ORDINANCE NO. 4247

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 6.14 of the Kent City Code entitled “Complete Streets.”

RECITALS

A. The City of Kent passed complete streets legislation, Ordinance 4207, on July 5, 2016, codifying the City’s commitment to a transportation system that provides for all users, regardless of mode, age or ability.

B. The City of Kent already had many standards that contribute to safe and welcoming walking and biking environments at the time the complete streets Ordinance 4207 was passed.

C. To implement Ordinance 4207, staff created an administrative checklist process to ensure projects are scoped to include consideration of all existing standards and policies that support safe walking and biking environments, in addition to considerations that go above and beyond the standards.

D. The City of Kent passed Ordinance 1703 in 1971, declaring that it is a policy of the City to line its streets with trees, and regulated the maintenance, protection, control and removal of street trees.
E. Street trees are an important component of a safe and welcoming pedestrian environment. Street trees can calm traffic and reduce pedestrian fatalities. Street trees also preserve asphalt from sun damage and raise adjacent property values. While not specifically called out in the City's complete streets Ordinance 4207, the City has long understood the integral component street trees are to a functioning and complete transportation system.

F. More recently, the City of Kent has identified conduit as an important element to consider during transportation project scoping. Given the potential fiscal impacts to removing and replacing sidewalks or other infrastructure when utilities are needed, it is the desire of the City to consider conduit needs along with other utilities as part of the assessment for complete streets.

G. The City determined that due to the procedural nature of this amendment (which includes no development regulations), neither notification to the State nor State Environmental Policy Act review is required.

H. Planning staff presented the draft ordinance at a public hearing held by the Land Use and Planning Board (LUPB) on May 8, 2017. The LUPB moved to recommend to the City Council adoption of the ordinance as presented by staff.

I. The Public Works Committee, at its regularly scheduled meeting on May 15, 2017, moved to accept the recommendation of the LUPB, and forward the matter for consideration by the full City Council.

J. The City Council, at its regularly scheduled meeting on June 6, 2017, adopted the ordinance as presented by staff.
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Chapter 6.14 of the Kent City Code, entitled “Complete Streets,” is amended as follows:

Sec. 6.14.010. Vision. The city endorses the concept of complete streets, which promotes roadways that are safe, convenient, and attractive for all users regardless of age and ability, including pedestrians, bicyclists, transit riders, freight haulers, and motor vehicle drivers. The vision of complete streets is a community in which all residents and visitors can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.


A. The city will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of pedestrians, bicyclists, wheelchair users, transit riders, freight haulers, motorists, emergency responders, and residents of all ages and abilities.

B. Transportation system facilities that support the concept of complete streets shall include, but are not limited to: pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act (“ADA”) and Title VI compliance; street trees; transit accommodations; bicycle accommodations, including signage and markings; and, as appropriate, streetscapes that appeal to and promote all modes of travel. The system’s design 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. Projects will therefore be assessed holistically to include the many considerations outlined above, as well as the future need for conduit for city-owned fiber optics communications, given the budgetary implications for provision of facilities.

**Sec. 6.14.030. Applicability.** The city will plan for, design, and construct all new city transportation improvement projects to provide appropriate and safe accommodation for pedestrians, bicyclists, transit riders, freight haulers, motor vehicles, and persons of all abilities. Those city employees involved in 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 consistent with approved plans and standards. Transportation system improvements shall be viewed as opportunities to create safer, more accessible streets for all users, and as opportunities to improve communication processes between relevant personnel, such as consulting city arborists on designs including street trees. This shall apply to new construction, reconstruction, and rehabilitation. The city may create a checklist that will assist in considering modes of travel in the planning and design of transportation system improvements. ADA-specific projects, such as the installation of ramps or other improvements required for improved accessibility, are exempt from complete streets consideration, as are ordinary maintenance activities such as mowing, sweeping, spot repair, joint sealing, pothole filling, and installation of raised pavement markers.

**Sec. 6.14.050. Plans and standards.** As city plans, guidelines, and standards are updated, consideration shall be given to complete streets concepts to ensure that new regulations and practices comply with this chapter and the latest in applicable complete streets research and best practices. Examples of plans and standards include, but are not limited to,
the design and construction standards and the Transportation Master Plan. Resources to be referenced in developing these standards and plans shall include, but not be limited to, the latest editions of National Association of City Transportation Officials' Urban Street Design Guide, Urban Bikeway Design Guide, Transit Street Design Guide, and the Federal Highway Administration's Department of Transportation Manual on Uniform Traffic Control Devices.

Sec. 6.14.100. Exemptions.

A. The mayor, after consultation with the public works director, the economic and community development director, and the parks and human services director, may determine that a project is exempt from any or all of the requirements of this chapter, based on the following circumstances:

1. The project would require the accommodation of street uses that are prohibited by law;

2. The accommodation of a specific use is expected to have adverse impacts on environmental resources such as streams, wetlands, or floodplains, or on historic structures or sites (eligible for listing in national, state, or local preservation registers), above and beyond the impacts of currently existing infrastructure;

3. Topographic challenges make accommodation of a specific use infeasible;

4. The establishment of complete streets facilities would be contrary to public safety;
5. The cost would be excessively disproportionate to the need or probable future use; or

6. The inclusion of complete streets facilities would create a disconnected section (less than 300 feet) of improvements where additional improvements at either end are unlikely to occur within 10 years.

B. Where the above exemptions allow complete streets facilities to be omitted from a roadway project, the city shall consider whether bicyclists, pedestrians, transit users, and persons of all abilities can be accommodated by nearby facilities, and shall strive to provide complete streets connections to those facilities.

**Sec. 6.14.120. Intergovernmental cooperation.** The city will cooperate with other transportation agencies, including the Washington State Department of Transportation, King County Metro, and Sound Transit, to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The city will specifically cooperate to ensure the transportation network flows seamlessly between jurisdictions in accordance with local and regional road, transit, bicycle, and pedestrian plans.

**SECTION 2.** – **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** – **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering;
or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 4. - Effective Date.** This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

ARTHUR "PAT" FITZPATRICK, ACTING CITY ATTORNEY


PUBLISHED: 9th day of June, 2017.

I hereby certify that this is a true copy of Ordinance No. 4247 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

KIMBERLEY A. KOMOTO, CITY CLERK

(SEAL)