon which the violation is occurring;
 - iii. A description of the specific nature, extent, and date of violation;
 - iv. A statement that the corrective action ordered in the notice of noncompliance was not undertaken;
 - v. The amount of the penalty;
 - vi. A statement that the penalty shall be assessed for each and every day the violation continues; and
 - vii. A statement that the penalty is due within 30-days. A statement of the appeal process will also be included.
- j. Penalty Due.
 - i. Penalties imposed under this section will become due and payable within 30 calendar

days of receipt of the notice of penalty. If the amount of a penalty owed to the city is not paid within the time specified, the city may take appropriate action necessary to recover such penalty through liens against such property.

- ii. If an appeal of the notice of noncompliance is filed, the 30-day time frame does not apply. A penalty will not be assessed if the decision of an appeal is that a violation of the performance standards did not occur.
- k. Penalty Recovered. All penalties will be deposited in the street fund with the city and may be appropriated for all activities within the street department of the city.
- l. Appeals. A notice of noncompliance may be appealed in writing to the mayor within 14-calendar days of receipt of the notice. The mayor shall have the authority to approve or deny the appeal. A reduction or waiver of a penalty may be granted, if the mayor determines that there is substantial evidence that reasonable means or controls were used prior to the notice of noncompliance, and that damages to public facilities did not occur. The decision of the mayor may be appealed to the city council. This appeal must be filed within 14-calendar days of the decision of the mayor. The city council will hear the appeal and make a final decision on the notice of noncompliance and penalties due. (Ord. 756 § 1, 2001)

12.04.200 Denial of permit.

The community service director is authorized to deny approval of a development and/or approach permit if, after review of an application, he finds that the site cannot be developed without drainage hazards. (Ord. 756 § 1, 2001)

12.04.210 Bonds or sureties.

All stormwater drainage facilities included in the site drainage plan approved by the city shall be installed or covered by bonds or sureties as follows:

- A. For all drainage facilities to be located within the city right-of-way, the sponsor shall post a performance bond in conformance with DPMC 12.04.050.
- B. For all drainage facilities to be located outside the city right-of-way, the sponsor shall post a performance bond in conformance with DPMC 12.04.050, and shall also provide a perpetual maintenance plan for these facilities prior to final approval. Facilities outside public rights-of-way requiring further maintenance shall be located within public easements.
- C. For all drainage swale systems required to be installed for residential lots, the sponsor shall provide plans to the city prepared by a civil engineer, showing the location and design of the drainage swale system along with an 8 ½" by 11" plan for each lot having drainage swale. The sponsor shall also install drywells and rough grade swales in accordance with the plans, or post a bond or other security approved by the city therefor.
- D. For all drainage swale systems required to be installed for residential lots, the builder shall be responsible for providing the city with a site plan drawn on a scale required under subsection C of this section, showing the location of the drainage swale system and other proposed site improvements. The builder shall deposit with the city a \$1,000.00 surety, in the

form of cash, letter of credit or savings assignment, guaranteeing completion of the fine grading, landscaping and installation of sod required for the swale system within 6-months of occupancy of the residence constructed on the lot.

- E. The homeowner shall be responsible for perpetual maintenance of drainage swale systems installed on residential lots. (Ord. 756 § 1, 2001)

12.04.220 Failure to maintain drainage facilities.

Any person who willfully damages, alters, removes or fails to maintain or repair stormwater drainage facilities, including any portion of a drainage swale system, which said person is responsible for maintaining under this chapter, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$250.00, or imprisonment in the county jail not exceeding 90-days or both. In addition to, or as an alternative to such penalty, the violator may also be subjected to a civil penalty in the manner provided by law. (Ord. 756 § 1, 2001)

12.04.230 Maintenance within right-of-way.

The city will assume maintenance responsibility for all drainage facilities constructed within city right-of-way at the time the road is established. The first year's repair costs due to defects in material and workmanship shall be the responsibility of the sponsor and shall be an obligation against the bond specified in DPMC 12.04.050. (Ord. 756 § 1, 2001)

12.04.240 Maintenance outside of right-of-way.

Pursuant to Chapter 35A.43 RCW, the city may assume maintenance and operation responsibility of stormwater drainage facilities which lie outside the city right-of-way and which are owned by the city or over which the city has right of use for the movement and control of storm drainage and surface water runoff, including both naturally

occurring and manmade facilities. The city may assume such responsibility, at its sole discretion and under such conditions as it deems appropriate, where:

- A. The city and sponsor have executed an agreement whereby the owners of properties served by the facilities agree to pay service charges levied by the city for maintenance and operation of the drainage facilities; or
- B. The city is authorized under the conditions of the development approval to provide such services and levy service charges for the same; or
- C. The city finds there is a public need to establish a stormwater drainage service area wherein the city will maintain and operate stormwater drainage facilities and levy service charges against the properties served by such facilities. (Ord. 756 § 1, 2001)

12.04.250 Rates and charges.

For those drainage facilities operated and maintained by the city under DPMC 12.04.220, service charges shall be applicable for each property served or benefited thereby, according to the scheduled of charges listed in the written agreement or as established or revised by resolution on the city council after notice and hearing. In addition, delinquent charges shall bear an interest rate as established by resolution of the council, and computed on a monthly basis from the date of delinquency as said date is fixed by resolution. Pursuant to Chapter 35A.60 RCW, the city shall have a lien for delinquent service charges, included interest thereon, against any property against which they were levied for drainage facilities, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Said lien shall be effective for a period of one year without the necessity of any writing or recording of the lien with the county auditor, and shall be effective and enforced in the manner provided by Chapter 35A.60 RCW. The service charges collected shall be deposited in the

street fund of the city, to be used only for the purpose of paying the cost and expense of maintaining, operating and replacing the facilities. (Ord. 756 § 1, 2001)

12.04.260 Penalty.

Any person, firm, or corporation who does any construction work or deposits material within city road right-of-way without making application for and having been granted a construction permit, or does any work in violation of the conditions imposed in conjunction with such permits, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$250.00 or imprisonment in the county jail not exceeding 90-days or both. (Ord. 756 § 1, 2001)

12.04.270 Authority to inspect for conformance.

The community services director or his designee is also authorized to review road construction and building site approach and drainage proposals and to deny those that are found to be not in conformance with these regulations and the herein authorized city standards. The community service director or his designee is authorized to field inspect, as appropriate, road and building site approach and drainage construction to verify conformance with the conditions of approval. (Ord. 756 § 1, 2001)

12.04.280 Penalty – Requirements not met.

Should the city find that the conditions of approval have not been met, authorization is given to:

- A. Withdraw the permit; and/or
- B. Draw upon the applicant's bond to complete the work in accordance with the original approval. (Ord. 756 § 1, 2001)

12.04.290 Appeals – Procedure.

Any condition of approval imposed under the authority of these regulations may be appealed. Appeal shall be in accordance with the procedures set forth by law or city code for the appropriate

type of action; e.g., if the conditions are applied in connection with an application for a zone change then the appeal of those imposed conditions shall be in accordance with the proper appeal procedures specified in the city zoning code. After considering all public testimony submitted at the appeal hearing, the city council may grant variances from the provisions of the regulation adopted herein. (Ord. 756 § 1, 2001)

12.04.300 Appeals – Appeal from the city council decision.

Those applicants aggrieved by the decision of the city council may appeal such decision to the court as provided by law. (Ord. 756 § 1, 2001)

Appendix B

Municipal Code 12.10

Chapter 12.10

TELECOMMUNICATIONS, CABLE – MUNICIPAL AUTHORIZATION TO USE RIGHT-OF-WAY

Sections:

- 12.10.010 Definitions.
- 12.10.020 Purpose.
- 12.10.030 Permission required — Master permit, use permit.
- 12.10.040 Master permit application — Contents.
- 12.10.050 Permit procedures.
- 12.10.060 Use permit, expedited consideration.
- 12.10.070 Use permit, advance notice, restrictions on denials.
- 12.10.080 Conditions of occupancy or use of the right-of-way.
- 12.10.090 Exemption, preemption.
- 12.10.100 State law provisions.
- 12.10.110 Restriction on moratoriums.
- 12.10.120 Relocation.
- 12.10.130 Facilities for city use.
- 12.10.140 Fees and charges.
- 12.10.150 Authority of administering officer.
- 12.10.160 Appeals.
- 12.10.170 Other users, occupants — Outside right-of-way.

12.10.010 Definitions.

The definitions in this section apply throughout this chapter unless otherwise stated or the context clearly requires otherwise.

- A. “City” means the City of Deer Park and its legal successors.
- B. “Administering Officer” means the designated municipal official responsible for administering this chapter.
- C. “Cable Television Service” means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video or other programming service.
- D. “Facilities” of a service provider means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances

necessary or incidental to the distribution and use of telecommunications services and cable television services. For parties other than service providers, “facilities” means any physical plant installed or maintained in the right-of-way by such parties.

E. “Municipal Infrastructure” means the road bed and road area, street and sidewalk paving, curbing, associated drainage facilities, bike paths and other construction or improvements pertaining to public travel. It further includes municipal water and sewer lines or other municipal utility facilities, as well as municipal traffic signals, street lighting and communications facilities in the right-of-way or other areas or easements open for municipal use. It further includes street trees, plants, shrubs, lawn and other ornamental or beautification installations owned by the City in the right-of-way or other ways open for public travel or municipal use, and accepted for municipal management or control as such. The definition is intended to encompass any municipal physical plant, equipment, fixtures, appurtenances or other facilities located in or near the right-of-way or areas or easements opened and accepted for municipal use.

F. “Permit” refers to a grant of municipal permission or authority to an application to use the right-of-way to locate facilities and perform related activities therein. This chapter identifies two levels of permits, a master permit and a use permit.

1. A “master permit” confers general permission to enter, use, and occupy the right-of-way locate facilities. The term does not apply to cable operators because they must obtain a cable franchise in lieu of a master permit. A franchise operates as master permit, but is negotiated under informal procedures.
2. A “use permit” conveys more limited permission to enter and use a specified area or location in the right-of-way for a specific purpose such as installing, maintaining, repairing, or removing identified facilities.

G. “Personal Wireless Services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

H. “Right-of-way” means land acquired by or dedicated to the City for public roads and streets, but does not include:

1. State highways;

2. Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trusts lands;
5. Lands owned or managed by the state parks and recreation commission; or,
6. Federally granted railroad rights-of way acquired under 43 U.S.C. Section 912 and related provisions of federal law that are not open for motor vehicle use.

I. "Service Provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications service or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, person, city, or town.

J. "Telecommunications Service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale "to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over the-air transmission of broadcast television or broadcast radio signals. (Ord. 756 § 3, 2001)

12.10.020 Purpose.

- A. The purposes of this chapter are:
1. To protect the general public health and safety;
 2. To preserve and maintain the primary purpose of the right-of-way and other areas of like use as a means of public access and travel and emergency vehicle access;
 3. To comply with requirements of applicable federal or state laws, including Chapter 83, Laws of 2000, reserving as well as all applicable municipal authority with respect to use and occupancy of the right-of-way and other areas of like use;
 4. To preserve the value of public investment in the right-of-way and other areas of like use, maximize the useful life of street, curbing,

- and sidewalk paving, and to maintain the integrity and quality of the paving;
5. To support municipal utility and other municipal infrastructure needs as a priority use of the right-of-way and other areas of like use, and the value of municipal infrastructure investment; and,
6. To promote a healthy urban environment and the public convenience and aesthetics.

B. The purposes stated govern questions of interpretation and enforcement of this chapter, as implemented in the sound discretion of the administering officer. Notwithstanding any other provision, nothing in this chapter or any municipal action or inaction relating thereto is intended to create or expand municipal tort liability for any purpose. This provision shall control all others in the event of conflict or ambiguity. (Ord. 756 § 3, 2001)

12.10.030 Permission required – Master permit, use permit.

A. A service provider or any other party must obtain a master permit or city franchise to enter, use and occupy the right-of-way or like areas, including utilities easements, to locate facilities therein. If this requirement is determined to be preempted by state law, as in Section 3(1), Chapter 83, Laws of 2000, or for any other reason, the requirement applies as a request, but only to the extent of such preemption.

B. Master permits or franchises are granted by ordinance, on recommendation of the administering officer. In addition, in the exercise of discretion, the administering officer may grant a temporary master permit, up to 90 days, renewable once for up to an additional 90 days. Parties placing facilities in or on host facilities of others in locations subject to this chapter are bound by conditions applicable to the host facilities, and may also be required to obtain a separate franchise.

C. In addition to a master permit or franchise, a service provider must obtain permission to enter and use a specified right-of-way or other areas or like use to install, maintain, repair or remove identified facilities by means of a use permit. Unless ordered by the administering officer or otherwise provided by ordinance, a use permit is granted in the form of a street obstruction permit issued under DPMC 12.04.080. For special circumstances, incidental or temporary purposes not otherwise addressed, the administering officer may grant revocable permission on such conditions as deemed

proper, considering DPMC 12.10.020, but the provisions in DPMC 12.10.080 also apply, except insurance requirements may be adjusted on recommendation of the insurance carrier of the City.

D. Utilities or agencies of the City of Deer Park are exempt from master permit, franchise, or use permit requirements, but the administering officer may specify conditions of use or occupancy, including the condition of user city departments to coordinate work in the right-of-way by giving appropriate notice to the municipal office issuing use permits. The administering officer resolves any conflicts among municipal users. (Ord. 756 § 3, 2001)

12.10.040 Master permit application – Contents.

A. To obtain a master permit, a written application is filed with the administering officer, in such form as required by said official. General information requested may include, but is not limited to:

1. Applicant's true name, address, telephone, fax, and e-mail, together with an identification of the true ownership of the applicant, including the names and addresses of all persons with 10 percent or more ownership interest. For a corporation or other business organization, the state of incorporation or organization and a certificate of incorporation or other proof of legal status should be included;
2. A statement of whether the applicant, or any entity controlling the applicant, has voluntarily filed for relief under any provision of the bankruptcy laws of the United States Title 11 of the United States Code, had an involuntary petition against it pursuant to the bankruptcy code, or been the subject of any state law insolvency proceeding such as a transfer for the benefit of creditors;
3. A statement of whether the applicant or any entity controlling the applicant has had a master permit, franchise, or similar right-of-way use or occupancy permission ever suspended or revoked in any other jurisdiction;
4. A statement of whether the applicant or any entity controlling the applicant has been

found guilty, by any federal, state or municipal court or administrative agency in the United States of:

- a. A violation of a security, antitrust or tax laws; or,
 - b. A felony or any other crime involving fraud, theft, or moral turpitude. If so, the application shall identify any such person and fully explain the circumstances;
5. A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;
 6. A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;
 7. A description of how any construction will be implemented, identification of areas having aboveground or below ground facilities, the proposed construction schedule, and a description (where appropriate) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the city water, sewer, street, and other improvement plans and municipal infrastructure needs as may be further ordered by the administering officer;
 8. A description of the services to be provided over the system;
 9. The proposed rates to be charged, including rates for each service offered to the public, as appropriate, and charges for installation, equipment, and other services, and whether such rates are subject to regulatory or informational tariff or other rate regulation requirements from any other jurisdictional agency;
 10. Verification that the proposal is designed to be consistent with all federal and state requirements;
 11. In the case of an application by an existing telecommunications service provider for renewal, a verification that said service provider has complied with all terms of the existing master permit or franchise and with applicable law;
 12. Other information that the administering officer may request of the applicant;

13. The signature, under penalty of perjury, by the applicant or duly authorized agent thereof, certifying, in a form acceptable to the City, the truth and accuracy of the information contained in the application and acknowledging the enforceability of this chapter; and,
 14. Payment of an application fee as established by resolution.
- B. With narrow exceptions, Washington State's open public records law precludes the City from honoring requests for confidentiality. (Ord. 756 § 3, 2001)

12.10.050 Permit procedures.

A. Master Permits for Use of the Right-of-Way (Non-cable Service Providers).

1. This section states a formal process for the consideration of requests for master permits, but any applicant may agree to proceed under an informal process; provided, either the City or the applicant can invoke formal procedures at any time. In such event, the time of invoking formal procedures shall be regarded as the filing date of the application for purposes of further time limits in this section.
2. On receipt of an application and application fee from a service provider, the administering officer may notify the applicant of expected costs. For purposes of satisfying the requirements for publication in the official newspaper of the City of Deer Park has declared that the Spokesman Review is the official newspaper. The administering officer may also publish a summary of a franchise or master permit in like manner in a newspaper of general circulation, costs to be paid by the applicant.
3. An applicant must deposit costs as notified with the administering officer within 10-days of notification as a condition of further consideration of an application. Any unexpended monies after the application process are refunded or additional costs billed by the administering officer, to be paid within 30-days of billing. If an applicant fails to file a completed application, furnish requested information, or pay required amounts on time, the administering officer cancels the application process and

notifies the applicant. No refund is allowed for the application fee.

4. Within 90-days of the filing of a complete application and payment of required fees by a service provider, the administering officer negotiates a master permit with the applicant or determines it should be denied. If the administering officer approves the application, the master permit is forwarded for passage by the city council. If the master permit is denied, the administering officer explains the reasons for denial, which shall be supported by a written record based on substantial evidence.
 5. The administering officer may require the service provider to attend and participate in any hearing or other fact finding process to determine whether to grant the permit; provided, that extensions of time for the hearing and final action by the City beyond 120-days of the date a service provider filed a complete application requires the service provider's consent unless legislative approval of the city council cannot reasonably be obtained within such period.
 6. In the event time otherwise expires, the administering officer may grant a temporary master permit, upon conditions as may be specified by said officials, pending further proceedings.
 7. A service provider adversely affected by the final action denying a master permit, or by an unreasonable failure to act on a master permit in accord with this section may commence an action within 30-days to seek relief in a court of competent jurisdiction, which shall be limited to injunctive relief. Venue of such a proceeding shall be in Spokane County. Upon timely appeal, the administering officer certifies the record and delivers the same to the court where filed. Said official may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record.
- B. Use Permits for Specific Use of the Right-of-Way.
1. The City must act upon a request for a use permit from a service provider relating to a use of the right-of-way within 30-days of receipt of a completed application and any application fee by the official designated to

issue such permits, unless a service provider consents to a different time period or the service provider has not obtained a master permit or franchise from the City. A use permit may not be denied to a service provider with an existing state-wide grant to occupy the right-of-way for wireline facilities on the basis of failure to obtain a master permit.

2. For the purposes of this section, “act” means that the City makes the decision to grant, condition, or deny the use permit, or notifies the applicant in writing of the amount of time that will be required to make the decision and the reasons for this time period.
3. A service provider adversely affected by the final action denying a use permit may commence an action within 30-days in a court of competent jurisdiction to seek relief, which shall be limited to jurisdiction to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a use permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130. Municipal action is not final until the service provider has appealed any dispute to the city council as provided in this chapter and a decision issued therefrom.

C. In addition to any other applicable reasons, a master or use permit for placement of facilities of personal wireless services may further be denied consistent with the provisions of RCW 35.21.860(1)(e). (Ord. 756 § 3, 2001)

12.10.060 Use permit, expedited consideration.

Where a service provider does not have a master permit or franchise containing procedures to expedite use permit approvals and the service provider requires action in less than 30-days, the service provider shall advise the issuing official in writing of the reasons why a shortened time period is necessary and the time period within which action by the City is requested. The City shall reasonably cooperate to meet the request where practicable. (Ord. 756 § 3, 2001)

12.10.070 Use permit, advance notice, restrictions on denials.

A. In order to facilitate the scheduling and coordination of work in the right-of-way, the administering officer shall provide as much advance notice to a service provider as reasonable of plans to open the right-of-way to those service providers who are current users of the right-of-way or who have filed notice with the city clerk within the past 12-months of their intent to place facilities in the City. This obligation may be satisfied by listing such projects in the official newspaper of the City of Deer Park or any other reasonable means as ordered by the administering officer, including posting notice on the City’s official website.

B. Service providers shall subscribe to the official newspaper at their expense and are further responsible to survey the City of Deer Park official website for notices relating to this chapter. Service providers are further responsible to maintain on file with the administering officer, a current work email address.

C. The City is not liable for damages for failure to provide notice under this section. Where the City has failed to provide notice of plans to open the right-of-way to a service provider consistent with this section, a use permit to such service provider may not be denied on the basis that the service provider failed to coordinate with another project. (Ord. 756 § 3, 2001)

12.10.080 Conditions of occupancy or use of the right-of-way.

The following requirements apply as minimum conditions of installing, locating, using, maintaining, abandoning or removing facilities in the right-of-way or other permitted areas, whether by a service provider or any other user. They are a basis of negotiation of any franchise or master permit. Service providers or other users must accept the requirements, so long as any use or occupancy continues, regardless of whether a master or use permit or franchise has been issued, revoked or expired;

A. Users must comply with all applicable federal and state laws relating to operations in the City of Deer Park, including safety laws and standards, as well as local ordinances, this chapter, and the policies and standards of the City, construction codes, regulations, and orders of the administering officer, compliance all being further subject to audit or verification by the City at the users’ expense.

B. Users must obtain all permits required by the City for the installation, maintenance, repair, or removal of facilities in the right-of-way and pay all permit and filing fees, costs, charges and penalties within 30-days of billing or as otherwise specified by the administering officer.

C. Users must always act in good faith and fair dealings with the public and must provide safe, reliable service to the public. Users must cooperate with the City to ensure their facilities are installed, maintained, repaired, and removed within the right-of-way or other permitted areas in compliance with the purposes of this chapter and in such a manner and at such points so as not to inconvenience the public use or to adversely affect the public health, safety, and welfare.

D. Users must provide information and plans the City requires to enable the City to comply with and enforce this chapter, including provision of advance planning information pursuant to the procedures established by the administering officer. Users must keep the administering officer fully informed of any changes to information required to be supplied with any master permit or franchise or any use permit.

E. Users must provide advance notice of long- and short-range needs for access to the right-of-way or other permitted areas as may be ordered by the administering officer, and otherwise, as much as reasonable in order to facilitate the scheduling and coordination of work in the right-of-way or other permitted areas.

F. Users must obtain the written approval of the facility or structure owner, if they do not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way or other permitted areas, and construct, install, operate, and maintain their facilities at their sole expense and liability except as otherwise provided by law or agreement.

G. The City must not be exposed to any loss, liability or expenses because of another's use or occupancy of the right-of-way or other permitted areas. Users must fully indemnify and hold harmless the City, its officers, agents and employees, from all loss or liability in connection with their use or occupancy of such areas. Operations in or near the right-of-way or other permitted areas should be conducted to minimize or avoid hazard to the public or interfere with the priority of municipal infrastructures needs. Users must further pay for loss or damage to municipal assets or injury to municipal personnel. If the City nonetheless is exposed to risk or loss, users must protect and defend the City to

the maximum extent permitted by law. Minimum insurance requirements pending any use or occupancy of the right-of-way or other permitted area are \$500,000.00 per occurrence and \$1,000,000.00 aggregate, with the City of Deer Park as an additional named insured or as otherwise ordered by the administering officer with the advice of the city insurance carrier.

H. The City is not responsible for construction or maintenance of any facilities placed and has no duty to modify the right-of-way or other permitted areas to accommodate such facilities. All areas utilized must be accepted "as is," without express or implied assurances of suitability of any area for facilities placed. Users must assume all risk of facility placement and occupancy, including risks now or hereafter arising because of lack of municipal resources to maintain the municipal infrastructure or any component in current or better condition. Users must waive any claim against the City for loss or liability arising from acts or omissions of other users, occupants or the public, because unstable earth or road bed, changes in groundwater conditions or other natural or artificial conditions rendering the right-of-way or other permitted areas unsuitable for use for facilities placed or any other problem. This does not affect the applicability of Chapter 19.122 RCW, Washington State's underground utilities statute.

I. There is no warranty of any municipal title or interest to confer permission to use or access any area. Permission is in the nature of a quitclaim authorization, subject to any other underlying interests as may be established. The City further reserves the right to vacate or abandon any permitted area at no cost or liability to the City. Municipal infrastructure needs to have first priority in all cases except and only so far as shown to be otherwise required by a preemptive right.

J. There is no duty or liability to the City to any third-party tenant in or on a user's facilities in the right-of-way or other permitted areas, or to any direct or indirect customers or third-party beneficiaries of a user. The City disclaims any such duty or responsibility. Users must accept sole responsibility for claims of their direct or indirect third-party tenants, customers or third-party beneficiaries.

K. Nothing in this chapter limits or restricts any requirement, duty or obligation heretofore arising to the benefit of the City as a result of any municipal contract, permit, or franchise, but such provisions are supplemental and in addition to this chapter. The provisions of this chapter are supplemental and

in addition to other applicable municipal ordinances, standards, and requirements. Nothing in this chapter impairs any obligation of contract in violation of the Constitution of the State of Washington or the United States.

L. Any damage or disturbance to the right-of-way or other permitted or surrounding areas must be promptly restored. A patch must be thereafter maintained by the responsible party as determined by the administering officer until the area is repaved. The administering officer may require the responsible party to repave an entire lane within a cut or disturbed location, or greater area, if deemed affected. Common trenching and coordination of access needs by the user is required to avoid unnecessary cuts or damage to the right-of-way or other permitted areas.

M. Access may be limited by the administering officer at a location, considering the purpose of this chapter, where there is inadequate space or other special limitations in an area, subject also to DPMC 12.10.110. Minimum underground horizontal separation is 5-feet from city water or wastewater facilities and 10-feet from above ground city water facilities, subject to the administering officer's review and further determination.

N. Any assignment of use or occupancy privileges require consent of the City in the manner originally granted. This does not apply to minor stock transfers. No capital stock may ever be issued based on any permission to use or occupy the right-of-way or other permitted areas or the value thereof. In any condemnation proceeding brought by the City, no grantee of any permission, permit or franchise under this chapter or otherwise shall ever be entitled to receive any return thereon, or its value. (Ord. 756 § 3, 2001)

12.10.090 Exemption, preemption.

Anyone asserting a claim of preemption or exemption from a requirement of this chapter, permit, franchise, or order shall first present the same to the administering officer, with any supporting factual or legal arguments. The administering officer may resolve the question under such procedures as deemed efficient or may refer the matter to the city council for resolution through the hearings process in like manner as an appeal. The intent of this provision is to provide a quick and efficient means of understanding and resolving problems arising with the respect to any permit or use or occupancy of the right-of-way or other permitted areas, consistent

with the purpose of this chapter and other applicable laws. (Ord. 756 § 3, 2001)

12.10.100 State law provisions.

A. For convenience, this section recites certain restrictions on municipal authority from Chapter 83, Laws of 2000. For complete text, the reader is referred to Section 4(1) thereof. Such restrictions, which do not apply to preexisting franchises or permits, state that the City may not adopt or enforce regulations specifically relating to the use of the right-of-way by a service provider which:

1. Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;
2. Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;
3. Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or,
4. Unreasonably deny the use of the right-of-way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services.

B. In addition, section 4(2) of Chapter 83, Laws of 2000 preserves certain areas of municipal authority. Consistent therewith, nothing in this chapter limits the authority of the City or its officials to regulate the placement of facilities through its local zoning or police power, if the regulations do not otherwise;

1. Prohibit the placement of all wireless or of all wireline facilities within the City;
2. Prohibit the placement of all wireless or of all wireline facilities within City right-of-way; or,
3. Violate Section 253 of the Telecommunications Act of 1996, P.L. 104-104 (110 Statute 56).

C. These provisions do not amend, limit, repeal, or otherwise modify the authority of cities or towns to regulate cable television services pursuant to federal law. (Ord. 756 § 3, 2001)

12.10.110 Restriction on moratoriums.

A. To the extent required by state law, the City shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the Federal Communications Commission's Local and State Government Advisory Committee, the Cellular Telecommunications Industry Association, the Personal Communications Industry Association, and the American Mobile Telecommunications Association.

B. Should such a moratorium be implemented, the administering officer shall, on receipt of a written request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation. Any costs of municipal participation shall be payable in advance by the service provider. (Ord. 756 § 3, 2001)

12.10.120 Relocation.

A. The administering officer may require service providers to relocate authorized facilities within the right-of-way when reasonably necessary for construction, alteration, repair, or improvement of the right-of-way for purposes of public welfare, health, or safety as provided in Chapter 83, Laws of 2000.

B. The administering officer shall notify service providers as soon as practicable of the need for relocation and shall specify the date by which relocation in the right-of-way shall be completed. Notice may be given by posting the same on the City's website, publication in the official newspaper, or any other means. In calculating the date that relocation must be completed, the administering officer shall consult with affected service providers and consider the extent of facilities to be relocated, the services requirements, and the construction sequence for the relocation, within the City's overall project construction sequence and constraints, to safely complete the relocation.

C. Service providers shall complete the relocation by the date specified, unless the administering officer, or a reviewing court, establishes a later

date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

D. Service providers may not seek reimbursement for their relocation expenses from the City requesting relocation under subsection A of this section except:

1. Where the service provider had paid for the relocation cost of the same facilities at the request of the City within the past 5 years, the service provider's share of the cost of relocation will be paid by the City when it is requesting the relocation;
2. Where aerial to underground relocation of authorized facilities is required by the City under subsection A of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the City requiring relocation; and,
3. Where the City requests relocation under subsection A of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.
4. No relocation reimbursement is paid by the City for other permitted areas outside the right-of-way where not otherwise required by Chapter 83, Laws of 2000.

E. Where a project in subsection A of this section is determined by the administering officer to be primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection A of this section; provided, that the recovery is consistent with subsection C of this section and other applicable laws. The City has no obligation to secure the collection or payment of any funds not owed by the City.

F. The administering officer may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare.

G. For users other than service providers, such parties shall relocate any facilities as ordered by the administering officer and no right of reimbursement

from the City will ever be recognized. (Ord. 756 § 3, 2001)

12.10.130 Facilities for City use.

A. The administering officer may require that a service provider that is constructing, relocating, or placing ducts or conduits in public rights-of-way provide the City with additional duct or conduit and related structures necessary to access the conduit, provided that;

1. The City enters into a contract with the service provider consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the service provider. If the City makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the service provider. The service provider shall state both contract rates in the contract. The administering officer shall inform the service provider of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the City.
2. Except as otherwise agreed by the service provider and the City, the City agrees that the requested additional duct or conduit space and related access structures will not be used by the City to provide telecommunications or cable television service for hire, sale, or resale to the general public.
3. The City shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.
4. The value of the additional duct or conduit requested by the City shall not be considered a public works construction contract.
5. This section shall not affect the provision of an institutional network by a cable television provider under federal law. Additional requirements may apply as determined by the City in other permitted areas, outside the right-of-way.

B. Except where preempted by state or federal law, the City reserves the right to require provision of facilities for City use or impose other conditions on users of the right-of-way or other permitted areas. (Ord. 756 § 3, 2001)

12.10.140 Fees and charges.

RCW 35.21.860 addresses limitations on the City's power to impose franchise or other fees on some service providers and other entities specified, including site-specific charges pursuant to agreements with a service provider of personal wireless services as provided therein. Except as may be preempted by state or federal law, the City reserves the right to require compensation for use of the right-of-way as a condition of granting permission to use and occupy the right-of-way or other permitted areas. (Ord. 756 § 3, 2001)

12.10.150 Authority of administering officer.

A. The administering officer interprets and enforces this chapter, resolves conflicts and determines disputes arising under this chapter or permits or franchises issued in connection therewith. The administering officer has authority to issue general regulatory orders affecting all service providers or other users, as well as specific orders in specific cases or circumstances as deemed necessary. General regulatory orders are published in the official newspaper of the City of Deer Park at least 20-days prior to taking effect unless otherwise ordered by the administering officer because of exigent circumstances. In such event, reasonable effort shall be made to notify affected parties. General or specific orders may be issued on application of an affected service provider or any other user.

B. Orders and decisions of the administering officer are guided by the purpose of this chapter. Prior to issuance of an order, the administering officer may give such advance notice and opportunity for hearing as deemed proper, or may provide for a hearing upon request to review an order or specific application of a party arising after issuance. The officer shall collect a filing fee as established by council resolution for consideration of any petition for action or determination by a regulated party or other person.

C. An order may include provision for penalty of not more than \$500.00 per violation. In case of a continuing violation, each day may be specified to

be an additional and separate violation. No penalty for failure to comply with any administrative order may be assessed except after notice and opportunity for hearing for the affected party. Failure to pay a penalty is a violation of this chapter, and a breach of permit conditions and grounds for permit revocation by the administering officer after notice and opportunity for hearing for the permittee. (Ord. 756 § 3, 2001)

12.10.160 Appeals

A. Any party feeling aggrieved by an order or decision of the administering officer or other municipal official relating to this chapter may appeal the same by filing notice of appeal with the city council of the City of Deer Park within 30-days of the date of mailing or transmittal to said party or such order or decision appealed from. Included with the notice of appeal must be a statement of reasons for the appeal and copies of any pertinent documents or information and proof of delivery in such time limit of such submittals to the administrative officer and city attorney. A filing fee for appeal as established by resolution must also be paid to the City at the time of filing, but no filing fee is required for municipal appeals.

B. Upon receipt of a notice of appeal, where any penalty or charge is concerned, the administrative officer shall determine the amount of any accrued penalty or charge and notify the appealing party. The appealing party must post with the city council a bond, cash deposit or other suitable form of security as ordered by the administrative officer within 10-days of notification as a condition of further prosecuting any appeal. If the appeal is sustained, the security shall be returned. If the appeal is denied, the security shall be applied to any accrued penalty or charge. No appeal shall stay the accrual of any continuing penalty except upon showing the appeal had reasonable merit and was taken in good faith, and not for purposes of delay.

C. The city council shall conduct a hearing on the appeal within 30-days of filing of the notice of appeal, and issue a decision thereafter within 20-days of the hearing. The city council's decision is final, subject to appeal in a court of competent jurisdiction by either party with a notice of appeal filed within 30-days, copies to be served upon the city council, and adverse party. If a city official is the responding party, a copy shall also be served on city attorney within such time.

D. An order or decision of the administering officer shall be sustained by the city council or a reviewing court unless found to be arbitrary and capricious. Upon timely appeal to a reviewing court, the city attorney certifies the record and delivers the same to the court where filed. The city attorney may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record. (Ord. 756 § 3, 2001)

12.10.170 Other users, occupants – Outside right-of-way.

Whether or not otherwise expressly provided in this chapter, the administering officer is authorized to adapt this chapter, considering its purposes, in the exercise of sound discretion in dealing with users other than service providers, or with respect to service providers in other permitted areas outside the right-of-way, recognizing that the State Legislature chose to limit the effect of Chapter 83, Laws of 2000 to service providers and a defined right-of-way area, but no waiver of any municipal requirement is binding unless in writing and notwithstanding any statement therein, any such waiver remains revocable at all times. (Ord. 756 § 3, 2001)

Appendix C

Municipal Code 17.28

17.28.050 Subdivision requirements.

A. Dedications.

1. General.
 - a. No subdivision shall be approved unless adequate provisions are provided for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastewater, parks, playgrounds, sites for schools and school-grounds; and, shall consider other relevant facts and determine whether the public interest will be served by the subdivision and dedication.
 - b. All dedication of land shall be clearly and precisely indicated on the face of preliminary and final plats.
2. Protective improvements, such as dikes, drainage systems or storm and sanitary sewers, public water systems and easements to maintain such improvements shall be dedicated for public ownership and maintenance, except as provided in subsection (A)(5) of this section.
3. Access to Public Waters. Subdivisions containing land adjacent to publicly owned or controlled bodies of water shall contain dedications of access (acceptable for public use) to such bodies of water unless the planning commission or the city council determines the public use and interest will not be served thereby and/or unless there is an existing publicly owned or controlled public access within one-half mile. Such dedications shall be to the mean low-water mark, as it now exists or may hereafter occur.
4. Direct access to every lot shall be provided by a public street improved to standards established by the City.
5. Exemptions — Conveyance to Corporation.
 - a. If the planning commission concludes that the public interest will be served thereby, the commission may recommend to the city council that in lieu of requiring the dedication of land to the City in a subdivision for protective improvements, drainage ways, walkways, parks, playgrounds, recreational, community or other general purposes, allow the said land and/or protective improvements or easements to be conveyed to a homeowners association or similar nonprofit corporation or other approved corporation.
 - b. A subdivider who is required to make a conveyance as permitted above shall, at or prior to the time of submitting a final plat for approval, supply the planning director with copies of documents which demonstrate to the satisfaction of the director that adequate provisions have been made for maintenance and perpetuity of the dedication.
6. Public Intention to Acquire.
 - a. Any public agency with power to acquire land by condemnation or otherwise for public uses may, at any time prior to approval of a preliminary plat, notify the city council, the planning director and the subdivider of its intention to acquire land in a proposed subdivision for public uses.
 - b. If the planning commission finds that the subdivision necessitates acquisition of land by a public agency within the subdivision to insure public health, safety and welfare, the commission may require, as a condition of approval of the preliminary subdivision, that the said land, or such part of it as the commission deems appropriate, be designated on the preliminary plat as reserved land.
 - c. In the event the land is not dedicated for said uses, any public agency may request that the planning commission require the reservation of such land. Said dedication shall appear on the face of the final plat prior to the council's approval of the final plat.
 - d. No building permit, sewage disposal permit or other permit for development shall be issued for improvement on lands that have been reserved for acquisition by a public agency except by the public agency for whom the land was reserved.
7. Reserved Land.
 - a. If any public agency requires reserved land for future public uses to insure the public health, safety or general welfare, the subdivider shall indicate on the final plat such reserved lands. The subdivider shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area.
 - b. If the public agency has not acquired or commenced proceedings to acquire reserved land within the time period set by the planning commission, the subdivider and subdivider's successors may proceed to develop land lying within the reserved area in conformity with the final plat of the subdivision. No improvements shall be made upon reserve land that has become available for development through non-acquisition by a public agency until adequate commitments for development thereon have been provided by the subdivider.
8. When development within the jurisdiction of the Shoreline Management Act occurs, such use regulations as restricting or prohibiting improvements, vegetation clearing and restricting or prohibiting structures shall be recognized.

B. Design Standards.

1. All subdivisions shall conform to the comprehensive plan of the City, all zoning regulations and all other applicable local and state regulations in effect at the time any preliminary subdivision is submitted for approval or at the time an extension of time is granted.
2. Topographic, Hydrologic and Geologic Hazards — Protective Improvements. Land on which exist any topographical, hydrologic or geological conditions which

are hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazard or unless land subject to the hazard is reserved for uses that will not expose persons or property to the hazard. Design criteria for subdivision of land with these hazards may follow the criteria as specified or approved by the city engineer, health district, or other pertinent regulatory agencies. These protective improvements shall be constructed prior to final plat approval or a bond provided to cover the cost, and restrictions of such uses shall be clearly noted on the final plat.

- a. Lands with these hazards are also subject to the provisions of Chapter 18.70 DPMC. Therefore, where any applicable portion of any section of this chapter or of Chapter 18.70 DPMC imposes a greater restriction or regulation upon buildings, structures, platting, and/or uses than are imposed by other applicable chapters of this DPMC, the most restrictive provisions shall apply.

3. Generally, the arrangement, character, extent, width, grade and location of all streets shall conform to the DPMC Titles 17 and 18 and shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, in their appropriate relation to adjoining subdivisions, and their compatibility with the city. The arrangement and other design standards of streets will conform to all provisions of this title. In review of the preliminary plat, the commission shall consider the adequacy of existing and proposed streets and related transportation components. The commission shall approve the subdivision only after a finding that appropriate provisions are made for the transportation system pursuant to the level of service standards stipulated in the transportation and capital facilities elements of the comprehensive plan.

- a. Improvements. Streets shall be paved and essential utilities improved to conform to applicable standards and specifications adopted by the City and shall be approved as to design and specifications by the city engineer and or superintendent of public works in accordance with the approved construction plans.
- b. Street Arrangement.
 - i. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas.
 - ii. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topographic or other physical conditions.
 - iii. A gridiron street pattern need not necessarily be adhered to and the use of curvilinear streets, cul-de-sacs, and loop streets may be utilized where such use may result in a more desirable layout. The street shall be laid out in such a way as to make the best use of the

topography of the land consistent with the type of development.

- iv. Where a half-street is adjacent to the subdivision, the other half of the street must be dedicated by the adjacent subdivider.
 - v. Collector streets shall be property related to the public street system, to special traffic generating facilities such as schools, churches, and shopping centers, to population densities and to arterial streets into which they feed. Collector and arterial street designs and locations shall also be designed and located in accordance with the transportation element of the comprehensive plan.
 - vi. Local access streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, and to permit efficient drainage and sewer systems.
4. Access to Arterial Streets. Where a subdivision borders on or contains a limited access highway right-of-way or easement or an existing or proposed arterial street, the planning commission may require that access to such streets be limited by one of the following means:
- a. Subdivision of lots so that back yards border on the arterial street and front on a parallel local access street, with no access provided from the arterial, and screening and/or a corridor of land provided along the rear property line of such lots;
 - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel local access street, with the rear lines of their terminal lots backing onto the arterial, and separated with screening and/or a corridor of land provided along the rear property line of such lots;
 - c. A marginal access or service road separated from the arterial by a corridor of land and having access thereto at suitable points.
 - d. Direct access to State Highway 395 is not permitted by the State Department of Transportation, except in accordance with Chapter 47.52 RCW, Limited Access Facilities.
5. Street Names and House Numbers. Names of new streets shall not duplicate existing street names unless a new street is a continuation of or in alignment with the existing street. In major subdivisions, street names shall be approved by the planning commission and shall use the street name list as approved and prepared by the city council. House numbers shall be assigned by the planning department in accordance with the house numbering system in effect in the City.
6. Street Design Standards.
- a. Cul-De-Sacs. Streets designed to have one end permanently closed shall not be longer than 400 feet in length measured from the curb line of the intersecting street to the closed end of the cul-

de-sac. The closed end of the cul-de-sac shall be provided with a circular turnaround having a driving surface radius not less than 50 feet. Offset or T-shaped turnarounds providing equivalent radius may be substituted.

- b. Grade. The grade of any street shall not exceed 10 percent without the approval of the engineering and public works departments.
 - c. Grade Changes. All changes in street grades shall be connected by vertical curves.
7. Intersections.
- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. The intersection of two new streets at an angle of less than 70 degrees shall not be permitted without the approval of the engineering and public works departments. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point without prior approval of the planning commission.
 - b. Adequate stopping sight distance to traffic control devices will be provided at each intersection. Sight distance must be equal to or exceed the stopping sight distance required for the speed limit of the intersecting street. In no case will sight distance be less than 150 feet.
 - c. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street.
 - d. Intersections shall be designed with a minimum grade. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided to conform to applicable standards and specifications adopted by the City, and to ensure adequate traffic safety.
 - e. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way or easement, and shall comply with the provisions of Chapter 18.94 DPMC. An easement shall be required on the plat for required cut slopes.
 - f. The cross-slopes on all streets, including intersections, shall be three percent or less.
8. Alleys. Alleys may be required to the rear of lots used for business purposes.
9. Curves. Curves on public streets shall not be less than 100-foot radius.

10. Guidelines and acceptable criteria for all streets, unless necessitated by unusual topographic, physical or design features as determined by the planning commission:

Feature	Arterial Streets	Collector Streets	Local Access Streets
Right-of-Way**	60 ft.	50 ft.	46 ft.
Surface	Asphalt	Asphalt	Asphalt
Number of Lanes	2	2	2
Lane Width	12 ft.	12 ft.	11 ft.
Parking Strip	Asphalt	Asphalt	Asphalt
Shoulder Width	10 ft.	8 ft.	8 ft.
Roadway Width	44 ft.	40 ft.	38 ft.
Sidewalk Width*	5 ft.	5 ft.	5 ft.

*Pedestrian sidewalks required both sides of street. Sidewalk width may be reduced to three feet where five-foot by five-foot sidewalk clear passing spaces exist at a minimum interval of 200 feet.

**Right-of-way widths in excess of the standards designated in this title shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

11. Drainage Plans.
- a. Drainage plans shall be designed by a professional engineer and meet the minimum drainage design standards and construction standards as adopted by the City and administered by the public works department which are in effect at the time the planning director accepts a preliminary subdivision application or a new action occurs pursuant to a public hearing.
 - b. The subdivider of a proposed subdivision shall, upon request, present a stormwater drainage and flood control plan to the City for approval. The stormwater drainage and flood control plan shall be compatible with the approved stormwater disposal standards as adopted by the council and administered by the public works department and county health officer.
 - c. Drainage control and stormwater easements shall be provided in proper location and of sufficient width in accordance with drainage design standards as adopted by the City and administered by the public works department.
12. Blocks and Lots.
- a. Blocks shall be so designed as to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two tiers of lots unless the topography or other factors dictate the use of one tier or reverse frontage lots.

- b. Blocks designed for business and industrial use shall be designed specifically for such purposes with adequate space set aside for limited access off-street parking and delivery facilities as provided in DPMC Title 18.
 - c. Every lot shall be provided with access to an approved private and/or public road; however, access shall be provided other than directly with an arterial as designated by the council.
 - d. Minimum frontage widths, except for curvilinear and cul-de-sac streets, for the appropriate frontage required for the zone classification will be measured at the edge of the right-of-way. Frontage requirements for curvilinear or cul-de-sac streets shall be as provided in the policy on cul-de-sac development adopted by the commission and council.
13. Utilities.
- a. Easements for electric, telephone, water, sewer, gas and similar utilities shall be approved in writing by the utility of jurisdiction prior to final plat approval.
 - b. Electrical Utility. When the density of a proposed subdivision meets or exceeds three lots per gross acre within the exterior boundaries, said subdivision shall provide underground utility lines within public rights-of-way, alleys or utility easements, including, but not limited to, those for electricity, communications and street lighting. Where topography, soil, or other conditions make underground installation impracticable and the planning commission so finds upon written evidence presented by the supplier of such utilities, it may waive requirements for underground utilities provided the above ground utilities are provided from the rear of the parcels through improved alley rights-of-way.
 - c. Water Systems. In review of the preliminary plat, the commission shall consider the adequacy of existing and proposed water service provisions. The commission shall approve the subdivision only after a finding that appropriate provisions are made for water service pursuant to the level of service standards stipulated in the capital facilities element of the comprehensive plan.
 - i. Water sources and facilities adequate for the proposed uses shall be provided in conformance with, and as deemed necessary by, the County Health District, State Department of Health, the Fire District and the City pursuant to their adopted standards. Plans for such facilities shall meet the minimum design requirements and construction standards which are in effect at the time the planning director accepts a preliminary plat application or a new action occurs pursuant to public hearing.
 - d. Sewage Systems. In review of the preliminary plat, the commission shall consider the adequacy of existing and proposed sewage disposal provisions. The commission shall approve the subdivision only after a finding that appropriate provisions are made for sewage disposal pursuant to the level of service standards stipulated in the capital facilities element of the comprehensive plan.
 - i. The subdivider of a proposed subdivision shall present a concept for disposal of sewage anticipated to be generated from the development of the proposed subdivision.
 - ii. Such concept shall be in conformance with adopted applicable local and state regulations and approved by the County health officer and City utilities department. If the proposed subdivision lies within an area serviced by the sanitary sewer system, the subdivider shall present to the city utilities director a sanitary sewer concept plan in conformance with the general sewer plan for the area and standards of the operating city utility, the County health officer, state and federal regulations.
14. Public Parks. In review of the preliminary plat, the commission shall consider the adequacy of existing and proposed recreational and park lands. The commission shall approve the subdivision only after a finding that appropriate provisions are made for recreational and park lands pursuant to the level of service standards stipulated in the capital facilities element of the comprehensive plan for mini-parks, neighborhood parks and playgrounds and/or community park facilities, in terms of both the population to be served and the projected service area radius. Provisions for park lands shall be determined using either subsection (B)(14)(a) or (b) of this section, as deemed appropriate by the planning commission.
- a. Ratio of park space to overall plat area shall be:
 - i. Plats less than five acres in gross area: no public park space required unless the proposed project density and the service area

- radius considerations specified in the capital facilities element of the comprehensive plan demonstrate a need for mini-park or neighborhood park land.
- ii. Plats five acres but less than 15 acres in gross area: one acre of recreational and park area unless the proposed project density and the service area radius considerations specified in the capital facilities element of the comprehensive plan demonstrate a need for additional mini-park or neighborhood park lands.
 - iii. Plats 15 acres but less than 25 acres in gross area: three acres of recreational and park area unless the proposed project density and the service area radius considerations specified in the capital facilities element of the comprehensive plan demonstrate a need for additional mini-park, neighborhood park or community park lands.
 - iv. Plats 25 acres or larger in gross area: recreational and park area as determined by the commission in consideration of the proposed project density and the service area radius considerations specified in the capital facilities element of the comprehensive plan for mini-park, neighborhood park, and community park lands.
 - v. Where previous land has been dedicated to the City for recreational and park use within the mini-park, neighborhood park, and/or community park service radius of the proposed subdivision, but such land remains unimproved for recreational and park use, the commission, in lieu of additional recreational and park area dedication, may require the subdivider of the proposed subdivision to improve such previously dedicated land with irrigation systems, turf and landscaping, playfields, rest rooms, community buildings, and/or other related recreational and park use amenities as deemed appropriate by the commission, taking into consideration the cost of such improvements versus the market value of the land that would otherwise be required to be dedicated.
- b. To finance recreational and public park space as required within the proposed plat, and to assure that all parties required to provide park areas shall assume the costs, in lieu of providing recreational and park areas required above, or improvement of existing lands as optionally required above, the planning commission may elect to allow the subdivider of lands to:
 - i. Sign a covenant agreeing to join an assessment district to pay for land for a public recreational and park facility at another location; or,
 - ii. Pay into a trust fund established by the City for future purchase of recreational and park land and/or improvement of existing but not yet improved recreational and park land, a sum equivalent to the ratio of land required per subsections (B)(14)(a)(i) through (v) of this section at the estimated market value of the property being developed. In addition, the amount paid to the City will be refunded to the owner or developer of the subdivision after a period of 15 years if not utilized in the development of a new recreational and park facility or in the revitalization, redevelopment or expansion of an existing recreational and park facility serving the same portion of the City in accordance with the service radius parameters set forth in the capital facilities element of the comprehensive plan.
15. Shoreline Management Act. Design of plats will conform to all the appropriate goals, policies and use regulations of the Shoreline Management Act and the local rules and regulations promulgated thereto. (Ord. 722 § 27, 1998; Ord. 681 § 2, 1996)

17.28.060 Site Improvements.

A. Roads and Drainage Systems.

1. Before final plat approval, all proposed roads and drainage facilities shown thereon shall be improved to meet the adopted standards of the city. All separate lots and tracts of the subdivision shall be provided access and proper drainage at the expense of the subdivider and in accordance with the current city street design and improvement standards, drainage design standards and standard plans.
2. The subdivider shall not start construction of roads and drainage facilities until all plans pertaining to the subdivision have been approved by the city engineer and appropriate permits acquired from the city. The city engineer shall inspect said work for compliance with city standards. The subdivider shall pay the cost of all required inspections.
3. Upon finding satisfactory completion of the work, the city engineer shall report the same in writing and make recommendations for acceptance to the city council. The council shall establish the roads in dedicated right-of-ways and accept all other public dedications imposed as a condition of preliminary plat approval only if it determines that:

- a. Conditions imposed upon preliminary plat approval have been complied with.
- b. The requirements of this title have been satisfied by the subdivider.

B. Water and Sewer Systems.

1. Water supply facilities shall meet the requirements of the city utilities department in accordance with the water comprehensive plan and general water plan for the city. In addition, all provisions of Chapter 248-54 WAC or subsequent revisions (Rules and Regulations of the State Board of Health) and rules and regulations of all other applicable agencies shall be complied with. Such facilities shall meet the applicable regulations pertaining to domestic water supply and fire flows to each lot within a subdivision.

2. Sewage disposal systems shall meet all design requirements and be in accordance with general sewer plans and the wastewater comprehensive plan, and as provided for in the codes and policies for sewage disposal systems for the city. Prior to sale, each lot shall be provided with hookups to an approved sewerage system and/or an approved on-site sewage disposal system site shall be available. Approval of a sewage disposal system will be required from all state and county agencies having jurisdiction.

C. Fire Protection System.

Service mains, fire hydrants and stand pipes shall be designed to meet the city and county fire flow requirements pursuant to the Critical Water Supply Act and be installed in conformance with standards prescribed by the city engineer and fire chief.

D. Recreational and Park Land Improvements.

Where recreational and park land improvements have been required by the city pursuant to DPMC 17.28.050 (B)(14)(a)(v), whether within the subdivision or off-site, such improvements shall be installed in accordance with plans approved by the city and to the satisfaction of the city before final plat approval. The subdivider shall pay the cost of all required inspections of such recreational and park land improvements.

E. Performance.

In lieu of full compliance with the foregoing site improvements concerning roads, drainage, water, sewer, site design, fire systems and on-site or off-site recreational and park land improvements, prior to the acceptance of such final plat, the subdivider shall provide reasonable assurance that full compliance will be met pursuant to Chapter 17.32 DPMC. (Ord. 722 § 28, 1998; Ord. 681 § 2, 1996)

17.28.070 Survey requirements.

A. Preparation of Subdivisions.

The survey of every proposed subdivision and the preparation of preliminary and final plats thereof shall be made by or under the supervision of a registered land surveyor. All plats or replats filed for record and surveys for these plats or replats shall comply to all provisions of Washington

State law and shall conform to standard practices and principles for land surveying.

B. Mapping Requirements.

(In addition to requirements under DPMC 17.28.040, Final plat requirements).

1. The final plat map shall show:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;
 - b. Bearing trees, corner accessories or witness monuments, basis of bearings, bearings length of lines, scale of map and north arrow;
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown;
 - d. Ties to adjoining surveys of record.
2. The allowable error of closure for the final plat shall not exceed one-foot in 100,000 feet or 0.02 foot, whichever error is less.
3. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
4. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
5. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
6. Lots along curves shall show arc length along curve and radial bearings at lot corners.
7. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
8. When elevations are needed on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the city engineer.
9. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

C. Control Monuments.

Permanent control monuments in conformance with Spokane County monumentation standards shall be set or located at:

1. All angle points and curve points on the boundaries of the subdivision;
2. The intersections of centerlines of existing public roads directly adjacent to the subdivision with roads within the subdivision;
3. The intersections of centerlines of roads within the subdivision;

4. The beginning and ends of curves on centerlines.

D. Lot Corners.

Every lot corner shall be marked with an iron rod or iron pipe marked in a permanent manner with the registration number of the registered land surveyor in charge of the survey. In addition, each lot corner shall be marked with a wooden stake.

E. Flood Hazard, Inundation or Geological Hazard.

If any land in a subdivision is contiguous to or extends within 200 feet from the ordinary high water mark of a body of water or its associated wetlands which is under the direction of any shoreline program or subject to flooding inundation or geological hazard, the following requirements shall apply:

1. If any portion of a lot or parcel of a subdivision is subject to a known flood hazard, inundation or geological hazard, such fact shall be clearly shown on the preliminary and final plats.

2. The building setback line shall be shown on the preliminary and final plats establishing proper setback distances for the following hazards:

- a. Flood Hazard. The building line shall be 200 feet horizontally landward from the ordinary high water mark or 50 feet horizontally landward from the edge of the 100-year flood plain, if known, whichever distance is greater.
- b. Inundation. The building line shall be at least 25 feet from the area subject to periodic inundation at the discretion of the building official or his designee.
- c. Geological Hazard. The building line shall be established so as to not intrude into any area identified on the plat as a potential geologic hazard.

3. The 100-year flood plain boundary and elevation shall be located on the preliminary and final plats under the supervision of the city engineer and planning department. If the channel of a stream which flows either continuously or intermittently within a subdivision or forms the boundary of a subdivision, such channel shall be defined by bearings and distances as it exists at the time of the survey.

4. A building setback line may be required to be shown on the plat in order to protect scenic resources, archaeological, historical areas and unique environmental features. (Ord. 681 § 2, 1996)