

ORDINANCE NO. 2013-09-067

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 13.70.020, 13.70.030, AND 13.70.060 TO ADOPT STANDARDS FOR REQUIRING PROJECT-SPECIFIC TRANSPORTATION IMPACT ANALYSIS AT PRE-APPLICATION STAGE OF PROJECT REVIEW.

WHEREAS, the City has adopted Bellingham Municipal Code (BMC) Chapter 13.70 Multimodal Transportation Concurrency as a pre-application requirement for all new development in compliance with State law (RCW 36.70A.070 (6)(b)) to measure, monitor, and maintain locally adopted level of service (LOS) standards for the multimodal transportation network; and

WHEREAS, minor text amendments for requiring project-specific Transportation Impact Analysis (TIA - "traffic studies") at the pre-application stage are proposed (Exhibit C) to improve the current procedures that Public Works relies on and eliminate any unintended consequences of possible changes to State Environmental Policy Act (SEPA) project-review thresholds; and

WHEREAS, the City's SEPA Official has reviewed this Ordinance and related environmental checklist and has issued a Determination of Non-Significant (DNS) environmental impact (SEP2013-00018) under the State Environmental Policy Act; and

WHEREAS, as required by RCW 36.70.106, notice of the City's intent to amend BMC Chapter 13.70 was filed with the Department of Commerce on May 16, 2013, and sent to other reviewing agencies at least 60 days prior to the effective date of this ordinance; and

WHEREAS, after mailed and published notice of the proposed amendments to BMC Chapter 13.70 Multimodal Transportation Concurrency, the Planning Commission held a public hearing on the proposed text amendments on July 11, 2013; and

WHEREAS, the Planning Commission considered the staff report and associated exhibits, engaged in deliberation, and voted 7-0 to recommend that the City Council adopt the proposed text amendments to BMC Chapter 13.70; and

WHEREAS, after mailed and published notice, the City Council held a public hearing on the proposed text amendments to BMC Chapter 13.70 on September 16, 2013; and

WHEREAS, the City Council has considered the staff report and associated exhibits, public comment received, and the Planning Commission Findings of Fact and Conclusions; and

WHEREAS, the City Council agrees with the Findings of Fact, Conclusions and Recommendations of the Bellingham Planning Commission; and

WHEREAS, the proposed text amendments to BMC Chapter 13.70 Multimodal Transportation Concurrency are consistent with the goals and policies of the Bellingham Comprehensive Plan, the Countywide Planning Policies, and the GMA.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 13.70.020 is amended as follows:

13.70.020 Definitions Specific to Concurrency Management

Adequate Multimodal Transportation Facilities and Services means pedestrian, bicycle, transit, and arterial street facilities which have the capacity to serve development while meeting the City's adopted level of service (LOS) standards.

Arterial Street means any street that the Public Works Department has classified and adopted as a primary, secondary, or collector arterial in the Transportation Element of the Bellingham Comprehensive Plan.

Calculated Level of Service (LOS) means the assessment of the number of person trips available in the committed multimodal transportation system compared to the multimodal transportation demands of new development, measured in person trips available.

Committed Multimodal Transportation System means the entire system of multimodal transportation facilities and services used to calculate person trips available relative to a development proposal. It includes existing and proposed pedestrian, bicycle, transit, and arterial street facilities and services, which are adopted in the Transportation Element of the Bellingham Comprehensive Plan with a financial commitment for construction in the first, second, or third years of the most current adopted Six-Year Transportation Improvement Program, or for which other financial commitments have been secured. Related components of the committed multimodal transportation system include:

- 1) State highways and freeways within the City;
- 2) WTA transit routes and frequency, as identified in WTA Strategic Plans;
- 3) Park and ride lot locations;
- 4) High occupancy vehicle exclusive lanes; and
- 5) Projects to be provided by the State, cities or other jurisdictions may become part of the committed transportation system upon decision of the Director of Public Works. The Director of Public Works may make adjustments to the committed transportation system for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the adopted comprehensive plan; or the date of construction

(scheduled for completion within the six-year period) of any facility enumerated in the Six-Year Transportation Improvement Program.

- 6) Developer committed improvements for arterials, transit, pedestrian, and/or bicycle facilities.

Concurrency means that adequate transportation facilities are in place at the time of development approval or that a financial commitment is in place to complete the improvements or strategies needed for adequate transportation facilities within six years. Bellingham requires completion of adequate transportation facilities within three years. Concurrency, as required by the 1990 Growth Management Act (RCW 36.70A.070(6)), means that the City may only permit development approval if a development would not cause level of service to fall below the City's adopted LOS standard of Person Trips Available within Concurrency Service Areas (CSA). For purposes of meeting the Growth Management Act requirements, in addition to City multimodal transportation facilities, the City will incorporate State highways of regional significance within the calculation of Person Trips Available, but will not apply concurrency to Highways of Statewide Significance consistent with RCW 47.06.140. The City will only include Whatcom County or other transportation arterials outside of the City's jurisdiction in the calculation of Person Trips Available according to an executed interlocal agreement with the controlling jurisdiction or agency.

Concurrency Application means formal submittal of a Concurrency Application Form to the Public Works Department identifying the complete scope and information needed to calculate the associated person trip generation of a proposed development. The concurrency application is the applicant's written request seeking review and approval of transportation concurrency from the City.

Concurrency Approval means a determination by the Public Works Department that adequate person trips are available and the operational level of service (LOS) will not fall below the adopted level of service (LOS) standard due to transportation impacts created by the proposed development.

Concurrency Evaluation means the process, which may include a trip generation analysis by the applicant, to determine whether adequate person trips are available for a proposed development and whether a Transportation Impact Analysis (TIA) will be required for the proposed development.

Concurrency Management System means the procedures and processes used by the City Public Works Department to determine that development permit approvals will meet the City's transportation concurrency requirements.

Concurrency Measurement Point means a specific location on the multimodal transportation network used to measure vehicle traffic volume or transit service frequency (See Table 1).

Concurrency Mitigation means transportation demand management strategies and/or multimodal transportation facility improvements constructed or financed by a developer which provides additional person trips for the facility which are needed to provide adequate Person Trips Available to serve the development proposal. Concurrency Mitigation applies to pedestrian, bicycle, transit, and arterial street facilities. Concurrency mitigation can be identified through the same process as off-site mitigation recommended in a Traffic Impact Analysis (TIA).

Concurrency Service Area means a defined geographic area in which concurrency measurements points provide data used to calculate the number of Person Trips Available to new development on the transportation network serving the area (See Figure 2).

Development means specified improvements or changes in use of land, designed or intended to permit a use of land which will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings/improvements on the land in a manner that will increase the number of person trips generated by the existing use of the land, and that requires a development permit from the City. A phased development is any development involving multiple buildings where issuance of building permits could occur for individual buildings.

Final Certificate of Concurrency means the final certificate issued by the Public Works Department confirming the availability and reservation of a specified amount of capacity on the committed transportation system specific to the approved permit for development. A Final Certificate of Concurrency must be issued concurrently with development permit approval to account for any reduction in person trip reservation from Temporary Certificate of Concurrency.

Financial Commitment consists of the following:

- 1) Revenue designated in the most currently adopted Six-Year Transportation Improvement Program for multimodal transportation facilities or strategies comprising the committed multimodal transportation system. Projects to be used in defining the committed multimodal transportation system for the calculation of Person Trips Available shall represent those projects that are identified as fully funded for construction in the first, second, or third years of the adopted Six-Year Transportation Improvement Program; or
- 2) Revenue from federal or state grants for which the City has received notice of approval; or

- 3) Revenue or secure bond that is assured by an applicant in a form approved by the City in a voluntary agreement to complete adequate transportation facilities within three years; and/or
- 4) Budgeted WTA service expansions.

Growth Management Act (GMA) means the Washington State Growth Management Act enacted in 1990 and approved amendments.

Interlocal Agreement means an executed legal instrument structuring binding relationships between political entities as defined by RCW 39.34.

Level of Service (LOS) Standard means the Person Trips Available (PTA) within each Concurrency Service Area (CSA) to serve new development as adopted in the Transportation Element of the Comprehensive Plan.

Multi-Use Trails include:

- 1.) Off-street multiuse trails that are used for incidental alternative transportation purposes, in addition to the recreational purpose that they serve, that provide a safe alternative to unmarked bicycle routes on arterial streets;
- 2.) Paved or prepared crushed rock surface trails. Trails with adequate drainage, and smooth even surface facilitating safe travel by cyclists. Trails with stairs, large roots, rocky sections, off-camber cross-sections, or areas with persistent standing water/puddles are not included;
- 3.) Trails that are at least 6-feet, but preferably 8-feet or more, in width to facilitate safe bi-directional passage of cyclists and pedestrians;
- 4.) Trails with slopes/grades of generally less than 5% average with maximum grades of less than 12%.

Peak Hour Project Trips means the person trips estimated to be generated by a proposed development during the one-hour weekday afternoon period during which the greatest volume of users are on the multimodal transportation system. The peak hour project trips shall be estimated based on procedures identified in the City's Development Guidelines and Improvement Standards Manual, Section 11, "Traffic Studies." The peak hour project trips are used to determine the Transportation Concurrency evaluation fee, the requirement for a Transportation Impact Analysis (TIA), and the estimated transportation impact fee for development.

Peak Hour Vehicle Traffic means vehicle traffic volumes during the one-hour weekday afternoon period during which the greatest volume of vehicle traffic uses the arterial system, as identified separately at each appropriate Concurrency Measurement Point.

Person Trips Available (PTA) means the ability of the committed transportation system to accommodate the transportation impacts of new development within a Concurrency Service Area (CSA) and is expressed in terms of weekday PM peak hour person trips available. For purposes of the concurrency evaluation, the available person trips will be based on the total person trips calculated for each travel mode less the already used person trips for that mode. The sum of the available person trips for each mode will be the total available person trips for each concurrency evaluation area.

SEPA means the State Environmental Policy Act (RCW 43.21) as implemented by the City of Bellingham.

Six-Year Transportation Improvement Program means the expenditures programmed by the City for capital purposes over the next six-year period in the Six-Year Transportation Improvement Program pursuant to RCW 35.77.010. The financial plan underlying the adopted Six-Year Transportation Improvement Program identifies all applicable and available revenue sources, and the plan forecasts these revenues through the six-year period with reasonable assurance that such funds will be timely put to such ends.

Temporary Certificate of Concurrency means the initial certificate issued by the Public Works Department confirming the availability and reservation of a specified amount of capacity on the committed transportation system specific to the proposed development.

Transit-Oriented Development (TOD) means land use development that generally has the following characteristics:

- A local node containing a mixture of uses in close proximity including office, residential, retail, public and civic uses;
- High density, high-quality development within 10-minute walk (¼ to ½ mile radius) surrounding transit stop;
- Reduced and managed parking inside 10-minute walk (¼ to ½ mile radius) surrounding transit stop;
- Transit stop as prominent feature of development;
- Walkable design with pedestrian as the highest priority;
- Designed to include the easy use of bicycles, scooters, and other non-motorized transportation modes; and
- In some cases, supplemental transit systems including trolleys, streetcars, and, where feasible, regional light rail or heavy rail systems.

Transportation Mitigation includes all non-concurrency measures required by City development regulations, Transportation Impact Analysis (TIA) mitigation recommendations, State Environmental Policy Act (SEPA) requirements, and Traffic Impact Fee (TIF) assessment to mitigate the non-concurrency related transportation impacts from a proposed development.

Transportation Demand Management (TDM) Strategies means techniques or programs that reduce single-occupant vehicle commute travel or improve the capacity of a transportation facility and that are approved by the Public Works Department. TDM Strategies may include but are not limited to vanpooling, carpooling, and public transit, access management, signalization, and channelization.

Transportation Impact Analysis (TIA) is the documentation of both on-site and off-site impacts, as well as recommended mitigating measures, to maintain public safety and adopted level of service (LOS) standards on the Citywide multimodal transportation system. TIAs shall be performed by an engineer licensed in the State of Washington, according to procedures identified in the City's Development Guidelines and Improvement Standards Manual, Section 11, "Traffic Studies."

Travel Demand Forecast Model is the City's computerized transportation model, which is used to develop and analyze peak hour travel demands on the City's transportation facilities. This information is used as the basis for the Transportation Element of the Bellingham Comprehensive Plan and in other transportation planning and traffic engineering applications.

Section 2: Bellingham Municipal Code Section 13.70.030 is amended as follows:

13.70.030 Applicability

- A. A Temporary Certificate of Concurrency issued by the Public Works Department is required for a development permit application to be determined as complete for review by City staff.
- B. Per Public Works Development Guidelines and Improvement Standards Manual, Section 11, "Traffic Studies," a transportation impact analysis will be required for any development that:
 - 1.) Generates 50 or more pm peak hour project trips; or
 - 2.) Generates 40 or more pm peak hour project trips if the development
 - a.) Is near any intersection already experiencing higher levels of traffic congestion and is operating at LOS "E" or "F";
 - b.) Is near any intersection, arterial, or State highway with known safety or collision history; or
 - c.) Requires access or change to access from a State highway.

Section 3: Bellingham Municipal Code Section 13.70.060 is amended as follows:

13.70.060 Concurrency Approval

- A. The City shall not grant concurrency approval or issue a Temporary Certificate of Concurrency for a proposed development permit application unless there are adequate transportation facilities and person trips available on the existing or the committed transportation system to serve the new development.
- B. If the concurrency evaluation shows that adequate person trips are available, then the concurrency application shall be approved. The Public Works Director shall issue a finding of concurrency approval and a Temporary Certificate of Concurrency.
 - 1) A Temporary Certificate of Concurrency must be issued prior to determination of complete application for a development permit.
 - a. If a project-specific transportation impact analysis is required per 13.70.030 B., above, then a Temporary Certificate of Concurrency shall not be issued prior to completion and written acceptance of the TIA by Public Works.
 - 2) A Temporary Certificate of Concurrency shall expire exactly one (1) year after the date of issue by the Public Works Department.
- C. The determination of concurrency approval shall become final at the time of final development permit approval as per Section 13.70.070, below.
- D. The issue of concurrency approval may be raised as part of any appeal of the development permit for which the concurrency approval was granted.
- E. If a Temporary Certificate of Concurrency is issued for a proposed development, but the proposed development permit is denied, expires, or is voluntarily withdrawn, then the Temporary Certificate of Concurrency will be rescinded and transportation capacity will not be reserved for that development.

Section 4. The Findings of Fact, Conclusions and Recommendations of the Planning Commission as shown in **Attachment B - Staff Report** - are hereby adopted by the City Council.

Section 5: EFFECTIVE DATE.


This ordinance shall become effective on October 15, 2013.

PASSED by the Council this ^{30th}~~16th~~ day of September, 2013.



Council President


APPROVED by me this 2nd day of ~~September~~ ^{October}, 2013.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published: October 4, 2013