

TITLE 19 UNIFIED LAND DEVELOPMENT CODE

CHAPTER 20: CONCURRENCY MANAGEMENT SYSTEM

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19.20.010 Purpose and Authority

- A. This chapter is enacted pursuant to the City's police powers, the Growth Management Act as codified in Chapter 36.70A RCW ("the Act") and the Concurrency statutes as codified in WAC 365-096-840.
- B. The purpose of this chapter is to:
 - 1. Establish a Concurrency Management System to ensure that concurrency facilities needed to achieve level of service standards can be provided simultaneous to, or within a reasonable time after, occupancy or use.
 - 2. Provide the necessary regulatory mechanism for evaluating development proposals to ensure that adequate concurrency facilities are provided "concurrently" with development, as requirements by the Act.
 - 3. Implement measures that offset development impacts that would cause the level of service on concurrency facilities to decline below the City standards.

19.20.020 Definitions

- A. "Accounted Traffic Impacts" means traffic impacts accounted for in the City's concurrency records in a manner that accounts for the impact from the project and

allows the impact to be accounted for by any other applicant preparing a traffic analysis for a concurrency application. The amount of accounted traffic impact for a project is documented in the Certificate of Concurrency.

- B. “Adequate” means equal to or better than the level of service standards specified in the currently adopted Transportation Element of the City’s Comprehensive Plan.
- C. “Applicant” means a property owner or a public agency or private utility or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development permit, land use application, or other city approval. *(NOTE: This new definition is currently under consideration by the City Council as part of another code amendment, and is provided here for reference)*
- D. “Certificate of Concurrency” means the document issued by the Code Official indicating:
1. The location or other description of the property on which the development is proposed.
 2. The type of development permit or building permit for which the Certificate of Concurrency is issued.
 3. The specific use, densities, and intensities that were tested for concurrency and which are authorized for development of the property.
 4. For road facilities, the accounted traffic impact assigned to the development as described in the certificate.
 5. Conditions of approval, if applicable.
 6. An effective date.
 7. An expiration date.
- E. “Concurrency” means facilities or strategies that achieve the City’s level of service standards that:
1. Are planned and fully funded in the City’s Six-Year Transportation Improvement Program to be installed and fully constructed within six years of the completion of the development, or
 2. Will be available and complete no later than six years after the completion of the development, and the applicant and/or the City provides a financial commitment which is in place at the time the development is approved by the Code Official.
- F. “Construction year” means the year the development’s construction is planned to be complete, or the year when the issuance of the Certificate of Occupancy or equivalent certification is expected.
- G. “Degredation” means a decrease in level of service below the level-of-service standard for an area as established in the Transportation Element of the City’s Comprehensive Plan.

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- H. “Design year” means the year 10-years after the development’s construction year.
 - I. “Development quantity” means the proposed quantity of development measured by dwelling units for residential development and square feet or occupancy for specific nonresidential use categories, which are the basis of the calculation of level of service for the determination of concurrency.
 - J. “Evening peak hour” means the single hour with the highest traffic volumes on the roadway adjacent to the development between 4:00 p.m. and 6:00p.m.
 - K. “Level of service” (LOS) means the degree of saturation of an intersection as defined and calculated per the methods in the Highway Capacity Manual (HCM) 2000 version or newer.
 - L. “Mitigation” for the purposes of this chapter, means transportation demand management strategies or facilities improvements constructed or financed by the applicant to return a degraded intersection to the adopted level of service standard.
 - M. “Morning peak hour” means the single hour with the highest traffic volumes on the roadway adjacent to the development between 7:00 a.m. and 9:00 p.m.
 - N. “Transportation demand management” means strategies designed to increase the efficiency of the capital transportation facilities, including, but not limited to, transit and ridesharing incentives, flexible working hours, parking management, and pedestrian and bicycle enhancements to decrease single occupancy vehicle trips.
 - O. “Trip generation” means the number of trips created by a development.

19.20.030 Applicability and Exemptions

All regulated improvements shall require a concurrency test except:

- A. Developments that generate less than 30 trips in both the morning and evening peak hours,
- B. Developments that generate less than 100 trips per day,
- C. Redevelopments of existing land uses that do not change the development quantity of the proposed land use.

19.20.040 Concurrency Test

- A. The applicant shall submit a Traffic Impact Analysis (TIA), prepared and stamped by a licensed professional engineer in the State of Washington, along with the required fee for a concurrency test as established by resolution. The TIA shall be completed only for the specific property uses, densities, and intensities that are consistent with the uses allowed for the property by the property’s zoning. If the TIA is being completed in conjunction with a rezone, the applicant shall specify the densities and intensities that are consistent with the proposed zoning for the property.
- B. The TIA shall include:

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1. An introduction narrative discussion of
 - a. the existing land use;
 - b. the development description including the location, type, intensity, layout, and expected construction completion timeframe of the development;
 - c. the location and number of existing and proposed access points to the development;
 - d. adjacent roadways and their classifications per the Transportation Element of the City's Comprehensive Plan;
 - e. the area of impact as defined as all portions of the roadway network that are significantly affected by the development, which shall include the first signal in each direction along any roadway with proposed access points, and any intersections that experience growth in traffic volumes of at least 5-percent on any approach;
 - f. any prior studies completed within the expected area of impact.
 2. An analysis of existing traffic conditions within the area of impact consisting of:
 - a. The level of service for all intersections during the morning and evening peak hour using vehicle turning movement, pedestrian, and bicycle volume data collected within the last two-years grown to the current year, noting any intersections which do not meet concurrency;
 - b. The crash records for the most recent 10 years of available data highlighting segments or intersections with elevated crash frequencies or rates for similar facilities as calculated per the Highway Safety Manual;
 - c. The existing transit service in the vicinity, including routes, stops, ridership, and frequency of service; and
 - d. An inventory of existing and planned pedestrian and bicycle facilities within the expected area of impact.
 3. The development's trip generation calculated per the Institute of Transportation Engineers (ITE) Trip Generation Informational Report, 9th Edition, or newer, distributed to the roadway network.
 4. An analysis of construction year traffic operations without trips generated by the site using growth rates defined in the Transportation Element of the City's Comprehensive Plan, including
 - a. All fully-funded projects included on the City's Six-Year Transportation Program,

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- b. The level of service for all intersections during the morning and evening peak hour, noting any intersections that do not meet level of service standards.
 5. An analysis of construction year traffic operations with trips generated by the development to include the level of service for all intersections during the morning and evening peak hour, noting any intersections that do not meet level of service standards.
 6. For intersections that fail to meet the level of service standards during the evening or morning peak hours under existing year or construction year traffic, with or without the trips generated by the development, the applicant shall determine strategies for mitigation. An analysis of the mitigation strategies shall include the level of service for all intersections during the morning and evening peak hour, for both the construction and design year with the trips generated by the development.
 7. The applicant shall make recommendations of mitigation strategies needed for concurrency. If approved, all recommendations from the TIA shall become conditions of the Certificate of Concurrency.
 8. Any recommendations that include transportation demand management strategies shall require the applicant to prepare and maintain a transportation management plan (TMP) which shall include the following sections:
 - a. Transportation Manager: The TMP shall identify an on-site transportation manager who will be responsible for implementing and maintaining the plan. This title need not be tied to a specific existing role within the organizational chart but must be assigned at all times.
 - b. Traffic Safety: The TMP shall have a “zero crashes” goal and develop strategies to meet or move towards that goal. Crashes on the site, or at the site access points shall be tracked and reported.
 - c. Mode Choice Management: The TMP shall develop transit ridership goals and strategies to meet them and develop tracking and reporting standards to determine if those goals are being met.
 - d. Travel Demand Management: The TMP shall develop travel demand management goals for reducing single occupancy vehicle trips generated during the morning and evening peak hours, strategies for obtaining the goals, and develop tracking and reporting standards to determine if those goals are being met.
 - e. Active Transportation Connectivity: The TMP shall identify walking and bicycling routes on-site to connect to loading areas, and any parking areas. The plan shall identify connections to existing and planned pedestrian and bicycle facilities.

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- C. The Code Official shall evaluate the TIA to determine if the development passes or fails the concurrency test. A development will pass the concurrency of the proposed mitigation strategies and expected level of service meet the City's level of service standard. If the TIA and recommendations pass the concurrency test, the Code Official shall issue a TIA Acceptance Letter. The acceptance letter shall be valid for 1 year after issuance.
 - D. If the concurrency test is not passed, then the applicant may retest for concurrency after doing one or both of the following:
 - 1. Modify the application to reduce the need for the concurrency facilities that do not exist. Reduction of need can be through deduction of the size of the development, reduction of trips generated by original proposed development, or phasing of the development to match future concurrency facility construction; or,
 - 2. Arrange with the Public Works Department to fund the improvements for the additional capacity required for the concurrency facilities.
 - E. If the concurrency test is not passed, the applicant may apply for reconsideration of the results of the concurrency test to the Public Works Department in accordance with the provision of this Chapter.

19.20.050 Certificate of Concurrency

- A. A Certificate of Concurrency shall be issued at the same time a development permit or building permit is issued, provided that the permit has been issued a TIA Acceptance Letter from the Code Official.
- B. The Code Official shall issue certificates of concurrency first for the earliest application reviewed and approved. Subsequent certificates will be issued in the order of the review and approval. The purpose of this section is to enable applicants who are ready for approval to receive a Certificate of Concurrency, even if their application was submitted after an earlier applicant. If an applicant's concurrency test notice expires before a Certificate of Concurrency is issued, then the assigned impacts for that applicant can be reassigned to another applicant. It is the City's intent to treat applications on a "first-come first-served" basis and to use this section to avoid the delays in approval of development caused by applicants who are unable to complete the review process as a result of their own action.
- C. A Certificate of Concurrency shall apply only to the specific land use, density and intensity described in the application for a development permit or building permit.
- D. No development shall be required to obtain more than one Certificate of Concurrency, unless the applicant or subsequent owner proposes changes or modifications to the development quantity that creates additional impacts on concurrency facilities.
- E. A Certificate of Concurrency is not transferable to other land, but may be transferred to new owners of the original land.

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- F. Unless otherwise specified in the decision granting the Certificate of Concurrency, the Certificate shall be valid for the lifespan of the corresponding development or building permit. If the corresponding development or building permit expires, then the Certificate of Concurrency shall expire.

19.20.060 Provide Needed Concurrency Facilities

- A. The City shall provide, or arrange for others to provide, adequate facilities by constructing needed capital improvements and implementing strategies that do the following:
1. Achieve level of service standard of anticipated future development and redevelopment caused by previously issued and new development permits; and
 2. Repair or replace obsolete or worn out facilities.
- B. Improvements to the facilities shall be consistent with the Transportation Element of the City's Comprehensive Plan.
- C. The City shall include in its budget financial commitments for all capital improvement projects required to meet adopted level of service standards for expenditure during the appropriate fiscal year. The City may omit from its budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year.

19.20.070 Bonds

The Code Official may require a bond, as applicable, to ensure compliance with any aspect of concurrency for the development permit or building permit approval.

19.20.080 Intergovernmental Coordination

- A. The City may enter into agreements with other local, regional, state and federal governments, applicable non-City managed facilities, and other facility providers to coordinate the imposition of level of service standards and other mitigation for concurrency.
- B. The City may apply standards and mitigation to development in the City that impact other local governments in the State of Washington. Development permits or building permits issued by the City may include conditions and mitigations that will be imposed on behalf of and implemented by other local governments in the State of Washington. The City may agree to accept and implement conditions and mitigation that are imposed by other jurisdictions on development in their jurisdictions that impact the City.

19.20.090 Administrative Rules and Procedures

The Code Official shall be authorized to establish administrative rules and procedures for administering the concurrency test system. The administrative rules and procedures shall include but not limited to application forms, necessary submittal information processing

times, issuance of the TIA Acceptance Letter, and the Certificate of Concurrency, and processing the Request for Reconsideration.

19.20.100 Requests for Reconsideration for TIA Acceptance Letter

- A. The decision to approve or deny a TIA Acceptance Letter may be reconsidered under this chapter only under the following conditions.
 - 1. A technical error has been identified and corrected, or;
 - 2. Alternative data or a mitigation plan is provided by the applicant which meets the concurrency test.
- B. Only the applicant or authorized agent of the property may request reconsideration of the concurrency decision.
- C. The procedure for reconsideration shall consist of:
 - 1. The applicant must file a written request for reconsideration to the Code Official within thirty (30) days following the postmarked or electronically posted or e-mailed date of distribution of the TIA Acceptance Letter approval or denial. The applicant shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.
 - 2. Within thirty (30) calendar days after receiving a request for reconsideration, the Code Official shall notify the applicant in writing whether the Code Official will reconsider the decision. The Code Official may reconsider the decision only if there is substantial merit in the request.
 - 3. If the Code Official reconsiders the decision, a document of the final Certificate of Concurrency decision shall be issued to the applicant.

19.20.110 SEPA Exemption

A determination of concurrency is categorically exempt from the State Environmental Policy Act.

Add to MICC 19.15.010, Ministerial Actions:

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Ministerial Actions			
<u>Determination of Concurrency</u>	<u>Code Official</u>	<u>Chapter 19.20</u>	<u>None</u>