



JohnsMonroe
MitsunagaKoloušková
P L L C

Robert D. Johns • Michael P. Monroe • Darrell S. Mitsunaga • Duana T. Koloušková

Honorable Dow Constantine
King County Executive
King County Chinook Building
401 – 5th Ave., Suite 800
Seattle, WA 98104

November 8, 2013

Re: 2013 Update to Traffic Concurrency Program

Dear County Executive Constantine:

This letter is submitted on behalf of the King County Transportation Concurrency Expert Review Panel, which was appointed pursuant to KCC 14.70.270 for the purpose of reviewing King County's traffic concurrency system and making annual recommendations to the Executive and Council regarding that system.

The Expert Review Panel has examined the 2013 Update Report of the Department of Transportation (KCDOT) relating to the traffic concurrency system, and has met with KCDOT staff. In accordance with its mandate under KCC 14.70.270, the Expert Review Panel has examined the underlying concurrency system and KCDOT's recommendations regarding revisions to the concurrency system, which are being transmitted with the 2013 Update Report. Based on its review, the Expert Review Panel has the following comments:

2013 Concurrency Map: The Department's proposed new concurrency map has been updated to reflect limited testing of travel times in some of the travel sheds. The Expert Review Panel acknowledges that KCDOT's ability to do a complete update of travel time testing was hampered by budget constraints. This is the second year in a row in which travel time testing was limited for budgetary reasons. While there are good reasons, as detailed in the KCDOT Update Report, to believe that complete testing would not have affected the proposed concurrency map, the Expert Review Panel is concerned that a lack of testing in future years will adversely affect the credibility of the concurrency program and may result in the mischaracterization of travel sheds as either failing or passing adopted standards when that is not accurate.

The limited testing conducted in 2013 accurately calculated the results of the concurrency analysis for the travel sheds tested. Based on these findings, the Expert Review Panel recommends adoption of the proposed concurrency map, subject to the concern expressed below regarding the Novelty Hill travel shed.

KCDOT's Update Report and proposed Ordinance includes several changes, as follows:

- A change to biennial concurrency updates. This change is a reaction to the budgetary considerations discussed above and to synchronize planning with the biennial budget and Transportation Needs Report cycles.
- A change to the manner in which concurrency testing is applied. The current system applies the results of testing to all areas within a travel shed using a single concurrency test, even if parts of a travel shed are designated as Urban, Rural, Rural Mobility Area, or Rural Neighborhood Commercial Center. The proposed alternate ordinance would apply the concurrency test separately within the various parts of a travel shed, based on their respective status and adopted level of service standards as Urban, Rural or Rural Mobility Area, or Rural Neighborhood Commercial Center, with one exception: The KCDOT proposal would exclude the Novelty Hill travel shed (where the Bear Creek UPD is located) from this treatment on the basis that it is "not contiguous to the incorporated area."

Comments on Proposed Ordinances:

The Expert Review Panel generally supports the proposed ordinance for the following reasons. As noted, not all of the Panel's opinions are unanimous.

Biennial Testing: The Panel reluctantly supports the proposal for biennial testing, based on KCDOT's budgetary constraints. However, for the reasons noted above, The Panel urges that complete testing occur no later than 2015, if not sooner, in order to avoid an excessive time during which some zones have not been tested at all or only on a limited basis.

In addition, the Expert Review Panel recommends that the ordinance should be modified to include a provision that KCDOT has the authority to do limited focus interim testing if during any two-year period, the Department has reason to believe that travel times in a particular travel shed have changed significantly (either better or worse), and to propose modifications to the Concurrency Map if the results of that testing show the classification of a travel shed should be changed. The proposed ordinance is unclear on this point because Section 2 simply provides that "the concurrency map shall be reviewed, and updated as needed, as part of the biennial budget process or when authorized by the county council." If the Department is aware that travel times have changed significantly, it should not be necessary for the Department to obtain Council approval to retest.

Separate Concurrency Determinations for Urban, Rural and Rural Mobility Areas, and Rural Neighborhood Commercial Centers. The Expert Review Panel agrees that it is appropriate that the urban concurrency test should separately apply within the Urban Area portions of travel sheds and a separate rural concurrency test be applied within Rural Area. The same treatment should be applied to Rural Mobility Areas and Rural Neighborhood Commercial Centers. The current single concurrency test is preventing planned urban growth in some areas of the County where the roads in the Urban Area portion of the travel shed meet urban concurrency standards, but the overall travel shed fails due to problems in the rural portion of the travel shed. This is

unnecessarily interfering with the County's ability to promote urban growth in urban areas. As noted in the Department's Report, application of this revised standard will allow development within the urban portions of travel sheds in which the urban roads meet urban concurrency standards even though the rural portions of the travel shed have failing roads.

A majority of the Expert Review Panel disagree with the Department's proposal to not apply this proposal to the travel shed in which the Bear Creek UPD is located. This is not a unanimous decision as one member of the Panel agrees with the KCDOT recommendation.

The KCDOT recommendation and the minority viewpoint on the Panel are based on Comprehensive Plan Policy U-106, which states:

Most population and employment growth should locate in the contiguous Urban Growth Area in western King County, especially in cities and their Potential Annexation Areas. Cities in the rural area should accommodate growth in accordance with adopted growth targets.

The majority of the Expert Review Panel bases its disagreement with the Department recommendation on the fact that U-106 says "Most population and employment growth should locate in the contiguous Urban Growth Area..." and does not suggest that it is County policy to prevent growth in the non-contiguous UPD's which are part of the Urban Growth Area. The majority also points out that the Comprehensive Plan includes a population allocation to the Bear Creek UPD, and that adopting a policy to discourage growth in that UPD is inconsistent with the goal of encouraging growth in accordance with those population allocations. It should be noted that concurrency from most of the Bear Creek UPD is addressed by a Development Agreement so the precise implications of the proposed changes are unclear regardless of whether the proposed amendment is or is not applied to the UPD.

Other Considerations:

The Expert Review Panel is aware of the fact that during 2014, KCDOT intends to consider significant changes to the concurrency program and related transportation programs and policies. The Expert Review Panel had been told that such changes would be proposed in 2013, and made several comments on the proposed update in its report on the 2013 Update. The Expert Review Panel would like to reiterate those points, as follows:

- As noted in the KCDOT 2012 and 2013 Annual Update reports, cities or the state DOT are responsible for transportation improvements needed to bring a number of the road corridors currently failing to meet King County concurrency standards into compliance. In most cases, those agencies have different level of service standards than King County. In addition, some of these agencies lack funds for necessary improvements. As a result, those agencies may not have any plans to construct the improvements that would achieve compliance with County level of service standards. This means the affected transportation facilities will likely fail current concurrency standards into the foreseeable future.

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- A significant number of failing road corridors are located in the Rural Area and, as a result, are subject to a level of service standard of B. On high volume roads this results in some travel sheds falling below the adopted standard. The principal reason that some of these corridors are failing is that they effectively function as “urban connectors” between Urban Areas. A number of factors make it hard for the County to achieve its LOS standard: 1) current County policy, which effectively prohibits the construction of capacity improvements in the Rural Area; 2) KCDOT’s limited budget; and 3) the lack of County control over growth in the incorporated areas that generate much of the traffic on these corridors. Given these conditions, there is no prospect that the rural property owners in failing travel sheds will be able to develop their properties for uses other than those uses which are exempt from concurrency (primarily, short subdivisions and residences) in the foreseeable future.

Alternatively, adding capacity to these corridors to meet the level of service standard could bring additional pressure for urban levels of growth in the Rural Area. The Panel suggests that the County evaluate the development potential of the affected Rural Areas and related information to determine whether a modification of concurrency standards on these corridors will have any appreciable impact on the County’s goal of preserving rural character in these areas or whether some other measure should be pursued.

- In at least one case (the Novelty Hill corridor east of the Redmond UPD) the road improvements that would be required to achieve compliance with level of service standards are not possible at anything approaching a reasonable cost due to topography issues. A more focused review of this situation should be conducted to determine if there are alternatives that will address this problem.

The Panel looks forward to continuing to work with KCDOT staff, the County Executive and the County Council on these issues.

Sincerely,

Robert D. Johns (signed electronically to avoid delay)

Robert D. Johns

Chair, King County Traffic Concurrency
Expert Review Panel

cc: King County Traffic Concurrency Expert Review Panel members
John Shively, Road Services Staff Liaison to the Expert Review Panel