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Title: AN ORDINANCE relating to transportation; amending Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020, Ordinance 1711, Section 1, as amended, and K.C.C. 14.44.010, Ordinance 13734, Section 8, and K.C.C. 14.45.060, Ordinance 13734, Section 15 and K.C.C. 14.45.130, Ordinance 4099, Section 1, as amended, and K.C.C. 14.46.010, Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090, Ordinance 14050, Section 8, as amended, and K.C.C. 14.70.210, Ordinance 14050, Section 9, as amended, and K.C.C. 14.70.220, Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230, Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240, Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260, Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270, Ordinance 15030, Section 9, and K.C.C. 14.70.285, repealing Ordinance 14050, Section 12, as amended, and K.C.C. 14.70.250 and repealing Ordinance 15839, Attachments A and B.

Sponsors: Larry Gossett

Indexes: Comprehensive Plan, Transportation

Code sections: 14.30.020 -, 14.44.010 -, 14.45.060 -, 14.45.130 -, 14.46.010 -, 14.46.090 -, 14.70.210 -, 14.70.220 -, 14.70.230 -, 14.70.240 -, 14.70.250 -, 14.70.260 -, 14.70.270 -, 14.70.285 -

Attachments: 1. 16266.pdf, 2. 2008-0124---0128 Notice of Adoption.doc, 3. 2008-0124--2008-0128 Hearing notice.doc, 4. 2008-0127 - Transportation Amendment (08-05-08).pdf, 5. 2008-0127 Fiscal Note.xls, 6. 2008-0127 Regulatory Note--Checklist of Criteria.doc, 7. 2008-0127 Transmittal Letter.pdf, 8. A. Transportation Concurrency Map - Dated September 15, 2008, 9. A. Transportation Concurrency Map Dated March 1, 2008, 10. B. Transportation Concurrency Travel Shed Boundaries, Dated September 15, 2008

Date	Ver.	Action By	Action	Result
10/6/2008	1	Metropolitan King County Council	Passed as Amended	Pass
9/29/2008	1	Metropolitan King County Council	Hearing Held	
9/29/2008	1	Metropolitan King County Council	Deferred	
8/5/2008	1	Growth Management and Natural Resources Committee		
3/10/2008	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/08/2008

AN ORDINANCE relating to transportation; amending Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020, Ordinance 1711, Section 1, as amended, and K.C.C. 14.44.010, Ordinance 13734, Section 8, and K.C.C. 14.45.060, Ordinance 13734, Section 15 and K.C.C. 14.45.130, Ordinance 4099, Section 1,

as amended, and K.C.C. 14.46.010, Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090, Ordinance 14050, Section 8, as amended, and K.C.C. 14.70.210, Ordinance 14050, Section 9, as amended, and K.C.C. 14.70.220, Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230, Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240, Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260, Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270, Ordinance 15030, Section 9, and K.C.C. 14.70.285, repealing Ordinance 14050, Section 12, as amended, and K.C.C. 14.70.250 and repealing Ordinance 15839, Attachments A and B.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020 are each hereby amended to read as follows:

A. Special use permits shall be required for any use of county property except uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C. chapter 14.28 relating to county road system rights-of-way use permits.

B. Upon receipt of an application for a "Special Use" permit upon county property, the property services division shall determine whether the proposed use is upon county owned property.

C. The property services division shall forward the application to all county custodial departments for review.

D. The custodial departments shall review the application and forward its recommendation whether the permit shall be issued by the property services division. If a custodial department recommends denial, the property services division shall deny the permit.

E. If there is no custodial department with jurisdiction over the county property, the property services division shall evaluate the feasibility of the proposed use, its impact on other uses of the county property and its

impact on public health and safety. Based on this evaluation, the property services division shall determine whether the permit should be issued.

F. In all cases, the property services division shall forward the application to the department of development and environmental services for recommendations on ~~((sensitive))~~ critical area issues and the property services division shall be responsible for assuring that any application meets the requirements of ~~((the sensitive areas code set out in))~~ K.C.C. ~~((C))~~chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued.

SECTION 2. Ordinance 1711, Section 1, as amended, and K.C.C. 14.44.010 are each hereby amended to read as follows:

The purpose of this chapter is to regulate the granting of right-of-way construction permits and to insure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the ~~((sensitive))~~ critical areas code, the county comprehensive plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants.

SECTION 3. Ordinance 13734, Section 8, and K.C.C. 14.45.060 are each hereby amended to read as follows:

A. The property services division shall not commence review of any application set forth in this chapter until the applicant has submitted the following:

1. An application form provided by the property services division and completed by the applicant;
2. The name of the applicant and a designated contact person;
3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or, if applicable, on abutting private property;
4. A vicinity map showing the specific location of right-of-way subject to the application;
5. When structures and equipment are to be located on abutting properties:

- a. a site plan illustrating the relationship to property lines and other structures on the site,
 - b. legal description of the site abutting property, and
 - c. proof that the abutting property is a legally recognized lot pursuant to K.C.C. Title 19A;
6. A ((sensitive)) critical areas affidavit if required by K.C.C. chapter 21A.24;
 7. A completed environmental checklist, if required by K.C.C. chapter 20.44; and
 8. Payment of any review fees established by Ordinance 13734;

B. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

SECTION 4. Ordinance 13734, Section 15, and K.C.C. 14.45.130 are each hereby amended to read as follows:

Antenna and equipment cabinets/buildings abutting zoned UR, RA or R shall be subject to the following:

- A. Antennas shall not extend horizontally more than three feet from any pole to which it is mounted.

This provision shall be reviewed one year after March 16, 2000, to evaluate aesthetic benefits upon residential neighborhoods and to determine the effects upon the ability of wireless service providers to reasonably and efficiently place facilities within the right-of-way. In order to facilitate this review, wireless service providers shall provide photographs documenting antennas located on all current facilities that are subject to right-of-way use agreements.

B. Electronic equipment cabinets or buildings shall be constructed underground when there is an existing residential dwelling unit within three hundred feet, unless the required excavation will occur within the required buffers of ((sensitive)) critical areas, such as wetlands, streams and steep slopes, thus posing greater potential for environmental degradation of the ((sensitive)) critical area.

SECTION 5. Ordinance 4099, Section 1, as amended, and K.C.C. 14.46.010 are each hereby amended to read as follows:

The purpose of this chapter shall be to authorize and regulate the issuance of permits for the accommodation of public and private utility facilities, and other uses upon King County owned real property which is not dedicated as right-of-way and to insure that privileges authorized by the permits are consistent with public ownership of the property, the county comprehensive plan, the ((sensitive)) critical areas code, sound engineering and design standards, and health and sanitation regulations.

SECTION 6. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090 are each hereby amended to read as follows:

A. The property services division shall coordinate the review by all departments of permit applications.

B. The department responsible for the management of the property to be affected shall review and evaluate applications with respect to the hazard and risk of the proposed construction or use; location of the proposed construction or use in relation to other facilities using the property; the adequacy of the engineering and design of the proposed construction or use; and applicable federal, state, county and local laws and regulations.

C. The Seattle-King County department of public health shall review and evaluate applications for the construction of waterworks ((+)), except for domestic service connections((+)), to determine consistency with state and local health and sanitation regulations.

D. The King County fire marshal shall review and evaluate applications for the construction of waterworks to determine consistency with county standards for water mains and fire hydrants.

E. All applications for the construction of sewer or water facilities must be certified by the department of development and environmental services as consistent with a sewer or water comprehensive plan approved by the county council pursuant to K.C.C. ((€))chapter 13.24.

F. In any case, the property services division shall forward the application to the department for recommendations on ((sensitive)) critical area issues and the property services division shall be responsible for assuring that any application meets the requirements of ((the sensitive areas code set out in)) K.C.C. ((€))c

Chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued.

SECTION 7. Ordinance 14050, Section 8, as amended, and K.C.C. 14.70.210 are each hereby amended to read as follows:

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.)) "Average travel speed" means the average speed in miles per hour of a vehicle over a certain length of road.~~

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

~~((D.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 only for nonresidential developments.~~

~~E. "Committed network" means the road system for measuring concurrency, which includes all existing 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.))~~

C. "Comprehensive Plan" means the adopted King County Comprehensive Plan.

~~((F.))~~ D. "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).

~~((G.))~~ E. "Concurrency map" means the map displaying ~~((in color))~~ the concurrency status of ~~((each concurrency zone))~~ all areas of unincorporated King County for residential and commercial land uses based upon the ~~((traffic model))~~ concurrency test. The map ~~((consists of two colors, which are green and red, that))~~ shall signify ~~((level of service))~~ concurrency status as designated ~~((under K.C.C.14.70.230.C))~~ in K.C.C. 14.45.060.

~~((H.))~~ F. "Concurrency status" means whether or not ~~((a concurrency zone meets the TAM and travel time standards adopted in this chapter))~~ an area passes the concurrency test.

~~((I.))~~ G. "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))~~ whether or not an area meets level of service standards as described in K.C.C. 14.70.220.

~~((J. "Concurrency zone" means one of the zones depicted in the adopted concurrency map.~~

~~K. "Critical segment" means the one direction lane or lanes of a portion of a monitored corridor within the committed network with an average travel speed of level of service E for the Urban Growth Area and designated Rural Towns and level of service B for the Rural Area during the peak period and that carries more than thirty percent of the one-way peak period vehicle trips from a proposed development for nonresidential development or from a concurrency zone for residential development. The portion of a roadway comprising a critical segment may be several connected roadway links, as used in the traffic model.~~

~~((L.))~~ H. "Department" means the King County department of transportation or its successor agency.

~~((M.))~~ I. "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.

~~((N-))~~ J. "Development application" means the request made to the department of development and environmental services, or its successor agency, for approval of a development.

~~((O-))~~ K. "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.

~~((P-))~~ L. "Development units" means the number of dwelling units for residential development ~~((and square feet for nonresidential development))~~.

~~((Q-))~~ M. "Director" means the director of the department.

~~((R-))~~ N. "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))~~ the concurrency analysis are fully funded for construction in the six years of the CIP. This funding 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.

~~((S- "HOV" means high occupancy vehicle.~~

~~T-))~~ O. "Highways of Statewide Significance that are not limited access and that function similar to county arterials" means segments of Highways of Statewide Significance that: 1. Allow driveways and side streets to connect directly to the highway; 2. Provide primary connections between major centers of activity; and 3. Function as high traffic corridors for intra-area travel between business districts and communities or rural towns.

P. "Level of service standard" means the ~~((TAM and))~~ travel time standards that are adopted in the

Comprehensive Plan and in this chapter.

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

~~V. "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. The monitored corridors are established and listed in Attachment A to Ordinance 15839. Monitored corridors in a city shall be based upon interlocal agreement between the county and that city.~~

~~W.)) Q. "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.~~

~~((X. "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.~~

~~Y.)) R. "Road classification" means the classification of roadways as determined by the county council by ordinance based on the function and design of a specific road.~~

~~((Z.)) S. "Rural Area" means a Rural Area as defined in the ((King County)) Comprehensive Plan.~~

T. "Rural Mobility Area" means one of the rural towns as defined by the Comprehensive plan.

U. "Rural Neighborhood Commercial Center" means the large rural neighborhood commercial centers of Cottage Lake, Maple Valley, Preston and Cumberland.

~~((AA.)) V. "Rural Town" means a Rural Town as defined in the ((King County)) Comprehensive Plan.~~

~~((BB.)) W. "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.))~~ an arterial used in level of service standard calculation and defined consistent with methodology described in Federal Highway Administration Report FHWA-PL-98-035, March 1993, or as updated and used to calculate level of service.

~~((CC. "Traffic model" means the computer program and data that is used to forecast traffic volumes and that is calibrated to Federal Highway Administration standards. The model is 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.~~

~~DD. "Transportation adequacy measure" or "TAM" means the average weighted volume to capacity ratio for all traffic in the afternoon peak hour for a concurrency zone or nonresidential development.~~

~~EE.))~~ X. "Transportation facilities" means principal, minor and collector arterial roads, state highways and high occupancy vehicle facilities as well as associated sidewalks, bike lanes and other facilities supporting nonmotorized travel. 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.

Y. "Travel shed" means a geographic area within which all development would be likely to use or be affected by traffic on arterials within the travel shed.

~~((FF.))~~ Z. "Travel time" means the time it takes a vehicle to travel from one specified point to another.

~~((GG.))~~ AA. "Travel time standard" means the level of service standard used to judge the performance of ~~((monitored corridors and critical))~~ arterial road segments ~~((within the corridors))~~. The level of service standard is identified by ranges of average travel speed by road classification.

~~((HH.))~~ BB. "Urban Growth Area" means an Urban Growth Area as defined in the ~~((King County))~~ Comprehensive Plan.

SECTION 8. Ordinance 14050, Section 9, as amended, and K.C.C. 14.70.220 are each hereby amended to read as follows:

A. Concurrency shall be determined by the application of ~~((TAM and))~~ travel time standards to ((

~~proposed nonresidential developments and concurrency zones for proposed residential developments within unincorporated King County)) principal and minor arterials associated with travel sheds as defined in this chapter. This may also include portions of certain Highways of Statewide Significance that are not limited access and that function similar to county arterials. Travel time data for collector arterials shall not be included as part of the concurrency test. Selected collector arterials shall be monitored using traffic counts. If counts indicate congestion could be approaching level of service standards on one or more collector arterials, travel time data shall be collected for all collector arterials, and such collector arterial data shall be included in the concurrency test.~~

~~B.1. ((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. A volume-to-capacity ratio is the measure used for TAM evaluation with one standard for the Urban Growth Area and another standard for the Rural Area. The TAM standard for the Urban Growth Area and designated Rural Town is level of service E, or 0.99 volume-to-capacity ratio, as adopted in the King County Comprehensive Plan. The standard for the Rural Area is level of service B, or 0.69 volume-to-capacity ratio, as adopted in the King County Comprehensive Plan. The standard for the minor developments and public and educational facilities listed in K.C.C. 14.70.285 is level of service F, or greater than 0.99 volume-to-capacity ratio, as adopted in the King County Comprehensive Plan.~~

~~C.1. The travel time standard shall apply to the monitored corridors listed in Attachment B to Ordinance 15839.)~~ The travel time standards are levels of service based on average travel speed in miles per hour, and the standards vary by road classification. ~~((The travel speed calculations measure the adequacy of critical segments within monitored corridors.))~~ The travel time standard for the Urban Growth Area and ~~((designated Rural Towns))~~ the Rural Mobility Areas is level of service E. The travel time standard for the Rural Area is level of service B. The travel time standard for the Rural Neighborhood Commercial Centers is level of

service D. The travel time standard for the minor developments and public and educational facilities listed in K.C.C. 14.70.285 is level of service F. ~~((Travel time standards shall not apply to monitored corridors in the Urban Growth Area if HOV lanes and transit service are available at the time of concurrency application or are expected to be available within six years.))~~

2. The following table identifies the range of travel speeds for the travel time levels of service ~~((on monitored corridors and critical segments including the average travel speeds used for the standards level of service E and level of service B))~~.

ROAD LEVELS OF SERVICE				
Road Classification	I (State Routes)	II (Principal Arterials)	III (Minor Arterials)	IV (Collector Arterials)
LEVEL OF SERVICE	AVERAGE TRAVEL SPEED (MILES PER HOUR)			
A	>42	>35	>30	>25
B	>34 - 42	>28 - 35	>24 - 30	>19 - 25
C	>27 - 34	>22 - 28	>18 - 24	>13 - 19
D	>21 - 27	>17 - 22	>14 - 18	>9 - 13
E	>16 - 21	>13 - 17	>10 - 14	>7 - 9
F	<=16	<=13	<=10	<=7

SECTION 9. Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230 are each hereby

amended to read as follows:

A. The department shall perform a concurrency analysis and test for each ~~((application for a certificate of concurrency))~~ travel shed to determine whether ~~((the proposed development satisfies the TAM and travel time standards))~~ areas within the travel sheds are concurrent. The test for each area shall be based on the level of service analysis results for the entire travel shed. Areas shall be deemed concurrent if eighty-five percent of the arterials within their travel shed meet level of service 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.1. ~~When making a concurrency determination for a proposed residential development, t))~~The

department shall ~~((consult))~~ use the concurrency map currently in effect when making a concurrency determination for a proposed development. The concurrency map displayed in Attachment A to ~~((Ordinance 15839))~~ this ordinance is adopted as the official concurrency map for King County. The department shall make a determination of concurrency according to the status indicated on the adopted concurrency map for the ~~((concurrency zone))~~ area in which the proposed ~~((residential))~~ development is located. Attachment B to this ordinance is a map indicating the boundaries of the travel sheds.

~~((2. On the concurrency map, if the zone color is green it means the proposed residential development shall be given a certificate because the concurrency zone is functioning within level of service standards. The color red means the concurrency zone is at or exceeding level of service standards and the proposed residential development shall not be given a certificate, unless it is a minor development listed in K.C.C. 14.70.285.~~

~~D. 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 processes 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.~~

~~E. If the concurrency test is passed under subsection D. of this section, 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.~~

~~F. If the concurrency test for nonresidential development is not passed, the applicant shall select one of the following options:~~

~~1. 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.)~~

SECTION 10. Ordinance 14050, Section 11, s amended, and K.C.C. 14.70.240 are each hereby amended to read as follows:

A. ~~((Each applicant))~~ The department of development and environmental services shall accept applications for a development approval ((shall present a valid certificate of concurrency)) only for development in areas that pass the concurrency test as shown on the concurrency map in effect at the time of application.

B. ~~((A certificate of concurrency must be valid at the time of development application. A certificate of concurrency is valid if it has not expired according to its expiration date.~~

C. ~~Applications for certificates of concurrency shall be submitted to the department of transportation on forms provided by the department.)~~ Concurrency is valid for the development permit application period and subsequently for the same time as the development approval.

SECTION 11. Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260 are each hereby amended to read as follows:

A. Any issues relating to the adequacy of the ~~((traffic model))~~ concurrency analysis and test or the accuracy of the concurrency map shall be raised to the county council during the annual council consideration

of the concurrency map as provided in K.C.C. 14.70.270.

B. There is no administrative appeal of the department(~~((s))~~) of development and environmental services' final decision of (~~((residential))~~) concurrency denial or approval based on the concurrency map.

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

D. A challenge to a nonresidential concurrency approval may be raised as part of the review process for the development application for which the certificate of concurrency was issued.

E. ~~In an appeal of nonresidential concurrency denial or approval, the appellant must show that:~~

1. ~~The department committed a technical error, which means an error in arithmetic, table and map lookup or a similar clerical function;~~

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.~~

F. ~~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.~~

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

SECTION 12. Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270 are each hereby amended to read as follows:

A. The ~~((traffic model for))~~ concurrency map shall be updated annually as part of the 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))~~ travel time surveys and standards and methodologies as described in K.C.C. 14.70.220 and 14.70.230. The concurrency map shall be submitted to council for its approval by ordinance. 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. An annual report shall be prepared by the road services division on the concurrency program update. The annual report shall explain the technical assumptions, land use changes, network changes and other parameters used to update the concurrency ~~((model))~~ map and/or travel shed boundary map. The annual report shall be submitted to the council along with the annual update required by subsection A. of this section. Eleven copies of the report shall be filed with the clerk of the council, who shall retain the original and shall forward copies to each council member and to the lead staff of the council's transportation committee, or its successor.

C.1. An independent expert review panel on concurrency shall be established to:

- a. review the annual report on the concurrency ~~((model))~~ update; and
- b. evaluate proposed changes to the transportation concurrency process, analysis and ~~((model))~~ test developed by the road services division.

2. The panel shall be comprised of four to six persons and include representation from the development community, the environmental community, transportation planning professionals, the unincorporated area, the public at large and multimodal transportation interest groups. Each representative shall be appointed by the executive and confirmed by the council.

3. A summary of the panel's review of the annual report on the concurrency (~~(model)~~) update and its evaluation of proposed changes to the transportation concurrency process, analysis and (~~(model)~~) test shall be included with the submittal of the annual report to the council.

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

SECTION 13. Ordinance 15030, Section 9, and K.C.C. 14.70.285 are each hereby amended to read as follows:

The following minor developments and public and educational facilities are subject to the concurrency test using level of service standard F:

A. Short subdivisions within the Urban Growth Area:

B. Any multifamily residential structure or structures totaling eight dwelling units or less within the Urban Growth Area;

C. Any new public senior high school within the Urban Growth Area and any modification to an existing public senior high school regardless of location, including any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities, only if the school prepares and

implements a transportation demand management plan. New public high schools outside the Urban Growth Area must meet the Rural Area standard level of service B in the provisions of this chapter. This high school transportation demand management plan shall be submitted to and approved by the director of the department or the director's designee before the issuance of the building permit. The high school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school district and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals. A high school may voluntarily choose to prepare and implement a transportation demand management plan for any expansion of an existing public high school facility that would not generate new trips during the peak period;

D. Parks, as defined in K.C.C. 21A.06.835;

E. Public agency or utility office, as defined in K.C.C. 21A.06.930, in the Urban Growth Area;

F. Public agency or utility yard, as defined in K.C.C. 21A.06.935, in the Urban Growth Area;

G. Building permits for single-family structures;

H. The construction of a structure for a nonresidential use generating no more than twelve peak-period trips;

I. Any development that will not increase the traffic volumes in the peak period;

J. Any public elementary, middle or junior high school facilities including new facilities and any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities; ~~((and))~~

K. Private elementary, middle or junior high schools ~~((for only the travel time portion of the concurrency test. The travel time level of service F standard shall only apply to the redevelopment of a site with an existing nonresidential use, and the TAM analysis shall include credit for the trips associated with the existing nonresidential use))~~). To qualify for the travel time level of service F standard, a school must prepare

and implement a transportation demand management plan submitted to and approved by the director of the department or the director's designee before the issuance of the building permit. The school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals(~~(. For the TAM portion of the concurrency test, private elementary, middle and junior high schools are subject to level of service standard B if located in the Rural Area and level of service standard E if located in the Urban Growth Area or in designated Rural Towns)); and~~

L. Short subdivisions in the Rural Area, if for each lot that is created, up to four lots, one rural transferable development right under K.C.C. chapter 21A.37 is purchased from the same travel shed; provided however, where the short subdivision is creating only two lots, the property has been owned by the applicant for five or more years, and the property has not been subdivided in the last ten years then no purchase of a TDR shall be required to satisfy the transportation concurrency requirement.

SECTION 14. A. Ordinance 14050, Section 12, as amended, and K.C.C. 14.70.250 are each hereby repealed.

B. Attachment A to Ordinance 15839, Residential Transportation Concurrency Attachment A, dated October 30, 2006, and Attachment B to Ordinance 15839, Monitored Corridors for Transportation Concurrency, dated October 30, 2006, are each hereby repealed.

SECTION 15. 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.