

## **CHAPTER 16.75. CONSTRUCTION ACTIVITY PERMIT**

### **16.75.010. Purpose.**

The purpose of the construction activity permit is to provide a method for citizens to participate in reducing the impacts of neighboring construction projects while applying a standardized mitigation policy so as to not unreasonably interfere with permit applicants' development rights. Additional purposes of this chapter include:

- A. Minimizing potential adverse visual and aesthetic impacts of construction.
- B. Establishing objective standards for the mitigation of construction projects.
- C. Encouraging public participation in the mitigation evaluation process.

(Code 1988 § 20.75.010; Ord. No. 995 § 3 (Exh. A), 2021)

### **16.75.020. Applicability.**

- A. Any applicant seeking a building permit from the city is subject to the provisions of this chapter; provided, that:
  1. Proposed projects with a combined permit value at or below \$499,999.00 are exempt from the requirements of MMC 16.75.070 and 16.75.080.
  2. Proposed projects with a combined permit value at or above \$500,000.00 shall comply with the additional requirements in MMC 16.75.070.
  3. Proposed projects with a combined permit value at or below \$499,999.00 having construction access on a private lane or joint-use driveway shall comply with the additional requirements in MMC 16.75.080.

(Code 1988 § 20.75.020; Ord. No. 995 § 3 (Exh. A), 2021)

### **16.75.030. Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not otherwise defined shall have their common and ordinary meaning:

- A. *Applicant* means the person, persons, or entity who owns the property where the construction under the building permit is located, or the agent of the person, person, or entity who owns the property where the construction under the building permit is located.

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- B. *Building permit* means formal authorization by the city allowing construction activity to occur and includes any construction activity regulated under permit by the Washington State Building Code as amended by the City of Medina.
  - C. *City* means the City of Medina, Washington.
  - D. *Combined permit value* means the city-approved value of all work to be performed.
  - E. *Construction access* means the entrance and exit points for construction vehicles to reach the project site.
  - F. *Construction activity* means work performed in association with private development projects performed under a building permit including but not limited to construction, deliveries to the site, employee arrivals and departures, and heavy trucking.
  - G. *Construction activity permit* means the permit issued by the city pursuant to this chapter.
  - H. *Construction activity site plan* means a site plan which identifies all construction activity associated with the building permits through standard graphics and notation.
  - I. *Construction best management practice (BMPs)* means best management practices used in the control of silt runoff and dust control to help achieve water and air quality goals. Construction BMPs include both measures to prevent pollution and measures to mitigate pollution.
  - J. *Construction limits* means an area with established boundaries typically defined by a border consisting of temporary construction fencing which is installed for the purpose of defining the location of critical areas, shorelines, tree protection, and low impact development in addition to any other area where construction activity is prohibited.
  - K. *Construction parking* means the stopping of any vehicle associated with construction activity on private or public rights-of-way for a period of greater than 15 minutes; provided, that those vehicles owned by city staff, city consultants, public utility vehicles, or private property owners are exempt from this definition.
  - L. *Crane—fixed* means a tower crane which is affixed to the ground and is certified and regulated by the Washington State Department of Labor and Industries.
  - M. *Crane—mobile* means a mobile construction crane which is typically affixed to a vehicle and that is certified and regulated by the Washington State Department of Labor and Industries.
  - N. *Director* means the City of Medina development services director or designee.
  - O. *Joint-use driveway* means a privately or publicly owned access road without city-assigned street designation used for vehicle access and for use by more than one property.
  - P. *Heavy truck* means vehicles having a gross vehicle weight of 26,000 pounds or greater, and truck-trailer combinations having a length over 30 feet.

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- Q. *Permit holder* means a person or entity that has been issued a construction activity permit.
  - R. *Private lane* means a privately owned access road with city-assigned street designation that provides primary access to properties and the premises identification.
  - S. *Public right-of-way* means all public streets and property granted or reserved for, or dedicated to, public use for streets and all public utilities therein, including easements in favor of the city, together with public property granted or reserved for, or dedicated to, public use for curbs, gutters and walkways or sidewalks, whether improved or unimproved, including the air rights, subsurface rights and all easements in favor of the city related thereto.
  - T. *Road* means any thoroughfare or route used by vehicles including but not limited to public rights-of-way, joint-use driveways, and private lanes.
  - U. *Visual barrier* means a temporary fence, landscaping, or other structure or feature that is opaque, six feet high, and reduces the sight line between the construction and neighboring properties.
  - V. *Work hours* means the hours within which construction activity is permitted pursuant to Chapter 8.06 MMC.

(Code 1988 § 20.75.030; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.040. Permit commencement and conclusion.**

- A. Construction activity may not begin until a construction activity permit is issued, and the permit holder has attended a preconstruction meeting with the city.
- B. Construction activity must cease when the permit holder receives the final inspection approval by city staff.

(Code 1988 § 20.75.040; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.050. Application requirements.**

- A. A completed construction activity permit application shall be submitted to the director at the intake meeting pursuant to MMC 16.80.060(B).
- B. A complete construction activity permit application is required and shall contain the following:
  - 1. Construction activity permit application.
  - 2. Legal description of the property.
  - 3. Proof of ownership in the form of one of the following documents:
    - a. Current purpose and sale agreement;
    - b. Title;
    - c. Deed; or

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- d. Bill of sale.
  4. Declaration of agent form.
  5. Applications shall include the actual costs incurred by the city in reviewing and processing the construction activity permit as required by Chapter 16.14 MMC.
  6. A sworn statement by the property owner(s), agent and the general contractor acknowledging responsibility for compliance with the construction activity permit.
  7. A right-of-way use permit application pursuant to MMC 12.08.010, if applicable.
  8. If an offsite notice sign is required in accordance with MMC 16.77.070.E.2.a, the location of such sign shall be identified in the application.
- C. In addition to the requirements outlined above, the director may require a construction activity site plan, drawn at one inch equals ten feet or one-eighth inch equals one foot, or another legible scale as approved by the director, and identifying the following as applicable:
1. Property boundaries and significant land, and other features including but not limited to bodies of water.
  2. Location and dimension to the property boundary of minimum required zoning setbacks.
  3. Location of all proposed structures and structures to remain.
  4. Adjacent public rights-of-way, private lanes, and joint-use driveways.
  5. Location of construction entrance.
  6. Location and swing radius of crane.
  7. The estimated duration of crane use.
  8. Location of vehicle off-site staging including but not limited to material and equipment deliveries and other uses of the public rights-of-way.
  9. Location of portable toilet a minimum of ten feet from property boundaries.
  10. Location of covered trash container a minimum of ten feet from property boundaries.
  11. Location of construction limits through the location of all critical areas, tree protection, shorelines, and low impact development BMPs.
  12. Location of outdoor tile cutting a minimum of ten feet from property boundaries.
  13. The estimated duration of outdoor tile cutting.
  14. Location of barge.
  15. The estimated duration of barge use.
  16. Any proposed utility service disruptions to neighboring properties.
  17. The estimated duration of disrupted utility service.

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## 16.75.060. Permit conditions.

The construction activity permit site plan cover sheet shall contain the following conditions:

A. *Work hours.*

1. Permitted pursuant to MMC 8.06.160.
2. Construction activity is prohibited prior to, or after, the allowed work hours subject to MMC 8.06.160(B), Exceptions.

B. *Construction parking.*

1. Construction parking is prohibited outside of the project's property boundary, unless specifically permitted including but not limited to where signed along NE 12th Street.
2. Construction entrance to property and on-site construction parking areas shall be stabilized as a construction BMP.

C. *Site maintenance.*

1. Permit holder shall install or maintain a visual barrier along the project's property boundary adjacent to other properties.
2. Project site shall contain an appropriately sized covered trash container.
3. Project site shall be kept clean of trash including but not limited to construction debris and food wrappers.
4. Construction materials shall be stored in a safe, secure, and orderly manner.

D. *Noise.*

1. Noise shall not exceed the permitted limits identified in Chapter 8.06 MMC.
2. Site workers shall endeavor to limit the sound of radios and voices from traveling across property boundaries.
3. Idling vehicles are prohibited.

E. *Utility disruption.*

1. If the proposed project will disrupt utility service for any neighboring properties, the permit holder shall provide at least seven days' written notice to all affected neighbors by delivering a city-issued door-hanging flyer at each affected home that includes the following information:
  - a. Contact information of the owner or agent for the permitted project which is causing the disruption.
  - b. The emergency contact information including name, phone number and email address for the utility contractor doing the work.
  - c. The date and duration that the service will be affected.

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- F. *Road closure.* Complete closure of roads is prohibited except in an emergency.
  - G. *Road obstruction.* Obstruction of roads is prohibited unless the applicant receives a right-of-way use permit pursuant to MMC 10.72.040.
  - H. *Director discretion.* The director may modify the construction permit conditions meeting the requirements within this chapter at any time if additional construction impacts are identified or conditions change.

(Code 1988 § 20.75.060; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.070. Notice and open house requirements for projects at or above \$500,000.00.**

- A. Projects with a combined permit value at or above \$500,000.00 shall comply with the requirements of this section.
- B. Projects subject to provisions of this section are required to:
  - 1. Post a notice of application; and
  - 2. Hold an open house.
- C. The city shall provide a notice of application within 21 days after the determination of a complete application. The content of the notice of application shall include the following information:
  - 1. The file number assigned to the project permit.
  - 2. The date of the determination of a complete application, and the date the notice of application was mailed.
  - 3. A description of the proposal.
  - 4. A list of the requested and necessary approvals and actions required for the proposal.
  - 5. The location where the application can be reviewed.
  - 6. A statement that the public comments shall be accepted through the date of the open house.
  - 7. The date, time, and place of the open house.
  - 8. A statement of the rights of any person to comment on the application, receive notice of any hearings, and request a copy of the decision once made.
  - 9. Any other information determined appropriate by the director.
- D. The applicant shall be responsible for the notice distribution as required by this section. No later than 21 days from the date of the determination of complete application, the applicant shall provide to the director an affidavit attesting that each required method of notification was carried out in conformance with the regulations in this chapter. This affidavit shall include verification that the applicant provided notice to the intended recipients consistent with the notice requirements of this section. If the affidavit of mailing is not filed as

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required, any scheduled date by which the public may comment on an application shall be postponed, if necessary, in order to allow compliance with the notice requirements of this and other applicable chapters.

E. The notice of application shall be distributed in the following methods:

1. *Mailed.*

- a. Mailed to all property owners within 500 feet of the property boundary line, in all cardinal directions.
- b. Notice mailed to persons at their known address shall be judged to have been received by those persons if those persons and their addresses are named in a declaration of mailing. The failure of any person to actually receive the notice shall not invalidate any permit or approval.
- c. Notice forms shall be provided by the city.

2. *Posted.*

- a. Notice boards shall be placed by the applicant in the following manner:
  - i. At the midpoint of each abutting street frontage of the site;
  - ii. No more than five feet inside the street property line;
  - iii. With the top of the notice board between four and five feet above grade; ~~and~~
  - iv. Completely visible and accessible to both drivers and pedestrians; and
  - v. If the location of the Construction Activity is located on a private lane or joint use driveway, then the applicant shall post a second sign meeting the standards herein at the end of such private lane or joint use driveway where it meets public right of way. Such second sign shall be located in a visible location that is within the unimproved portion of the public right of way as approved by the city.
- b. Notice boards shall be provided by the city, maintained in clean and readable condition by the permit holder.
- c. Notice boards shall be removed by the permit holder within seven days after the date of the open house.

F. The open house shall:

1. Be held no earlier than 14 days after the notice of application is issued but no later than 60 days after the date of the notice of application is issued.
2. Be located at Medina City Hall.
3. Be in an electronic format as determined by the director.
3. Be led by the project applicant or assigned agent and include participation by the general contractor.

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4. Provide an opportunity for citizens to offer public input on the applicant's proposed construction mitigation.

**16.75.080. Notice requirements for projects with construction access via a private lane or joint-use driveway.**

- A. Projects at or below \$499,999.00 that require a building permit and require construction access via a private lane or joint-use driveway shall comply with the requirements of this section.
- B. Projects subject to provisions of this section are required to provide notice of application to all neighbors whose primary access is via a private lane or joint-use driveway.
- C. Within 21 days of a determination of a complete application, the applicant shall provide a notice of application, pursuant to this section. The content of the notice of application shall include the following information:
  1. The file number assigned to the project permit and the contact information for the property owner or agent.
  2. The date of the determination of a complete application, and the date of the notice of application.
  3. A description of the proposal.
  4. A list of the requested and necessary approvals and actions required for the proposal.
  5. The location where the application can be reviewed.
  6. A statement that any comments or questions shall be directed exclusively to the property owner or agent on file.
  7. Any other information determined appropriate by the director.
- D. The applicant shall be responsible for all notice distribution as required by this section. No later than 21 days from the date of the determination of complete application, the applicant shall provide to the director an affidavit attesting that the required method of notification was carried out in conformance with the regulations in this section. This affidavit shall include verification that the applicant provided notice to the intended recipients consistent with the notice requirements of this section. The construction activity permit shall not be issued until the affidavit is filed with the city pursuant to this section.
- E. The notice of application shall be distributed via hand delivery, a door-hanger, or an equivalent method as approved by the director on the front door, or other primary entrance as appropriate, of all properties whose primary access is via the private lane or joint-use driveway shared by the project site.
- F. The notice forms shall be provided by the city.

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**16.75.090. Review and approval procedure.**

- A. Construction activities permits shall be processed as a Type 1 decision. The director's decision is appealed pursuant to MMC 16.80.220.
- B. The director shall review the application for compliance with this provision of this chapter and other applicable ordinances and regulations as they currently exist or are hereafter amended and shall approve or deny the permit application in conformance with this chapter.

(Code 1988 § 20.75.090; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.100. Enforcement.**

Violations of any provisions of this chapter shall be subject to the enforcement provisions and penalties set forth in Chapters 1.15 and 16.16 MMC.

(Code 1988 § 20.75.100; Ord. No. 995 § 3 (Exh. A), 2021)