

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

<b>AGENDA TITLE:</b>	Adoption 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 checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Review of the existing Title 12 of the Shoreline Municipal Code (SMC) 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 for adoption 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 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**

Staff recommends the Council move to adopt Ordinance Nos. 732 and 733.

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

## **BACKGROUND**

Review of the existing Title 12 of the Shoreline Municipal Code (SMC) 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 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. These proposed Ordinances were discussed with Council on November 30, 2015. The link for the staff report for that discussion can be found at: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport113015-8a.pdf>

## **DISCUSSION**

At the November 30, 2015 the Council did not express any questions or concerns with the two proposed ordinances as written. As such, both proposed Ordinance No. 732 and proposed Ordinance No. 733 remain unchanged since that discussion and are attached for adoption.

## **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**

Staff recommends the Council move to adopt Ordinance Nos. 732 and 733.

## **ATTACHMENTS**

- Attachment A: Ordinance No. 732 Amending SMC Chapter 12.10 Roads and Bridges
- Attachment B: 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.

**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.

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