

ADMINISTRATION

Chapter 1

TITLE, SCOPE AND GENERAL

Sec 101. TITLE

These standards shall be known as the "City of Ferndale Development Standards" and may be cited as such. They may be referred to herein as "these standards".

Sec. 102. PURPOSE

The purpose of these standards is to provide minimum standards to safeguard public safety, health and welfare by regulating and controlling roadway, domestic water, sanitary sewer and storm drainage design and construction, domestic water design and construction, sanitary sewer design and construction, together with land alteration and related work thereto.

Sec. 103. SCOPE AND APPLICABILITY

These Standards shall apply to all street, domestic water, sanitary sewer, and drainage design and construction and other land alteration activities in the City of Ferndale. Any person, firm or corporation who is engaged in land alteration activities in the City of Ferndale shall only do so in compliance with the requirements of these standards. Any person, firm or corporation who seeks to obtain permits to develop land in the City of Ferndale which will result in land alteration shall be required to demonstrate compliance with the requirements of these Standards prior to city approval and/or commencement of construction work. City approvals or permits to which these development standards apply include but are not limited to the following:

- A. Flood Control Zone permits.
- B. Substantial Development permits, and other shoreline permits as required by the City of Ferndale Shoreline Management Program.
- C. Short and long subdivision approvals.
- D. Binding site plans and Planned Unit Developments (PUD).
- E. Conditional Uses and Variances
- F. Revocable Encroachment permits.
- G. Fill and Grade Permit
- H. Critical Areas Permit

Commencement of construction work under any of the above mentioned actions or permits, including the initial clearing for any proposed land development, shall not begin until such time as final approval of the drainage, erosion control, and/or grading plans is stamped by City of Ferndale "Approved for Construction".

Notwithstanding any other term or provision of this ordinance, this ordinance shall not apply to any "forest practice," as defined in the Forest Practice Act of 1974 (Chapter 76.09 RCW), except to the extent that such regulation is expressly permitted by said act, as now or hereinafter amended. (See RCW 76.09.240).

Where, in any specific case, different sections of these standards specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec 104. CONSISTENCY WITH OTHER REGULATIONS

These Standards implement and are intended to be consistent with the following:

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| A. | City Municipal Code Title 16 | SEPA Procedures |
| B. | City Municipal Code Title 17 | Plat and Short Plat |
| C. | City Municipal Code Title 18 | Zoning Ordinance |
| D. | Ordinance #935A (Chapter 15.07) | Clearing Permits |
| E. | Ordinance #955 | Interim Regulations - Critical Areas and Resource Lands |
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- F. City of Ferndale Storm Water, Potable Water, Sanitary Sewer, Street, and Traffic Comprehensive Plans.
- G. Washington State Department of Transportation "Local Agency Guidelines."
- H. State of Washington Shoreline Management Act and City Shorelines Master Program.
- I. National and State Environmental Policy Acts.
- J. Federal and State surface water rights law relating to riparian rights and surface waters.

Sec. 105. OTHER STANDARDS ADOPTED BY REFERENCE

A. **Adopted Standard Specifications.** Except as otherwise provided in these Standards, design detail, workmanship, and materials shall be in accordance with the relevant sections of the following which are hereby adopted by reference:

1. Washington State Department of Transportation and American Public Works Association "Standard Specifications for Road, Bridge, and Municipal Construction" - current edition. These will be referred to as "State Standard Specifications."
2. Washington State Department of Transportation "Standard Plans for Road and Bridge Construction" - current edition, hereinafter referred to as "State Standard Plans."

B. **Reference Specifications.** The following specifications, or most current editions thereof, may also be used:

- (1) when specifically cited by these Standards, or,
 - (2) when required by a higher level funding authority having jurisdiction, or,
 - (3) in the absence of specific standard when applicable and approved by the Public Works Director.
1. "U.S. Department of Transportation Manual on Uniform Traffic Control Devices for Roads and Highways - 1988" as amended and approved by the Washington State Department of Transportation, hereinafter referred to as "MUTCD," or the
 2. "Standard Specifications for Highway Bridges - 12th edition, 1977" adopted by the American Association of State Highway and Transportation Officials, hereinafter referred to as the "AASHTO Bridge Specifications."
 3. "Washington State Department of Transportation Design Manual" the current edition, hereinafter referred to as "WSDOT Design Manual."
 4. "Washington State Department of Transportation Highway Hydraulic Manual" the current edition, hereinafter referred to as "WSDOT Hydraulic Manual."

5. "Urban Hydrology for Small Watersheds-Technical Release No. 55-U.S. Department of Agriculture, Soil Conservation Service, 1975" hereinafter referred to as "SCS Technical Release No. 55."
6. "NOAA Atlas 2 Precipitation-Frequency Atlas of the Western United States-Vol.IX, Washington," Soil Conservation Service 1973.
7. "Surface Water Design Manual," King County Dept of Public Works, Surface Water Management Division, most current edition.
8. "Stormwater Management Manual for the Puget Sound Basin," Washington State Department of Ecology, most current edition.
9. "Urban Stormwater Management-Special Report No. 49 American Public Works Association, 1981."
10. "Uniform Building Code" most current edition adopted by the City, hereinafter referred to as "UBC."
11. "A Policy on Geometric Design of Highways and Streets - 1984 AASHTO.
12. "Highway Functional Classification-Concepts, Criteria and Procedures," U.S. Department of Transportation, 1974.
13. Washington State Department of Fisheries Guidelines (Drainage)
14. "Handbook for Forest Roads, WA Department of Natural Resources & WA Department of Ecology, Nov 1982; DOE Report #82-5.
15. "Criteria for Sewage Works Design," Washington State Department of Ecology, most current edition.

C. **Other Specifications.** In addition to the specifications listed in A. and B. above, other specifications and/or references may be used when approved by the Director of Public Works.

Sec. 106. APPLICABILITY TO EXISTING DEVELOPMENT

- A. **General.** Street and drainage improvements and other land improvements and alterations to which additions, alterations or repairs are made shall comply with all the requirements of these standards for new facilities except as specifically provided in this section.
- B. **Additions, Alterations or Repairs.** Existing development is not required to conform with the provisions of these standards. Any additions, alterations or repairs to existing development must conform to these standards. Additions or alterations shall not be made to existing land improvements or development covered by these standards which will cause the existing development to be out of compliance with any of the provisions of these standards nor shall such additions or alterations cause the existing development to become unsafe. Additions or alterations shall not be made to existing developments or land improvements when such existing development is not in full compliance with the provisions of these standards except when such addition or alteration will result in the existing development being no more hazardous to persons or the environment than before such additions or alterations are undertaken.

Sec. 107. ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION

The provisions of these standards are not intended to prevent the use of any material or method of construction not specifically prescribed by these standards, provided an alternate has been approved and its use authorized by the Director of Public Works.

The Director of Public Works may approve such alternate, upon a finding that the proposed design is satisfactory and complies with the provisions of these standards and that the materials, method or work offered is, for the purpose intended, at least the equivalent of the prescribed in these standards in suitability, strength, effectiveness, durability and safety.

The Director of Public Works shall require that sufficient proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the Department of Public Works.

Sec. 108. VARIANCES

A. **Variance Request - Submittal Requirements.** Any request for a variance from these Standards shall be submitted in writing to the Director of Public Works for review. Proposed variances must receive approval from the City Council prior to construction. Variances from these Standards may be granted by the City Council upon submission of satisfactory evidence that:

1. Extreme or unique topographic conditions, the nature of existing structures, or a unique development design, such as planned units developments and mobile home parks which make adherence to these Standards undesirable or impractical;
2. The variations are in the public interest;
3. The variations provide equal to or better quality elements than the standard at a comparable or lower cost, or other compensating benefits to the City, its residents and the public;
4. The variations are based upon sound engineering judgment, and;
5. Safety, function, appearance and economical maintenance requirements are met.

Each variance request shall be reviewed for consistency with each factor above. Any factor not applying shall be noted "Not Applicable."