

Legislation Text

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Clerk 02/27/2003

AN ORDINANCE adopting revised concurrency methodology and the new transportation concurrency map, the new monitored zones table, and the new list of monitored corridors; amending Ordinance 14050, Section 8, and K.C.C. 14.70.210, Ordinance 14050, Section 9, as amended, and K.C.C. 14.70.220, Ordinance 14050, Section 12, and K.C.C. 14.70.250, Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260 and Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270, reenacting and amending Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230, adding a new section to K.C.C. chapter 14.70 and repealing Ordinance 14375, Attachment A, Ordinance 14375, Attachment B, and Ordinance 14050, Attachment B.

STATEMENT OF FACTS:

1. K.C.C. 14.70.220.A states that transportation concurrency shall be determined by the application of transportation adequacy measure (TAM) and critical link standards to all proposed developments within unincorporated King County, except for those developments that are exempt from concurrency under K.C.C. 14.70.280. The critical link standard applies to the monitored corridors that are listed in Attachment C to this ordinance. A monitored corridor in a city is so designated by interlocal agreement between the county and that city.
2. The current transportation concurrency map was adopted in June 2002, under Ordinance 14375. At that time, the executive and council directed the King County department of

transportation to research, analyze and consider alternative methods of measuring transportation concurrency for residential developments.

3. In December 2002, the county executive submitted a report to the county council on alternative transportation concurrency measures. Based on the findings from this work, the county executive proposes that King County adopt a travel time approach to measuring transportation concurrency and coordinate such adoption with the 2004 Comprehensive Plan update. In the interim, the county executive proposes the county adopt a roadway segment volume-to-capacity measure by March 12, 2003, to be in effect until such time as the travel time measure can be fully developed and implemented.

4. This concurrency update includes monitored corridors within the cities of Covington and Issaquah. The inclusion of these monitored corridors is required to fully implement recently executed reciprocal concurrency interlocal agreements with these cities.

5. Attachments A, B and C to this ordinance are the new transportation concurrency map, the new table of estimated vehicle trips for monitored zones and the new list of monitored corridors for transportation concurrency. All three attachments are based on an update to the traffic model. This model update is to constitute the annual concurrency traffic model update for 2003 under K.C.C.14.70.270.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14050, Section 8, and K.C.C. 14.70.210 are each hereby amended to read as follows:

Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Applicant" means a person, partnership, corporation or other legal entity who applies to the department for a certificate of transportation concurrency.

B. "Capital improvement program" or "CIP" means the expenditures programmed by King County for capital purposes for road improvements over the next six-year period in the adopted CIP currently in effect.

C.1. "Certificate of concurrency" means the document issued by the department indicating:

- a. the location of the property on which the development is proposed;
- b. the number of development units and specific uses that were tested for concurrency and approved;
- c. the type of development approval for which the certificate of concurrency is issued;
- d. an effective date; and
- e. an expiration date.

2. Certificates may be conditional or unconditional.

D. "Committed network" means the road system for measuring concurrency, which includes all existing ((and proposed)) transportation facilities and also includes proposed transportation facilities that are fully funded for construction in the adopted CIP or for which voluntary financial commitments have been secured. Fully funded projects to be provided by the state, cities or other jurisdictions may become part of the committed network.

E. "Concurrency" means transportation facilities are in place at the time of development or that a financial commitment is in place to complete within six years the improvements needed to maintain the county level of service standards, according to RCW 36.70A.070(6).

F. "Concurrency map" means the map displaying the concurrency status of each concurrency zone for residential land uses, based upon the traffic model.

G. "Concurrency status" means whether or not a concurrency zone meets the TAM and critical ~~((link))~~ segment standards adopted in this chapter.

H. "Concurrency test" means determining if a proposed development complies with the adopted level of service standard of the concurrency zone in which the proposed development is located.

I. "Concurrency zone" means one of the zones depicted in the adopted concurrency map.

J. "Critical ~~((link))~~ segment" means the one-direction lane or lanes of a portion of a monitored corridor within the committed network with ~~((a))~~ an average weighted volume-to-capacity ratio of 1.1 or more during the peak period that carries more than thirty percent of the one-way ~~((concurrency zone))~~ peak period vehicle trips ~~((during the peak period for the residential development or that carries more than thirty percent of the one-way vehicle trips during the peak period))~~ from a proposed development, for nonresidential development, or from a concurrency zone, for residential development. The portion of a roadway comprising a segment may be several connected roadway links, as used in the traffic model.

K. "Department" means the King County department of transportation or its successor agency.

L. "Development" means specified changes in use designed or intended to permit a use of land that will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings or improvements on the land in a manner that increases the amount of vehicle traffic generated by the existing use of the land, and that requires a development permit from King County. This definition does not pertain to the rezoning of land or a grading permit.

M. "Development application" means the request made to the department of development and environmental services for the department of development and environmental services approval of a development.

N. "Development approval" means an order, permit or other official action of the department of development and environmental services or its successor agency granting, or granting with conditions, an application for development.

O. "Development units" means the number of dwelling units for residential development and square feet for nonresidential development.

P. "Financial commitment" consists of:

1. Revenue designated in the adopted CIP. The adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period with reasonable assurance that the

funds will be timely put to those ends. Projects to be used in defining the committed network are fully funded for construction in the six years of the CIP. This commitment is reviewed through the annual budget process; or

2. Revenue that is assured by an applicant in a form approved by the county in a voluntary agreement.

Q. "HOV" means high occupancy vehicle.

R. "Level of service" means the TAM standards that are adopted in the Comprehensive Plan and the critical ~~((link))~~ segment standards in the chapter.

S. "Link" means the one direction lane or lanes of a roadway between two ~~((intersections as used in the traffic model))~~ consecutive points along that roadway, as used in the traffic model. The consecutive points determining the length of a link may be based on such roadway and geographical characteristics as roadway alignment and intersection location.

T. "Monitored corridor" means a principal or minor arterial considered by the department to be important to traffic circulation in the county and may consist of two or more connected segments. ~~((A monitored corridor in a city is so designated by interlocal agreement between the county and the city.))~~ The monitored corridors are established and listed in Attachment ~~((B))~~ C to ~~((Ordinance 14050))~~ this ordinance. Monitored corridors in a city shall be based upon interlocal agreement between the county and that city.

U. "Monitored zones" means those zones that are within ten percent of exceeding the adopted TAM or critical ~~((link))~~ segment level of service standards.

V. "Peak period" means the one-hour weekday afternoon period during which the greatest volume of traffic uses the road system. For concurrency purposes, this period shall be in the afternoon of a typical weekday.

W. "Reservation and reserve" means development units are set aside in the department's traffic model in a manner that assigns the units to the concurrency zone and prevents the same units from being assigned to any other development once the traffic model is updated.

X. "Segment" means a portion of a monitored corridor between major intersections or roadway configuration changes such as changes in the number of lanes. A segment may consist of several connected links as used in the traffic model.

Y. "Traffic model" means the computer program and data used to forecast traffic volumes and is calibrated to Federal Highway Administration (FHWA) standards. The model shall be used to prepare the concurrency map for proposed residential developments and to conduct site specific analysis for proposed nonresidential developments. The model documentation is available from the department.

~~((Y-))~~ Z. "Transportation adequacy measure" or "TAM" means the average weighted volume-to-capacity ratio for all traffic in the p.m. peak hour for a concurrency zone or nonresidential development.

~~((Z-))~~ AA. "Transportation facilities" means principal, minor and collector arterial roads, state highways~~((-))~~ and high occupancy vehicle facilities. Transportation facilities include any such a facility owned, operated or administered by the state of Washington and its political subdivisions, including the county and cities.

~~((AA-))~~ BB. "Transportation service area" means the areas of unincorporated King County so designated in the Comprehensive Plan.

SECTION 2. Ordinance 14050, Section 9, as amended, and K.C.C. 14.70.220 are each hereby amended to read as follows:

Transportation adequacy measure and critical ~~((link))~~ segment standards.

A. Concurrency shall be determined by the application of TAM and critical ~~((link))~~ segment standards to all proposed developments within unincorporated King County, except for those developments that are exempt from concurrency under K.C.C. 14.70.280.

B. The TAM calculation for a concurrency zone or nonresidential development shows the adequacy of the committed network relative to the adopted level of service. Projects to be provided by the state, cities or other jurisdictions may become part of the committed network upon decision of the director. The following are

the TAM standards for each transportation service area, as adopted in the King County Comprehensive Plan Policy T-209.

Transportation Service Area	Maximum AveragedAverage TAM	
	V/C Zonal Score	Standard
Transportation Service Area 1	0.99	E
Transportation Service Area 2	0.99	E
Transportation Service Area 3	0.89	D
Transportation Service Area 4	0.79	C
Transportation Service Area 5	0.69	B

The TAM standard for Transportation Service Area 3 shall be applied to development requests in Transportation Service Area 4 if public sewer and water services are available at the time of concurrency application, as evidenced by water and sewer availability certificates satisfactory to the department. If an applicant presents water and sewer certificates satisfactory to the department, the applicant's proposed development shall be reevaluated based on a TSA 3 threshold.

C. The critical ~~((link))~~ segment standard shall apply to the monitored corridors listed in Attachment ~~((B))~~ C to ~~((Ordinance 14050))~~ this ordinance. A critical ~~((link))~~ segment is the one-direction lane or lanes of a portion of a monitored corridor within the committed network with ~~((a))~~ an average weighted volume-to-capacity ratio of 1.1 or more during the peak period that carries more than thirty percent of the one-way ~~((concurrency zone))~~ peak period vehicle trips ~~((during the peak period for residential development or that carries more than thirty percent of the one way vehicle trips during the peak period))~~ from a proposed development, for nonresidential development, or from a concurrency zone, for residential development. The portion of a roadway comprising a segment may be several connected roadway links, as used in the traffic model. Critical ~~((links))~~ segments shall not apply to monitored corridors in Transportation Service Areas 1 and 2 if HOV lanes and transit service are available at time of concurrency application or expected to be available within six years.

D. For monitored zones, the concurrency map includes a table, Attachment B to ~~((Ordinance 14375))~~ this ordinance, that shows the estimated number of vehicle trips that can be accommodated in a monitored zone. The department ~~((will))~~ shall monitor the certificates of concurrency issued in each monitored zone. The department may approve applications for concurrency certificates, in whole or in part, up to the number of vehicle trips estimated for a zone as indicated in the table. The number of remaining trips in the table shall be reduced by the number of peak hour trips represented in each residential and nonresidential concurrency certificate issued in a monitored zone. When a monitored zone reaches its estimated capacity for vehicle trips, the department ~~((will))~~ shall hold all applications in that zone until the council adopts a new concurrency map. If a new adopted concurrency map indicates that more trips can be accommodated in the zone, the department ~~((will))~~ shall process those applications that were put on hold, in the order received, until the estimated vehicle trip capacity is once again reached, at which point the department ~~((will))~~ shall hold all applications in that zone as ~~((stated above))~~ provided in this subsection. If the new concurrency map indicates that the monitored zone is out of compliance for adopted TAM ~~((and))~~ or critical ~~((link))~~ segment level of service standards then applications that were put on hold ~~((will))~~ shall be denied.

SECTION 3. Ordinance 14050, Section 12, as amended, and K.C.C. 14.70.230 are each hereby reenacted and amended to read as follows:

Concurrency test.

A. The department shall perform a concurrency test for each application for a certificate of concurrency to determine whether the proposed development satisfies the TAM and critical ~~((link))~~ segment standards.

B. The concurrency test shall be performed only for the proposed development identified by the applicant on a completed concurrency application. Changes to the proposed development that would create additional vehicle trips shall be subject to an additional concurrency test.

C. When making a concurrency determination for a proposed residential development, the department shall consult the concurrency map currently in effect. The department shall make a determination of

concurrency according to the status indicated on the adopted map for the zone the proposed residential development is located in. For a proposed residential development in TSA 4 where public sewer and water services are available, a concurrency certificate shall be issued if the zone ~~((complied))~~ complies with a TSA 3 standard. ~~((at the time of map adoption))~~. The concurrency map displayed in Attachment A to ~~((Ordinance 14375))~~ this ordinance is adopted as the official concurrency map for King County.

D. When making the concurrency determination for a proposed residential development in a monitored zone, the department may approve applications for concurrency certificates in whole or in part up to the number of vehicle trips estimated to be remaining in the zone.

E. When conducting the concurrency test for a proposed nonresidential development, the department shall conduct a site specific analysis using the department's traffic model. The department shall use standard trip generation rates published by the Institute of Transportation Engineers or other documented information and surveys approved by the department. The department may approve a reduction in generated vehicle trips based on additional information supplied by the applicant. The calculation of vehicle trip reductions shall be based upon recognized technical information and analytical process that represent current engineering practice. The department shall have final approval of such data, information and technical procedures as are used to calculate vehicle trip reductions.

F. If the concurrency test is passed, the applicant shall receive a certificate of concurrency. If the concurrency test for a nonresidential project is passed only under certain conditions of road improvements or project size, then the applicant shall receive a conditional certificate of concurrency on which the specific conditions are stated.

G. If the concurrency test for nonresidential developments is not passed, the applicant shall select one of the following options:

1. ~~((For nonresidential developments, it))~~ Request in writing a ninety-day period in which the applicant can meet with the department to review the concurrency analysis and possible mitigation measures. The

applicant may also provide additional information to the department in support of the application. The ninety-day period must be requested no later than ten days after the applicant's receipt of the notification of denial;

2. Appeal the denial of the application for a certificate of concurrency, in accordance with K.C.C.

14.70.260. Acceptance of the ninety-day period shall not impair the applicant's future right to a formal appeal at a later time. An appeal must be filed with the department no later than ten days after the expiration of the ninety-day period; or

3. Accept the denial of an application for a certificate of concurrency.

~~((H. This section expires March 12, 2003.))~~

SECTION 4. Section 3 of this ordinance is effective retroactively to March 12, 2003, and thereafter.

SECTION 5. Ordinance 14050, Section 12, and K.C.C. 14.70.250 are hereby amended to read as follows:

Issuance of certificate of concurrency.

A. The director or the director's designee shall issue a certificate of concurrency for each proposed development that passes the concurrency test. For nonresidential development, ((F))the determination of concurrency shall be final at the time of development approval. For residential development, the determination of concurrency shall be final at the time of the department's final decision of concurrency denial or approval.

B. For nonresidential development, issuance of a certificate creates a rebuttable presumption that the proposed development satisfies the concurrency test and meets the adopted level of service standards. The issue of concurrency may be raised as part of the review process for the development application for which the certificate of concurrency was issued. If raised at that time, the grounds for appeal shall be those listed in K.C.C. 14.70.260.

C. A certificate of concurrency shall be valid for three hundred sixty-five days from its date of issuance. A certificate of concurrency expires if the development permit for which the concurrency is reserved is not applied for within the three hundred sixty-five days.

D. A certificate of concurrency is valid for the development permit application period and subsequently for the same time as the development approval that is issued in accordance with the certificate of concurrency.

E. A certificate of concurrency runs with the land and is valid only for subsequent development approvals for the same parcel. A certificate of concurrency cannot be transferred to a different parcel.

F. A certificate of concurrency shall expire if the underlying development approval expires or is revoked or denied by the county.

G. For nonresidential developments, conditional certificates of concurrency shall be issued to an applicant who provides funding for one or more transportation facilities if ~~((such))~~ the funding ~~((has))~~ enabled the proposed development to meet the adopted level of service standards.

SECTION 6. Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260 are each hereby amended to read as follows:

Appeals.

A. There is no administrative appeal of the department's final decision of residential concurrency denial or approval.

B. Appeals of the department's final decisions relative to nonresidential concurrency denial shall be filed by the applicant with the director or the director's designee. ~~((Such))~~ The appeals shall be in written form, stating the grounds for the appeal, and shall be filed within ten calendar days after receipt of notification of the department's final decision in the matter being appealed or if a ninety-day period was requested ~~((pursuant to))~~ under K.C.C. 14.70.230G.1 within ten days after the expiration of the ninety-day period.

~~((B-))~~ C. Challenges to nonresidential concurrency approvals may be raised as part of the review process for the development application for which the certificate of concurrency was issued.

~~((C-))~~ D. For appeals of nonresidential concurrency denial or approval, the appellant must show that:

1. The department committed a technical error, ~~((defined as))~~ which means an error~~((s))~~ in arithmetic, table and map lookup~~((s))~~ and a similar clerical function~~((s))~~;

2. Alternative data or a traffic mitigation plan submitted to the department was inadequately considered;

3. Conditions required by the department for concurrency are not related to the concurrency requirement; or

4. The action of the department was arbitrary and capricious as defined in Washington law.

~~((D.))~~ E. The standard of review for nonresidential appeals when considering whether a technical error was committed shall be compelling evidence that the department made an error in arithmetic, table references or other such mechanical or clerical error. Appeals based upon technical error shall not call into question the underlying traffic model or its inputs.

~~((E.))~~ F. For nonresidential appeals on grounds other than technical error, the department's dependence on its professional judgment and experience ~~((will))~~ shall be given due deference by the hearing examiner.

~~((F.))~~ G. Any issues relating to the adequacy of the traffic model shall be raised to the county council during the annual council adoption of the concurrency map.

SECTION 7. Ordinance 14050, Section 14, as amended, and K.C.C.14.70.270 are hereby amended to read as follows:

Update and use of the traffic model.

A. The traffic model for concurrency shall be updated annually as part of the ~~((CIP))~~ budget process or when authorized by the county council by ordinance. The update process shall include the most recently adopted roads CIP, updated traffic volumes, and updated information regarding issuance of concurrency certificates, development approvals and development activity. The traffic model shall conform to the guidelines and procedures described by the Federal Highway Administration in its publication entitled Calibration and Adjustment of System Planning Models dated December 1990 or its successor. Each update of the traffic model shall be used to produce a new concurrency map and table of estimated vehicle trips for monitored zones. The concurrency map and table of estimated vehicle trips for monitored zones shall be submitted to

council for its approval. The updates of the traffic model shall be deemed adequate for the purposes of concurrency analysis and the concurrency map shall be used to determine the concurrency of proposed residential development projects. The traffic model shall be used to prepare the concurrency map and to perform site specific analysis for nonresidential projects.

B. The concurrency map is a result of the values inputted in to the traffic model, as described in subsection A of this section. The concurrency map indicates if a concurrency zone does or does not comply with adopted TAM and critical ((link)) segment level of service standards. Any changes to the concurrency status of a zone or zones on the concurrency map other than those resulting from the model update process may only be accomplished by the council changing any combination of the adopted TAM or critical ((link)) segment standards, or the list of funded projects in the most recently adopted CIP.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 14.70 a new section to read as follows:

Implementation of recommendations. The county council in June 2002 directed the department of transportation to research, analyze and consider alternative methods of measuring transportation concurrency for residential development using the urban unincorporated area of the Soos Creek community as a case study area. The department researched transportation concurrency measures used by other jurisdictions and utilizing an advisory committee of stakeholders developed recommendations submitted in a report to the county council at the end of December 2002. The county council hereby directs the department of transportation to implement the following recommendations:

A. The county shall adopt a travel time measure of transportation concurrency with the adoption of the 2004 King County Comprehensive Plan Update. Comprehensive Plan policies necessary to implement travel time transportation concurrency measures shall be put in place to implement the new procedures in the 2004 Comprehensive Plan Update. A new traffic model will be developed, calibrated and adopted in 2004 to measure transportation concurrency using travel time procedures; and

B. Refinements and improvements to an adopted travel time measure for transportation concurrency should consider incorporation of multimodal improvements incorporating transit, intelligent transportation systems and/or other strategies for increasing the carrying capacity and improving travel time of the transportation and road system.

SECTION 9. Attachment A to Ordinance 14375, Transportation Concurrency Level of Service Standards Status map, dated March 7, 2002, Attachment B to Ordinance 14375, Estimated Vehicle Trips for Monitored Zones table, and Attachment B to Ordinance 14050, Monitored Corridors for Transportation Concurrency list, are each hereby repealed.

SECTION 10. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Official paper 30 days prior

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