

**ORDINANCE NO. 2008-12**

**AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON AMENDING AND RESTATING ORDINANCE NO. 2008-08 CREATING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; AND SPECIFYING THE PROJECTS TO BE FUNDED BY THE TRANSPORTATION BENEFIT DISTRICT**

WHEREAS, Peninsula Regional Transportation Planning Organization (PRTPO) is the state-designated Regional Transportation Planning Organization (RTPO) for the four-county area of Clallam, Jefferson and Kitsap and Mason counties; and

WHEREAS, the City of Sequim (the "City") has many large traffic improvement projects included in its 2009-2014 Year Transportation Improvement Plan (TIP); and

WHEREAS, these are projects that the City has not been able to fund for a number of years and as a result the City has relied on its General Fund, which is stretched to pay for costs of City operation and maintenance expenses; and

WHEREAS, the TIP has a total of \$25 million dollars of projects that are in the public's interest for improved traffic flow and safety; and

WHEREAS, the City does not currently have sufficient funds with which to pay for these transportation capital improvements and others that are necessary to address existing or reasonably foreseeable congestion levels due to anticipated population increases; and

WHEREAS, the City identified a TBD as a potential funding source to support the improvements identified in the TIP, as now or hereafter amended, and other transportation improvements; and

WHEREAS, the City has the legislative authority and meets the requirements for formation of a TBD as defined in chapter 36.73 RCW; and

WHEREAS, the projects identified in the TIP meet the criteria defined within chapter 36.73 RCW for formation of a TBD; and

WHEREAS, the City executed a contract with Gray & Osborne to analyze the feasibility of creating a TBD; and

WHEREAS, for the purpose of financing a portion of the costs of the transportation capital improvements identified in the TIP and other transportation projects within the TBD, the City desires to form a TBD which will encompass an area located within the current corporate limits of the City as defined within Exhibit "A"; and

WHEREAS, the governing board of the TBD may propose the formation a local improvement district within an area defined in the TBD and as allowed under RCW 36.73.080. The funds generated by a local improvement district will be used entirely to fund the shortfall in funding; and

WHEREAS, the governing board of the TBD may enact other assessments or levies within the TBD as allowed under RCW 36.73.060 and RCW 36.73.080 and approved by the voters in the TBD and as needed to generate additional funding; and

WHEREAS, the governing board of the TBD may propose a per trip charge that will be paid at time of permit within designated areas in the TBD and as allowed under RCW 36.73.120; and

WHEREAS, the governing board of the TBD may propose a proposition at the November 2008 general election for imposition of a 2/10 of 1% or 0.2% increase in the sales and use tax as set forth in RCW 82.14.0455. This increase is estimated to generate, based on the anticipated growth of retail over the next ten years, averaging \$600,000 of additional revenue per year, which will be used entirely to fund the shortfall in funding for the transportation capital improvements identified in the TIP; and

WHEREAS, the payment of the increase in sales and use tax will apply to persons who shop and thereby use the roads in the City and not just to City residents; and

WHEREAS, pursuant to RCW 36.73.050, the City held a public hearing on July 14, 2008 regarding the creation of the TBD; and

WHEREAS, the City Council adopted Ordinance No. 2008-08 on July 14, 2008 and now wishes to restate and amend Ordinance No. 2008-008 as provided herein;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEQUIM, WASHINGTON HEREBY ORDAINS AS FOLLOWS:

**Section 1. Purpose.** The purpose of this Ordinance is to establish a Transportation Benefit District (TBD) pursuant to RCW 35.21.225 and chapter 36.73 RCW, as the City Council finds it is in the public interest to provide a means to fund the shortfall in funding for the projects identified in the City's 2009-2014 Transportation Improvement Program adopted by the City Council as per chapter 35.77 RCW, as may be updated to the extent that amendments to the program are lawful under chapter 36.73 RCW, and other transportation projects as deemed necessary, including those listed below that are necessary to address existing or reasonably foreseeable congestion levels due to anticipated population increases including, but not limited to items which meet the following criteria:

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- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;

- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time;; and,

The following items are identified as proposed transportation improvements:

- (a) Sidewalk/Pedestrian Improvements – Connection of missing links and ADA improvement upgrades; \$200,000 annually
- (b) Safety Enhancements (i.e. striping, pavement marker/delineators, traffic control devices, sight improvements, traffic configuration); \$200,000 annually
- (c) Street Preservation which extends life cycle of street section (i.e. pavement repair, crack sealing, chip seal, patching); \$200,000 annually
- (d) Sequim Avenue Pavement Rehabilitation; \$700,000
- (e) Washington St & Sequim Ave Intersection Improvements; \$1,100,000
- (f) Washington St & 5th Ave Intersection Improvements; \$750,000
- (g) Washington St & 7th Ave Intersection Improvements; \$750,000
- (h) Washington St & Priest Rd Intersection Improvements; \$950,000
- (i) Sequim Ave & Brownfield Rd Intersection Improvements; \$800,000
- (j) Sequim Ave Interchange Signalization, \$1,200,000
- (k) Simdars Interchange Signalization; \$1,200,000
- (l) 3rd Ave Pedestrian Facilities; \$1,200,000
- (m) Citywide Signalization Control-Intelligent Transportation System Upgrade; \$5,000,000
- (n) Simdars Interchange West Side Ramps; \$6,000,000
- (o) North 7th Avenue Rehabilitation; \$225,000
- (p) Washington St & Rhodefer Rd Intersection Improvements; \$660,000
- (q) Sequim Ave & Fir St Signalization; \$ 750,000
- (r) West Sequim Bay Road Reconstruction; \$2,250,000
- (s) West Brownfield Road Realignment; \$735,000
- (t) Wash Harbor Rd Extension – New Road; \$1,450,000
- (u) West Fir Street (Pave Rehab & Sidewalk Construction); \$950,000
- (v) Olympic Discovery Trail Phase 3; \$550,000
- (w) North 9th Avenue New Construction; \$1,950,000
- (x) South 7th Avenue New Construction; \$1,500,000
- (y) Washington St & Brown Rd Intersection Improvement; \$1,250,000
- (z) East Hammond Street New Construction; \$2,300,000
- (aa) Washington St & Blake Ave Intersection Improvement; \$1,250,000
- (ab) North Sequim Ave & Non-Motorized Trail Extension; \$1,100,000
- (ac) West Hemlock New Construction; \$1,800,000
- (ad) Port Williams Road Widening; \$975,000
- (ae) Brown Road Reconstruction; \$650,000

**Section 2. Creation of a New Municipal Code Chapter Providing for the Formation of a Transportation Benefit District.** The City adopts a new chapter to the Sequim Municipal Code, 2.70, restating and amending Ordinance No. 2008-008, entitled “Transportation Benefit District”, which is set forth as follows:

**2.70.010 Establishing Transportation Benefit District.** There is created, to carry out all functions allowed by statute, a transportation benefit district within the geographical boundaries of the corporate limits of the City existing on date of adoption of this ordinance. The name of the transportation benefit district shall be the "Transportation Benefit District of the City of Sequim, Washington."

**2.70.020 Governing Board.**

A. The governing board of the transportation benefit district shall be the City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW.

B. The treasurer of the transportation benefit district shall be the City Finance Administrative Services Director.

C. The chair of the governing board of the transportation benefit district shall be the City Mayor.

D. The secretary of the governing board of the transportation benefit district shall be the City Clerk.

E. The governing board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

F. The governing board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

**2.70.030 Transportation Improvement Funded.**

A. One-hundred percent of the funds generated by the transportation benefit district shall be used towards the payment of the estimated shortfall in excess of \$24 million of funding needed for the improvements identified in the 2009-2014 Transportation Improvement Program and other transportation projects as deemed necessary, as identified above.

**2.70.040 Establishment of Revenue Sources.**

A. Through majority vote of the registered voters residing within the district, an up to a 2/10<sup>th</sup> of 1% increase in the sales and use tax on taxable goods will be requested (e.g., from 8.4% to 8.6%). The sales and use tax shall be collected by the businesses located within the transportation benefit district and remitted to the State of Washington Department of Revenue for remittance back to the district as set forth in RCW 82.14.0455.

B. Through petition of a majority of the property owners that reside within the district or by majority vote of the registered voters that reside within the district, whichever applies, the formation of a local improvement district or special assessment or other approved an authorized assessments may be enacted, as provided under RCW 36.73.070 and RCW 36.73.080, for the purpose of providing capital improvements in the applicable area.

C. The transportation benefit district is not intended to subsidize development; therefore, imposition of a fee may be charged on building construction or land development, such as a per trip charge, as authorized under RCW 36.73.120 and subject to the provisions of RCW 36.73.065, RCW 39.92, RCW 43.21C, and RCW 82.02.

D. The transportation benefit district is also authorized to perform all functions of a transportation benefit district allowed by law.

**Section 3. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional 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. Effective Date.** This Ordinance shall become effective five days after publication of the ordinance, or a summary thereof, in the official newspaper of the City.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF SEQUIM, WASHINGTON THIS 11th DAY OF AUGUST 2008.

City of Sequim




Laura Dubois, Mayor

ATTEST/AUTHENTICATED:



Karen Kuznek-Reese, CMC  
City Clerk

APPROVED AS TO FORM:



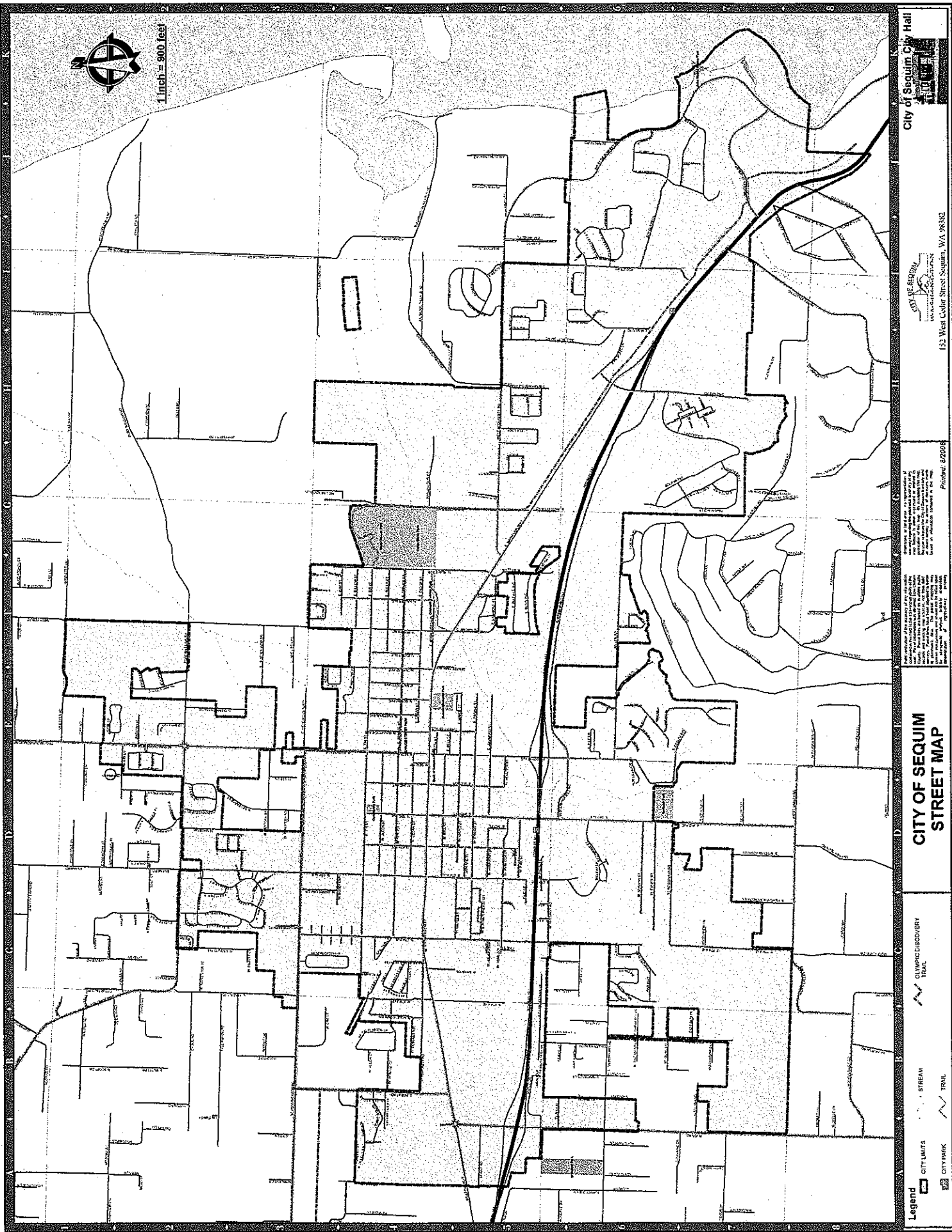
Craig A. Ritchie  
City Attorney

First Reading:	<u>8/11/08</u>
Public Hearing:	<u>8/11/08</u>
Second Reading/Passage:	<u>8/14/08</u>
Date of Publication:	<u>8/19/08</u>
Effective Date:	<u>8/19/08</u>

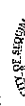
Exhibit A



1 inch = 900 feet



City of Sequim City Hall



153 West Cedar Street Sequim, WA 98342

Project #2208

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### CITY OF SEQUIM STREET MAP

- CITY LIMITS
- CITY PARK
- STREAM
- OLYMPIC DISCOVERY TRAIL
- TRAIL