

ORDINANCE NO. 99-01

**AN ORDINANCE OF THE CITY OF VADER,
WASHINGTON, ESTABLISHING A CONCURRENCY
MANAGEMENT SYSTEM FOR REVIEW IN THE
CONSIDERATION OF DEVELOPMENT.**

WHEREAS, The City Council of the City of Vader, Washington has adopted a Comprehensive Plan as required by the Growth Management Act as codified in Revised Code of Washington RCW 36.70.070, and;

WHEREAS, the City established the review of all subdivisions as required by RCW 58.17.110(2), and;

WHEREAS, the City has determined level of services adequate to support the City's projected growth, as required by the Growth Management Act RCW 36.70.010, and;

WHEREAS, the Revised Code of Washington RCW section 36.70A.020(12) requires the City to deny development approval that would lower the level of services below the City's determined standard, and;

WHEREAS, the City desires to establish an open public management review process that coordinates the review of the City's level of services and capacity of various public facility capacities when compared with approved development in a process to be known as "concurrency".

NOW THEREFORE BE IT ORDAINED THAT the City of Vader shall review development concurrency to ensure that available public facilities capacity adequately provide for planned development without exceeding the City's established level of

services by use of its development regulations (building and zoning) and subdivision ordinances as provided in the following sections.

SECTION 1. Concurrency required: The City shall require a concurrency review to determine that public facilities will be available at the time of development for all development within the city limits and urban growth area. The concurrency review shall be provided as follows:

A. Residential uses: As a part of all city permit review for single family and multifamily residences upon existing lots the City shall review the available capacity of the City's facilities. Administrative payments, when adopted by the City Council, shall be due with the collection of the city building application fee.

B. Commercial uses: In designated commercial zones or home occupation applications as a part of all city permit review the commercial uses upon existing lots the City shall review the available capacity of the City's facilities. Administrative payments, when adopted by the City Council, shall be due with the issuance of the city building application fee.

C. Administrative fee: A one hundred dollar (\$100.00) administrative fee shall be required at the time of application for all other applications as noted below.

D. All other applications: Except as noted above all development requests for industrial uses, conditional uses, major land partitions and subdivisions the applicant shall provide for the review as provided in the following sections.

SECTION 2. Engineering required. In the review of industrial uses, subdivisions and conditional use proposals the City shall require submittal of an engineering analysis of the impact of the proposed development on the City's adopted

level of services as set forth in attachment “A”. The engineering analysis, by a professional engineer (PE) licensed in the State of Washington, shall show the calculation of all city capital facility capacities and levels of services before and after the proposed development. The analysis will be at the applicant’s expense.

SECTION 3. Mitigation required. Mitigation shall be required in the following instances:

A. SEPA: Where the capacity analysis of the application for development indicates a higher proportion of the use of the available capacity (i.e. proposed use/available capacity) than anticipated in the City Comprehensive Plan/EIS, (i.e. planned use/planned capacity) the applicant shall propose environmental mitigation measures as part of its environmental check list.

B. LOS: Where the capacity analysis and level of services review of the application for development indicates that the level of services will drop below the city’s established standard the applicant shall propose mitigation measures that will achieve and maintain the city’s standard for level of service. When required, if no mitigation is proposed the application must be denied as per RCW 36.70A.020.

C. Mitigation Payments: Where mitigation proposed involves significant capital improvements the signed agreement for city services on city forms shall be included with the application with an agreed upon schedule of improvements or payments to the city for improvements to begin upon final approval of the development and to be complete upon occupancy or within six (6) years by approval of the City Council. Obtained funds for improvements not made by the city within 12 years may be returned upon request.

SECTION 4. Concurrency Review. The City Clerk shall provide the applicant with a copy of this ordinance prior to the required pre-application conference. The City Public Works Superintendent shall review the application, environmental checklist and proposed mitigation and engineering analysis according to established city development standards and within required time lines shall submit comments to the City Planning Commission for consideration in required public hearings. For complex applications as determined by the Public Works Superintendent the City Engineer may be requested to review the analysis and provide comment within the required time line at the applicant's expense.

SECTION 5. Planning Commission Review. As an integral part of the public hearing for the development, the City Planning Commission shall review the application, engineering analysis, SEPA environmental checklist/mitigation and level of services (LOS) mitigation proposed along with the public works comments. The concurrency review shall be part of the record of approval or denial and approved mitigation shall be required and included in the conditions for any development approval and shall be kept on file in the offices of the City Clerk.

SECTION 6. Waiver. The City Council may waive the concurrency review on its own motion if it provides a finding for the record of its determination that adequate public facilities will be available for the proposed development at the time of development occupancy.

SECTION 7. City Council Review. The City Council shall review concurrency in two ways as follows:

A. Concurrency Conditions: Individual applications shall be reviewed as a part of the City's permit review process and any development appeals that the City Council may consider. The City Council may approve, deny, modify, waive or remand the concurrency conditions to the Planning Commission for further review.

B. Annual Review: The City Council shall review the concurrency management system annually as a part of its evaluation of the City Comprehensive Plan and planning needs review.

ADOPTED by the City Council of the City of Vader, Washington, and
APPROVED by its Mayor at a regularly scheduled meeting thereof this 17th day of
February, 1999.

Mayor

ATTEST:

Clerk/Treasurer

Approved as to form and content:

City Attorney