

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, IMPLEMENTING THE COMPREHENSIVE PLAN BY AMENDING CHAPTER 22.20 CONCURRENCY MANAGEMENT OF THE UNIVERSITY PLACE MUNICIPAL CODE TO REQUIRE CONCURRENCY FOR TRANSPORTATION, STORMWATER, WATER AND SEWER FACILITIES; TO AMEND PROCEDURES TO EVALUATE CONCURRENCY; AND TO ESTABLISH CONDITIONS FOR CONCURRENCY CERTIFICATION

WHEREAS, one goal of the Growth Management Act is to assure that public facilities and services necessary to support development is in place at the time of development or within a certain period thereafter, called "concurrency." Concurrency is required for transportation facilities. Concurrency is strongly recommended for stormwater, water and sewer facilities; and

WHEREAS, on August 4, 2003, the City adopted amendments to the Comprehensive Plan requiring concurrency for stormwater, sewer and water facilities; and

WHEREAS, on October 13, 2003, the City adopted a new Public Works Code that included changes to transportation standards and traffic impact analysis and mitigation requirements; and

WHEREAS, the proposed amendments to the Concurrency Management provisions at UPMC 22.20 are necessary to implement the goals and policies of the Comprehensive Plan and will streamline City permitting processes related to concurrency evaluation; and

WHEREAS, the proposed amendments are exempt from SEPA review; and

WHEREAS, on November 4, 2003 the City Council considered the proposed amendments; and

WHEREAS, the amendments were submitted for state agency review per RCW 36.70C.106 and comments from the Department of Community Trade and Economic Development were received and incorporated;

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 22.20 Concurrency Management to the University Place Municipal Code. Chapter 22.20 to the University Place Municipal Code is hereby amended and shall read as follows:

Chapter 22.20

CONCURRENCY MANAGEMENT

Sections:

22.20.010 ~~Intent~~-General.

22.20.020 ~~Definitions~~-Purpose.

22.20.030 ~~Concurrency test~~-Definitions.

22.20.040 ~~Certificate of capacity~~-Level of Service Standards.

22.20.050 ~~Exemptions~~-Concurrency Test.

~~22.20.060 Pre-existing use rights. Reserved Capacity and Volumes.~~
~~22.20.070 Administrative reconsideration and appeals. Exemptions.~~
~~22.20.080 Administrative Reconsideration and Appeals.~~

22.20.010 Intent. General.

~~Pursuant to the Washington State Growth Management Act (GMA), RCW 36.70A, after the adoption of its Comprehensive Plan, tThe City of University Place is required by RCW 36.70A to ensure that applicable public improvements or strategies to accommodate the impacts of development are made concurrent with the development. The intent of this chapter is to establish a concurrency management system to ensure that transportation facilities and services needed to maintain minimum level of service standards are available simultaneous to, or within a reasonable time after, development occupancy or use. This cChapter implements the goals, and policies and implementation strategies of the Capital Facilities Plan Element of the University Place Comprehensive Plan.~~

22.20.020 Definitions. Purpose.

To establish a concurrency management system that ensures adequate facilities for transportation, stormwater, sanitary sewer, and water are available simultaneously with, or within a reasonable time after, occupancy or use of any new development within the City.

~~"Applicant" means a person or entity that has applied for a development permit.~~

~~"Available Capacity" means capacity for a transportation facility that is currently available for use.~~

~~"Certificate of Capacity" means a document issued by the City of University Place indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.~~

~~"Concurrency Facilities" means facilities for which concurrency is required in accordance with the provisions of this chapter.~~

~~"Concurrency Test" means the comparison of an applicant's impact on transportation facilities to the capacity, including available and planned capacity of the facilities.~~

~~"Development Permit" means a land use or building permit.~~

~~"Development Permit, Final" means a building permit or any other development permit which results in an immediate and continuing impact on public facilities.~~

~~"Development Permit, Preliminary" means a special use permit as provided for in UPMC 19.15.020 "Definitions".~~

~~"Level of Service Standard" means the number of units of capacity per unit of demand. Level of service standards for concurrency tests are those standards specified in the adopted Comprehensive Plan.~~

~~"Planned Capacity" means capacity for a transportation facility that is not yet available, but for which the necessary facility construction, expansion or modification project is contained in the current adopted Capital Facilities Plan (or Capital Improvement Program) and scheduled to be completed within six years.~~

22.20.030 Concurrency test. Definitions.

- **Applicant:** A person or entity that has applied for a development permit.

- **Concurrency Test:** An evaluation of the transportation, stormwater, sanitary sewer, and water facilities impacts of a proposed development and a determination whether the proposed development will cause any of those facilities to drop below the City's adopted minimum level of service standards.
- **Development:** Any manmade change to improved or unimproved real estate including, but not limited to, buildings or structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading stockpiling, paving, excavation, drilling or the subdivision of property.
- **Development Permit:** A land use, site development, or building permit, or other permit issued by the City authorizing the improvement or development of property.
- **Director:** The City of University Place Community Development Director or duly authorized representative.
- **Level of Service:** An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.
- **Transportation Level of Service Standard:** A measure which describes the operational condition of the transportation network. The transportation level of service standard may be expressed in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility and safety.

~~A. Application. The city review of all applications for preliminary development permits, unless exempted by section 22.20.050, shall include a concurrency test. Those final development permits that did not have preceding preliminary development permits shall also be subject to this concurrency test, unless exempted by section 22.20.050.~~

~~B. Procedures. The concurrency test will be performed in the processing of the development permit and conducted by the planning and community development department and the public works department.~~

~~— 1. The planning and community development department shall provide the overall coordination of the concurrency test.~~

~~— 2. The public works department shall be responsible for maintaining and monitoring available and planned capacity by conducting the concurrency test for transportation facilities for all applications requiring a concurrency test as set forth in subsection 'A' above; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity; notifying the planning and community development department of the results of the tests; and reinstating any capacity for an expired development permit, discontinued certificate of capacity, or other action resulting in an applicant no longer needing capacity which has been reserved.~~

~~C. Test. Development permits that result in a reduction of a level of service below the minimum level of service standard cannot be approved. For transportation facilities, available and planned capacity will be used in conducting the concurrency test.~~

~~— 1. If the capacity of transportation facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development permit, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of section 22.20.040.~~

~~— 2. If the capacity of transportation facilities is less than the capacity required to maintain the level of service standard for the impact from the development permit, the concurrency test is not passed. The applicant may:~~

~~— a. Modify the application to reduce the need for transportation facilities;~~

~~— b. Demonstrate to the department of public work's satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;~~

~~— c. Arrange with the department of public works to provide the additional capacity of transportation facilities required; or,~~

~~— d. Ask for formal reconsideration of the concurrency test to the public works director in accordance with the provisions of section 22.20.070.~~

~~D. SEPA. Nothing in this chapter is intended to limit the application of the State Environmental Policy Act (SEPA) to specific proposals. Each proposal not exempt under SEPA shall be reviewed and may be conditioned or denied under the authority of the State Environmental Policy Act.~~

22.20.040 Certificate of capacity. Level of Service Standards.

A. Incorporated by reference are the level of service standards identified in the Capital Facilities Element of the City's Comprehensive Plan.

B. Meeting Level of Service Standards.

1. The transportation level of service standard will be considered met if the proposal for development fully conforms to UPMC 13.20.

2. The storm drainage level of service standard will be considered met if the proposal for development fully conforms to UPMC 13.25.

3. The water level of service standard will be considered met if the City determines that there is sufficient capacity in the water utility provider's water system to fully serve the development.

4. The sanitary sewer level of service standard will be considered met if the City determines that there is sufficient transmission and treatment capacity in the sewer utility provider's sanitary sewer system to fully serve the development or if the Tacoma Pierce County Health Department has approved a septic system to serve the development.

~~A. Issuance. A certificate of capacity, guaranteeing the availability of transportation capacity subject to the terms contained herein, shall be issued upon approval of the development permit. If applicable, the payment of a fee and/or the performance of any condition required by the city shall be a condition of certificate of capacity issuance. Administrative procedures may specify issuance of certificate of capacity at an earlier timeframe and conditions required thereof.~~

~~B. A certificate of capacity shall apply only to the specific land uses, densities, intensities and development project described in the application and development permit.~~

~~C. A certificate of capacity is not transferable to other land, but may be transferred to new owners of the original land.~~

~~D. Life Span of Certificate. A certificate of capacity shall expire if the accompanying development permit expires or is revoked. A certificate of capacity may be extended according to the same terms and conditions as the accompanying development permit. If the development permit is granted an extension, so shall the certificate of capacity. If the accompanying development permit does not expire, the certificate of capacity shall be valid for five years.~~

~~E. Unused Capacity. Any capacity that is not used because the developer decides not to develop or because the accompanying development permit expires shall be returned to the available pool of capacity.~~

22.20.050 Exemptions. Concurrency Test.

A. **Procedures.** The need for a concurrency test is triggered by an application for any of the development permits identified in (B) below. The concurrency test shall be performed prior to the issuance of the triggering development permit. The applicant is responsible to provide

documentation sufficient for the Director to accurately perform the evaluation. UPMC Title 13 identifies the documentation requirements for transportation and stormwater facilities. For water facilities, required documentation may be of a certificate of availability from Tacoma Public Utilities. For sewer facilities, required documentation may be a copy of the sewer permit application filed with Pierce County Utilities or other sewer utility provider, or a copy of the sewer permit issued by Pierce County Utilities or other sewer utility provider, or a septic system approval from the Tacoma Pierce County Health Department.

B. Triggers for Concurrency Test

1. A concurrency test for transportation facilities is triggered by any development permit that requires a Transportation Impact Analysis (TIA) as identified in UPMC Title 13 or required by SEPA.
2. A concurrency test for stormwater facilities is triggered by any development permit that requires a drainage analysis.
3. A concurrency test for water and sewer facilities is triggered by any building permit application for structures intended for human occupancy.

C. Evaluation.

1. Permits cannot be issued for any development that does not meet the concurrency test.
2. If the evaluation shows that the facility will operate at or above the level of service standard following the completion of the development, concurrency is met.
3. If the concurrency evaluation shows that the facility will operate below the level of service standard following the completion of the development, concurrency is not met. If concurrency is not met, the applicant may:
 - a. Modify the application to reduce the impacts of the development such that the facility will operate at or above the level of service standard following the completion of the development;
 - b. Improve the facility such that it will operate at or above the level of service standard following the completion of the development;
 - c. Upon approval of the Director, contribute to a programmed and funded capital project that will result in the facility operating at or above the level of service standard following the completion of the development, provided that the impacts of the development will not result in a safety hazard; or
 - d. Postpone development until the facility is improved by another entity such that the facility will operate at or above the level of service standard following the completion of the development.

D. Certification.

1. Upon completion of the concurrency evaluation, the Director will issue a determination of concurrency. Separate determinations of concurrency may be issued for each facility. If concurrency is met the determination of concurrency will set forth the conditions and duration of the concurrency certification. The determination of concurrency and concurrency certification will be processed with the associated permit.
2. For transportation concurrency, conditions shall include those set forth in an approved TIA. The duration of the transportation concurrency certification shall be for two years unless

otherwise provided by law. An extension may be granted by the Director upon the issuance of subsequent site development or building permits. The duration of the extension shall be for the term of the subsequent permit.

3. For stormwater concurrency, conditions shall include those conditions set forth in the site development permit and approved storm drainage report. The duration of stormwater concurrency certification shall be for the term of the triggering development permit.

4. For water concurrency, the duration of water concurrency certification shall be for the term of the triggering development permit.

5. For sewer concurrency, the duration of the sewer concurrency certification shall be for the term of the triggering development permit.

6. A certificate of concurrency shall be revoked if the applicant fails to comply with any of the conditions of certification.

~~A. No Impact. Development permits for development that creates no measurable additional impacts on any transportation facility are exempt from the requirements of this chapter. Such development includes, but is not limited to:~~

~~1. Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units,~~

~~2. Interior renovations with no change of use or, if a residential use, no increase in number of dwelling units,~~

~~3. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use,~~

~~4. Replacement structure with no change in use or floor area (for non-residential uses) or increase in number of dwelling units,~~

~~5. Temporary construction trailers,~~

~~6. Driveway resurfacing or parking lot paving,~~

~~7. Re-roofing of structures,~~

~~8. Demolitions,~~

~~9. Development that generates less than ten trips in the peak hour (for both the a.m. and the p.m. peak hour) at any given intersection.~~

~~The city public works department shall be responsible for determining whether other types of development meet this "no impact" standard so as to be included under this exemption.~~

~~B. Exempt Permits. The following development permits are exempt from the requirements of this chapter:~~

~~1. Boundary Line Adjustment or Lot Combination.~~

~~2. Final Plat, (if a concurrency test was conducted for the corresponding preliminary plat approval).~~

~~3. Temporary Use Permit.~~

~~4. Variance or administrative use permits.~~

~~5. Clearing, Filling & Grading Permits.~~

~~6. Shoreline Variance.~~

~~7. Rezone/Comprehensive Plan Amendments.~~

~~8. Sign Permits.~~

~~C. Application Filed Before Effective Date of Ordinance. Complete long subdivision, short plat, and building permit applications that have been submitted before the effective date of this ordinance are exempt from the requirements of this chapter.~~

~~D. Single Family Homes. Building permits for single family dwellings and duplexes are exempt from the requirements of this chapter. This exemption does not apply to the plat within which the dwellings units are being constructed.~~

~~E. Accessory Dwelling Units. All accessory dwelling units, as defined in this Code, are exempt from the requirements of this chapter.~~

~~F. Accounting for Capacity. The capacity for development permits exempted under subsections C, D, and E above shall be subtracted from available capacity.~~

22.20.060 Pre-existing use rights. Reserved Capacity and Volumes.

A. Transportation. The traffic volumes identified for a proposed development will be assigned to the street network at the time of concurrency certification. These traffic volumes will be assumed to be a part of the street network for the period of time set forth in the concurrency certification. Once assigned to the street network, a subsequent development proposal must incorporate these traffic volumes into any traffic analysis. Information regarding previously assigned traffic volumes can be obtained from the Director.

B. Stormwater. The surface water design standards adopted by the City require all stormwater designs to demonstrate that there will be no significant effect on any downstream stormwater systems. Reserved capacity is not applicable to a stormwater concurrency certification.

C. Sewer and Water. Capacity shall be reserved by the utilities as identified in any sewer permit or water availability determinations of the utility providers.

~~Development permits that were issued before the effective date of this ordinance shall be considered to have capacity as long as the accompanying development permit is valid. If the accompanying development permit does not expire, capacity shall be considered to be available for five years after the effective date of this ordinance.~~

22.20.070 Administrative reconsideration and appeals. Exemptions.

Development permits for development that creates no measurable additional impacts on any facility are exempt from the requirements of this Chapter.

~~A. The applicant may request reconsideration of concurrency test results within 14 calendar days of the notification of the test results by filing with the public works department a formal request for reconsideration specifying the grounds thereof, using forms available from the city. Each reconsideration request shall be accompanied by a fee as set forth by the University Place city council.~~

~~Upon filing of such reconsideration request, the public works director shall re-consider the test results and issue a determination either upholding the original determination or amending it.~~

~~B. Determinations by the public works director with respect to the applicability of concurrency management to a given development activity or any other determination which the director is authorized to make pursuant to this chapter may be appealed to the hearing examiner as provided for in UPMC Chapter 22.05.~~

22.20.080 Administrative Reconsideration and Appeals.

A. The applicant may request a reconsideration of the determination of concurrency within fourteen (14) calendar days of the decision. The request for reconsideration shall be filed with the Director on forms available from the City and shall specify the grounds for reconsideration.

Each reconsideration request shall be accompanied by a fee as established in the Development Services Fee Resolution. Upon filing of such reconsideration request, the Director shall consider the results of the concurrency evaluation and and issue a determination either upholding or amending the original determination.

B. Determinations by the Director pursuant to this Chapter may be appealed to the City's hearing examiner as provided for in UPMC Chapter 22.05.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance shall 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 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after publication.

PASSED BY THE CITY COUNCIL ON MAY 17, 2004.



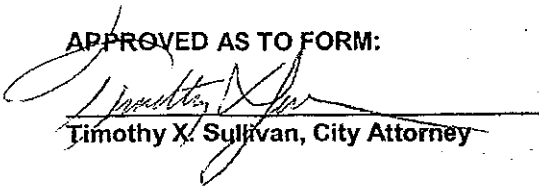
Ken Grassi, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

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