

**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Discussion of Ordinance Nos. 732 and 733 - Amendments to Title 12 of the Shoreline Municipal Code: Streets, Sidewalks and Public Places
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Tricia Juhnke, City Engineer
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Review of the existing Title 12 of the Shoreline Municipal Code has identified the need for revisions to two chapters – Chapter 12.10 and Chapter 12.40. At this time, staff has identified several changes requiring amendment to these chapters with additional amendments scheduled to be presented in 2016.

The amendments being presented at this time are:

- Amendment to SMC 12.10 Roads and Bridges to clarify the authority for the development and approval of the Engineering Development Manual.
- Amendment to SMC 12.10 Roads and Bridges to delete Richmond Beach bridge load rating and to add 10<sup>th</sup> Avenue bridge load rating.
- Amendment to SMC 12.40 Impact Fees to revise the language for adjustment of fees to utilize a three (3) year average of the Washington Construction Cost Index.
- Amendment to SMC 12.40 Impact Fees to clarify the appeals process.

The proposed amendments are attached as proposed Ordinance No. 732 (SMC 12.10) and proposed Ordinance No. 733 (SMC 12.40).

**RESOURCE/FINANCIAL IMPACT:**

There is no financial impact arising from these proposed amendments. If the amendment to SMC 12.40 is not approved, the 2016 Budget would contradict the SMC which currently requires the impact fees to be increased by 34 percent instead of the 11 percent increase contained in the 2016 Budget.

**RECOMMENDATION**

No action is required at this time. Tonight's presentation is for discussion purposes only. Staff will return to Council for adoption of proposed Ordinance Nos. 732 and 733 on December 14, 2015.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

SMC Title 12, Streets, Sidewalks and Public Places, covers a variety of topics such as use of Right-of-Way, street vacations, roads and bridges, public tree management and transportation impact fees. While a comprehensive review of this Title is needed, staff is only recommending four necessary amendments at this time.

First, SMC 20.70.020, a provision of the Development Code, states that the Engineering Development Manual (EDM) establishes the necessary design standards and requirements for roadway improvements. However, SMC 20.70.020 states that the EDM is adopted pursuant to SMC 12.10.100, a provision does not exist. In addition, Title 12 itself does not incorporate the EDM or grant the Director of Public Works any authority in regards to the EDM.

Second, SMC 12.10.050 currently provides a load limit on the Richmond Beach Overcrossing bridge only. This load usage is defunct but the load usage for the 10<sup>th</sup> Avenue bridge needs to be added.

Third, SMC 12.40 sets forth the method for adjusting the Transportation Impact Fee. Previous discussions with the City Council within the context of the budget found that utilizing the current adjustment methodology was not desired and thus, modifying this methodology requires an amendment to the SMC.

Lastly, SMC 12.40 does not identify, with clarity, the process for appealing an impact fee determination.

## **DISCUSSION**

The changes included in proposed Ordinance No. 732 (Attachment A) cover changes to SMC Chapter 12.10 Roads and Bridges. The changes included in proposed Ordinance No. 733 (Attachment B) cover changes to SMC Chapter 12.40 Impact Fees for Transportation. An explanation and details regarding these changes are described below:

### **Proposed Ordinance No. 732 - SMC12.10 Roads and Bridges**

#### **EDM Authority**

The EDM provides standards and details for the design and construction of our roadways. Originally the EDM was authorized within Title 20, with the Director of Planning in charge of its adoption. However, in 2011, during the adoption of the Transportation Management Plan (TMP), the authorization was to be deleted from Title 20 and re-codified as SMC 12.10.100, giving the Director of Public Works adoption authority, which is the more logical source. However for some reason this did not occur and, in 2012, SMC 20.70.020 was amended referencing a non-existent SMC 12.10.100.

This amendment will correct the erroneous reference in SMC 20.70.020 to SMC 12.10.100 and correctly define the authority for adoption of the EDM under 12.10. For future reference, the EDM will be adopted, generally on an annual basis, by the Director

of Public Works after a process that allows the public the opportunity to review and comment on the proposed changes.

The problem with effectuating this amendment is that any amendments to Title 20 require conformance with the City's process for amending the Development Code – namely Planning Commission recommendation after public hearing and then City Council adoption. In addition, all amendments to the Development Code, regardless of purpose, must be presented to the Washington State Department of Commerce at least 60 days prior to adoption. Thus, any attempts to change the reference to SMC 12.10.100 in SMC 20.70.020 must adhere to these legal requirements. Therefore, an amendment is being processed in this regard but is not scheduled to be adopted until the first quarter of 2016. This would mean that for a brief period of time SMC 20.70.020 would continue to direct readers to a non-existent SMC provision.

In regards to SMC 12.10, staff is recommending the addition of the following section:

SMC 12.10.015. Engineering Development Manual. The Director of Public Works, or designee, shall prepare, administer, interpret, and, amend as necessary an Engineering Development Manual (EDM). The EDM shall establish guidelines, standards, and specifications for the engineering and construction of all streets and utilities established and/or improved within the City.

### **Bridge Load Limits**

SMC 12.10.050 currently provides a load limit on the Richmond Beach Overcrossing bridge (27<sup>th</sup> Avenue NW Overpass). The bridge was originally built in 1923 but was completely replaced in/about 2011. The truck load limits based on axels are no longer necessary since the bridge has been fully replaced. However, load limits will be still be required in the future for the 10<sup>th</sup> Avenue NW Bridge 167C and therefore, amendments to this code section are still needed. Specifically, while the 10<sup>th</sup> Avenue NW Bridge 167C is scheduled for repairs in 2016, after repairs, it will still need to prohibit gross weights in excess of 22 tons for four-axle vehicles, 24 tons for five-axle vehicles, 25 tons for six-axle vehicles and 28 tons for seven-axle vehicles.

Staff has consulted with King County and the Washington State Department of Transportation over these new standards and is confident this load rating is consistent with the requirements how other jurisdictions are managing this issue.

Staff is recommending deleting the existing language of SMC 12.10.050 in its entirety and replacing it with the following language:

### SMC 12.10.040 Bridge Load Limits

- A. Pursuant to RCW 46.61.450, as amended, the use by vehicular traffic of the following roads and/or bridges shall be restricted and gross vehicle weights and sizes shall not exceed the following limits:
  - 1. 10<sup>th</sup> Avenue NW Bridge 167C: No person shall operate a vehicle or combination of vehicles and trailers exceeding 22 tons for four axle vehicles.

24 tons for five-axle vehicles and 25 tons for six-axle vehicles and 28 tons for seven-axle vehicles.

- B. The City Engineer shall install and maintain for each bridge, signs stating the maximum gross weight and size.

### **Proposed Ordinance No. 733 – SMC 12.40 Impact Fees for Transportation**

#### **Transportation Impact Fee Adjustment**

SMC 12.40.130(B) currently states that the Director of Public Works is to adjust the transportation impact fee by the same percentage change of the most recent annual change of the Washington State Department of Transportation Construction Cost Indices (CCI). As part of the 2016 budget process, utilizing this methodology, staff determined the 2016 fee increase would be approximately 34 percent. Staff has reviewed other options and is recommending utilizing a three-year average of the CCI to smooth out any sharp increases or decreases. The recently approved 2016 budget is based on the three-year average. To continue utilizing this methodology requires an amendment to SMC12.40.130(B).

Staff is recommending amending the language of SMC 12.40.130(B) as follows:

- B. Annually, and prior to the first day of January, the director shall adjust the fees at a rate adjusted in accordance with ~~by the same percentage change as in the most recent annual change of~~ the Washington Department of Transportation's Construction Cost Indices (CCI). The City shall utilize a three-year CCI average, using the three most recent calendar years' CCI available data, to determine adjustments to the impact fees.

#### **Transportation Impact Fee Appeal**

SMC 12.40.140 simply identifies that any determinations and decision can be appealed following the procedures of Chapter 20.30.SMC, Subchapter 4. This amendment clarifies that decisions relating to impact fees are an Administrative decision (Type B) which are appealed to the Hearing Examiner. Without this amendment, transportation impact fees are associated with a building permit which is a Type A permit that are appealed through Superior Court. This seems like an unnecessary and cumbersome process for both the applicants and the City and isn't consistent with the intent when the original ordinance was adopted.

Thus, staff is recommending amending the language of SMC 12.40.140 as follows:

12.40.140 Appeals.

Determinations and decisions by the director that are appealed by an applicant shall follow the procedures for a Type B Administrative Decision as set forth in ~~of~~ Chapter 20.30 SMC, Subchapter 4.

## **RESOURCE/FINANCIAL IMPACT**

There is no financial impact arising from these proposed amendments. If the amendment to SMC 12.40 is not approved, the 2016 Budget would contradict the SMC which currently requires the impact fees to be increased by 34 percent instead of the 11 percent increase contained in the 2016 Budget.

## **RECOMMENDATION**

No action is required at this time. Tonight's presentation is for discussion purposes only. Staff will return to Council for adoption of proposed Ordinance Nos. 732 and 733 on December 14, 2015.

## **ATTACHMENTS**

- Attachment A: Proposed Ordinance No. 732 Amending SMC Chapter 12.10 Roads and Bridges
- Attachment B: Proposed Ordinance No. 733 Amending SMC Chapter 12.40 Impact Fees for Transportation

**CITY OF SHORELINE, WASHINGTON**

**ORDINANCE NO. 732**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 12.10 ROADS AND BRIDGES TO THE SHORELINE MUNICIPAL CODE TO AUTHORIZE THE ENGINEERING DEVELOPMENT MANUAL AND TO AMEND BRIDGE LOAD LIMITS.**

WHEREAS, Chapter 12.10 of the Shoreline Municipal Code pertains to standards for roads and bridges within the City; and

WHEREAS, SMC Chapter 12.10 does not grant authority to the Director of Public Works to develop, administer, and/or maintain a manual containing the engineering and design standards, guidelines, and other details for roads and bridges; and .

WHEREAS, updates are needed for the City's Engineering Development Manual (EDM) but there is no expressed authority in the SMC for such updates, authority best suited for the Director of Public Works; and

WHEREAS, SMC 12.10.050 currently establishes load limits for a single bridge – the Richmond Beach Overcrossing (27<sup>th</sup> Avenue NW); and

WHEREAS, given the fact that the Richmond Beach Overcrossing was replaced in 2011, such load limits are no longer necessary and should be delete; and

WHEREAS, the 10<sup>th</sup> Avenue NW Bridge requires the establishment of load limits but SMC Chapter 12.10 makes no reference to this bridge; and

WHEREAS, the City seeks to amend SMC 12.10 to remedy these issues;

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

**Section 1. SMC 12.10.015** A new section, SMC 12.10.015, is added to SMC Chapter 12.10 as shown below:

SMC 12.10.015 Engineering Development Manual. The Director of Public Works, or designee, shall prepare, administer, interpret, and, amend as necessary an Engineering Development Manual (EDM). The EDM shall establish guidelines, standards, and specifications for the engineering and construction of all streets and utilities established and/or improved within the City.

**Section 2. SMC 12.10.050.** Section 12.10.050 is deleted in its entirety and replaced with the following:

SMC 12.10.040 Bridge Load Limits

- A. Pursuant to RCW 46.61.450, as amended, the use by vehicular traffic of the following roads and/or bridges shall be restricted and gross vehicle weights and sizes shall not exceed the following limits:
  - 1. 10<sup>th</sup> Avenue NW Bridge 167C: No person shall operate a vehicle or combination of vehicles and trailers exceeding 22 tons for four axle vehicles, 24 tons for five-axle vehicles and 25 tons for six-axle vehicles and 28 tons for seven-axle vehicles.
- B. The City Engineer shall install and maintain for each bridge, signs stating the maximum gross weight and size.

**Section 3. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON DECEMBER 14, 2015**

\_\_\_\_\_  
Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2015

Effective Date: \_\_\_\_\_, 2015

**CITY OF SHORELINE, WASHINGTON**

**ORDINANCE NO. 733**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 12.40 TRANSPORTATION IMPACT FEES TO THE SHORELINE MUNICIPAL CODE TO ADDRESS ANNUAL INCREASES IN THE FEE AND CLARIFY THE APPEAL PROCESS.**

WHEREAS, on July 21, 2014, the Shoreline City Council adopted Ordinance 690, establishing Chapter 12.40 of the Shoreline Municipal Code, as transportation impact fee program, which became effective January 1, 2015; and

WHEREAS, SMC 12.40.130 states that the fees are to be reviewed and adjusted annually using the same percentage changes as in the most recent annual change of the Washington Department of Transportation's Construction Costs Indices (CCI); and .

WHEREAS, the most recent CCI would result in a fee increase of 34.98 percent; and

WHEREAS, utilizing an average of the CCI over a three year period results in an 11 percent increase in fees, a more equitable result that reflects fluctuations in the CCI over time; and

WHEREAS, SMC 12.40.140 states that impact fee determinations and decisions are to follow the procedures of SMC 20.30, Subchapter 4; and

WHEREAS, following this process, all appeals would need to be filed in the superior court; and

WHEREAS, requiring applicants to present their appeal in superior court is cumbersome, costly, and unnecessary;

WHEREAS, the City seeks to amend SMC 12.40.130 and SMC 12.40.140 to remedy these issues;

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

**Section 1. SMC 12.40.130.** Section 12.40.130 Review and adjustment of rate is amended as shown below:

12.40.130 Review and adjustment of rates

...

B. Annually, and prior to the first day of January, the director shall adjust the fees at a rate adjusted in accordance with ~~by the same percentage change as in the most recent annual change~~ of the Washington Department of Transportation's



Construction Cost Indices (CCI). The City shall utilize a three-year CCI average, using the three most recent calendar years' CCI available data, to determine adjustments to the impact fees.

**Section 2. SMC 12.40.140.** Section 12.40.140 Appeals is amended as shown below:

12.40.140 Appeals.

Determinations and decisions by the director that are appealed by an applicant shall follow the procedures for a Type B Administrative Decision as set forth in ~~of~~ Chapter 20.30 SMC, Subchapter 4.

**Section 3. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

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