

0047.900000
JZL/
2/26/27

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING TITLE 15 CMC BY THE ADDITION OF A CHAPTER 15.57 TRANSPORTATION CONCURRENCY REQUIREMENTS THERETO; ADOPTING STANDARDS AND PROCEDURES GOVERNING LOCAL TRANSPORTATION CONCURRENCY IN ACCORDANCE WITH RCW 36.70A.070; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Growth Management Act (GMA) requires municipalities to adopt and enforce local regulations which prohibit approval of development that causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the municipality's comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development; and

WHEREAS, the regulations set forth in this ordinance establish a verification and decisional process compliant with the above-referenced requirements of the GMA; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals, together with the content of the staff report/agenda bill dated _____, 2018, as findings in support of this ordinance. The City Council further enters the following findings:

A. The City is authorized and directed by State law, including without limitation RCW 36.70A.070, to adopt and enforce local regulations addressing the GMA's concurrency requirements.

B. The Planning Board conducted a public hearing on the substance of this ordinance on August 28, 2018, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on _____, 2018.

C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review criteria codified at CMC 15.100.030(E).

F. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan, and will further advance the public health, safety and welfare.

Section 2. Amendment of Title 15 CMC—Adoption of New Chapter 15.57 CMC. Title 15 of the Carnation Municipal Code is hereby amended by the addition of a new Chapter 15.57 Transportation Concurrency Requirements to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Copy of Commerce. Pursuant to RCW 36.70A.106, the Planning Director is hereby authorized and directed to provide a copy of this ordinance to the Washington State Department of Commerce within 10 days of adoption.

Section 4. 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 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this ____ day of _____, 2018.

MAYOR, KIMBERLY LISK

ATTEST/AUTHENTICATED:

CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
J. ZACHARY LELL

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

Exhibit A

Chapter 15.57 TRANSPORTATION CONCURRENCY REQUIREMENTS

Sections:

15.57.010	Authority and purpose.
15.57.020	Definitions.
15.57.030	Level of service standards – Designations applicable to specific locations.
15.57.040	Concurrency test – Finding of concurrency.
15.57.050	Exemptions from the concurrency test.
15.57.060	Traffic study.
15.57.070	Finding of concurrency.
15.57.080	Concurrency test – Alternative calculation – Fees.
15.57.090	Concurrency system.
15.57.100	Monitoring the transportation system.
15.57.110	Intergovernmental coordination.
15.57.120	Appeals.

15.57.010 Authority and purpose.

- A. This chapter is enacted pursuant to the city of Carnation’s powers as a code city, pursuant to Chapter 35A RCW, Article XI, Section 10 of the Washington State Constitution, the Growth Management Act, Chapter 36.70A RCW generally, and RCW 36.70A.070 specifically.
- B. It is the purpose of this chapter:
 - 1. To ensure adequate levels of service on transportation facilities for existing land uses as well as new development;
 - 2. To provide transportation facilities that achieve and maintain the city’s level of service standards as established in the city’s comprehensive plan; and
 - 3. To ensure that the city’s level of service standards are achieved concurrently with development as required by the Growth Management Act.

15.57.020 Definitions.

The words and terms used in this chapter shall have the meanings set forth below:

- A. “Adequate transportation facilities” means transportation facilities that meet or exceed the adopted standard of service set forth in the city’s comprehensive plan.
- B. “Transportation facility capacity” means the maximum number of vehicles that can be accommodated during a specified travel period at a specified level of service. Capacity will be calculated according to the methodology used in the most current highway capacity

manual. An alternative methodology may be used only if it is preapproved by the public works director or his/her designee.

- C. “Completion of development” means:
 - 1. The certificate of occupancy, or other approval, has been issued by the city authorizing occupancy and the use of a development.
 - 2. Final plat approval in the case of residential plats involving single-family, townhouse or duplex development.
- D. “Concurrent with development” means the improvements or transportation strategies are in place at the time of building permit issuance or residential preliminary plat approval, or the financial commitment is in place to complete the improvements or strategies within six years.
- E. “Concurrency test” means the comparison of the traffic generated by a proposed development with the unused or uncommitted capacity of existing and planned transportation facilities, in order to assess the impact of the proposed development on the transportation level of service.
- F. “Financial commitment” means revenue sources forecast to be available and designated for transportation facilities or strategies in the comprehensive plan or in the transportation element of the comprehensive plan, other unanticipated revenue from federal or state grants, or other sources for which the city has received a meaningful indication of commitment, and/or revenue that is assured by an applicant in a form approved by the city.
- G. “Finding of concurrency” means the finding that is a part of the building permit or residential preliminary short plat/plat approval issued by the city indicating that the transportation system has adequate unused or uncommitted capacity, or will have adequate capacity, to accommodate traffic generated by the proposed development, without causing the applicable level of service standards to decline below the adopted standards, at the time of development.
- H. “Level of service standard” means a measurement of the quality of service provided by a transportation facility, including traffic conditions along a given roadway or at a particular intersection, and of transit service. Roadway and intersection level of service standards are commonly denoted by a letter ranking from “A,” the highest level of service, to “F,” the lowest level of service. The city’s adopted level of service standards are set forth in the city’s comprehensive plan.
- I. “Transportation strategies” means transportation demand management plans, schemes, techniques, programs, and methodologies for minimizing transportation facility demand, including without limitation improved transit service, off-peak travel, and ride-sharing programs.
- J. “Transportation facilities” means arterials and transit routes locally owned by the city of Carnation.

1. “Existing transportation facilities” means those transportation facilities in place at the time a concurrency test is applied; and
 2. “Planned transportation facilities” means those transportation facilities scheduled to be completed no later than the sixth year of the capital facilities plan and/or transportation element in effect at the time the city approves the development.
- K. “Traffic study” means a specialized study of the impacts that a certain type and size of development in a specific location will have on the surrounding transportation system. The scope of work for the study will be determined by the city.

15.57.030 Level of service standards – Designations applicable to specific locations.

The level of service standards for transportation facilities established in the city’s comprehensive plan, including any amendments thereto, are hereby adopted for the purposes of this chapter.

Any proposed project shall not degrade the level of service to below the minimum designation in either the year of physical completion for the project or within six years thereafter. Projects shown to degrade the level of service below the indicated level of service shall be required to provide appropriate mitigation to raise the level of service to the designated standard as a condition of permit approval. Projects for which appropriate mitigation to raise the level of service to the designated standard as a condition of permit approval cannot be provided may be denied under the authority of this chapter.

15.57.040 Concurrency test – Finding of concurrency.

- A. Except for the exemptions provided for in CMC 15.57.050, the test for concurrency will be conducted as a part of the building permit application.
- B. The city may conduct an alternative concurrency test for the applications identified in CMC 15.57.060 using the process set forth in subsection (F) of this section.
- C. The test for concurrency will be conducted in the order in which the complete building permit application is received.
- D. The concurrency test will be performed only for the specific property uses, residential densities and intensities of the uses described on the building permit application. The applicant shall describe the proposed development in a manner adequate for the city to determine the peak-hour traffic which is likely to be generated by the proposed development. The applicant shall also provide to the city a legal description of the property. Revisions to the proposed development that may create additional impacts on transportation facilities will be required to undergo an additional concurrency test.
- E. In conducting the concurrency test, the city will use the trip generation rates set forth in the latest edition of the Institute of Transportation Engineers, Information Report – Trip Generation. The presumption is that the rates used by the city are accurate unless proven otherwise.

- F. If the applicant pays the fees identified in CMC 15.57.080, the applicant may submit a calculation of alternative trip generation rates for the proposed development. The city shall review the alternate calculations and indicate in writing whether such calculations are acceptable in lieu of the standard trip generation rates.
- G. The city may adjust the trip generation forecast of the proposed development in order to account for any transportation strategies proposed by the applicant that are acceptable to the city.
- H. The city shall not make a finding of concurrency as a part of the issuance of a building permit if the proposed development will result in the transportation facilities declining below the adopted level of service standards. If the level of service of the transportation facilities meets or exceeds the adopted level of service standards, the concurrency test is passed and the city shall make a finding of concurrency.

15.57.050 Exemptions from the concurrency test.

The following applications for a building permit shall be exempt from the concurrency test; provided, that this exemption from the concurrency test shall not be construed as an exemption from any other applicable standard or procedure, including without limitation the requirements of CMC Chapter 3.50:

- A. Any proposed development that creates no additional impacts on any transportation facility;
- B. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;
- C. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application and that has undergone a concurrency test and received concurrency approval as part of plat approval; and

15.57.060 Traffic study.

Except as exempted under CMC 15.57.050, building permit applications for the following types of developments must be accompanied by a traffic impact analysis study prepared by an engineer registered in the state of Washington with special training and experience in traffic engineering and who is a certified Professional Traffic Operations Engineer:

- 1. Development that generates 20 or more vehicle trips during the PM peak hour or the peak hour of the generator.

15.57.070 Finding of concurrency.

- A. The city shall make a finding of concurrency for each building permit application that passes the concurrency test.
- B. The finding of concurrency shall be valid for the same time period as the underlying building permit, including any extensions thereof.

- C. A finding of concurrency shall expire if the underlying building permit expires or is revoked by the city.
- D. A finding of concurrency accompanying a building permit for a particular parcel of property shall be valid for the period of validity of the permit, even if the ownership of the property changes.
- E. All building permits that require one or more transportation facilities to be provided by the applicant shall be and are hereby conditioned upon an appropriate financial commitment by the applicant which is binding upon subsequent owners, heirs, executors, successors or assigns, and upon the completion of such transportation facilities in a timely manner, prior to the issuance of the certificate of occupancy or prior to occupancy, unless stated otherwise in writing by the city. Such financial commitment shall be subject to the approval of the city attorney, including performance bond, escrowed funds, or other similar instrument.

15.57.080 Concurrency test – Alternative calculation – Fees.

If the applicant requests an alternative calculation for the concurrency test, or if the city determines that an alternative calculation is required due to the size, scale, or other unusual characteristics of the proposed development, a fee for the alternative calculation shall be paid by the applicant prior to the initiation of review. Final determination of which test or calculation is used shall be within the sole discretion of the city. The fee for conducting the review of the alternative calculation shall be set by city council resolution.

15.57.090 Concurrency system.

- A. The city will provide, or arrange for others to provide, adequate transportation facilities by constructing needed transportation facilities and implementing transportation strategies within the city’s six-year transportation improvement planning period that:
 1. Eliminate the level of service deficiencies for existing uses;
 2. Achieve the level of service standards for anticipated future development and redevelopment resulting from previously issued building permits; and
 3. Maintain existing facilities and repair or replace obsolete or worn out facilities.

The improvements to transportation facilities will be consistent with the Carnation comprehensive plan.

- B. To the extent reasonably practicable, the city will make reasonable efforts to allocate sufficient funds during the appropriate fiscal year to meet the financial commitment for all the transportation facilities required to meet the level of service standards, except that the city may omit from its budget any capital improvements for which a binding agreement has been executed with another party.

15.57.100 Monitoring the transportation system.

It is the city's intent to review and update its capital facilities plan transportation element on an annual basis and identify those facilities necessary to achieve transportation concurrency.

15.57.110 Intergovernmental coordination.

The city may enter into agreements with other local governments, regional transit and the state of Washington to coordinate the imposition of the level of service standards, the collection of impact fees, and the implementation of transportation strategies.

- A. The city may apply level of service standards, fees and other mitigation measures to developments in the city that impact other local governments and/or the state of Washington. Development permits issued by the city may include conditions and mitigation measures that will be imposed on behalf of and implemented by other local governments and the state of Washington.
- B. The city may receive impact fees or other mitigation payments based on or as a result of development proposed in other jurisdictions that impact the city. The city may agree to accept such payments or may coordinate with other jurisdictions to implement the appropriate mitigation measures.

15.57.120 Appeals.

- A. Any applicant may appeal the denial of a finding of concurrency to the Carnation hearing examiner pursuant to CMC Chapter 2.78. All appeals shall include payment of the applicable appeals fee. Written notice of appeal must be filed with the city clerk within fourteen days of the determination.
- B. The appeal on the finding of nonconcurrency will not be conducted if the applicant refuses to pay the transportation impact fees required by CMC Chapter 3.50 (Traffic Impact Fees); provided, that it will be conducted if the fees are paid under protest.