



CITY COUNCIL MEETING AGENDA
Council Chambers, 1000 Laurel Street

February 3, 2014
Monday

Study Session
7:00 p.m.

- 1. Call to Order**
- 2. Roll Call of Council Members**
- 3. Study Items**
 - a. Amendments to various Land Use codes
 - b. Park Name Change – Milton Community Park
 - c. King County Proposed TBD
 - d. Finalizing Council Retreat Agenda
- 4. Adjournment**

Note: Public comment is generally not taken at Study Sessions. However, on some occasions, public comments may be allowed at the discretion of the Chair and Council. The public may also submit written communications, via letters or emails to dperry@cityofmilton.net. Any item received by noon on the day of the meeting will be distributed to Council.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting. Thank you.

PENDING COUNCIL AGENDA CALENDAR (Dates are Subject to Change) FOR PLANNING PURPOSES ONLY

February 2014			
Mon 2/03	7:00 pm	Study Session	A. Amendments to Various Land Use Codes B. Park Name Change, Milton Community Park C. King County Proposed TBD D. Finalizing Council Retreat Agenda
Fri 2/7 & Sat 2/8	2:00-5:00 p.m. 9:00 a.m. – 2:00 p.m.	Council Retreat Activity Center Red Room	TBD
Mon 2/10	7:00 pm	Regular Meeting	A. Presentation by Pierce County Councilmember Joyce McDonald B. Acceptance of Alder Ridge Trail Easement (<i>Consent Agenda</i>) C. Surplus Property (<i>Consent Agenda</i>) D. Annexation Petition, Clear Water Development and Sunridge Apartments E. Flood Control District Agreement with Pierce County
Tue 2/18	7:00 pm	Regular Meeting	A. Easement Release – Stepping Stones Project B. Granting of Easement to DOE C. Amendments to Building & Fire Codes D. Contract for Electric System Plan Update
March 2014			
Mon 3/03	7:00 pm	Study Session	A. Well Drilling Report B. Meet with Water Staff C. Discussion of Water Capital Improvement Plan
Mon 3/10	7:00 pm	Regular Meeting	A. Public Hearing of Marijuana Moratorium B.
Mon 3/17	7:00 pm	Regular Meeting	A. Award of Activity Center Roof Replacement Contract
April 2014			
Mon 4/07	7:00 pm	Study Session	A. Curtailment Agreement with Tacoma Power
Mon 4/14	7:00 pm	Regular Meeting	
Mon 4/21	7:00 pm	Regular Meeting	
May 2014			
Mon 5/05	7:00 pm	Study Session	A. Meet w/ staff: Stormwater Discussion
Mon 5/12	7:00 pm	Regular Meeting	
Mon 5/19	7:00 pm	Regular Meeting	
June 2014			
Mon 6/02	7:00 pm	Study Session	A. 6 Year Transportation Improvement Program
Mon 6/09	7:00 pm	Regular Meeting	
Mon 6/16	7:00 pm	Regular Meeting	
July 2014			
Mon 7/07	7:00 pm	Study Session	
Mon 7/14	7:00 pm	Regular Meeting	
Mon 7/21	7:00 pm	Regular Meeting	
August 2014			
Mon 8/4	7:00 pm	Study Session	A. Meet with Staff
Mon 8/11	7:00 pm	Regular Meeting	
Tue 8/18	7:00 pm	Regular Meeting	
September 2014			



To: Mayor Perry and City Councilmembers
 From: Chris Larson, Contract Associate Planner
 Date: February 3rd, 2014, Study Session
 Re: **Various Code Amendments**

ATTACHMENTS: 1 – Proposed Ordinance
 2 – Planning Commission Minutes

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Recommendation/Action: Discuss proposed amendments and provide direction to staff.

Fiscal Impact/Source of Funds: This was part of the Planning Commission’s 2012 work plan. No additional funds should be expended on this item after adoption of this ordinance.

Previous Council Review: None.

Background: In 2012, the Planning Commission reviewed a list of Code Amendments that were presented by staff. Since late 2009 staff had been keeping a list of various code provisions that needed amendment in order to fit with the rest of the code and meet state law. The ordinance represents those changes. The Planning Commission moved to recommend approval of this ordinance to Council, at their June 2012 meeting by a vote of 6-1.

Discussion: These can be considered housekeeping, or clarifying the intent of existing regulations. Below is a summary of the proposed amendments.

- A. Boundary Lot Adjustments to meet Minimum Setback or Lot Width:
 Currently the zoning code requires the land use administrator to make written findings that a proposed boundary line adjustment (BLA) does not violate various provisions of the zoning code. The current language however, does not explicitly spell out the requirement for a BLA to meet minimum setback and lot width requirements. The proposed amendment will ensure compliance with lot size and lot width minimums for Boundary Line Adjustments (*Section 2 of attached ordinance*).

- B. State Environmental Review before Planning Commission Review: By state law, any plan or code amendment must go through a analysis under the State Environmental Policy Act (SEPA), to ensure that any impacts to various environmental factors have been taken into consideration. The current language required this analysis to be done after the Planning Commission had made a recommendation. The proposed amendment would allow the SEPA analysis to be done before the Planning Commission takes action on a recommendation to

allow them to also consider any potential environmental impacts (*Section 3 of attached ordinance*).

- C. Adoption of Optional DNS Process: This would adopt by reference the State WAC for the SEPA "Optional DNS process" to the city code for environmental review (*Section 4 of attached ordinance*).
- D. Reconsideration by Hearing Examiner: This amendment adds a reconsideration clause to the Hearing Examiner's authority, which allows for a reconsideration motion to be filed in cases where there may be errors of procedures, law fact or judgment. It also standardizes all appeals processes to be heard by the Hearing Examiner. Currently the City Council is the appeal body for process Type IV permits. (*Sections 5 & 6 of attached ordinance*).
- E. Substandard Lots: Currently substandard lots can be built on, only if the lot was owned by someone other than the adjoining property owners at the time the regulation making the lot substandard was adopted. As it relates to this section of the code, this would be the date the minimum lot size regulation was adopted. The amendment would allow construction of buildings on substandard lots, if they meet all code requirements applicable to their development (*Section 7 of attached ordinance*).
- F. Sign Permit Requirements: This code amendment would require proof of a business license for a sign permit from the installer and the business (*Section 8 of attached ordinance*).
- G. Short Plat; Approval Prior to Improvements: A short plat is allowed for up to 4 lots. The amendment would remove the preliminary step of the short plat code which would allow a short plat to be approved prior to installation of improvements (*Section 9 of attached ordinance*). Although this was part of the original discussion and recommendation from the Planning Commission, upon further review, this amendment requires more analysis and further view. Therefore, staff recommends that at this time it be removed from the list of amendments in the draft ordinance.

**CITY OF MILTON
ORDINANCE ____-14**

**AN ORDINANCE OF THE CITY OF MILTON,
WASHINGTON; AMENDING SECTIONS
16.29.030, 17.67.030, 18.04.100, 2.54, 17.71.040,
17.44.040, 17.50.050, 16.28; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City of Milton Planning Commission met in regular session on April 25th, May 23rd, and June 27th to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a public hearing on June 27th, 2012 to receive public input on the proposed amendments; and

WHEREAS, a Determination of Nonsignificance was issued for the amendments on June 11th, 2012;

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

Section 1. Findings. The above recitals are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

A. The code amendments set forth herein bear a substantial relation to the public health, safety and welfare.

B. The code amendments set forth herein are in the best interest of City of Milton residents.

C. The code amendments set forth herein satisfy all relevant criteria for approval and adoption.

D. The zoning code amendments set forth herein have been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural requirements, including but not limited to the requirements codified in and Chapter 36.70A RCW and Chapter 35A.63 RCW.

E. All relevant procedural requirements of the State Environmental Policy Act have been satisfied with respect to this ordinance.

Section 2. Section 16.29.030 of the Milton Municipal Code is hereby amended to read as follows

A. The land use administrator shall review and approve, approve with conditions, or disapprove boundary line adjustments as necessary to ensure compliance with the standards below. The land use administrator shall make written findings that the declaration of boundary line adjustment shall not:

1. Increase the number of lots;
2. Diminish the size of any lot so as to result in a lot of less area than prescribed by zoning or other regulations;
3. Create a subdivision alteration, as contemplated in RCW 58.17.215 as now or hereafter amended, by actions that include the following:
 - a. Creating or diminishing any easement recorded on the plat or short plat;
 - b. Diminishing or impairing drainage, water supply, sanitary sewage disposal, and access, including fire protection access, to any lot;
 - c. Amending or violating the conditions of approval for a previously platted property;
4. Increase the nonconforming aspects of an existing nonconforming lot;
5. Replat, or vacate a plat or short plat.

6. Reduce a setback or lot width below the minimum required by the Zoning Code.

B. In the event a proposed boundary line adjustment creates a lot that has five or more corners, the land use administrator shall base the approval or denial on whether the lot shape is necessary or desirable due to factors including, but not limited to, critical areas, topography, natural features, street layouts, access, or existing parcel boundaries. The land use administrator may deny the creation of lots with five or more corners if the primary purpose of the lot shape is to meet minimum lot size or dimension requirements.

Section 3, Section 17.67.030 of the Milton Municipal Code is hereby amended as follows

~~E. Upon forwarding the commission recommendation to council, staff shall prepare and compile the appropriate SEPA documentation, initiate the SEPA process, and send the planning commission recommendations, along with the appropriate SEPA documentation, to the state for the GMA required 60-day review.~~

FE. Upon completion of the SEPA process, public meeting, state review, and council consideration, the council shall adopt an ordinance incorporating the proposed amendments, in whole or in part or as modified by the council, into the Milton

comprehensive plan. At the same meeting, the council shall also adopt an ordinance for any concurrent rezones necessary for consistency.

Section 4. Section 18.04.100 of the Milton Municipal Code is hereby amended as follows

This part of this chapter contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference:

WAC

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

Section 5. Section 2.54 of the Milton Municipal Code is hereby amended as follows

Chapter 2.54

HEARING EXAMINER

- 2.54.010 Short title.
- 2.54.020 Office created.
- 2.54.030 Appointment.
- 2.54.040 Compensation.
- 2.54.050 Qualifications.
- 2.54.060 Examiner pro tem – Qualifications and duties.
- 2.54.070 Conflict of interest.
- 2.54.080 Unlawful to attempt improper influence.
- 2.54.090 Duties.
- 2.54.100 Application – Presentation.

2.54.110 Reconsideration

2.54.110 - Reconsideration

A. Any party of record may, within seven working days of the date of the examiner’s written decision, file with the department a written request for reconsideration based on

any one of the following grounds: errors of procedure, errors of law or fact, or error in judgment.

B. The request shall set forth the grounds for reconsideration. The department shall forward the request for reconsideration to the examiner within three working days. Upon receipt of a request for reconsideration, the examiner will review the request in light of the record and take such further action as is deemed proper, including, but not limited to: denying the request; authorizing additional argument from the parties or revising or reversing the decision. The examiner shall take such action as he deems appropriate within 10 days of receipt of the request. The decision of the examiner will be subject to reconsideration only one time, even if the examiner reverses or modifies the original decision.

C. The filing of a request for reconsideration shall effectively stay the appeal period until the examiner issues his decision on the request.

D. No new evidence may be considered by the Examiner in the request for reconsideration except as authorized by the Regulatory Reform Act, Chapter 36.70B RCW.

Section 6. Section 17.71.040 of the Milton Municipal Code is hereby amended as follows

	Administrative			Quasi-Judicial		Legislative
	Process I	Process II	Process III	Process IV	Process V	Process VI
Preapplication Meeting	None	None	Optional	Recommended	Recommended	Recommended
Notification Requirement	None	None	500 feet	500 feet	500 feet	Citywide
Neighborhood Meeting	None	None	Optional	Required	Required	Optional
Written Report	None	Staff	Staff	Applicable Director	Applicable Director	Applicable Director
Open Record Hearing	None	None	None	Hearing Examiner	Hearing Examiner	Planning Commission
Closed Record Hearing	None	None	None	None	City Council	City Council
Decision-Maker	Applicable Director	Applicable Director/HE	Applicable Director	Hearing Examiner	City Council	City Council
Administrative Appeal	None	Hearing Examiner	Hearing Examiner	City Council None	None	None
Judicial Appeal	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court	Growth Management Hearings Board or Superior Court

	Administrative			Quasi-Judicial		Legislative
	Process I	Process II	Process III	Process IV	Process V	Process VI
Type of Review/Permit	Enforcement Action MMC Titles 5 – 18	Code Interpretation MMC Titles 8 – 18	Minor Site Plan Approval Chapter 17.62 MMC	Preliminary Subdivision Chapter 16.12 MMC	Planned Development Master Plan Chapter 17.38 MMC	Code Amendment MMC Title 17
	Engineering and Utilities MMC Titles 12, 13, 16	Home Occupation Chapter 17.44 MMC	Preliminary Short Plat Chapter 16.28 MMC	Binding Site Plan Chapter 16.30 MMC ¹	Special Use Permit Chapter 17.42 MMC ⁴	Comprehensive Plan Amendment Chapter 17.67 MMC
	Clear and Grade Permit Chapter 13.26 MMC	Final Subdivision Chapter 16.12 MMC ^{1,2}	Minor Wireless Communication Facility Chapter 17.58 MMC	Major Wireless Communication Facility Chapter 17.58 MMC		Zoning Map Amendment⁵ Chapter 17.68 MMC
	Storm Water Drainage Permit Chapter 13.26 MMC	Deviation from Standards Chapter 12.24, 13.26 or 17.50 MMC	Modifications to Process IV Decisions	Mobile Home Park Chapter 17.60 MMC ¹		Shoreline Master Plan Amendment Chapter 18.12 MMC
	Building Permit MMC Title 15	Nonconforming Sign Chapter 17.50 MMC	SEPA Threshold determination not otherwise combined Chapter 18.16 MMC	Major Site Plan Approval Chapter 17.62 MMC		
	Boundary Line Revision Chapter 16.29 MMC ¹	Nonconforming Structures or Uses Chapter 17.52 MMC	Shoreline Substantial Development Permit⁶ Chapter 18.12 MMC	Conditional Use Permit Chapter 17.64 MMC		
	Sign Permits Chapter 17.50 MMC	Critical Areas Decision (Map) Chapter 18.16 MMC ¹		Revocation of Decision All Processes		
	Temporary Use Chapter 17.56 MMC			Variance Chapter 17.65 MMC ³		
	Critical Areas or Exemption Chapter 18.16 MMC			Shoreline Conditional Use Permit or Shoreline Variance⁶ Chapter 18.12 MMC		
Final Short Plat Chapter 16.28 MMC ⁴			Reasonable Use Exception Chapters 17.65 and 18.16 MMC			

Section 7. Section 17.44.040 of the Milton Municipal Code is hereby amended as follows

17.44.040 ~~Area and width exceptions for substandard lot.~~Substandard Lots

~~A single family dwelling may be established on a lot which cannot satisfy the lot area or lot width requirements of the zoning district, where the lot at the date the applicable requirement was enacted was owned by a person or persons other than the owners of the adjoining lot; provided, however, that the yard requirements shall remain the same; and provided, that the lot is located in a zone which allows residential uses.~~

An authorized use or structure may be erected on a preexisting legal lot containing less area than is required by the applicable zoning district in which it is located; provided that all bulk and dimensional requirements shall be met including but not limited to setbacks, lot coverage, building height, etc. The site shall also comply with all applicable development standards including but not limited to the City of Milton Development Guidelines and Public Works Standards and the stormwater standards.

Section 8. Section 17.50.050 of the Milton Municipal Code is hereby amended as follows

17.50.050 Permit application requirements.

To obtain a sign permit, the applicant shall make application in writing on forms furnished by the public works department. Every application for a permanent sign shall include the following:

- A. Telephone number and address of the owner or agent are required on temporary signs. This information need not be on the front of the sign;
- B. Identification and description of the sign including the type, size, dimensions, height, and number of faces;
- C. Description of the land where the proposed sign is to be located by street address;
- D. An affidavit that the written consent of the owner or person in legal possession of the property or agent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained;
- E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;
- F. Site plan drawn to scale containing a north arrow, location of property lines, lot dimensions, location of existing signs, and the location of the proposed sign on the site;
- G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;

I. Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the city of Milton or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the city council.

L. Proof that a City of Milton Business license has been obtained by the sign installation contractor and the company that is utilizing the sign.

Section 9. Section 16.28 of the Milton Municipal Code is hereby amended as follows

Chapter 16.28

SHORT SUBDIVISIONS

Sections:

16.28.010 Scope.

16.28.020 Number of parcels permitted.

16.28.040 Further division unauthorized within five years.

16.28.050 Permit decision and approval processes.

16.28.070 Filing – Required contents.

16.28.110 Access requirements.

~~16.28.120 Pedestrian safety requirements.~~

16.28.130 Future street reservations.

16.28.140 Access required.

16.28.150 Access standards for short plats.

16.28.160 Lot shape – Avoidance of irregular lot shapes.

16.28.165 Easement requirements.

16.28.170 Utility review.

16.28.175 Buildable site required.

~~16.28.178 Preliminary short plat approval criteria.~~

~~16.28.180 Engineering approval for a short plat or subdivision.~~Deferral of short subdivision improvements.

16.28.200 Approval criteria for a ~~final~~ short plat.

16.28.210 Report of decisions.

16.28.010 Scope.

Every short plat or short subdivision shall comply with the provisions of this chapter and the provisions of Chapter 16.04 MMC (General Provisions).

16.28.020 Number of parcels permitted.

Every short plat or short subdivision shall consist only of one to four parcels, lots or tracts of land which are divided from the original tract now proposed to be sold or leased.

16.28.040 Further division unauthorized within five years.

The land within a short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

16.28.050 Permit decision and approval processes.

The subdivider should consult early and informally with the land use administrator and his/her technical staff for advice and assistance before preparation of a ~~preliminary short plat and its formal application for approval~~. A preapplication conference is highly encouraged but not mandated.

~~This~~ The application for a short plat shall be decided by the director of planning and community development using a Process Type III decision (Chapter 17.71 MMC).

~~The procedure for review and approval of a subdivision plat usually consists of two steps and an optional third step, but also can be rolled up and combined into a single step if desired by the applicant.~~

~~The initial step is the preparation and submission of an application for a preliminary short plat.~~

~~The optional step is preparation and submittal of civil engineering drawings for the construction of the short plat. This step may be combined with the preliminary short plat thus making it optional. If filed separately, the application for civil engineering is decided upon by the public works director using Process Type I (Chapter 17.71 MMC). The improvements must be constructed or securities must be established prior to issuance of final short plat.~~

~~The final step is the preparation and submission of an application for a final short plat. The final short plat is also decided upon by the director of planning and community development as a Process Type I decision (Chapter 17.71 MMC). This final plat becomes the instrument to be recorded in the office of the county auditor when duly signed by the officials as set forth in this title.~~

~~If the applicant desires to combine the decisions into one process, then all needed parts shall be submitted at the initiation of the application, and the decision on the short plat~~

~~will be made by the director of planning and community development using Process Type III (Chapter 17.71 MMC).~~

No short plat or a short subdivision of land within the city shall be filed or recorded by the auditor of Pierce/King County without the approval of the final short plat by the land use administrator as specified in this title.

16.28.070 Filing – Required contents.

The applicant shall provide application materials as required in Chapter 17.70 MMC (Application Requirements).

16.28.110 Access requirements.

A. The proposed short plat shall be reviewed by the land use administrator for adequate ingress and egress to all proposed lots. Extension of streets or access rights from the property line to property line of the short subdivision land may be required in order that such street access may be extended in the future.

B. If there is other reasonable access available, the land use administrator may limit the location of direct access to city arterial or other city streets.

C. A right-of-way which is proposed to be dedicated to the city shall not be so dedicated unless it meets city standards, or city standards with an approved deviation.

D. When an adjoining landowner will be obligated to construct or maintain a future road, a note to this effect shall be stated on the face of the short plat.

~~16.28.120 Pedestrian safety requirements.~~

~~As a condition of short plat approval, the planning and community development director or his/her designee is required to make a finding that appropriate provisions are made for considering sidewalks and other planning features that assure safe walking conditions for those who walk to and from school. The planning and community development director or his/her designee shall have the authority to condition approval on the provision of pedestrian safety requirements.~~

16.28.130 Future street reservations.

Where a city street or arterial may be or is being planned for the short subdivision land area, the planning and community development director or his/her designee may require that a right-of-way up to 60 feet in width be reserved for a future street.

16.28.140 Access required.

Each lot shall have direct access to a public street or shall be served by an access corridor such as a private street, tract, access easement or panhandle having direct access to a public street.

16.28.150 Access standards for short plats.

Private streets, access corridors, tracts and panhandles may be approved by the land use administrator, upon concurrence by the city engineer and fire marshal.

A. The minimum width for a panhandle, an access tract or an access corridor serving one or two lots shall be 20 feet with a minimum pavement width of 14 feet unless the access is needed for a fire lane. If the access is needed for a fire lane, a minimum width of 30 feet with a minimum pavement width of 20 feet is required. The minimum width of an access tract or corridor that serves three or four lots shall be 30 feet with a minimum pavement width of 20 feet. No parking shall be permitted within a panhandle, access tract, access corridor or fire lane.

B. Access corridors up to 150 feet in length do not require a turn-around. Access corridors 20 feet wide and more than 150 but less than 500 feet in length shall provide a dedicated turn-around as described in IFC Appendix D Table D103.4. Access corridors more than 500 feet in length up to 750 feet in length shall be 30 feet in width, and shall provide a dedicated turn-around as described in IFC Appendix D Table D103.4. Access corridors more than 750 feet in length shall be subject to approval of the fire marshal. The length of the access corridor shall be measured along the center line of the access from the edge of the public right-of-way to the nearest lot line of the most distant lot.

C. Greater width may be required at the discretion of the land use administrator, with the concurrence of the city engineer and/or fire marshal, to address the need for such items as parking, drainage, or emergency access. Lesser width may be allowed on 30-foot-wide access corridors at the discretion of the land use administrator, with the concurrence of the city engineer and/or fire marshal, to address constraints such as critical areas or existing parcel boundaries.

D. The access corridor shall be included in the density calculation but shall not be included as part of a lot in determining the applicable bulk and dimensional regulations set forth in Chapters 17.15A and 17.15B MMC.

E. All short plats containing access corridors in private ownership shall record with the short plat such joint access easements, utility easements, emergency access easements, and covenants establishing a means for assessing maintenance costs and an organization for ensuring ongoing maintenance subject to approval of the land use administrator. Such covenants or documents shall obligate any seller to give written notice to any prospective purchaser of the annual cost and method of maintenance of the private access corridor.

F. Access corridors serving more than two lots shall have official city street designations and addresses; provided, that the private nature shall also be indicated by a street sign.

G. Access corridors shall be separated from other access corridors by at least one required minimum lot width.

16.28.160 Lot shape – Avoidance of irregular lot shapes.

All lots created by the short subdivision that have five or more corners shall require approval of the shape of the lot by the land use administrator prior to approval of the short plat. The land use administrator shall base the approval on whether the lot shape is necessary or desirable due to factors including, but not limited to, critical areas, topography, natural features, street layouts, access, or existing parcel boundaries. The land use administrator may deny the creation of lots with five or more corners if the primary purpose of the lot shape is to meet minimum lot size or dimension requirements.

16.28.165 Easement requirements.

A. Existing, legal easements less than the minimum required width may be allowed to remain; however, additional lots shall not be served by such existing easement unless widened to the minimum required width.

B. Easements shall be granted to assure that land within each short subdivision is adequately drained, and that all lots can be provided with water, fire protection, and utilities.

16.28.170 Utility review.

A. Drainage. The proposed short plat shall be reviewed for adequate drainage facilities. Requirements for any future necessary facilities which may depend upon the use of the land shall be stated on the face of the short plat.

B. Sewers. The proposed short plat shall be reviewed for sewer. No construction shall occur on any lot unless it is connected to a public sewer system. If known local conditions exist which may affect future building sites, these conditions shall be stated on the face of the short plat.

C. Water Supply and Fire Protection. The proposed plat shall be reviewed for potential adequacy of water supply and fire protection.

D. Subsections A, B and C of this section shall not be considered as criteria for which a short plat may be denied, but may be considered as criteria for which a building permit may be denied.

16.28.175 Buildable site required.

A. Feasibility for Building Sites. Areas which are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche shall be noted on the face of the short plat.

~~16.28.178 Preliminary short plat approval criteria.~~

~~At the option of the applicant, an approval of a preliminary short plat may be sought. Alternatively, the applicant may seek direct approval of a final short plat, wherein this step will be covered but shall not slow down the process of approval for the final short plat. The direct approval process shall be known as a “combined short plat.”~~

~~Approval of a preliminary short plat shall not constitute approval of the final short plat; rather, it shall be deemed an expression of approval to the layout submitted on the preliminary short plat as a guide to the preparation of the final short plat. In addition to satisfying the criteria identified in Chapter 16.04 MMC (General Provisions), the preliminary short plat shall comply with the following:~~

~~A. The granting of the proposed permit will not be injurious to the uses, planned uses, property, or improvements adjacent to and in the vicinity of the site upon which the proposed plat is to be located.~~

~~B. The proposal is consistent and compatible with the intent of the goals, objectives and policies of the city’s comprehensive plan.~~

~~C. The proposal must protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community. To accomplish this, the applicant must mitigate any hazardous conditions introduced to the site.~~

~~D. Adequate public facilities and services must support the short plat or subdivision. The city may impose reasonable conditions to ensure the use does not adversely affect those facilities or services.~~

~~E. The applicant must demonstrate the availability of public services necessary for the support of the proposal to the land use administrator. These may include, but shall not be limited to, availability of utilities and transportation systems (including vehicular, pedestrian and public transportation systems). The city may impose conditions to ensure the use does not adversely affect those facilities or services.~~

~~F. Provision of fire hydrants must conform to the requirements of any applicable public works development standards and regulations.~~

~~G. The proposed plat or subdivision must, at a minimum, meet the following requirements, as applicable:~~

~~1. The site conforms to Chapters 17.15A, 17.15B and 17.15C MMC for all lots.~~

~~2. The applicant has paid all applicable fees.~~

16.28.180 Engineering approval for a short plat or subdivision. Deferral of short subdivision improvements

The land use administrator may authorize the deferral of the completion of any required short subdivision improvements up to the issuance of building permits to the extent that the deferral does not adversely affect the functionality of the improvements. The public works director may require a performance guaranty as authorized by MMC 16.04.050 as a condition of deferring any short subdivision improvements. If the completion of any improvements is deferred beyond the filing of the final short plat, a note shall be placed on the final short plat identifying the deferred improvements and the obligations of the property owner to complete them.

~~The procedure for review and approval of a short plat includes an optional step for submission of civil engineering drawings for approval by the city. This step may be combined with the preliminary plat thus making it optional. The application for civil engineering is decided upon by the public works director through Process Type I (Chapter 17.71 MMC).~~

~~A. Adequate public facilities and services must support the use.~~

~~1. On-site drainage shall conform to Chapter 13.26 MMC (Storm Drainage of Surface Water—Utility, Management and Maintenance) and the applicable public works development standards and regulations—and all best management practices for grading erosion control.~~

~~2. The proposal meets all adopted city standards for: water connection and distribution including fire standards conditioned on the preliminary short plat; streets including frontage, drainage gutters, drainage improvements, curbs, planting strips, and sidewalk; sewers to applicable standards; dry utilities; and planting and landscaping including irrigation.~~

~~3. The proposal meets all requirements imposed through conditions on the preliminary short plat necessary for the support of the proposed short plat. These may include off-site improvements to the utilities, transportation systems (including vehicular, pedestrian and public transportation systems), education, and police and fire facilities. The public works director shall review all utilities design and installation against the applicable development regulations and the public works development standards and regulations.~~

~~B. The city is able to monitor and enforce all conditions of approval and all inspections necessary to lessen any impacts of the proposed construction. The applicant may propose privately funded special inspectors from the city's approved list for this purpose.~~

16.28.200 Approval criteria for a ~~final~~ short plat.

~~The final step is the preparation and submission of an application for a final short plat. A separate final short plat is decided upon by the director of planning and community development as a Process Type I decision (Chapter 17.71 MMC). This final short plat becomes the instrument to be recorded in the office of the county auditor when duly signed by the officials as set forth in this title. No short plat or subdivision of land within~~

the city shall be filed or recorded by the auditor of Pierce/King County without the approval of the ~~final~~ short plat by the land use administrator as specified in this title. The short plat shall comply with the following provisions:

~~A. All the conditions of approval of the preliminary short plat are met to the satisfaction of the director of planning and community development.~~

~~BA. Monuments. Monuments shall conform to American Public Works Association (APWA) Standards and the City of Milton Public Works Development Guidelines and Standards. The applicant must set monuments at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The applicant shall install all monuments with the finished grade. All surveys shall have an accuracy such that no error of closure exceeds one foot in 5,000 feet. The city encourages the use of state plan coordinates.~~

~~B. The granting of the proposed permit will not be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of the site upon which the proposed short plat is to be located.~~

~~C. The proposal is consistent and compatible with the intent of the goal, objectives, and policies of the City Comprehensive Plan.~~

~~D. The proposal meets the criteria of MMC 16.04.040.~~

~~CE. Covenants. Any covenants required must be to the satisfaction of the land use administrator.~~

~~DE. The applicant has recorded documents for the provision of any required deed, dedication, and/or easements ~~or such recording is made a condition of approval~~ with the recording number on the face of the plat.~~

~~EG. The applicant shall record a native growth protection area per MMC 18.16.170 and 18.16.180 for all critical areas the city has required the applicant to reserve on the plat.~~

~~FH. The land use administrator must certify the plan for filing before it is filed with the county auditor. The applicant must return a copy of the recorded instrument to the planning and community development department prior to the issuance of any building permits for construction within the site. The applicant shall pay all costs associated with this filing.~~

~~J. Provisions of fire hydrants must conform to the requirements of any applicable Public Works Development Standards and Regulations.~~

~~K. The proposed plat or subdivision must, at a minimum, meet the following requirements, as applicable:~~

1. The site conforms to Chapters 17.15A, 17.15B and 17.15C MMC for all lots.

2. The applicant has paid all applicable fees.

3. All applicable provisions of the Milton Municipal Code.

L. The Land Use Administrator is authorized to impose conditions necessary to ensure compliance with the requirements of this section.

16.28.210 Report of decisions.

The planning and community development director or his/her designee shall provide regular reports to the planning commission and the city council on decisions issued pursuant to this chapter.

Section 10. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 11. Copy to Department of Commerce. Pursuant to RCW 36.70A.106, the City Clerk is hereby authorized and directed to forward a copy of this ordinance to the Department of Community, Trade and Economic Development.

Section 12. Effective Date. This Ordinance shall take effect and be in full force 5 days after its publication.

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PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this __ day of _____, 2014.

CITY OF MILTON

Debra Perry, Mayor

ATTEST/AUTHENTICATED:

Lisa Tylor, Deputy City Clerk

Approved as to form:

Phil Olbrechts, City Attorney

Date of Publication: _____

Effective Date: _____

7. PUBLIC HEARING

a. Various Code Amendments

Chair Wilson opened the public hearing at 7:07 p.m.

Resident Leonard Sanderson, 1201 24th Ave Ct said that he strongly encourages the Commission to get one definition of density (right now there are two). In the past, City staff has said that having the two definitions allow staff to “play it either way.” That makes the City look like it doesn’t know what it’s doing.

Chair Wilson closed the hearing at 7:09 p.m.

Staff presentation:

Planner Larson apologized to the Commission for the missing ordinance from the packet; it was sent out at 11:20 this morning.

Planner Larson went through the proposed ordinance, briefly explaining what each section says:

- Section 1 – the findings
- Section 2 – disallows reductions in setbacks below what is allowed by the zoning code
- Section 3 – removes incorrect reference to SEPA timing
- Section 4 – adopts the optional DNS process
- Section 5 – reconsideration clause within the appeals process –(MMC 2.54.110 letter D added at the suggestion of the City Attorney)
- Section 6 – process type table – amended to match language of short plat code amendments and to remove Council as the administrative appeals body for process type IV permits
- Section 7 – substandard lots – allows for development as long as all municipal code provisions are met
- Section 8 – requires proof of applicable business licenses for sign installation
- Section 9 – removes the preliminary plat process from the subdivision code, which allows the short plat to be approved prior to installation of improvements

MOTION: (Miller/Kleine) that the Planning Commission recommends approval of this ordinance to the City Council.

Discussion:

Commissioner Boyle asked about the deferral of improvements (Section 9, MMC 16.28.180), to clarify how a note on the final plat would be enforced. Planner Larson said that building permits would be withheld. Commissioner Boyle also pointed out the misspelling of the word “guarantee.”

Commissioner Whalen said she is not comfortable passing this without more opportunity to read it thoroughly. She cited one inconsistency, indicating the potential for more.

Chair Wilson said he agrees that it’s unfortunate the Commission didn’t receive this until the last minute, but he thinks the spirit of intent has been met, and there’s time for a final reread for spelling/grammatical changes before the City Council approves it.

MOTION TO POSTPONE: Commissioner Whalen moved to postpone the recommendation of this item to the next meeting to allow for more thorough review. The motion did not receive a second.

VOTE ON MAIN MOTION: Chair Wilson called for the vote on the main motion to approve – Passed 6/1.

8. CONTINUED DISCUSSION

a. Density Calculation

Staff presentation – Planner Larson presented a slideshow on density calculations.

Two different ways to calculate density are gross and net:

- Gross Density equals straight dwelling units (DU) per acre.
- Net Density means that the land area of certain site features have been removed from the property's total area prior to calculating the number of allowed units; the identity of those site features varies by jurisdiction.

He showed Milton's current definition of each and gave examples of how each method would be used in determining how many lots could be created out of a given parcel. This indicated that both methods result in the same outcome. He showed definitions for "access corridor" and "access standard."

(Staff realized the meeting's audio recording was not on; recording started at 7:45.)

Discussion ensued regarding differences between driveways, flag lot accesses and private roadways.

Planner Larson showed the staff recommendations to bring the various conflicting code sections into agreement:

- Do not allow access corridors to be a part of the lot in determining minimum lot size. (Existing code)
- Do not remove access corridors from the developable area in determining density. (Existing code is in conflict on this matter)
- Do not allow the access portion of a flag lot to be a part of the minimum lot size. (Requires code amendment)
- Amend the definition of "net density" to ONLY exclude roads and critical areas protection from the developable area. (Requires code amendment)
- Amend definition of access corridor to allow them in subdivisions, but still maintain that they are not considered part of a lot in determining minimum lot size. (Requires code amendment)
- Remove example that says storm systems are not considered in density calculation, and amend definition of density accordingly. (Requires code amendment)

Commissioner Miller expressed concern that the efficient use of land will be compromised.

Commissioner Larson expressed concern with home affordability.

There was further discussion regarding driveways and access roadways, including dimensions, storm water maintenance and paving requirements.

Chair Wilson asked for clarification on the Pierce County mandates for density. Planner Larson answered that the "bright line" rule of four dwelling units per acre is no longer in effect. Instead, jurisdictions are given population allocations and required to show how regulations are set to meet that number. Failure to do so can result in loss of transportation funding and findings of non-compliance. Chair Wilson said that this is what should drive this discussion.

Commissioner Whalen provided some history on the legislation that has resulted in the current Code, citing Ordinance 1561 from 2003 and regulatory reform in 2009, which led to Ordinance 1750 in 2010. She said that

The City of Milton Planning commission creates land use policies incorporating the voice of the citizens and makes recommendations to the City Council to establish and maintain a framework of standards in order to preserve the integrity and quality of the community.

If you need ADA accommodations, please contact City Hall at 253-517-2705 prior to the meeting. Thank you.

the impetus behind the 2009-2010 actions was that Milton had received a population allocation of 1,300 people – when finished with Ordinance 1750, that number had dropped to around 40 people. The County was pleased with the clarity of the effort. She acknowledged some inconsistency remained, that someone had not recognized that certain other language changes were in order at the time, and that it needs to be resolved at this time. But moving toward increased densities is a mistake. She said she appreciates the handout and presentation, that they are very helpful.

Commissioner Boyle asked why gross density was maintained if net density was created in 2002. Commissioner Whalen explained that Ordinance 1750 introduced “maximum net density.” Planner Larson added that the 2010 ordinance clarified definitions of net and gross density, and it replaced base and maximum density with maximum net density; it does not allow density to trump lot size.

Commissioner Whalen referred to the first sentence in MMC 17.20.040C (included in Planner Larson’s slideshow). She talked to AHBL, who was involved in the background work, who said the intention was a “broad brush stroke” to address density options within the minimum lot size. Planner Larson said there’s much in agreement here; the suggestion is to differentiate between access roads and wetlands/storm ponds.

Commissioner Whalen said that she will bring back materials that the 2010 Planning Commission was presented with showing that storm ponds would be excluded from density calculations. Including them doesn’t support the history of Milton. She also said that the Planning Commission has been empowered to clear up conflict, not to increase density.

Commissioner Kleine expressed concern over the fairness of a panhandle situation vs. a more centrally located access corridor.

Commissioner Larson would like to see differentiations made between methods of stormwater control.

Chair Wilson said it’s important to remember the vision of Milton – there have been good points made – along with the vision, it’s important to be cognizant of property owners’ rights to full use of their land.

Commissioner Anderson encouraged the Commission to stay focused on what’s best for this community, and asked how much of the history/issues of two or 10 years ago pertain to today.

Commissioner Whalen referred to the strike-thru underlined version of Ordinance 1750, which shows that the word “panhandle” was changed to “access corridor,” leading to oversight in the code language that gives permission to cross someone’s land, rather than the intended panhandle concept.

Commissioner Kleine asked for clarification of the percentage option shown in the presentation. Planner Larson explained how that would work.

Resident Leonard Sanderson addressed the Commission, explaining his past involvement with Puget Sound Regional Council, who provides the counties with the range of population growth each one must account for. The counties then allocate those numbers to the cities, along with housing capacity. The two allocations don’t always make sense when taken together.

Chair Wilson asked Planner Larson what staff is looking for from the Commission. Planner Larson asked for a general opinion from each Commissioner about the recommendations.

- Commissioner Miller would like staff to return with a clear definition of what we’re trying to accomplish and how this fits into it.
- Commissioner Whalen said she agrees with some of the bulleted recommendations and not with others.
- Commissioner Boyle said he also agrees with some but not all of the recommendations.
- Commissioner Kleine is comfortable with all the recommendations, but is also comfortable with delaying action for more information.



To: Mayor Perry and City Council Members
From: City Administrator, Mukerjee
Public Works Director, Neal
Date: February 3, 2014 Study Session
Re: **Park Name Change: “Milton Community Park” to “Triangle Park”**

ATTACHMENTS: N/A

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: Discuss whether to move ahead with changing the name of “Milton Community Park” to “Triangle Park” and provide direction to staff.

Fiscal Impact/Source of Funds: The cost of two new signs will be approximately between \$500 and \$7,000 depending on the size, style and materials.

Previous Council Review: 8/12/13

Issue: Council discussed this issue at the August 12th meeting and asked that it be brought back for discussion after Milton Days, to enable councilmembers to informally poll the residents about the proposed name change.

Discussion: The name of the 10-acre community park bounded by Milton Way, 15th Avenue and Oak Street is commonly known as “*Triangle Park.*” However, the official name of this park is “*Milton Community Park.*”

At its July 2013 meeting, the Parks Board recommended that the name of this park be officially changed to “Triangle Park.”

There are two park name signs that will need to be replaced. The sign closer to 15th Avenue could be changed in conjunction with the construction of the WTC Memorial. The sign closer to Kemper Park would need to be changed at this time.

The cost for replacement signs depend on size, style and materials. Approximate costs are: \$250 for a plywood sign, \$1,000 for cedar, \$2,200 for bronze on granite base, carved stone \$3,500.

Council should discuss the proposed name change and provide direction to staff.



To: Mayor Perry and City Council Members
From: City Administrator, Mukerjee
Date: February 3rd, 2014 Study Session
Re: **Proposed King County Transportation Benefit District (TBD)**

ATTACHMENTS: A. King County Transportation Benefit District
B. Pierce County Resolution on Potential TBD

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: N/A. Information and discussion on the proposed King County TBD.

Previous Council Review: NA.

Issue: King County is proposing formation of a county-wide Transportation Benefit District.

Discussion: King County (County) is currently considering formation of a county-wide Transportation Benefit District (TBD) (see *Attachment A*). The plan is to submit to the voters a proposition that would impose a \$60 vehicle license fee (out of the \$100 maximum) and a 0.1% increase in the sales tax. The money would be allocated 60% (\$80M in 2015) to Metro and 40% (\$50M in 2015) to local jurisdictions according to population. Milton's share is projected to be \$22,100 in 2015. The County envisions the TBD entering into agreements with cities governing the receipt and expenditure of the money.

The matter is currently on an extreme fast track. The plan is for the County Council to hold a public hearing on February 4th at 6:00 pm at Union Station, Sound Transit Board Room, form the TBD by passage of an ordinance on February 10th, and then have the tax measure placed on the April ballot by action on February 24th.

The current \$20 car tab fee which applies only in the unincorporated areas of King County will expire in June 2014, at which time the \$60 car tab fee will go into effect, subject to voter approval. The new fee along with the 0.1% sales tax will apply to the entire county, including cities.

The County's position is that there is no requirement that an incorporated city or town consent to the TBD by means of an interlocal agreement (ILA). Some city attorneys believe the language in the statute requires an ILA before including a city within the boundaries of the TBD. There could a legal challenge to the TBD and the taxes that would be imposed. Depending on the timing of the challenge and the outcome, cities could be required to repay the money that was raised by the TBD and delivered to the city. In the event of repayment, it is possible the city would also have to pay 12% interest, and possibly attorneys fees. The County could indemnity cities though the ILAs; however, so far it has not committed to any such indemnification.

Cities will still retain the authority to impose a \$20 fee at a local level, but from a practical standpoint it will be difficult to impose a \$20 city-wide fee in Milton, with the city's King County residents paying an additional \$60 county fee per vehicle.

Also attached for your information is a *Pierce County* resolution (*Attachment B*), stating that in 2014, Pierce County intends to consider the formation of a TBD for the unincorporated areas of the county.



King County

King County Transportation District

Proposed countywide Transportation Benefit District (TBD)

- RCW 36.73 authorizes a county to form a TBD to fund transportation improvements.
- King County Council members would constitute the governing board of the District.
- Voters must approve funding sources. A measure could be put on the ballot as early as this April.
- Intent is for the District to pass funds through to Metro for transit and to cities and King County for roads and local transportation purposes.

Proposed revenue sources

- Combination of revenue sources to generate approximately \$130 million.
- Single King County ballot measure in 2014 would ask voters to approve two funding sources:
 - \$60 annual vehicle fee, which would take effect after the \$20 congestion reduction charge expires in June 2014.
 - Would generate approximately \$80 million per year.
 - 0.1% increase in sales tax.
 - Would generate approximately \$50 million per year.
 - Expires after 10 years.
- Other TBD options were considered:
 - tolling – requires state authorization
 - property tax – for one year only, or multi-year for debt retirement
 - development impact fees – would generate limited revenue from new development

Proposed distribution of revenue

- 60 percent to Metro Transit (\$80 million in 2015).
- 40 percent to cities and King County for roads and transportation purposes; allocated based on population (\$50 million in 2015).

Uses of revenue

- Transit service and buses.
- Road and bridge maintenance, preservation and improvement.
- Pedestrian, non-motorized and other transportation improvements.

Average household impact

- Based on estimates of the average household in King County, the estimated household impact is approximately \$11 per month for the \$60 vehicle fee and 0.1% sales tax combined. (\$8 of this is from the vehicle fee and \$3 is from the sales tax).

Comments or questions?

If you have a comment or question about the proposal to form a Transportation Benefit District, please contact the King County Council at 206-296-1000 or council@kingcounty.gov.

Frequently asked questions

Why is the County considering formation of a TBD?

Without additional revenue, Metro will have to reduce up to 17 percent of its service beginning this year. The amount of funding available for the county road system in 2014 is \$85 million, while the amount needed to stabilize the decline in 2014 is projected to be \$135 million. The TBD is a transportation funding mechanism available now under state law.

Would the vehicle fee be assessed in addition to the \$20 congestion reduction charge?

The congestion reduction charge (CRC) expires in June, so the vehicle fee would not be stacked on top of it.

Is the proposed \$60 vehicle fee added on top of an existing city TBD \$20 vehicle fee?

Yes, the statute provides authority for this countywide TBD to have a voter approved vehicle fee up to \$100. City TBDs continue to have authority to impose their separate \$20 councilmanic fee and to go to their voters for approval of a vehicle fee for their city TBD up to a maximum of \$100.

Do any cities use the sales tax for their TBD?

Yes. The City of North Bend has a 0.2% sales tax. The proposed County 0.1% sales tax would be added to North Bend's tax.

Is a low-income rebate available?

Yes. The TBD statute allows for a low-income rebate program. This option is being studied and the County Executive will work with the County Council as they discuss the proposal.

What would the sales tax increase bring the overall sales tax rate to in King County?

The current total sales tax rate in King County within the Sound Transit district is 9.5%. Outside of the Sound Transit district, the rate is 8.6% (except for North Bend, which is 8.8%). This proposal would bring the rates to 9.6% and 8.7% respectively (8.9% in North Bend).

What would \$80 million buy for Metro?

Metro needs \$75 million annually to avert the reduction of up to 17 percent of current service. This amount is needed to operate service and buy replacement buses. These funds are not enough to pay for the level of service called for in Metro's service guidelines.

What would \$6.2 million buy for the King County Road Services Division?

Since 2009, the county road fund has shrunk by one-third as a result of annexations, lower property valuations, and lower gas-tax revenues. In response, the King County Road Services Division has reduced its workforce by 40%, affecting its ability to respond to regionwide snow storms, perform maintenance and make capital improvements. Priorities for spending include drainage and flood protection, road maintenance, and paving. King County Road Services' share—about \$6.2 million in 2015—is far less than the revenue actually needed to adequately maintain the roads it is responsible for. While any contribution to the road fund is helpful, King County recognizes that the proposed package will not solve the state's outdated system of funding roads. The County Executive remains committed to working toward broader funding solutions for the county roads system.

Why will some revenue be divided among the county and cities?

Forty percent of the revenue collected from the King County Transportation District would be used for county road and city street improvements, with allocations to each city and unincorporated King County based on population.

Frequently asked questions about proposed transportation funding

- Why is the County considering formation of a transportation benefit district (TBD)?
 - Why is the County considering a vehicle fee and sales tax increase instead of other revenue sources to fund transportation?
 - Would the vehicle fee be assessed in addition to the \$20 congestion reduction charge?
 - Which cities in King County have TBDs?
 - Do any cities use the sales tax for their TBD?
 - Is the proposed \$60 vehicle fee added on top of an existing city TBD \$20 vehicle fee?
 - Is a low-income rebate available?
 - What would the sales tax increase bring the overall sales tax rate to in King County?
 - What would \$80 million buy for Metro?
 - What would \$6.2 million buy for the King County Road Services Division?
 - Why will some revenue be divided among the county and cities?
 - Who would qualify for the reduced Metro fare for people with low incomes?
 - How did you determine the low-income level?
 - Do you have any idea how many people would qualify for the reduced fare for people with low incomes?
 - How would Metro make up the lost revenue?
 - Do any other cities and counties have similar fares for people with low incomes?
 - Will Metro continue to offer other programs that assist riders who may not be able to afford public transportation?
-

Why is the County considering formation of a transportation benefit district (TBD)?

While the County would prefer a balanced statewide transportation funding package, the legislature has not reached agreement on a package. County leaders believe it is imperative to secure stable funding for urgent transportation needs this year. The TBD is a solution available now under state law.

[TO TOP](#)

Why is the County considering a vehicle fee and sales tax increase instead of other revenue sources to fund transportation?

The vehicle fee is a direct user fee to fund transportation programs, and sales tax is a familiar funding source used for Metro Transit. These sources raise more revenue than other available TBD options, are transparent, and can be implemented quickly within the existing state government structure.

Other TBD options would not provide sustained revenue for transportation:

- Tolling – requires state authorization
- Property tax – for one year only, or multi-year for debt retirement
- Development impact fees – would generate limited revenue from new development.

Many other non-TBD revenue options were considered, but they either would generate limited revenue to address the issues, have already been implemented, or cannot be implemented by King County under state law. These options are:

- Transit fare increases – proposed; already have increased 80% since 2008
- Discounted bulk passes – already using
- General property tax increase – legally limited by statute
- Fuel taxes – available to unincorporated King County only; limited revenue potential
- Property tax lid lift (non-TBD related) – due to statutory limits, an increase would impede the County's capacity to fund other traditional General Fund services, and would suppress funding for overlapping junior districts
- Street maintenance utility fee – not authorized by legislature
- Employee tax – difficult and costly to administer; Seattle implemented and rescinded in the past. Counties cannot collect business taxes.
- Vehicle miles traveled tax – not authorized by legislature
- Parking taxes – County cannot impose in cities where already implemented; limited revenue
- Land value capture/tax increment financing – not authorized by legislature
- Transit station rent – currently using; limited revenue.
- Selling transit station air rights for development – currently using; limited revenue
- Park-and-ride user fees – under consideration through regional discussions; limited revenue potential
- Advertising – currently using; limited revenue

King County Executive's Proposed Countywide Transportation Benefit District (TBD) Finance Plan Updated 1/21/2014

The proposed King County transportation benefit district will receive revenue and transfer funds to local jurisdictions and the King County Department of Transportation (DOT). The district will allocate funds through its appropriation process consistent with state law and the voter-approved ballot measure.

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Revenue ¹										
Sales Tax ²	\$51,599,151	\$55,353,204	\$58,174,869	\$60,726,303	\$63,379,643	\$66,074,934	\$68,828,435	\$71,627,328	\$73,776,148	\$75,989,432
Vehicle Fee ³	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200	\$82,447,200
Total	\$134,046,351	\$137,800,404	\$140,622,069	\$143,173,503	\$145,826,843	\$148,522,034	\$151,275,635	\$154,074,528	\$156,223,348	\$158,436,632
TBD Administration ⁴	\$3,500,000	\$621,000	\$642,735	\$665,231	\$688,514	\$712,612	\$737,553	\$763,368	\$790,085	\$817,738
Revenue available for distribution	\$130,546,351	\$137,179,404	\$139,979,334	\$142,508,272	\$145,138,330	\$147,809,422	\$150,538,082	\$153,311,160	\$155,433,262	\$157,618,894
Expenditures ¹										
Transfer to Metro Transit (DOT) ⁵	\$78,327,811	\$82,307,642	\$83,987,601	\$85,504,963	\$87,062,998	\$88,685,653	\$90,322,849	\$91,986,696	\$93,259,957	\$94,571,336
Transfer to local jurisdictions for mobility ⁶	\$52,218,540	\$54,871,761	\$55,991,734	\$57,003,309	\$58,055,332	\$59,123,769	\$60,215,233	\$61,324,464	\$62,173,305	\$63,047,558
Total	\$130,546,351	\$137,179,404	\$139,979,334	\$142,508,272	\$145,138,330	\$147,809,422	\$150,538,082	\$153,311,160	\$155,433,262	\$157,618,894

Notes:

- ¹ Revenue collections and distributions are assumed to begin in 2015 and revenue is illustrated on an accrual basis. There will be a lag between collections and actual distributions in the first year.
- ² Sales tax collection is 0.1% of countywide taxable sales less sales at lodging establishments with 60 or more rooms. The estimate is based on the forecast adopted by the Forecast Council in August of 2013. 2023 and 2024 assume a 3% annual increase. Estimates have been adjusted for Department of Revenue administrative fees. Sales tax sunsets after 10 years.
- ³ Vehicle fee assumes a \$60 countywide fee is levied on all vehicles on an annual basis. This amount is not offset for any existing vehicle fees approved by cities. The number of cars is reported by Washington Department of Licensing. This illustration assumes approximately 1,388,000 vehicles are subject to the fee and this number is assumed to not significantly change over time. The total collections have been reduced by 1% to reflect Department of Licensing administrative fees.
- ⁴ The ongoing administrative costs of the transportation benefit district, including legal, treasury, and staff costs are estimated at \$600,000 in 2015, inflating at 3.5%. 2015 also includes the cost of a ballot measure.
- ⁵ 60% of total revenue collections will be distributed to King County Metro Transit.
- ⁶ 40% of total revenue collections will be distributed to local jurisdictions (cities and the unincorporated area) based on population.

King County Executive's Proposed Countywide Transportation Benefit District (TBD) 2015 Countywide Distribution Estimates

Updated 1/21/2014

Major Assumptions

TBD revenue is based on the adoption of a \$60 license fee and 0.1% countywide sales tax. The table below shows the estimated distribution among jurisdictions, assuming 40% of total TBD revenue is allocated to cities and the unincorporated area based on population.

**Allocation to Local Jurisdictions (40%)
\$52,218,600**

Jurisdiction	Population Estimate (2013) ¹	Population Percentage	2015 TBD Distribution
Algona	3,075	0.2%	\$81,000
Auburn (KC portion)	64,320	3.2%	\$1,694,700
Beaux Arts	290	0.0%	\$7,600
Bellevue	132,100	6.7%	\$3,480,500
Black Diamond	4,170	0.2%	\$109,900
Bothell (K.C.portion)	23,440	1.2%	\$617,600
Burien	48,030	2.4%	\$1,265,500
Carnation	1,785	0.1%	\$47,000
Clyde Hill	2,980	0.2%	\$78,500
Covington	18,100	0.9%	\$476,900
Des Moines	29,730	1.5%	\$783,300
Duvall	7,120	0.4%	\$187,600
Enumclaw	11,100	0.6%	\$292,500
Federal Way	89,720	4.5%	\$2,363,900
Hunts Point	395	0.0%	\$10,400
Issaquah	43,249	2.2%	\$1,139,500
Kenmore	21,170	1.1%	\$557,800
Kent	120,500	6.1%	\$3,174,900
Kirkland	81,730	4.1%	\$2,153,400
Lake Forest Park	12,680	0.6%	\$334,100
Maple Valley	23,910	1.2%	\$630,000
Medina	3,000	0.2%	\$79,000
Mercer Island	22,720	1.1%	\$598,600
Milton (K.C.portion)	840	0.0%	\$22,100
Newcastle	10,640	0.5%	\$280,300
Normandy Park	6,350	0.3%	\$167,300
North Bend	6,020	0.3%	\$158,600
Pacific	6,675	0.3%	\$175,900
Redmond	55,840	2.8%	\$1,471,300
Renton	95,540	4.8%	\$2,517,300
Sammamish	48,060	2.4%	\$1,266,300
SeaTac	27,310	1.4%	\$719,600
Seattle	626,600	31.6%	\$16,509,500
Shoreline	53,670	2.7%	\$1,414,100
Skykomish	195	0.0%	\$5,100
Snoqualmie	11,700	0.6%	\$308,300
Tukwila	19,160	1.0%	\$504,800
Woodinville	10,990	0.6%	\$289,600
Yarrow Point	1,015	0.1%	\$26,700
Cities Total:	1,745,919		
Uninc. King County:	235,981	11.9%	\$6,217,600
King County	1,981,900		

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¹ Source: Washington State Office of Financial Management, 2013 estimate, adjusted for annexations. Bill

1 Sponsored by: Councilmember Stan Flemming

2 Requested by: Pierce County Executive

3
4
5
6 **RESOLUTION NO. R2013-127**

7
8
9 **A Resolution of the Pierce County Council Related to the Potential**
10 **Consideration of a Transportation Benefit District (TBD)**
11 **Pursuant to Chapter 36.73 of the Revised Code of**
12 **Washington (RCW); and Requesting that the Pierce County**
13 **Executive Develop a Transportation Benefit District Proposal**
14 **for Council Consideration in Early 2014.**

15
16 **Whereas**, in response to national, statewide, and local economic factors that
17 have limited and reduced availability of transportation funding, Pierce County has
18 focused its expenditures of transportation funding on maintaining and preserving valued
19 roadway and bridge infrastructure and above all, safety of the public; and

20
21 **Whereas**, significant unfunded transportation capacity, economic development,
22 safety, and non-motorized transportation needs exist within the County; and

23
24 **Whereas**, representatives of the Pierce County Executive, Pierce County
25 Council, development industry, and real estate industry jointly convened an ad hoc
26 transportation funding advisory committee (TRAFAC) in 2011 and 2012 to evaluate
27 Pierce County's future transportation system needs and resources; and

28
29 **Whereas**, this ad hoc committee developed recommendations regarding priority
30 transportation system projects for the next decade and identified potential funding
31 sources; and

32
33 **Whereas**, the Council has received multiple briefings regarding the
34 recommendations developed by the ad hoc committee; and

35
36 **Whereas**, RCW 36.73 allows counties to form TBDs and in turn authorizes these
37 districts to establish revenue sources that fund certain categories of transportation
38 improvements and maintenance; and

39
40 **Whereas**, the formation of a TBD would be a means to further understand the
41 short and intermediate transportation needs of the County, develop an effective financial
42 strategy for addressing the same, and to engage the public, and local, state, and federal
43 government regarding these needs in a focused manner; and



1 **Whereas**, the Council desires to examine the need, necessity, and financial
2 viability of a TBD further in order to consider the formation of a TBD in 2014; **Now**
3 **Therefore**,

4
5 **BE IT RESOLVED by the Council of Pierce County:**

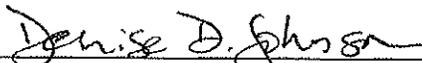
6
7 Section 1. The Pierce County Council hereby states its intent to consider the
8 formation of a TBD, pursuant to RCW 36.73, for the unincorporated areas of Pierce
9 County.

10
11 Section 2. The Pierce County Council requests that the Pierce County Executive
12 develop a TBD proposal for consideration by the Pierce County Council in 2014, and to
13 present recommendations regarding the formation of such a district to the Council by
14 June 1, 2014.

15
16 **ADOPTED** this 17th day of December, 2013.

17
18 **ATTEST:**

PIERCE COUNTY COUNCIL
Pierce County, Washington

19
20
21
22 

23 **Denise D. Johnson**
24 Clerk of the Council


23 **Joyce McDonald**
24 Council Chair

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To: Mayor Perry and City Council Members
From: City Administrator, Mukerjee
Date: February 3rd, 2014, Study Session
Re: **Council Retreat Agenda Discussion**

ATTACHMENTS: A. Draft Agenda

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: Review and finalize Council retreat agenda.

Previous Council Review: January 13th, 2014

Issue: Review draft retreat agenda to see if any changes are needed.

Discussion: N.A.

MILTON CITY COUNCIL RETREAT
February 7th & 8th 2014

Friday, February 7th, 2:00 p.m. – 4:00 p.m.
Meet and End in Council Chambers

1. Safety Committee Presentation (2:00 – 2:15, Council Chambers)
2. Electric Substation (Field Tour)
3. Corridor Wells Tour (Field Tour)
4. Emergency Management Discussion / Pizza (3:30 – 4:00, Council Chambers)

Saturday, February 8th, 9:30 a.m. - 3:00 p.m.
Social Room, Alder Ridge Senior Apartments, 2800 Alder Street, Milton

1. Mayor's Welcome (9:30-9:45)
2. Mayor's Agenda (9:45 – 10:45)
 - a. Parks & Facilities
 - b. Support to Boards & Commissions
 - c. Structure of Staffing
 - d. Finance Committee – Topics for discussion

BREAK (10:45 – 11:00)

3. Financial Issues (11:00 – 12:30)
 - a. Utility Finances
 - b. Tablets for Council
 - c. Street Fund
 - d. Biennial Budget
4. Lunch (12:30 – 1:00)
5. Past Accomplishments (1:00 – 1:15)
6. Visioning (1:15 – 2:15)

BREAK (2:15 – 2:30)

7. What's Next (2:30 – 3:00)

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