

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 689

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING SECTION 20.60.140 "ADEQUATE STREETS" SO AS TO CLARIFY THE CONCURRENCY REQUIREMENT FOR NEW DEVELOPMENT; PROVIDING FOR EXEMPTIONS FROM THE CONCURRENCY TEST; AND AMENDING SECTION 20.20 DEFINITIONS.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW; and

WHEREAS, the City, as required by the GMA, adopted and has subsequently revised a Comprehensive Plan which includes a Transportation Element that plans for adequate transportation facilities and sets levels of service; and

WHEREAS, the City's Transportation Element is based on an analysis of levels of services, needed improvements to the transportation system and a framework for transportation concurrency set forth in the 2011 Transportation Management Plan (2011 TMP); and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code Title 20, the Unified Development Code, to implement the Comprehensive Plan; and

WHEREAS, the Unified Development Code, Chapter 20.60 Subchapter 4 includes regulations to ensure adequate streets will be maintained, including levels of service and concurrency requirements; and

WHEREAS, RCW 36.70A.070(6)(b) specifically requires adoption and enforcement of an ordinance which prohibits development approval if the development causes the level of service on a locally-owned transportation facility to decline below the standards adopted in the Transportation Element unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development; and

WHEREAS, On March 20, 2014, the Planning Commission held a publically-noticed open record public hearing in order to provide interested members of the public an opportunity to comment on the proposed amendments. The Planning Commission's recommendations were submitted to the City Council for the Council's initial discussion session on May 12, 2014; and

WHEREAS, on July 21, 2014, the City Council considered the proposed amendments at its regularly scheduled public meeting; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State

Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the SEPA Responsible Official for the City of Shoreline has determined that this amendment to the Unified Development Code is categorically exempt from SEPA review pursuant to WAC 197-11-800(19); and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment.**

Title 20 of the Shoreline Municipal Code, is amended as set forth in Exhibit A to this Ordinance, amending SMC 20.20 Definitions and SMC 20.60.140 Adequate Streets.

**Section 2. Severability.**

Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or circumstance.

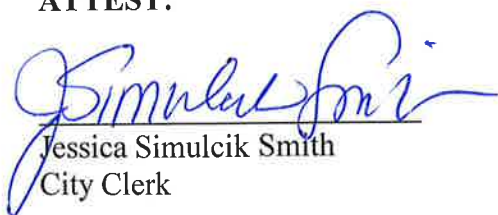
**Section 3. Publication and Effective Date.**

A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force on January 1, 2015.

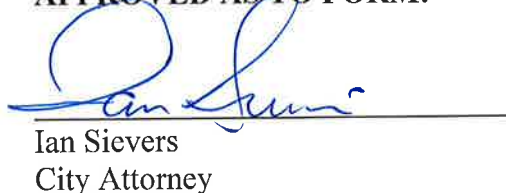
**ADOPTED BY THE CITY COUNCIL ON JULY 21, 2014.**

  
Mayor Shari Winstead

**ATTEST:**

  
Jessica Simulcik Smith  
City Clerk

**APPROVED AS TO FORM:**

  
Ian Sievers  
City Attorney

Publication Date: July 24, 2014  
Effective Date: January 1, 2015

**EXHIBIT A**  
**ADEQUATE STREETS “CONCURRENCY” REGULATIONS**

**SMC 20.60.140 Adequate Streets is hereby amended as follows:**

~~The intent of this subchapter is to ensure that public streets maintain an adequate level of service (LOS) as new development occurs.~~ The purpose of this chapter is to set forth specific standards providing for the City’s compliance with the concurrency requirements of the State Growth Management Act (GMA), 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the city. The purpose of this chapter is to ensure that the city’s transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

**A. Level of Service.** The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; or
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.

These level of service standards apply throughout the City unless an alternative level of service for a particular streets or streets has been adopted in the Comprehensive Plan Transportation Element.

**B. Development Proposal Requirements.** All new proposals for development that would generate 20 or more new trips during the p.m. peak hour must submit a traffic study transportation impact analysis prepared by the applicant in accordance with the standards established in the City’s Engineering Development Manual at the time of application. The estimate of the number of trips for a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers.

1. The traffic impact analysis shall include, at a minimum, an analysis of the following:
  - a. An analysis of origin/destination trip distribution proposed;
  - b. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and

c. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard.

2. If the traffic impact analysis identifies one or more intersections at which the adopted LOS standards are exceeded, the applicant shall mitigate the impacts in order to achieve and maintain the adopted LOS standard.

~~C. **Concurrency Required**—Development Approval Conditions: A development proposal that will have a direct traffic impact on a roadway or intersection that causes it to exceed the adopted LOS standards, or impacts an intersection or a road segment currently operating below a level of service identified in subsection B of this section, will not meet the City's established concurrency threshold and shall not be approved unless:~~

~~1. The applicant agrees to fund or build improvements within the existing right-of-way that will attain the LOS standards; or~~

~~2. The applicant achieves the LOS standard by phasing the project or using transportation demand management (TDM) techniques or phasing the development proposal as approved by the City of Shoreline to reduce the number of peak hour trips generated by the project to attain LOS standards.~~

C. **Concurrency Requirement.** The City shall not issue a building permit until:

1. A concurrency test has been conducted and passed, or

2. The building permit has been determined to be one of the following that are exempt from the concurrency test:

a. Alteration or replacement of an existing residential structure that does not create an additional dwelling unit or change the type of dwelling unit.

b. Alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use as defined in the land use categories as set forth in the impact fee analysis land use tables.

c. Miscellaneous improvements that do not generate increased need for public facilities, including, but not limited to, fences, walls, residential swimming pools, and signs;

d. Demolition or moving of a structure.

e. Any building permit for development that creates no additional impacts, insignificant and/or temporary additional impacts on any transportation



facility, including, but not limited to:

i. Home occupations that do not generate any additional demand for transportation facilities;

ii. Special events permits;

iii. Temporary structures not exceeding a total of 30 days;

f. Any building permit issued to development that is vested to receive a building permit pursuant to RCW 19.27.095

## **D. Available Capacity for Concurrency**

1. The City shall determine the available capacity for concurrency as of the effective date of this ordinance and record it in the Concurrency Trip Capacity Balance Sheet.

2. The City shall update the available capacity in the Concurrency Trip Capacity Balance Sheet within twelve (12) months of any of the events listed below.

a. Update or amendment of the City's Transportation element as it relates to concurrency management.

b. Total traffic volume increases by 30 percent compared to traffic volume at the time the Concurrency Trip Capacity Balance Sheet was created, or was updated with new data from the traffic model.

c. More than 50 percent of the available capacity in the most recent calculation of available capacity has been reserved as a result of concurrency tests conducted by the City.

3. If none of the events listed in subsection 2 occurs within seven years of the most recent calculation of the available capacity, the City will update the available capacity recorded in the Concurrency Trip Capacity Balance Sheet.

4. Each update of available capacity in the Concurrency Trip Capacity Balance Sheet shall carry forward the reservations of capacity for any building permits for development that has not been completed prior to the update of available capacity.

5. In order to monitor the cumulative effect of exemptions from the concurrency test on the available capacity, the City shall adjust the available capacity in the Concurrency Trip Capacity Balance Sheet to record the number of p.m. peak

hour trips generated by exempt building permits in the same manner as though a concurrency test had been performed for the exempt building permits.

## E. Concurrency Test.

1. Each applicant for a building permit that is not exempt from the concurrency test as provided in SMC 20.60.140(C)(2) shall submit the type of development to be constructed pursuant to the building permit, the number of square feet of each type of development, and the number of dwelling units.

2. The City shall perform a concurrency test for each application for a building permit that is not exempt from the concurrency test.

3. The concurrency test is passed if the number of trips from an applicant's proposed development is equal to or less than available capacity in the Concurrency Trip Capacity Balance Sheet that has been adjusted to subtract reserved trips . If the concurrency test is passed the City shall record the concurrency test results in the Concurrency Trip Capacity Balance Sheet in order to reduce the available capacity by the number of trips that will be generated by the applicant's development. The reservation of capacity shall be valid for the same time as the building permit for which it was reserved.

4. The concurrency test is not passed if the number of trips from an applicant's proposed development is greater than available capacity after it has been adjusted to subtract reserved trips. If the concurrency test is not passed, the applicant may select one of the following options:

a. Amend the application to reduce the number of trips generated by the proposed development, or

b. Provide system improvements or strategies that increase the city-wide available capacity by enough trips so that the application will pass the concurrency test, or

c. Appeal the denial of the application for a concurrency test, pursuant to the provisions of subsection H of this section, or

5. The City shall conduct concurrency tests for multiple applications impacting the same portions of the transportation network/intersection chronologically in accord with the date each application was deemed complete pursuant to SMC 20.30.110.

6. A concurrency test, and any results, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

**F. Reservation of Availability Capacity Results of Concurrency Test**

1. Upon passage of a concurrency test, the City shall reserve capacity on behalf of the applicant in the Concurrency Trip Capacity Balance Sheet.
2. A reservation of available capacity shall be valid for the same period as the approved building permit for which it was made, and may be extended according to the same terms and conditions as the underlying building permit.
3. A reservation of available capacity is valid only for the uses and intensities authorized for the building permit for which it is issued. Any change in use or intensity is subject to an additional concurrency test of the incremental increase in impact on transportation facilities.
4. A reservation of available capacity is non-transferrable to another parcel of land or development proposal. A reservation of available capacity may be transferred to a subsequent purchaser of the land for the same uses and intensities.
5. A reservation of available capacity shall expire if the underlying building permit expires; the application or permit is withdrawn by the applicant; the permit is revoked by the City; application approval is denied by the City; or the determination of completeness expires.

**G. Fees.**

1. The City shall charge each applicant for a building permit that is not exempt from this section a concurrency test fee in an amount to be established by resolution by the City Council.
2. The City shall charge a processing fee to any individual that requests an informal analysis of capacity if the requested analysis requires substantially the same research as a concurrency test. The amount of the processing fee shall be the same as the concurrency test fee authorized by subsection G.1.
3. The fees authorized in subsections G.1 or G.2 of this section shall not be refundable, shall not be waived, and shall not be credited against any other fee.

**H. Appeals.** Determinations and decisions by the Director that are appealed by an applicant shall follow the procedures of SMC 20.30 for an Administrative Decision-Type B.

**I. Authority.** The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the concurrency requirements of this chapter. The Director of the Department of Public Works is authorized to adopt guidelines for the administration of Concurrency, which may include the adoption of procedural rules to clarify or implement



the provisions of this section.

**SMC 20.20.010 is hereby amended to add the following definition:**

“Available Capacity” means the number of motor vehicle trips that can be accommodated by the transportation facilities during the p.m. peak period for current and planned development while maintaining the adopted level of service standards. Available capacity is calculated as set forth in the table below:

<b><u>Step 1</u></b>	<u>Calculate the baseline total number of trips on the existing City-wide network of transportation facilities during the p.m. peak period using the most recent traffic counts.</u>
<b><u>Step 2</u></b>	<u>Identify any existing deficiencies of transportation facilities compared to the level of service standards set forth in SMC 20.60.140(A).</u>
<b><u>Step 3</u></b>	<u>Identify capital improvements that will eliminate existing deficiencies identified in Step 2.</u>
<b><u>Step 4</u></b>	<u>Add the improvements from Step 3 to the existing network to create the current non-deficient network</u>
<b><u>Step 5</u></b>	<u>Add future development to the current land use.</u>
<b><u>Step 6</u></b>	<u>Identify any future deficiencies of the current non-deficient network of transportation facilities compared to the level of service standards set forth in SMC 20.60.140(A).</u>
<b><u>Step 7</u></b>	<u>Identify capital improvements that will eliminate future deficiencies identified in Step 6.</u>
<b><u>Step 8</u></b>	<u>Add the improvements from Step 7 to create the improved network</u>
<b><u>Step 9</u></b>	<u>Calculate the total number of future trips on the improved network of transportation facilities during the p.m. peak period by the combined total of current and planned development.</u>
<b><u>Step 10</u></b>	<u>Calculate the available capacity by subtracting the baseline trips as calculated in Step 1 from the future trips as calculated in Step 9.</u>
<b><u>Step 11</u></b>	<u>Record the available capacity as the beginning balance in the City’s Concurrency Trip Capacity Balance Sheet conducted by the City pursuant to Step 10.</u>

**SMC 20.20.014 is hereby amended to add the following definition:**

“Concurrency” means the level of service standard will be achieved and maintained for new development by adequate transportation facilities that are in place or will be completed no later than six (6) years after occupancy of development.

“Concurrency Test” means a comparison of the number of motor vehicle trips that will be generated during the p.m. peak period by development to the available capacity of transportation



facilities.

“Concurrency Trip Capacity Balance Sheet” means the document created and maintained by the City to record the available capacity, reservations of capacity, and the balance of the available capacity that has been adjusted to reflect reserved trips.

**SMC 20.20.032 is hereby amended to add the following definition:**

"Level of Service Standard" means the levels of service in SMC 20.60.140.A. For the purpose of determining capacity for concurrency, the level of service standards shall be compared to the actual levels of service at the p.m. peak period.

**SMC 20.20.044 is hereby amended to add the following definition:**

"Reserve" and "Reservation" means to set aside or otherwise note in the City's Concurrency Trip Capacity Balance Sheet in a manner that assigns capacity to the applicant's building permit and prevents the same capacity from being assigned to any other applicant.

**SMC 20.20.048 is hereby amended to add the following definition:**

"Transportation Facilities" for the purpose of Concurrency means those roads and streets functionally classified as principal and minor arterials. "Transportation Facilities" also means signalized intersections on arterial streets and unsignalized intersecting arterials. "Transportation Facilities" does not include those facilities specifically identified as exempt in the City's Transportation Master Plan.