

**ORDINANCE NO. 030-16**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO COMPLETE STREETS AND ESTABLISHING A NEW CHAPTER 12.30 OF THE PORT ORCHARD MUNICIPAL CODE CHAPTER TO THE SAME EFFECT; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, in 2011 the Washington State Legislature passed the Complete Streets Act (the "Act"), codified in Section 47.04.320 - .340 of the Revised Code of Washington (RCW), which encourages local governments to adopt their own urban arterial retrofit street ordinances (also referred to as "complete streets") designed to provide safe street access to all users, including bicyclists, pedestrians, motorists, and public transportation users; and

**WHEREAS**, the goals of the Act and encouragement of local complete street ordinances are to: (a) promote healthy communities by encouraging walking, bicycling, and using public transportation; (b) improve safety by designing major arterials to include features such as wider sidewalks, dedicated bicycle facilities, medians, and pedestrian streetscape features, including trees where appropriate; (c) protect the environment and reduce congestion by providing safe alternatives to single-occupancy driving; and (d) preserve community character by involving local citizens and stakeholders to participate in planning and design decisions; and

**WHEREAS**, the Act established a grant program (RCW 47.04.320) to help local governments pay for complete streets projects (the "Complete Streets Grant Program"); and

**WHEREAS**, to be eligible for grant funds administered by the Complete Streets Grant Program a local government must adopt a complete streets ordinance that plans for the needs of all users and is consistent with sound engineering principles, pursuant to RCW 47.04.320(2)(b) and (3); and

**WHEREAS**, the City of Port Orchard's (the "City") comprehensive plan provides policy guidance and support for the installation of pedestrian and bike infrastructure; mass transit; multi-modal facilities, and integrated transportation infrastructure; and

**WHEREAS**, the City of Port Orchard (the "City") desires to adopt complete streets regulations that are consistent with the Act and that will allow the City to be eligible for Complete Streets Grant Program funding opportunities; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council adopts all of the “Whereas” sections of this Ordinance as findings in support of this Ordinance.

**SECTION 2. New Chapter 12.30 POMC Adopted.** A new Chapter 12.30 of the Port Orchard Municipal Code (POMC) is hereby adopted as follows:

**Chapter 12.30  
COMPLETE STREETS PROGRAM**

**Sections:**

<b>12.30.010</b>	<b>Purpose; Goals.</b>
<b>12.30.020</b>	<b>Definitions.</b>
<b>12.30.030</b>	<b>Exemptions.</b>
<b>12.30.040</b>	<b>Implementation; Design standards.</b>
<b>12.30.050</b>	<b>Performance standards.</b>

**12.30.010 Purpose; Goals.**

(1) Purpose. The purpose of this chapter is to establish the city’s “Complete Streets Program” to ensure that all users are planned for in the construction of all city transportation improvement projects as outlined in the city’s comprehensive plan and detailed in the city’s adopted six-year transportation improvement plan. Under its Complete Streets Program, to the maximum extent practicable, the city will scope, plan, design, construct, operate, and maintain appropriate facilities to provide safe street access to all users.

(2) Goals. The goals of the city’s Complete Streets Program are to:

- (a) encourage healthy, active living;
- (b) reduce traffic congestion and fossil fuel use;
- (c) improve the safety and quality of life of residents in the city by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation; and

(d) foster partnerships with all Washington state transportation funding agencies, including the Washington State Department of Transportation (WSDOT), as well as the Federal Highway Administration, Kitsap County, Kitsap Transit, South Kitsap School District, citizens, businesses, interest groups, neighborhoods, and other interested parties to implement the city's Complete Streets program.

(e) The city's Complete Streets Program will also improve street connectivity for all modes of transportation.

**12.30.020 Definitions.**

For the purposes of this chapter, the following words shall be defined as follows:

(1) "Complete Streets" means infrastructure that is designed to contribute to a safe, convenient, or comfortable travel experience for users. Complete Streets may include, but are not limited to, features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes.

(2) "Street Project" means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any city street and includes the planning, design, approval, and implementation processes, except that "Street Project" does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes.

(3) "Users" means individuals, of all ages and abilities, or vehicles that use city streets, including, but not limited to, pedestrians, bicyclists, drivers, public transportation vehicles and riders; and freight.

**12.30.030 Exemptions**

(1) The Complete Streets Program accommodations provided for in this chapter are not required to be implemented for the following street projects:

- (a) Where their establishment would be contrary to public health and safety;
  - (b) Where non-motorized use is prohibited, such as interstate freeways;
  - (c) Where a documented absence of current or future need exists;
  - (d) Where their establishment would have a significant adverse environmental impact to streams, wetlands, steep slopes, or other critical areas;
  - (e) When the cost of accommodation is excessively disproportionate to the: cost of the project; community need; probable future use; or is more than twenty percent (20%) of the project cost;
  - (f) Where their establishment would have a significant adverse impact on neighboring land uses, including impacts from right-of-way acquisition;
  - (g) When ordinary maintenance of the transportation network is performed that does not change the roadway geometry or operations (e.g., mowing, cleaning, sweeping, spot repair, surface treatments such as chip seal, interim measures on detour or haul routes, etc.); or
  - (h) Where the public works director grants a documented exception for a specific situation where conditions warrant; such site-specific exceptions shall not constitute general changes to the city's street standards.
- (2) Any requested exemptions based on the above shall be reviewed by the public works director and must be approved by the city council in conjunction with the annual adoption of the city's six-year transportation improvement plan.

**12.30.040 Implementation; Design standards.**

- (1) Complete streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. All allowable sources of transportation funding should be drawn upon to implement complete streets. Maximum financial flexibility is important to implement complete streets principles.
- (2) Existing Infrastructure. As feasible, and pursuant to this chapter, the city shall incorporate complete streets infrastructure into existing public and private

streets to create a comprehensive, integrated, connected transportation network for the city that balances access, mobility, health, and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities, ensuring a fully connected, integrated network that provides transportation options.

(3) **New Construction.** The city will plan for, design, and construct all new transportation projects to provide appropriate safe access accommodation for users in a comprehensive and connected infrastructure network.

(4) To implement the city's Complete Streets Program, the public works director shall modify, develop, and adopt policies, design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operations, including, but not limited to, the latest editions of American Association of State Highway Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE) and National Association of City Transportation Officials (NACTO), while reflecting and enhancing the context and character of the surrounding built and natural environments.

**12.30.050 Performance standards.**

The city shall establish performance standards with measurable benchmarks to continuously evaluate the city's Complete Streets Program for success and opportunities for improvement. Performance standards may include transportation and mode shift, miles of bicycle facilities or sidewalks, public participation, number of ADA accommodations built, and number of exemptions from this chapter that have been approved.

**SECTION 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

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PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 13th day of September, 2016.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, CMC, City Clerk

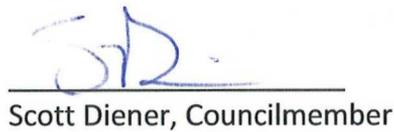


APPROVED AS TO FORM:



Sharon Cates, City Attorney

Sponsored by:



Scott Diener, Councilmember

PUBLISHED: September 23, 2016  
EFFECTIVE DATE: September 28, 2016