



# City of Kalama

Incorporated 1890



Date: April 27, 2018  
To: Kalama City Council  
From: City Planner  
Re: Sidewalk Ordinance

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## OVERVIEW

Over the past few months, City staff and the Planning Commission have worked on amendments to the Kalama Municipal Code related to sidewalk requirements. Generally speaking, these amendments would:

- Replace outdated terminology in the code;
- Establish more uniform obligations for all property owners; and
- Set clear minimum and maximum requirements for all property owners.

On April 19, 2018 the Planning Commission made a recommendation to the City Council to approve a package of amendments. Council is now being asked to consider these amendments.

## PROPOSAL

The proposed ordinance amends Sections 11.04 (Sidewalks – Construction and Repair), and 11.05 (Sidewalks, Curbs, and Gutters) of the Kalama Municipal Code. The following table describes the major text changes. Other changes are proposed for matters of clarity or internal consistency, and can be found in Exhibits A and B to this memorandum.

<b>Section 11.04.020 (Sidewalk Maintenance)</b>	<p>Governs how the City is to notify a property owner when their sidewalk needs repair.</p> <p>Gender neutral language would replace existing language that assumes the property owner is a man. More specifically, the word “his” would be replaced with the word “their”.</p>
<b>Section 11.05.030 (Application)</b>	<p>Governs where and when sidewalk construction standards apply.</p> <p>The existing code only applies to residential and commercial use districts when a remodel exceeds \$30,000.</p>

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	<p>The proposed amendments would simplify the existing language and expand the Chapter to apply to:</p> <ul style="list-style-type: none"> <li>• Any land use district when a new structure valued at \$30,000 or more is proposed; and</li> <li>• Remodels of existing structures would be expanded to include industrial buildings, in addition to commercial and residential.</li> </ul>
<p><b>Section 11.04.050 (Construction Required)</b></p>	<p>Establishes what is required of property owners when they meet the thresholds described in 11.04.030 above.</p> <p>The proposed changes would:</p> <ul style="list-style-type: none"> <li>• Require a property owner to use a licensed contractor;</li> <li>• Eliminate the current sidewalk plan, and make the sidewalk standards apply more generally to all properties in the City;</li> <li>• Extend time-based limitations on sidewalk construction. Under existing code, the City cannot require a property owner to construct more than 200 linear feet of sidewalk within a three (3)-year period. This would be increased to a ten (10)-year period; and</li> <li>• Create new exceptions:             <ul style="list-style-type: none"> <li>○ No sidewalks would be required along China Garden Road or Taylor Road east of 10<sup>th</sup> Street;</li> <li>○ Permits City to make exemptions based on terrain, width of the road, or if future sidewalk connections are unlikely; and</li> <li>○ Property owners subject to these exemptions would still be required to pay into the sidewalk fund.</li> </ul> </li> </ul>
<p><b>11.05.060 (Specifications)</b></p>	<p>Establishes the construction specifications for sidewalks (e.g., width and thickness standards).</p> <p>The proposed changes would simplify the code by simply referring to the most recently adopted version of the “Kalama Development Guidelines and Public Works Standards.”</p>
<p><b>11.05.080 (Payment to Sidewalk Fund)</b></p>	<p>Governs payment to the City sidewalk fund.</p> <p>The proposed changes would transfer the responsibility for establishing fee-in-lieu rates from the Director of Public Works to the City Council, to be adopted by resolution every year.</p>

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<b>11.05.085 (Exemptions and Limitations)</b>	Establishes more exemption and limitations.  Proposed changes would remove exceptions based on the sidewalk plan, and make the sidewalk requirements apply more uniformly throughout the City.
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**SEPA**

A Determination of Nonsignificance was issued on March 13, 2018. The comment period ended on March 27, 2018.

**PUBLIC COMMENT**

No written or oral comments were received by City staff or the Planning Commission.

**STAFF AND PLANNING COMMISSION RECOMMENDATION**

Staff recommends approval of the proposed text changes. At their April 19, 2018 meeting, Planning Commission voted 5-0 to recommend approval of the proposed text changes.

**List of Exhibits:**

- A) Proposed Text Changes
- B) Proposed Text Changes (Clean Copy)

## TITLE 11 - PUBLIC IMPROVEMENTS

### CHAPTER 11.04 - SIDEWALKS—CONSTRUCTION AND REPAIR

#### Sections:

#### 11.04.010 - Maintenance responsibility.

Whenever any street, lane, square, place or alley in the city has been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repair and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed as hereinafter provided.

#### 11.04.020 - Unfit sidewalks—Notice to owner—Cost assessment.

Whenever in the judgment of that officer or department which is or shall be charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the officer or department shall thereupon serve a notice on the owner of the property immediately abutting upon said portion of said sidewalk of the condition thereof, instructing the said owner to clear, repair or renew the portion of the sidewalk. The notice provided for shall be deemed sufficiently served if delivered in person to the owner of the property or ~~his~~their authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or if the owner is a nonresident, by mailing a copy to ~~his~~their last known address, or if the owner of the property is unknown or if ~~his~~their address is unknown then such notice shall be addressed to General Delivery, Kalama. Such notice shall specify a reasonable time within which such cleaning, repairs or renewals shall be executed by the owner, and shall state that in case the owner fails to do such cleaning or to make such repairs or renewal within the time thereon specified, then the officer or department will proceed to clean said walk or to make such repairs or renewal forthwith, and will report to the city council at its next regular meeting, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement and repair and the name of the owner, if known, and the council will hear any or all protests against the proposed assessment.

#### 11.04.030 - Cost to become lien.

The council shall at the time, in such notice designated or at an adjourned time or times assess the cost of such work against said property in accordance with the benefits derived therefrom, which said charge shall become a lien upon said property and shall be collected by due process of law.

11.04.040 - Definitions.

For the purposes of this chapter all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property and such property shall be chargeable, as provided by this chapter for all cost of maintenance, repairs or renewals of any form of sidewalk improvement between the street margin and the roadway lying in front of and adjacent to said property, and the term "sidewalk, as extended" for the purpose of this chapter, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and roadway.

**CHAPTER 11.05 - SIDEWALKS, CURBS AND GUTTERS**

**Sections:**

11.05.010 - Purpose.

The purpose of this chapter is to provide for the uniform construction of sidewalks, curbs and gutters throughout the city, and to require that property owners who construct buildings, develop property, or perform a major remodel, be required to construct sidewalks, curbs, and gutters adjacent to their property or to contribute to a sidewalk fund.

11.05.020 - Benefits.

The uniform installation of sidewalks, curbs, and gutters will provide for safe pedestrian travel throughout the city and provide for the control of storm water runoff throughout the city.

11.05.030 - Application.

The provisions of this chapter shall apply to the following projects within all ~~commercial and residential~~land use districts within the city as defined in Kalama Municipal Code Chapter 17:

- A. The construction of any structure with a value of thirty thousand dollars or more.
- B. The remodel of an existing single-family residence, duplex, triplex, or other multi-dwelling unit ~~or commercial~~, or industrial building, where the cost of the remodel exceeds thirty thousand dollars ~~combined permits for a three-year period.~~
- ~~C. Construction of any project costing more than thirty thousand dollars for a three-year period.~~

11.05.040 - Construction of sidewalks, curbs and gutters.

No building permit or development permit shall hereafter be granted for the construction or improvement of any building, or remodel of an existing structure, or other projects where the cost of the project or multiple projects on the same property exceeds thirty thousand dollars ~~over three years~~, unless the plans and specifications therefore contain provisions for the construction of curbs, gutters, and sidewalk or payment in-lieu-of into the city sidewalk fund.

11.05.050 - Construction required.

A. Any person who constructs or causes to be constructed any new building project or remodel in excess of thirty thousand dollars in valuation ~~over a three-year period~~, within the city limits where the owners' property fronts on any dedicated street or other publicly owned street, shall have a licensed contractor construct curbs, gutters and sidewalks in accordance with the specifications in Section 11.05.060 along all street frontage adjoining the property upon which such building or structure exists ~~provided that the requirement will be limited to construction only in the locations specified in the city's adopted sidewalk plan.~~ Property owners will not be required to construct more than two hundred lineal feet of curbs, gutters, and sidewalks ~~in~~within a ~~three-10-~~year period. Exceptions to this requirement are noted below:

1. ~~B.~~—The provisions of this section shall not apply where curbs, gutters and sidewalks in good repair already exist. Whether curbs, gutters and sidewalks in good repair already exist in accordance with the design specifications of Section 11.05.060, shall be determined in each instance by the director of public works or their designee, and an endorsement to that effect shall be made upon each building permit at the time of issuance. Sidewalks in poor condition must be repaired prior to receiving an endorsement from the director of public works or their designee.
2. Due to narrow right-of-way width, large lot sizes, and slopes, no sidewalks shall be constructed east of 10<sup>th</sup> Street along China Garden Road or along Taylor Road. Projects on parcels in these areas meeting the thresholds of 11.05.040 shall pay a fee in-lieu of construction per 11.05.080. When, in the opinion of the director of public works or their designee, a sidewalk, curb and gutter cannot be constructed on or adjacent to an owner's property because of terrain, lack of available right-of-way, or lack of reasonable potential future sidewalk connections, projects on parcels in these areas meeting the thresholds of 11.05.040 shall pay a fee in-lieu of construction per 11.05.080.

11.05.060 - Specifications.

~~Any sidewalk, All curb and, gutter construction pursuant to this chapter shall comply with the following specifications:~~

- A. ~~All sidewalks in areas zoned residential and sidewalk shall be five feet in width.~~
- B. ~~All sidewalks in areas zoned commercial shall be eight feet in width,~~
- C. ~~All sidewalks shall be a minimum constructed in accordance with City of four inches thick.~~
- D. ~~All sidewalks, curbs and gutters shall be built according to the standard specification for new street construction set forth in the city "Kalama Development Guidelines and Public Works~~

Standards,"~~and any amendments thereto, and all specifications required by the director of public works.~~

11.05.070 - Effect of failure to construct.

The building official shall refuse to issue an occupancy permit or, in the case of a remodel, sign a final inspection approval, unless curbs, gutters and sidewalks, where required by this chapter, are constructed and existing sidewalks are in good repair, or unless a surety to guarantee their construction is deposited with the city in a sum equal to the estimated cost of construction of such improvements as determined by the director of public works, or their designee, and provided such construction of the improvements are completed within ninety days.

~~11.05.080 - Payment to sidewalk fund.~~

When, in the opinion of the director of public works or designee, a sidewalk, curb and gutter cannot be constructed ~~on or adjacent to an owner's property because per one of terrain, location, being inconsistent with the city's comprehensive sidewalk plan, or other factors, exceptions in 11.05.050,~~ the owner ~~may, shall~~ contribute an amount ~~of money equal to the product of the average determined by City Council at a~~ cost per lineal foot to construct sidewalks, curbs, and gutters multiplied by the number of lineal frontage feet of the property subject to this chapter, but in no event more than two hundred feet in a ~~three~~10-year period; into sidewalk fund No. 103, ~~which. Money in the sidewalk fund~~ shall be used to repair and construct sidewalks, curbs gutters and pedestrian trails within the city. The ~~director of public works will calculate~~City Council shall set the lineal foot cost each year by ~~consulting licensed construction firms in the area~~resolution.

11.05.085 - Exemptions and limitations.

Sidewalk requirements will be waived if the streets ~~adjacent to~~abutting the parcel have sidewalks of good repair in place ~~as identified in the city's most recently adopted sidewalk plan.~~

~~Only one half of the sidewalk requirement will be assessed if a property owner must build on the opposite side of the street to comply with the plan.~~

11.05.090 - Appeal.

Any person aggrieved by any decision of the director of public works or designee under this chapter may appeal such decision to the city hearing examiner.

**TITLE 11 - PUBLIC IMPROVEMENTS**

**CHAPTER 11.04 - SIDEWALKS—CONSTRUCTION AND REPAIR**

**Sections:**

11.04.010 - Maintenance responsibility.

Whenever any street, lane, square, place or alley in the city has been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repair and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed as hereinafter provided.

11.04.020 - Unfit sidewalks—Notice to owner—Cost assessment.

Whenever in the judgment of that officer or department which is or shall be charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the officer or department shall thereupon serve a notice on the owner of the property immediately abutting upon said portion of said sidewalk of the condition thereof, instructing the said owner to clear, repair or renew the portion of the sidewalk. The notice provided for shall be deemed sufficiently served if delivered in person to the owner of the property or their authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or if the owner is a nonresident, by mailing a copy to their last known address, or if the owner of the property is unknown or if their address is unknown then such notice shall be addressed to General Delivery, Kalama. Such notice shall specify a reasonable time within which such cleaning, repairs or renewals shall be executed by the owner, and shall state that in case the owner fails to do such cleaning or to make such repairs or renewal within the time thereon specified, then the officer or department will proceed to clean said walk or to make such repairs or renewal forthwith, and will report to the city council at its next regular meeting, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement and repair and the name of the owner, if known, and the council will hear any or all protests against the proposed assessment.

11.04.030 - Cost to become lien.

The council shall at the time, in such notice designated or at an adjourned time or times assess the cost of such work against said property in accordance with the benefits derived therefrom, which said charge shall become a lien upon said property and shall be collected by due process of law.



11.04.040 - Definitions.

For the purposes of this chapter all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property and such property shall be chargeable, as provided by this chapter for all cost of maintenance, repairs or renewals of any form of sidewalk improvement between the street margin and the roadway lying in front of and adjacent to said property, and the term "sidewalk, as extended" for the purpose of this chapter, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and roadway.

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The uniform installation of sidewalks, curbs, and gutters will provide for safe pedestrian travel throughout the city and provide for the control of storm water runoff throughout the city.

11.05.030 - Application.

The provisions of this chapter shall apply to the following projects within all land use districts within the city as defined in Kalama Municipal Code Chapter 17:

- A. The construction of any structure with a value of thirty thousand dollars or more.
- B. The remodel of an existing single-family residence, duplex, triplex, or other multi-dwelling unit commercial, or industrial building, where the cost of the remodel exceeds thirty thousand dollars.

11.05.040 - Construction of sidewalks, curbs and gutters.

No building permit or development permit shall hereafter be granted for the construction or improvement of any building, or remodel of an existing structure, or other projects where the cost of the project or multiple projects on the same property exceeds thirty thousand dollars, unless the plans and specifications therefore contain provisions for the construction of curbs, gutters, and sidewalk or payment in-lieu-of into the city sidewalk fund.

11.05.050 - Construction required.

- A. Any person who constructs or causes to be constructed any new building project or remodel in excess of thirty thousand dollars in valuation, within the city limits where the owners' property fronts on any dedicated street or other publicly owned street, shall have a licensed contractor construct curbs, gutters and sidewalks in accordance with the specifications in Section 11.05.060 along all street frontage adjoining the property upon which such building or structure exists. Property owners will not be required to construct more than two hundred lineal feet of curbs, gutters, and sidewalks within a 10-year period. Exceptions to this requirement are noted below:
1. The provisions of this section shall not apply where curbs, gutters and sidewalks in good repair already exist. Whether curbs, gutters and sidewalks in good repair already exist in accordance with the design specifications of Section 11.05.060, shall be determined in each instance by the director of public works or their designee, and an endorsement to that effect shall be made upon each building permit at the time of issuance. Sidewalks in poor condition must be repaired prior to receiving an endorsement from the director of public works or their designee.
  2. Due to narrow right-of-way width, large lot sizes, and slopes, no sidewalks shall be constructed east of 10<sup>th</sup> Street along China Garden Road or along Taylor Road. Projects on parcels in these areas meeting the thresholds of 11.05.040 shall pay a fee in-lieu of construction per 11.05.080. When, in the opinion of the director of public works or their designee, a sidewalk, curb and gutter cannot be constructed on or adjacent to an owner's property because of terrain, lack of available right-of-way, or lack of reasonable potential future sidewalk connections, projects on parcels in these areas meeting the thresholds of 11.05.040 shall pay a fee in-lieu of construction per 11.05.080.

11.05.060 - Specifications.

All curb, gutter and sidewalk shall be constructed in accordance with City of Kalama Development Guidelines and Public Works Standards

11.05.070 - Effect of failure to construct.

The building official shall refuse to issue an occupancy permit or, in the case of a remodel, sign a final inspection approval, unless curbs, gutters and sidewalks, where required by this chapter, are constructed and existing sidewalks are in good repair, or unless a surety to guarantee their construction is deposited with the city in a sum equal to the estimated cost of construction of such improvements as determined by the director of public works, or their designee, and provided such construction of the improvements are completed within ninety days.

11.05.080 - Payment to sidewalk fund.

When, in the opinion of the director of public works or designee, a sidewalk, curb and gutter cannot be constructed per one of the exceptions in 11.05.050, the owner shall contribute an amount determined by City Council at a cost per lineal foot to construct sidewalks, curbs, and gutters multiplied by the number of lineal frontage feet of the property subject to this chapter, but in no event more than two hundred feet in a 10-year period; into sidewalk fund No. 103. Money in the sidewalk fund shall be used to repair and construct sidewalks, curbs gutters and pedestrian trails within the city. The City Council shall set the lineal foot cost each year by resolution.

11.05.085 - Exemptions and limitations.

Sidewalk requirements will be waived if the streets abutting the parcel have sidewalks of good repair in place.

11.05.090 - Appeal.

Any person aggrieved by any decision of the director of public works or designee under this chapter may appeal such decision to the city hearing examiner.