

ORDINANCE NO. 3738

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON AMENDING TITLE 12, STREETS, SIDEWALKS AND PUBLIC WORKS, BY CREATING A NEW CHAPTERS TO BE NAMED 12.44, COMPLETE STREETS

WHEREAS, the transportation element of the City of Mount Vernon’s Comprehensive Plan lists Transportation Goal 7: Develop a Mount Vernon specific Complete Streets Policy; and

WHEREAS, in 2015 the legislature provided funding for the Complete Streets Award as a new opportunity for local governments that have an adopted complete streets ordinance and show an ethic of planning and building streets that use context sensitive solutions to accommodate all users (pedestrians, transit users, cyclists, motorists, etc.) to be considered as an eligible agency for nomination to receive Transportation Improvement Board (TIB) funding; and

WHEREAS, promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well-being of travelers, supports the City of Mount Vernon’s Comprehensive Plan with regard to promoting residential infill and higher density multi-family and mixed use development, and meets the needs of the diverse populations that comprise its community; and

WHEREAS, the vision of the City of Mount Vernon is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel; and

WHEREAS, a SEPA Threshold Determination of Non-significance, non-project action, was issued on November 16, 2017 and published on November 20, 2017. The SEPA comment period lapsed on November 30, 2017; and the SEPA appeal period lapsed on December 11, 2017 and no comments were received or appeals filed; and,

WHEREAS, a notice of public hearing was published November 20, 2017; and,

WHEREAS, the requisite notice of adoption of the proposed amendments was transmitted to the Department of Commerce on November 20, 2017 and was acknowledged by Commerce on November 21, 2017 (assigned material ID#: 24366) in compliance with RCW 36.70A.106 (1); and,

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney’s Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the “warning signals” identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and

advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2); and,

WHEREAS, the proposed amendments ensure that the City's municipal code is internally consistent.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. That a new chapter be added to Title 12 to be named 12.44, Complete Streets, with the new chapter to read as follows.

CHAPTER 12.44 COMPLETE STREETS

12.44.010 Intent and Vision

12.44.020 Policies

12.44.030 Integration of Complete Streets

12.44.040 Intergovernmental Cooperation

12.44.050 Implementation and Performance Measures

12.44.010 Intent and Vision

A. Intent. The intent of this Chapter of the Mount Vernon Municipal Code is to promote pedestrian, bicycle, and public transportation because these modes of travel can:

1. Reduce negative environmental impacts.
2. Promote healthy living.
3. Advance the well-being of travelers.
4. Support the City's Comprehensive Plan.
5. Meet the needs of the diverse populations that comprise our community.

B. Vision. The City's Complete Streets vision is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.

12.44.020 Policies

The Public Works and Development Services Departments implement and maintain design criteria, standards and guidelines for street design, construction and operation within a number of different chapters of the Mount Vernon Municipal Code within Titles 12, 14, 16, and 17 that will be used to carry out the Complete Streets policies within this chapter.

- A. Implementation of the Complete Streets policies within this Chapter will take into account the goal of enhancing the context and character of the surrounding built and natural environments.

- B. Priority will be given to projects that enhance the overall transportation system and its connectivity for access to parks or recreation areas, schools, shopping/commercial areas, public transportation, employment centers, existing pedestrian or bicycle networks, or regional bicycle pedestrian plans prepared by other governmental agencies such as Skagit County or Skagit Council of Governments.
- C. The design of transportation systems will be consistent with, and supportive of, local neighborhoods recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.
- D. The City will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, agricultural vehicles, emergency responders, and residents of all ages and abilities.
- E. Transportation facilities that support the concept of complete streets include (but are not limited to) pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including appropriate signage and markings; and (as appropriate) streetscapes that appeal to all users.

12.44.030 Integration of Complete Streets

City staff charged with the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work.

- A. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users.
- B. All street projects performing new construction, reconstruction, and major rehabilitation, regardless of funding sources, will be assessed to determine whether the complete streets policies and standards can be appropriately applied to each respective project.
- C. Excluded from the requirements of this chapter are:
 - 1. Street preservation activities solely for the purposes of repairing or extending the useful life of the existing street surface (for example, thin overlays, and surface seals).
 - 2. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing and pothole filling.
 - i. While ordinary maintenance paving projects are excluded from the requirements of the policy, consideration will be given toward modifying existing pavement markings and signage to support alternate modes of transportation where feasible.
 - 3. Emergency activities.
- D. Exceptions. The Public Works Director and Development Services Director can through a Type I decision process make exceptions to the Complete Streets policies within this chapter under the circumstances listed below:
 - 1. Street reconstruction and maintenance paving projects that involve pavement widening when the accommodation of a specific use is expected to:
 - i. Require more space than is physically available, or
 - ii. Be located where current and future demand is absent, or
 - iii. Drastically increase project costs and equivalent alternatives exist within close proximity, or

- iv. Have adverse impacts on environmental resources such as streams, wetlands floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.
 - v. Create costs that would be disproportionate to the current need and/or probable future use.
2. Street projects may exclude the development of sidewalks in areas outside those identified as appropriate for sidewalks and those streets where sidewalks are not required as per MVMC Chapter 16.16.

12.44.040 Intergovernmental Cooperation

The City will cooperate with other transportation agencies including the Washington State Department of Transportation and Skagit County to request that the principles and practices of complete streets are incorporated into their planning, design, construction, and maintenance activities. The City will cooperate to the extent practicable to ensure the transportation network flows seamlessly between jurisdictions in accordance with local and regional road, transit, bicycle, and pedestrian plans.

12.44.050 Implementation and Performance Measures

A. Implementation. Within the City this policy will be primarily implemented through developing non-motorized network plans. On a regional basis, the City will work with Skagit County's regional plans to develop non-motorized network plans. These plans shall specify the type and location of improvements and will be implemented as funding becomes available. Special emphasis will be placed on those elements of these plans that can be accomplished with little or no additional expense.

B. Performance Measures. At the request of Council the Public Works Director and/or designees shall report about the transportation projects undertaken within a given timeframe and the extent to which each of these projects have met, or are expected to meet, the objectives of the Complete Streets policies within this Chapter.

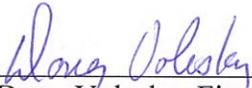
SECTION THREE. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION FOUR. City staff are hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

SECTION FIVE. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 13th day of December, 2017.

SIGNED AND APPROVED this 21st day of December, 2017



Doug Volesky, Finance Director



Jill Boudreau, Mayor

Approved as to form:



Kevin Rogerson, City Attorney

Published December 31, 2017