

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2016-08

SUBJECT: Transportation Concurrency_____

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 5/25/16
- Passed by the City Council: 6/1/16
- Signature of Mayor
- Signature of City Clerk
- Publication: 6/10/16
- Effective: 6/15/16
- Recorded: _____

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- NK Herald: e-mailed 6/2/2016 rf
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Rhiannon Fernandez
City Clerk

5/6/2016
Date

ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING TITLE 14 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 14.04 IN ORDER TO ESTABLISH REGULATIONS REQUIRING TRANSPORTATION CONCURRENCY FOR ALL NEW DEVELOPMENT WITHIN THE CITY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Growth Management Act requires that every city planning under the GMA periodically update its comprehensive plan and development regulations; and

WHEREAS, pursuant to RCW 36.70A.130(5), the City is required to complete a periodic update of its development regulations no later than June 30, 2016; and

WHEREAS, pursuant to RCW 36.70A.070(6)(b), the City is required to adopt and enforce a transportation concurrency ordinance; and

WHEREAS, in order to meet the GMA requirements, the City initiated an amendment to its municipal code for a new chapter entitled transportation concurrency in March 2016; and

WHEREAS, on March 14, 2016, the City released the Draft Poulsbo Municipal Code 14.04 Transportation Concurrency and public participation plan drafted by the City engineering and planning staff to the public, state and local agencies and interested parties; and

WHEREAS, the draft ordinance proposed a new Chapter 14.04, establishing a two-step process for new developments to undergo to ensure transportation facilities

are provided in a timely manner to the demand for them, and codifying the process to ensure and maintain transportation concurrency; and

WHEREAS, the City conducted environmental review of the proposed Draft Chapter 14.04 Transportation Concurrency under the State Environmental Policy Act and, using the optional DNS process, issued a Notice of Application with Optional DNS on March 25, 2016, and

WHEREAS, the Poulsbo Planning Commission held a workshop on March 29, 2016, and conducted a thorough and methodical review of the Draft PMC 14.04 Transportation Concurrency; and

WHEREAS, at the conclusion of the workshop, the Poulsbo Planning Commission identified a number of modifications to the Draft PMC 14.04 Transportation Concurrency, directed staff to prepare a Planning Commission Modified PMC 14.04, and to schedule a public hearing; and

WHEREAS, the Poulsbo Planning Commission held a duly noticed public hearing on the Planning Commission Modified Draft PMC 14.04 on April 26, 2016 in order to obtain public input and, after the conclusion of the public hearing and deliberations, recommended that the Poulsbo City Council approve the April 2016 Planning Commission Modified Draft Chapter 14.04 Transportation Concurrency; and

WHEREAS, the Poulsbo City Council held a workshop on the April 2016 Planning Commission Modified PMC 14.04 Transportation Concurrency on May 4, 2016; and

WHEREAS, the Poulsbo City Council held a duly noticed public hearing on the April 2016 Planning Commission Modified PMC 14.04 Transportation Concurrency on June 1, 2016 in order to obtain public input on the draft ordinance; and

WHEREAS, after considering the public testimony, and other available information, the Poulsbo City Council determined on June 1, 2016 to accept the April 2016 Planning Commission Modified PMC 14.04 Transportation Concurrency;

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

Section 1. Findings. In support of the actions undertaken by this ordinance, the Poulsbo City Council adopts as findings and conclusions a) the recitals above; b) the Staff Report to Mayor Erickson and City Council dated April 27, 2016; and c) Staff memo to Mayor Erickson and City Council dated May 24, 2016.

Section 2. Adoption of Permit Application Procedures Ordinance Update. Title 14 of the Poulsbo Municipal Code is hereby amended to include a new Chapter 14.04 to read as set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



MAYOR REBECCA ERICKSON

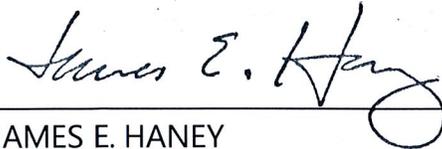
ATTEST/AUTHENTICATED:



CITY CLERK RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: May 25, 2016
PASSED BY THE CITY COUNCIL: June 1, 2016
PUBLISHED: June 10, 2016
EFFECTIVE DATE: June 15, 2016
ORDINANCE NO. 2016-08

SUMMARY OF ORDINANCE NO. 2016-08

of the City of Poulsbo, Washington

On the 1st day of June, 2016, the City Council of the City of Poulsbo, passed Ordinance No. 2016-08. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING TITLE 14 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 14.04 IN ORDER TO ESTABLISH REGULATIONS REQUIRING TRANSPORTATION CONCURRENCY FOR ALL NEW DEVELOPMENT WITHIN THE CITY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 2nd day of June, 2016.



CITY CLERK RHIANNON FERNANDEZ, CMC

Poulsbo Municipal Code 14.04 Transportation Concurrency

- 14.04.010 Purpose.
- 14.04.020 Definitions.
- 14.04.030 Exemptions.
- 14.04.040 Concurrency Required.
- 14.04.050 Available Capacity for Concurrency
- 14.04.060 Review of Development Proposals – Concurrency Testing.
- 14.04.070 Issuance of Concurrency Certificate.
- 14.04.080 Time Limit on Concurrency Certificate.
- 14.04.090 Reservation of Availability Capacity Results of Concurrency Test.
- 14.04.100 Mitigation.
- 14.04.110 Relationship to SEPA.
- 14.04.120 Existing Safety Deficiencies.
- 14.04.130 Fees.
- 14.04.140 Appeals.
- 14.04.150 Authority

Poulsbo Municipal Code 14.04 Transportation Concurrency

14.04.010 Purpose.

It is the purpose of this Chapter to:

- A. Provide adequate levels of service on transportation facilities for existing uses as well as for new development in the City of Poulsbo;
- B. Provide adequate transportation facilities that achieve and maintain the levels of service adopted by the Poulsbo Comprehensive Plan, as amended; and
- C. Ensure that the City's level of service standards are achieved concurrently with development as required by RCW 36.70A.070(6) and the Growth Management Act.

14.04.020. Definitions.

Adequate Transportation Facilities. Transportation facilities that have the capacity to serve development without decreasing levels of service below the City's adopted minimum standards.

Available Capacity. Available capacity is the existing plus reserved trips subtracted from the Poulsbo trip generation. The available capacity is used to generate the trip capacity balance sheet.

Available Transportation Facilities. Transportation facilities or services are in place or that a financial commitment is in place to provide the facilities or services within six years from the time of development.

Average Daily Traffic. The amount, in vehicle trips per day, accommodated on a specific City roadway.

Average Daily Trips. The number of trips generated by a proposed project.

Background Traffic. The volume of non-project related traffic that is projected to occur on the street system as of the anticipated date of occupancy of any development.

Capacity. The number of vehicles that may pass over a section of a transportation facility in a given time period under the prevailing roadway or intersection conditions. The calculation of capacity for any given transportation facility will be done according to the most recent edition of the Highway Capacity Manual (HCM) or by alternative methods approved by the City Engineer.

Certificate of Concurrency. A written document prepared by the City Engineer stating that a particular development meets the concurrency requirements of Chapter 14.04 of this Code.

Concurrency or concurrent with the development. Adequate transportation facilities or strategies needed to maintain the City's adopted level of service standards on any roadway or at any intersection are available when the impacts of development occur, or that a financial

commitment is in place to complete the facilities or strategies within six years. This definition includes the two concepts of "adequate transportation facilities" and "available transportation facilities" as defined above.

Concurrency Test. The determination of a proposed development's impact on transportation facilities by a comparison of the level of service (LOS) of the affected roadways and intersections after testing for the impact of the proposed development, to the level of service standard, as adopted by the City's Comprehensive Plan for those roadways or intersections.

Concurrency Trip Capacity Balance Sheet. 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.

Development. For purposes of Chapter 14.04 of this Code, development means any construction or expansion of any building, structure or use, or any change in the use of any building, structure or land, where the construction, expansion, or change will result in additional vehicle traffic on the transportation facilities within the City.

Development Approval. Any authorization issued by the City that approves any development, including but not limited to, preliminary plat approval, site plan approval, planned residential development, planned mixed use development, conditional use permit approval, and building permit approval.

Development Permit. Any written authorization of the City that authorizes commencement of development.

Financial Commitment. A source of public or private funds or combinations thereof have been identified which will be sufficient to finance transportation facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

Fully Funded Transportation Improvement. A project in the most recently adopted transportation capital improvement program for the City that has sufficient revenues secured as a financial commitment for construction within six years. Unsecured revenues include those from unformed local improvement districts, insufficient developer contributions, or revenues not yet committed for expenditure by outside agencies.

Level of Service (LOS). A measure that describes the operational condition of the transportation system and acceptable adequacy requirements. Poulsbo's transportation levels of service are set forth in the transportation element of the Poulsbo Comprehensive Plan and consist of six alphabetical categories corresponding to various volume-to-capacity ratios. Transportation facilities to which the level of service standard applies include both intersections and roadways, and different methods of calculating level of service apply to each type of facility.

Poulsbo Trip Generation. The Poulsbo trip generation is the number of citywide trips in the most current transportation functional plan and included as an appendix to the Poulsbo

Comprehensive Plan. It is based on existing baseline traffic, projected growth and development and is the basis for transportation planning.

Reserve or Reservation. Reserving trips means tracking the number of trips for a proposal or development and setting them aside on the City's Trip Balance Sheet which prevents the same capacity from being assigned to any other applicant. Reserved trips expire with the project expiration.

Transportation Capital Facilities. Capital facilities related to streets and roads.

Transportation Strategies or Transportation Demand Strategies (TDM). Strategies aimed at changing travel behavior rather than expanding the committed road network to meet travel demand. Such strategies may include, but are not limited to, the promotion of work hour changes, narrowing roadways, parking policies, telecommuting, deployment of stop signs, and providing pedestrian bulb-outs.

14.04.030. Exemptions.

- A. The provisions of this Chapter shall apply to all development applications filed after its effective date except those that are exempt under this section.
- B. The uses listed below are exempt from the concurrency requirements of this Chapter:
 - 1. Currently approved but not yet built unexpired development approvals or permits.
 - 2. 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:
 - a. Any addition or accessory structure to a residence with no change in use or increase in number of dwelling units, including an accessory dwelling unit;
 - b. Interior renovations with no change in use or increase in the number of dwelling units;
 - c. Home businesses that do not generate any additional demand for transportation facilities;
 - d. Interior completion of a structure for use(s) with the same or less intensity as the existing use;
 - e. Replacement structures with no change in use or increase in the number of dwelling units;
 - f. Temporary construction trailers;

- g. Demolitions or moving of a structure.
 - h. Special events permit;
 - i. Temporary structures not one year.
3. Miscellaneous improvements that do not generate increased trips
 4. Single family homes part of a larger plat which already passed concurrency.
 5. Developments with final approval prior to the date of adoption of this ordinance.

14.04.040 Concurrency Required.

In order to be approved, all development that is subject to this Chapter shall be required to meet concurrency.

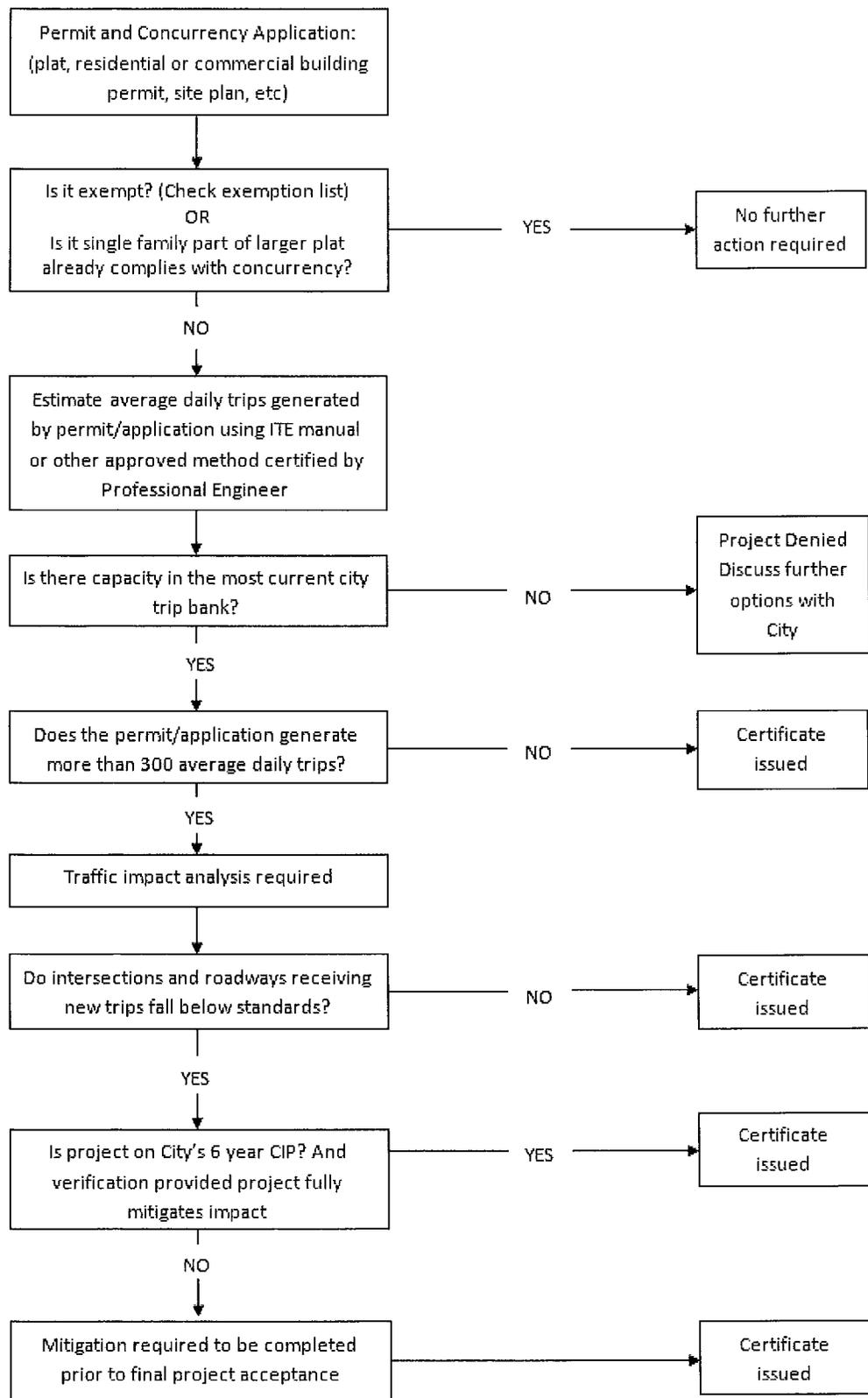
14.04.050 Available Capacity for Concurrency

- A. The City shall determine the available capacity for concurrency as of the effective date of the ordinance codified in this section and record it in the concurrency trip capacity balance sheet. The available capacity shall be based on the difference between the existing plus reserved trips and the Poulsbo trip generation established in the transportation element of the Poulsbo Comprehensive Plan.
- B. The City shall update the available capacity in the concurrency trip capacity balance sheet within 12 months of any of the events listed below:
 1. Update or amendment of the City's transportation element as it relates to concurrency management.
 2. City wide traffic volume increases by 30 percent compared to traffic volume at the time of the concurrency trip capacity balance sheet was created, or was updated with new data from traffic model.
 3. 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.
- C. If none of the events listed in Section 14.04.050.B 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.
- D. Each update of available capacity in the concurrency trip capacity balance sheet shall carry forward the reservations of capacity for any permits for development that has not been completed prior to the update of available capacity.

14.04.060 Review of Development Proposals – Concurrency Testing Process.

- A. All proposed developments that are subject to the provisions of this Chapter shall be reviewed for concurrency as part of the development review process. The process for review is outlined in Figure 14.04.060 below.
1. Projects, developments, and/or permits generating less than 300 average daily trips shall need to submit the project concurrency application. This application will verify sufficient trips remain in the City's Trip Balance Sheet.
 2. Projects, developments, and/or permits generating more than 300 average daily trips shall need to submit the project concurrency application as well as a Traffic Impact Analysis investigating impacts to streets and intersections at the PM Peak and total average daily traffic. This test must meet the provisions of Section 14.04.070. The traffic impact analysis should look for areas which fall below the LOS standards set forth in the transportation element of the Poulsbo Comprehensive Plan.
 3. The City Engineer, or his/her designee, retains authority to require a project of any size to submit a traffic impact analysis.
- B. Concurrency testing shall be performed only for the specific property, uses, densities, and intensities based on information provided by the applicant. When an applicant changes the uses, densities, or intensities associated with an application in such a way as to create additional impacts on the City's transportation facilities, a new concurrency test will be required.
- C. In the event that the City uses an outside consultant to conduct the concurrency test, the applicant shall be required to pay all consultant fees and costs incurred in connection with such testing. The applicant shall sign an agreement in a form approved by the City and shall deposit an amount estimated by the City Engineer to be sufficient to defray the consultant fees and costs prior to the conduct of any concurrency test. Failure to sign the required agreement and to make the required deposit within the time required by the City Engineer shall result in the application losing its priority in the first-come, first-served system of concurrency testing and the application shall be placed back in line as of the date of receipt of the signed agreement and fees.
- D. In conducting the concurrency test, standard trip generation rates, such as those reported by the Institute of Transportation Engineers (ITE) Trip Generation Manual, latest edition, shall be used; or other data sources prepared by a Professional Engineer and allowed by the City Engineer.

Figure 14.04.060 Concurrency Evaluation Flow Chart



14.04.070 Issuance of Concurrency Certificate.

- A. A Concurrency Certificate shall be granted if there are sufficient trips remaining in the City's trip balance sheet and the requirements of Section 14.04.070.B are met.
- B. A Concurrency Certificate shall be granted if the results of the concurrency test show that the volume of traffic resulting from the development proposal, when added to the background traffic volumes on all affected City roadways and at all affected City intersections:
 - 1. Would not cause the level of service on any City roadway or City intersection to degrade below the LOS standard described in the transportation element of the Poulsbo Comprehensive Plan; or
 - 2. Where existing facilities already have adopted LOS F as identified in the transportation element of the Poulsbo Comprehensive Plan and mitigated as required by Section 14.04.100.B; or
 - 3. Where new trips cause a level of service decrease to a failing level of service in a location which is identified on the 6-year CIP, and the applicant demonstrates the 6-year CIP will mitigate the impacts; or
 - 4. Where new trips cause a level of service decrease in a location which is not identified on the 6-year CIP but the applicant constructs necessary improvements to correct LOS deficiency prior to final plat recording or certificate of occupancy, whichever occurs first.
- C. If no acceptable mitigation is proposed or agreed to as required by this section, or if the LOS cannot be preserved or protected from further degradation, the concurrency certificate shall not be issued.

14.04.080 Time Limit on Concurrency Certificate.

A concurrency certificate shall also expire automatically if a development application for which a certificate has been issued expires or is withdrawn, or if a development permit to which a certificate pertains is revoked.

14.04.090 Reservation of Availability Capacity Results of Concurrency Test.

- A. Upon passing a concurrency test, the City shall reserve capacity on behalf of the approved project or permit.
- B. A reservation of available capacity shall be in accordance with Section 14.04.080.
- C. A reservation of available capacity is valid only for the uses and intensities authorized for the issued development permit. Any change in use or intensity is subject to an additional concurrency test of the possible impact on transportation facilities.

- D. A reservation of available capacity is nontransferable to another parcel of land or development approval or permit. A reservation of available capacity may be transferred to a subsequent purchaser of the land for the same use and intensities.

14.04.100 Mitigation.

- A. If required, the applicant or applicant's traffic engineer, shall propose a mitigation measure for review. City retains the right to have third party peer review the mitigation measures. Applicant shall submit financial deposits if required by the City. The City shall:
 - 1. Approve mitigation measures as set forth by applicant.
 - 2. Approve mitigation measures with conditions.
 - 3. Deny mitigation measures.
- B. Roadway segments and intersections with adopted LOS F in the transportation element of the Poulsbo Comprehensive Plan may require mitigation measures which address impacts associated with adoption of the LOS F standard, but do not necessarily add capacity. Mitigation measures may include transportation demand management (TDM) or transportation system management (TSM) actions or projects such as:
 - 1. Transit and non-motorized facilities
 - 2. Signal timing optimization
 - 3. Other measures which encourage shifts from single occupancy vehicles

14.04.110 Relationship to SEPA.

This Chapter establishes minimum requirements for all proposals to meet the concurrency requirements of the Growth Management Act. Nothing in this Chapter is intended to exempt any development proposal from the application of the State Environmental Policy Act (SEPA). Every development that is subject to SEPA review shall be reviewed and may be conditioned or denied under the authority of that Act notwithstanding the provisions of this Chapter.

14.04.120 Existing Safety Deficiencies.

The City reserves the right to require safety-related improvements in addition to any requirements within this chapter.

14.04.130 Fees.

- A. The City shall charge each applicant for a permit that is not exempt from this section a concurrency test fee in an amount to be established by resolution by the City Council.
- B. 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 test fee authorized by Section 14.04.130.A.

- C. The fees authorized in Section 14.04.130.A and Section 14.04.130.B shall not be refundable, shall not be waived, and shall not be credited against any other fee.

14.04.140 Appeals.

A concurrency determination is a Type 1 decision. Any person aggrieved by the City Engineer's issuance or denial of a certificate of concurrency under this chapter may appeal the same as provided in PMC Title 19.

14.04.150 Authority.

The City Engineer, or his/her designee, shall be responsible for implementing and enforcing the concurrency requirements of this chapter. The City Engineer 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.