

ORDINANCE NO. 263

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE ADDING A NEW CHAPTER TO TITLE 22 OF THE UNIVERSITY PLACE MUNICIPAL CODE ENTITLED "CONCURRENCY MANAGEMENT", ESTABLISHING A CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR DEFINITIONS; PROVIDING FOR CERTIFICATES OF CAPACITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PRE-EXISTING USE RIGHTS; AND PROVIDING FOR RECONSIDERATION AND APPEALS.

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998; and,

WHEREAS, the Capital Facilities Element of the Comprehensive Plan provides policy direction for development of a concurrency management system to ensure that adequate transportation facilities are in place to serve proposed development projects; and,

WHEREAS, the development of a concurrency management system is consistent with policy direction within the Capital Facilities Element of the Comprehensive Plan and is proposed as an integral part of achieving the goals set in the Comprehensive Plan; and,

WHEREAS, the proposed ordinance has been submitted for the 60 day State Agency review period pursuant to RCW 36.70A.106 and was acknowledged as received by the Department of Community, Trade and Economic Development (DCTED) on April 16, 1999; and,

WHEREAS, the 60 day State Agency review period has concluded with no comments having been received; and,

WHEREAS, a SEPA determination of non-significance was issued on the proposal on November 10, 1999 with an appeal period concluding December 8, 1999 with no appeals having been filed; and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 17, 1999 and recommended approval to the City Council concerning a new section to the University Place Municipal Code; and,

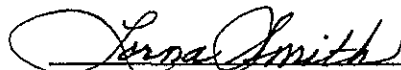
WHEREAS, the City Council reviewed a draft of the concurrency management ordinance in study session on January 18, 2000; **NOW THEREFORE,**

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:

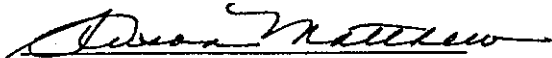
Section 1. Concurrency Management Authorized. A new Chapter to Title 22 of the University Place Municipal Code entitled "Concurrency Management" is hereby adopted as shown on Exhibit 'A' attached hereto and incorporated herein by reference.

Section 2. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper. The ordinance shall be effective five days after such publication.

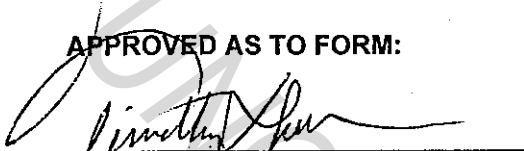
APPROVED BY THE CITY COUNCIL ON FEBRUARY 7, 2000.


Lorna Smith, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: 2/11/00
Effective Date: 2/16/00

EXHIBIT 'A'

Chapter 22.20

CONCURRENCY MANAGEMENT

Sections:

22.20.010 Intent
22.20.020 Definitions
22.20.030 Concurrency Test
22.20.040 Certificate of Capacity
22.20.050 Exemptions
22.20.060 Pre-Existing Use Rights
22.20.070 Administrative Reconsideration and Appeals
22.20.080 Severability

22.20.010 Intent

Pursuant to the Washington State Growth Management Act (GMA), RCW 36.70A, after the adoption of its comprehensive plan, the City of University Place is required 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 chapter implements the goals, policies and implementation strategies of the Capital Facilities Plan Element of the University Place Comprehensive Plan.

22.20.020 Definitions

1. "Applicant" means a person or entity that has applied for a development permit.
2. "Available Capacity" means capacity for a transportation facility that is currently available for use.
3. "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.
4. "Concurrency Facilities" means facilities for which concurrency is required in accordance with the provisions of this chapter.
5. "Concurrency Test" means the comparison of an applicant's impact on transportation facilities to the capacity, including available and planned capacity of the facilities.
6. "Development Permit" means a land use or building permit.
7. "Development Permit, Final" means a building permit or any other development permit which results in an immediate and continuing impact on public facilities.
8. "Development Permit, Preliminary" means a special use permit as provided for in UPMC 19.15.020 "Definitions".
9. "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.

10. "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

A. Application. The City review of all applications for preliminary development permits, unless exempted by Sec. 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 Sec. 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 Sec. 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

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

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

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

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 Severability

If any portion of this chapter is found to be invalid or unenforceable for any reason, such findings shall not affect the validity or enforceability of any such section of this chapter.

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