ORIGINAL

ORDINANCE NO. 52

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, IDENTIFYING ADDITIONAL SEPA POLICIES RELATED TO MITIGATION OF ADVERSE TRAFFIC IMPACTS.

WHEREAS, by Ordinance No. 21, the City Council adopted interim planning guidelines to be utilized after incorporation on August 31, 1994; and

WHEREAS, Ordinance No. 21 adopted by reference all of King County Code Title 20, Planning, including the SEPA regulations codified at Chapter 20-44 KCC; and

WHEREAS, Chapter 20.44 KCC enumerates policies, ordinances, and other legal authority designated as potential bases for the City's exercise of substantive SEPA authority; and

WHEREAS, the City Council desires to strengthen and enhance those potential bases of SEPA authority, especially as it relates to mitigation of adverse traffic impacts directly related to a proposed development; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Addition of Additional Authority. For the purposes of RCW 43.21C.060 and WAC 197-11-660, the following authority, as presently constituted or hereafter amended, is adopted by reference and designated as additional potential bases to exercise Shoreline's SEPA authority. Unless the context clearly requires otherwise, all references therein to "County" and to "King County" shall refer to Shoreline and all references to any county staff shall refer to the City Manager or his designee:

1. King County Code Section 27.40.010; and

2. King County Ordinance No. 11617, Sections 56-64 inclusive.

The City Clerk shall maintain at least two copies of the referenced authority on file for public examination.

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, or should any portion of this ordinance be prempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

ORIGINAL

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 11TH, 1995

Connie King

Mayor Connie King

ATTEST:

Sharon Mattioli

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Timothy X. Sullivan

Timothy X. Sullivan, Interim City Attorney

Date of Publication: 9/13/95
Effective Date: 9/18/95

27.40.100 Exemption or reduction for low income housing.
27.40.110 Appeals.
27.40.120 Relationship to SEPA.
27.40.130 Necessity of compliance.
27.40.140 Severability.

27.40.010 Short title, authority and purpose. A. This chapter shall be known and may be cited as the "Mitigation Payment System" or "MPS" ordinance.

B. This chapter is enacted pursuant to King County's powers as a home rule charter county; Article 11, § 11 of the Washington State Constitution; and the Growth Management Act, Laws of 1990, 1st Ex. Sess., chapter 17, RCW Chapter 82.02.

C. It is the purpose of this chapter to:

1. Ensure that adequate transportation facilities are available to serve new growth and development; and to

2. Promote orderly growth and development by establishing standards requiring that new growth and development pay a proportionate share of the cost of new transportation facilities needed to serve new growth and development; and to

3. Ensure that transportation impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact; and to

4. Implement the transportation policies of the capital facilities element of the King County Comprehensive Plan; and to

5. Provide additional funding for growth-related transportation improvements identified by the King County Transportation Plan as reasonable and necessary to meet the future growth needs of King County. (Ord. 9747 § 1, 1990)

27.40.020 Definitions.

A. BALD. The King County building and land development division or its successor agency.

B. CORRIDOR. The road or set of roads within the county in which vehicle trips to or from a development will take place. Vehicles have flexibility as to an exact route within a corridor but little choice as to whether to use the corridor.

C. COUNCIL. The King County council.

D. DEPARTMENT. The King County department of public works or its successor agency.

E. DEVELOPER/DEVELOPMENT. A "developer" is any person or entity who engages in development. "Development" is any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that:

1. Results in an increase in the number of vehicle trips to or from the land, building, or structure; and that

2. Requires a development permit from King County.

F. DEVELOPMENT PERMIT. A building permit, a final residential plat, a final residential short plat, a final planned unit development approval, a grading permit, a conditional use permit, or an unclassified use permit.

G. GROWTH - RELATED. Signifying a project that adds new traffic lanes to or otherwise increases the capacity of a roadway or intersection.

H. IMPACT. To add new vehicle trips to, or reduce the capacity of, a roadway or intersection.

MPS - Request for final decision needed to appeal. In order to obtain an appealable final decision the developer must:

A. Request in writing a review of the fee amount by department staff. The department staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

B. Request in writing reconsideration by the director or the director's designee of an adverse decision by staff. Such request for reconsideration shall state in detail the grounds for the request. The director or the director's designee shall issue a final, appealable decision after reviewing the request.

SECTION 55. There is added to K.C.C. Title 14 a new section to read as follows:

MPS - Necessity of compliance. A development permit issued after the effective date of the MPS provisions of this ordinance shall be null and void if issued without substantial compliance with this chapter by the department, DDES and the developer.

SECTION 56. There is added to K.C.C. Title 14 a new chapter to read as follows:

"Intersection Standards (IS)"

SECTION 57. There is added to K.C.C. Title 14 a new section to read as follows:

IS - Authority and Purpose.

A. This ordinance is enacted pursuant to the State Environmental Policy Act, K.C.C. 20.44, and R.C.W. 58.17 and the King County charter as a home rule county, Article 11, § 11 of the Washington State Constitution.

B. The purpose of this chapter is to:

1. Assure adequate levels of service, safety, and operating efficiency on the King County road system, at intersections serving and directly impacted by proposed new development;

2. Establish standards for intersection operation and define the relationship between new developments on road intersection function;

3. Identify development conditions to assure intersection capacity, safety and operational efficiency; and

4. Require that owners of new developments pay the proportionate costs of required intersection improvements.

SECTION 58. There is added to K.C.C. Title 14 a new section to read as follows:

Highway Capacity Manual. Highway Capacity Manual: Special Report 209 of the Transportation Research Board of the National Research Council, as currently amended.

SECTION 59. There is added to K.C.C. Title 14 a new section to read as follows:

Road Standards. Road Standards: the King County Road Standards, 1993, K.C.C. 14.42 (Ordinance 11187, 1993). Terms used in the Road Standards shall have the same meaning when used in this ordinance. References and authorities cited in the Road Standards shall also apply to this ordinance.

SECTION 60. There is added to K.C.C. Title 14 a new section to read as follows:

IS Significant Adverse Impacts. IS Significant Adverse Impacts: For the purposes of SEPA and this chapter, a significant adverse traffic impact is defined as any traffic condition directly caused by proposed development that would reasonably result in one or more of the following conditions at the time any part of the development is completed and able to generate traffic:

A. A roadway intersection that provides access to a proposed development, and that will function at a level of service worse than "E", and that will carry thirty (30) or more added vehicles in any one (1) hour period as a direct impact of the proposed development, and that will be impacted by at least twenty (20) per cent of the new traffic generated from the proposed development in that same one (1) hour period; or

B. A roadway intersection or approach lane where the director determines that a hazard to safety could reasonably result.

SECTION 61. There is added to K.C.C. Title 14 a new section to read as follows:

IS - Mitigation and Payment of Costs.

A. Based on the identification of Intersection Standards being exceeded using analytical techniques and information acceptable to the director, the owner of a proposed development shall be required to provide improvements which bring the intersection into compliance with IS, or that return it to its pre-project condition, as may be required by the director. Approval to construct the proposed development shall not be granted until the owner has agreed to build or pay fair and equitable costs to build the improvements required by the director within the time schedule set by the director.

B. At the discretion of the director, and based on technical information regarding traffic conditions and expected traffic impacts, the county may require that the owner of a proposed development pay the full costs of required IS improvements required under this title.

SECTION 62. There is added to K.C.C. Title 14 a new section to read as follows:

IS - Interjurisdictional Agreements.

A. Nothing in this section shall prevent the county from entering into agreements with the WSDOT or other local jurisdictions for the collection of fees and the mitigation of traffic on state highways or city arterials that may be caused by developments proposed in King County. The level of service standards used in such agreements shall be those of the county, the WSDOT, the local jurisdiction, or some combination of them, as provided in the agreement.

B. Nothing in this section shall prevent the continuation, modification, or fulfillment of existing county agreements with the WSDOT and local jurisdictions that were in force at the effective date of this ordinance.

SECTION 63. There is added to K.C.C. Title 14 a new section to read as follows:

IS - Relation to Other Permit Authority. IS - Relation to Other Permit Authority: The procedures set forth in this chapter do not limit the authority of King County to deny or to approve with conditions the following:

A. Any zone reclassification request, based on its expected traffic impacts;

B. Any proposed development or zone reclassification if King County determines that a hazard to safety would result from its direct traffic impacts without roadway or intersection improvements, regardless of level of service standards; or

C. Any proposed development reviewed under the authority of the Washington State Environmental Policy Act.

SECTION 64. There is added to K.C.C. Title 14 a new section to read as follows:

Administrative Rules and Procedures. Administrative Rules and Procedures: The director is hereby instructed and authorized to adopt such administrative rules and procedures as are necessary to implement the provisions of this ordinance.

SECTION 65. Amendments to this ordinance as passed by the council on December 19, 1994 are set forth in Attachment C to this ordinance and are incorporated by reference herein. Due to the number and length of the ordinances required by the Growth Management Act to be passed by the end of the year to amend county development regulations and the unavailability of a reliable electronic text version of the proposed ordinance as introduce, it may not be possible to prepare an ordinance that incorporates amendments within each section prior to the charter deadline for transmitting the adopted ordinance to the executive. The clerk is hereby authorized to transmit the ordinance with amendments set