

ORDINANCE NO. **12616**

AN ORDINANCE to amend the transportation concurrency program of the department of transportation; amending Ordinance 11617 Sections 4, 6, 9-23, 25, 26, 27, 29, and 30; and K.C.C. 14.65.020 and .040, and 14.70.020, .040, .050, .060, .080, and .090; and adding a new section to K.C.C.14.70.

PREAMBLE:

For the purposes of effective transportation and growth management, the King County Council makes the following legislative findings:

1. The transportation concurrency management program is amended to improve its effectiveness and to streamline its operation so that it is more effective in implementing the adopted comprehensive plan as required in R.C.W. 36.70A and as intended in K.C.C. 14.65 and 14.70 and in Ordinance 11617.
2. The changes contained in this Ordinance are needed to amend Title 14 of the King County Code and Ordinance 11617, and bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.
3. This Ordinance corrects the King County Code so that it refers to the new County department of transportation.
4. This Ordinance incorporates a policy change to the Comprehensive Plan adopted by the Council in 1995, which provides that the level of service standard for Transportation Service Area 3 may be applied to development requests in Area 4 if sewer and water services are available.
5. This Ordinance adjusts the administrative fees associated with transportation concurrency to better reflect the costs associated with the transportation concurrency program. The extension of a certificate is charged an administrative fee.
6. This Ordinance changes the effective duration of a transportation concurrency certificate from 90 to 180 days, and limits to one the number of extensions routinely available to the certificate holder, provided that the applicant has scheduled a pre-application meeting with DDES, paid the extension fee, and filed the request for extension prior to the expiration of the original certificate.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11617, Section 4, and K.C.C. 14.65.020 are amended to read as follows:

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2 Relationships among three components of the Integrated Transportation  
3 Program.

4 A. Permit Processes.

5 1. Certificate of Concurrence: Prior to submission of a development  
6 application, a request for a certificate of concurrence shall be initiated by a submittal to  
7 the department of ~~((development and environmental services (DDES)))~~ transportation on  
8 a prescribed form containing information describing the location, uses, intensities, trip  
9 generation characteristics and pertinent information for the intended development.. The  
10 certificate is a prerequisite for a complete development application. ~~((DDES and the~~  
11 ~~department of public works (DPW), or their successor agencies,))~~ The department of  
12 transportation shall use the submitted information to determine the net trips to be  
13 generated, taking into account commute trip reduction strategies, internal travel for  
14 mixed-use development, and pass-by trips from existing traffic flows, and shall  
15 determine whether the development passes the concurrency test prescribed in the TCM  
16 chapter of this title.  
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20 2. Development Application: Following the submission of a  
21 development application, the ~~((DPW))~~ department of transportation shall determine the  
22 transportation impact fee to be paid under the MPS chapter of this title and shall  
23 determine the traffic impacts of the proposed development on roadway intersections that  
24 will be adversely impacted and which must be mitigated using the IS chapter of this title.  
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26 B. Calculation of Trips Generated by a Development.

27 1. The vehicular trips expected to be generated by a proposed  
28 development shall be calculated as of the time of application for a certificate of  
29 concurrency, using standard generation rates published by the Institute of Transportation  
30 Engineers, other standard references, or from other documented information and surveys  
31 approved by the ~~((DPW))~~ department of transportation.  
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2           2.     The ((DPW)) department of transportation may approve a  
3 reduction in generated vehicle trips calculated pursuant to the preceding subsection based  
4 on the types of land uses that are to be developed, on the expected amount of travel  
5 internal to the development, on the expected pass-by trips from existing traffic, or on the  
6 expected reduction of vehicle traffic volumes. Such reduction shall be used when  
7 calculating TAM, MPS and IS, including any impact and mitigation fees and costs for  
8 which the development shall be liable.  
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10                 The calculation of vehicular trip reductions as described in this section  
11 shall be based in all cases upon sound and recognized technical information and  
12 analytical process that represent current engineering practice. In all cases, the ((DPW))  
13 department of transportation shall have final approval of all such data, information, and  
14 technical procedures used to calculate trip reductions.  
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16           C.     Calculations.

17                 1.     TAM Calculations. King County shall determine the  
18 Transportation Adequacy Measure (TAM) for any zone according to policies T-303, T-  
19 304, and T-306 of the comprehensive plan. The TAM is a two part analysis, involving  
20 the average weighted volume to capacity (v/c) ratio of arterials and highways serving the  
21 zone (TAM value) and the existence of roadways critical to the zone's access not funded  
22 for improvement in the committed network (unfunded critical links). If an unfunded  
23 critical link exists, then ((the zone)) any proposed development which sends at least thirty  
24 per cent of its trips to that critical link shall be deemed to fail the concurrency test until  
25 the critical link is improved.  
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27                 Administrative rules issued under the authority of this chapter shall contain a detailed  
28 technical description of the calculation of TAM and the list of potential unfunded critical  
29 links to be monitored.  
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2 2. IS Calculations. Intersection level of service shall be calculated  
3 according to the most recent Highway Capacity Manual or an alternative method  
4 approved by the ((DPW)) department of transportation.

5 D. Standards.

6 1. The standard for the TAM value of a zone shall be those maximum  
7 average v/c zonal scores listed in Comprehensive Plan Policy T-305 for Transportation  
8 Service Areas, and displayed in Section 14.70.060.

9 2. The unfunded critical link standard shall apply to the links  
10 identified by administrative rule, which have a volume to capacity ratio of 1.1 or more,  
11 and which would carry more than thirty (30) percent of the zone traffic from a residential  
12 development or more than thirty (30) percent of the traffic from a commercial  
13 development. The concept of unfunded critical links shall not apply to roads in  
14 Transportation Service Areas 1 and 2 if HOV lanes and transit service are available now  
15 or expected to be available within six years in the unfunded critical link corridor.  
16 Unfunded critical links shall be applied only on those roadways in unincorporated King  
17 County unless they are identified in a city according to an interlocal agreement.

18 3. The intersection standard for all intersections shall be "E" as  
19 required by the IS chapter and calculated according to the most recent Highway Capacity  
20 Manual, or approved alternative method.

21 E. Application of Standards. The standards set forth above shall be used in  
22 the ITP as follows:

23 1. In the TCM chapter, zone evaluation of concurrency shall be  
24 calculated using the TAM value, the TAM standard for the zone, and unfunded critical  
25 links analysis.

26 2. In the identification of improvement needs for the Transportation  
27 Needs Report (TNR), the TAM and critical link standards will be used to determine  
28 needed improvements, together with safety, operational, multimodal, traffic congestion,  
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1 and other criteria. These improvement needs shall be the source of projects included in  
2 the TNR, Capital Improvement Program (CIP), and MPS list.

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4 3. For the determination of traffic impacts for the SEPA evaluation of  
5 a proposed development, the Intersection Standard will be used, as well as other criteria  
6 for bicycle/pedestrian, traffic congestion, safety, and road design.

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8 F. Administrative Fees. Fees for the ITP shall be imposed as follows:

9 1. An original administrative fee of ~~((sixty dollars (\$60.00))~~ one  
10 hundred dollars (\$100.00) plus ten dollars (\$10.00) per residential unit or ten cents (\$0.10)  
11 per square foot of non-residential floor area shall be charged to the applicant for the TAM  
12 determination of concurrency and issuance of an original concurrency certificate of a  
13 proposed development. No original administrative fee shall exceed one thousand dollars  
14 (\$1000.00). An additional administrative fee of fifty dollars (\$50.00) and five dollars  
15 (\$5.00) per residential unit or five cents (\$0.05) for each square foot of non-residential  
16 floor area shall be charged for the one time extension of a certificate as stated in Section  
17 7. K.C.C. 14.70.080 E. No additional administrative concurrency fee shall exceed five  
18 hundred dollars (\$500.00). ~~((using analytical materials currently available to the DPW. In~~  
19 some cases, existing analytical materials may not be sufficient to make a determination of  
20 concurrency for the proposed development and an individual concurrency test will be  
21 required. An administrative fee of three hundred and twenty dollars (\$320.00) shall be  
22 charged to the applicant for the individual determination of concurrency of a proposed  
23 development.)) The method and time of collection of administrative fees for the  
24 concurrency test shall be stated in the administrative rules for this title.

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28 2. All developments subject to the MPS fees shall pay an  
29 administrative fee as established by Sections 14.75.080 and 14.75.090 at the time of  
30 application for an MPS determination. Payment for impact mitigation fees under MPS  
31 shall be paid at the time a development permit is issued, provided that residential  
32 developments may defer payment until building permits are issued.  
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2 3. No administrative fees shall be charged for IS review, however, the  
3 owner of a proposed development is responsible for the costs of any traffic study needed  
4 to determine traffic impacts and mitigation measures at intersections, as determined by  
5 the director.

6 G. Relationship to SEPA. The need for the environmental assessment of a  
7 proposed development must be determined by the department of development and  
8 environmental services, following the filing of a completed permit application. Impacts  
9 on the road system will be mitigated through MPS fees. Impacts on intersections will be  
10 mitigated through the provisions of 14.80.

11  
12 Nothing in this chapter shall cause a developer to pay mitigation and  
13 impact fees more than once for the same impact. Improvements and mitigation measures  
14 shall be coordinated by the director with other such improvements and measures  
15 attributable to other proposed developments, and with the county road improvement  
16 program so that the county road system is improved efficiently and effectively, with  
17 minimum costs to be incurred by public and private entities. The provisions of this title  
18 do not supersede or replace the provisions of the county SEPA authority as enacted in  
19 K.C.C. 20.44.  
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22 SECTION 2. Ordinance 11617, Section 6, and K.C.C.14.65.040 are amended as  
23 follows:

24 **Grounds for appeal - Concurrency, MPS, IS.**

25 A. For appeals of denial or conditional approval of a certificate of  
26 concurrency, the appellant must show that:

- 27
- 28 1. The department committed a technical error,
  - 29 2. Alternative data or a traffic mitigation plan, which may include  
30 transportation strategies such as demand management or vanpools, submitted to the  
31 department was inadequately considered,  
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2 3. The action of the department would substantially deprive the  
3 owner of all reasonable use of the property,

4 4. Conditions required by the department for concurrency are not  
5 related to the concurrency requirement, or

6 5. The action of the department was arbitrary and capricious.

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8 B. For appeals of the MPS fee, the appellant must show that the department:

9 1. Committed an error in:

10 a. calculating the development's proportionate share, as  
11 determined by an individual fee calculation or, if relevant, as set forth in the fee schedule,

12 or

13 b. granting credit for benefit factors; or

14 2. Based on the final decision upon incorrect data; or

15 3. Gave inadequate consideration to alternative data or mitigations  
16 submitted to the department.

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18 C. For appeals of IS improvements, the appellant must show that:

19 1. The department committed a technical error,

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

22 3. Conditions required by the department are not related to  
23 improvements needed to serve the proposed development.

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25 SECTION 3. Ordinance 11617, Sections 9-23, and K.C.C. 14.70.020 are  
26 amended as follows:

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29 **Definitions.**

30 A. Capital Improvement Program. Capital Improvement Program (CIP)  
31 means the expenditures programmed by King County for capital purposes over the next  
32 six year period in the CIP most recently adopted by the county council.  
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2 B. Certificate of Concurrency. Certificate of Concurrency means the  
3 document issued by the county indicating:

- 4 1. The location or other description of the property on which the  
5 development is proposed,  
6 2. The number of development units and specific uses, densities, and  
7 intensities that were tested for concurrency and approved,  
8 3. The type of development approval for which the certificate of  
9 concurrency is issued,  
10 4. An effective date, and  
11 5. An expiration date.

12  
13 Certificates may be conditional, unconditional, or extended,  
14 according to department administrative practices described in the public rules for the  
15 program.  
16

17 C. Committed Network for the Transportation Adequacy Measure.  
18 Committed Network for the Transportation Adequacy Measure means the system of  
19 transportation facilities used to calculate the Transportation Adequacy Measure to  
20 determine the level of service to transportation for a zone. The network includes  
21 transportation facilities that are needed to provide the level of service standard, including  
22 existing facilities and proposed facilities which are fully funded for construction in the  
23 most currently adopted six year roads CIP or for which voluntary financial commitments  
24 have been secured. Projects to be provided by the state, cities or other jurisdictions may  
25 become part of the committed network upon decision of the director.  
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28 D. Concurrency. Concurrency means transportation improvements or  
29 strategies are in place at the time of development or that a financial commitment is in  
30 place to complete the improvements or strategies within six years needed to maintain the  
31 county level of service standards, according to RCW 36.70A.070(6).  
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2 E. Concurrency Test. Concurrency Test means the determination of an  
3 applicant's impact on transportation facilities by the comparison of the level of service of  
4 the concurrency zone which includes the proposed development to the level of service  
5 standard for that zone. A concurrency test must be passed in order to obtain a certificate  
6 of concurrency.

7  
8 F. Concurrency Zone. Concurrency Zone means one of the zones depicted in  
9 the King County Mitigation Payment and Concurrency Zone Map which is adopted as  
10 Attachment A of Ordinance 11617 and is on file with the clerk of the council. The  
11 director of ((DPW)) transportation may change the boundaries of such zones by including  
12 such changes in the administrative rules for this title, filing such changes with the clerk of  
13 the council, and giving public notice of such changes.

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15 G. Department. Department means the King County department of ((public  
16 works)) transportation or its successor agency.

17  
18 H. Development. Development means specified improvements or changes in  
19 use designed or intended to permit a use of land which will contain more dwelling units  
20 or buildings than the existing use of the land, or to otherwise change the use of the land or  
21 buildings/improvements on the land in a manner that increases the amount of vehicle  
22 traffic generated by the existing use of the land, and that requires a development permit  
23 from King County. This definition shall not pertain to the rezoning of land or a UPD  
24 permit or a fully contained community.

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26 I. Development Approval. Development Approval means any order, permit  
27 or other official action of the county granting, or granting with conditions an application  
28 for development, but not pertaining to the rezoning of land or a UPD permit or a fully  
29 contained community.

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31 J. Development Units. Development Units means the proposed quantity of  
32 development measured by dwelling units for residential development and square feet for  
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1 non-residential development, upon which are based the calculations of TAM for the  
2 determination of concurrency.  
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4 K. Financial Commitment. Financial Commitment consists of the following:

5 1. Revenue designated in the most currently adopted CIP for  
6 transportation facilities or strategies needed in the committed network for the  
7 Transportation Adequacy Measure to test for concurrency. The financial plan underlying  
8 the adopted CIP identifies all applicable and available revenue sources and forecasts these  
9 revenues through the six year period with reasonable assurance that such funds will be  
10 timely put to such ends. Projects to be used in defining the committed network shall  
11 represent those projects which are fully funded for construction in the six years of the  
12 CIP. This commitment is annually reviewed through the annual budget process;  
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14 2. Unanticipated revenue from federal or state grants for which the  
15 county has received notice of approval; or  
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17 3. Revenue that is assured by an applicant in a form approved by the  
18 county in a voluntary agreement.  
19

20 L. Peak Period. Peak Period means the one-hour weekday period during  
21 which the greatest volume of traffic uses the road system identified separately for each  
22 roadway section. For concurrency purposes, this period shall be in the afternoon of a  
23 typical weekday.

24 M. Pre-application meeting. A pre-application meeting is a meeting between  
25 the applicant for a transportation concurrency certificate or its extension and the staff of  
26 the department of development and environmental services and others, according to that  
27 department's rules and administrative procedures held for the purpose of determining the  
28 requirements to file a development permit application.  
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30 ((M)) N. Reservation and Reserve. Reservation and Reserve means  
31 development units are set aside in the county's concurrency records in a manner that  
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1 assigns the units to the applicant and prevents the same units being assigned to any other  
2 applicant.  
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4 ((N)) Q. Transportation Facilities. Transportation Facilities means  
5 principal, minor and collector arterial roads, streets, state highways, freeways,  
6 intersections, transit and high occupancy vehicle facilities, and non-motorized facilities  
7 (i.e., for bicycles or pedestrians). Transportation facilities include any such facility  
8 owned, operated or administered by the State of Washington and its political  
9 subdivisions, including the county and cities.  
10

11 ((O)) P. Transportation Strategies. Transportation Strategies means  
12 transportation demand management strategies and other techniques or programs that  
13 reduce single-occupant vehicle commute travel and that are approved by the department.  
14 Strategies may include but are not limited to vanpooling, carpooling, shuttle  
15 transportation, and public transit.  
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17 SECTION 4. Ordinance 11617, Section 25, and K.C.C. 14.70.040 are amended  
18 as follows:  
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20 **Concurrency Test.**

21 A. Applications for certificates of concurrency, and the resulting concurrency  
22 test, shall be completed prior to application for development approval. For a UPD permit  
23 or a fully contained community, applications for certificates of concurrency, and the  
24 resulting concurrency test, shall be completed prior to issuance of a UPD permit or a  
25 permit for a fully contained community and their certificates shall not need extensions  
26 provided that the subject developments are progressing towards completion and have not  
27 been terminated.  
28

29 B. Applications for certificates of concurrency shall be submitted to the  
30 department of ~~((development and environmental services))~~ transportation on forms  
31 provided by the department.  
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2 C. The county shall perform a concurrency test for each application for a  
3 certificate of concurrency.

4 D. The county shall conduct the concurrency test first for the earliest  
5 completed application received. Subsequent applicants will be tested in the same order as  
6 the county receives completed applications.

7  
8 E. The county shall not issue a certificate of concurrency unless there are  
9 adequate transportation facilities to meet the level of service standards for existing and  
10 approved uses and the impacts of the proposed development..

11 F. In conducting the concurrency test, the county shall use standard trip  
12 generation rates, such as those reported by the Institute of Transportation Engineers. An  
13 applicant may submit ~~((with))~~ as a part of the application for certification of concurrency  
14 a calculation of alternative trip generation rates for the proposed development. The  
15 director shall review the alternate calculations and make a written determination within  
16 ten (10) business days of submittal as to whether such calculation will be used in lieu of  
17 the standard trip generation rates. The director shall adjust the trip generation forecast of  
18 proposed development to account for allowances determined pursuant to the Mitigation  
19 Payment System's procedures for transportation strategies, including transportation  
20 demand management reductions.

21 G. If the level of service is equal to or better than the adopted standards, the  
22 concurrency test is passed, and the applicant shall receive a certificate of concurrency.

23 H. If the level of service is worse than the adopted standards, the concurrency  
24 test is not passed, and the applicant shall select one of the following options:

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26 1. Accept a ninety (90) day reservation of transportation facilities that  
27 are available, and within the same ninety (90) day period amend the application to reduce  
28 the need for transportation facilities to the units that are available, or voluntarily arrange  
29 for the transportation facilities or strategies needed to achieve concurrency. The 90 day  
30 period shall begin no later than fourteen (14) days after receipt of the notification of  
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1 denial. Reduction of the need for transportation facilities may be achieved (~~can be~~)  
 2 through one or a combination of the following: reducing (~~reduction of~~) the size of the  
 3 development (so long as minimum density requirements continue to be met), reducing trip  
 4 generation (~~reduction of trips generated~~) by the original proposed development; (~~)~~  
 5 phasing of the development to match future transportation facility construction; providing  
 6 (~~provision of~~) transportation strategies, when the department determines that such  
 7 strategies will be reasonably sufficient as to reduce traffic to a level which meets the  
 8 concurrency standard or threshold; or

9           2. Accept the denial of an application for a certificate of concurrency; or

10           3. Appeal the denial of the application for a certificate of concurrency,  
 11 pursuant to the provisions of Sections 14.65.030 and 14.65.040. The county shall reserve  
 12 any available development units during the appeal. Acceptance of the 90 day period shall  
 13 not impair the applicant's future right to a formal appeal at a later time.

14           I. The concurrency test shall be performed only for the specific property, uses,  
 15 densities and intensities based on information provided by the applicant and included in the  
 16 certificate of concurrency. Changes to the uses, densities, and intensities that create  
 17 additional impacts on transportation facilities shall be subject to an additional concurrency  
 18 test.

19           SECTION 5. Ordinance 11617, Section 26, and K.C.C. 14.70.050 are amended as  
 20 follows:

21           Exemptions from Concurrency.

22           A. The following applications for development approval are exempt from the  
 23 concurrency test, and may commence development without a certificate of concurrency:

24           1. Development that is vested prior to the effective date of Ordinance  
 25 11617 (1/8/95) is exempt for the development approval for which vested status was  
 26 achieved:

27           2. Any development that is categorically exempt from environmental  
 28 review according to K.C.C. 20.44.040, except short plats;

29           3. Renewals of previously issued, unexpired permits and

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2 4. Expansions or phases of projects that were disclosed by the  
3 applicant and subject to a concurrency test as part of the original application (i.e., phased  
4 development), provided that a certificate of concurrency was issued for the expansion or  
5 subsequent phase.

6  
7 5. Any development that will have no transportation impact, and that  
8 will not change the traffic volumes and flow patterns in the p. m. peak travel period, as  
9 determined by the director.

10 B. In order to monitor the cumulative effect of exempt development  
11 approvals on the level of service of transportation facilities, the county shall add the  
12 impacts of exempt development approvals to the Transportation Adequacy Measure and  
13 all other relevant concurrency monitoring records. Development units shall be allocated  
14 to vested development based on the amount such vested developments are likely to need  
15 on an annual basis. The allocation shall be based on each vested development's  
16 historical building patterns over recent years. If no such historical record or pattern can  
17 be determined for a vested development, then the allocation to each year of the first six  
18 years shall be one-sixth of the construction activity remaining to be built in the  
19 development. All allocations of facility capacity to vested development shall be  
20 subtracted from the remaining capacity available for development that is not vested.

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22 SECTION 6. Ordinance 11617, Section 27, and K.C.C. 14.70.060 are amended  
23 as follows:

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25 **TAM Standards.**

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27 A. The following are the TAM standards for each Transportation Service  
28 Area, as adopted in the King County Comprehensive Plan Policy T-305, provided there  
29 are no unfunded critical links affecting the concurrency zone:  
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Transportation Service Area	Maximum Averaged V/C Zonal Score	Average TAM Standard
Transportation Service Area 1 with adequate HOV and transit service (Activity center)	> 1.0	F
Transportation Service Area 1 without adequate HOV and transit service	0.99	E
Transportation Service Area 2 (Full service area with transit priority)	0.99	E
Transportation Service Area 3 (Full service area)	0.89	D
Transportation Service Area 4 (Service planning area)	0.79	C
Transportation Service Area 5 (Rural area)	0.69	B

The TAM standard for Transportation Service Area 3 shall be applied to development requests in Transportation Service Area 4 for individual sites where public sewer and water services are available at the time of development permit application, as evidenced by water and sewer availability certificates satisfactory to the department.

For the purpose of this section, "adequate HOV and transit service" means that those services planned for Transportation Service Area 1 are in operation. The standard in each concurrency zone or part hereof shall be the same as for the Transportation Service Area in which the zone or part is located. In the event that a concurrency zone is affected by one or more unfunded critical links, the concurrency zone shall be considered to fail the standard for the zone.

B. A certificate of concurrency shall not be issued ~~((in any part of a concurrency zone))~~ to any proposed development if the standards in this section are not achieved and maintained for the ~~((zone))~~ development as a whole, or the portion of the ~~((zone))~~ development in ~~((the))~~ each Transportation Service Area in which the development is proposed.

1            SECTION 7. Ordinance 11617, Section 29, and K.C.C. 14.70.080 are amended  
2  
3 as follows:

4            **Certificate of Concurrency.**

5            A. A certificate of concurrency shall be issued by the director or the director's  
6 designee. Issuance of a certificate creates a rebuttable presumption that the proposed  
7 development satisfies the concurrency requirements of this chapter. The determination of  
8 concurrency shall be final at the time of development approval. The issue of concurrency  
9 may be raised as part of the review process for the development application for which the  
10 certificate of concurrency was issued.

11  
12            B. Upon issuance of a certificate of concurrency, the county shall reserve  
13 development units on behalf of the applicant, and indicate the reservation on the  
14 certificate of concurrency.

15  
16            C. A certificate of concurrency shall expire if the development permit for  
17 which the concurrency is reserved is not applied for within ~~((ninety (90)))~~ one hundred  
18 and eighty (180) days of issuance or extension of the certificate of concurrency. A  
19 certificate of concurrency shall be required in application for a formal subdivision plat  
20 under K.C.C. 19.36.045 and for a short plat under K.C.C. 19.26.020, and for a  
21 commercial building permit.

22  
23            D. A certificate of concurrency shall be valid for the development permit  
24 application period and subsequently for the same period of time as the development  
25 approval which is issued pursuant to the certificate of concurrency. If the  
26 development approval does not have an expiration date, the certificate of concurrency  
27 shall be valid for five years from the date of issuance.

28  
29            E. A certificate of concurrency shall be valid for an initial 180 day period and  
30 may be extended ~~((according to the same terms and conditions as the underlying~~  
31 ~~development approval. If a development approval is granted an extension, the certificate~~  
32 ~~of concurrency, if any, shall also be extended, except that certificate of concurrency shall~~



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2 ~~not be extended more than two times without reason deemed sufficient by the director of~~  
3 ~~DPW.)) one time for an additional 180 days by the director, provided that the holder of~~  
4 ~~the original certificate or his agent has, before the time of expiration of the original~~  
5 ~~certificate, scheduled a pre-application meeting with the department of development and~~  
6 ~~environmental services, and has requested such extension in writing to the director, and~~  
7 ~~has paid the extension fee. The further extension of a certificate of concurrency by the~~  
8 ~~director shall be made only under extraordinary circumstances, and upon written request~~  
9 ~~by the applicant.~~  
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11 F. A certificate of concurrency can be extended to remain in effect for the life  
12 of each subsequent development approval for the same parcel, as long as the applicant  
13 obtains the subsequent development approval prior to the expiration of the earlier  
14 development approval. No development shall be required to hold more than one valid  
15 certificate of concurrency, unless the applicant or subsequent owner proposes changes or  
16 modifications to the property location, density, intensity, or land use that creates  
17 additional impacts on transportation facilities.  
18

19 G. A certificate of concurrency runs with the land and is valid only for  
20 subsequent development approvals for the same parcel, and to new owners of the original  
21 parcel for which it was issued. A certificate of concurrency cannot be transferred to a  
22 different parcel and shall be limited to uses and intensities for which it was originally  
23 issued.  
24

25 H. Upon subdivision of a parcel that has obtained a certificate of concurrency,  
26 the county (~~shall~~) may replace the certificate of concurrency by issuing a separate  
27 certificate of concurrency to each subdivided parcel, assigning to each a pro rata portion  
28 of the development units of the original certificate. The director may modify such  
29 assignment upon petition of the owner.  
30

31 I. A certificate of concurrency shall expire if the underlying development  
32 approval expires or is revoked or denied by the county.  
33

1 J. All development approvals that voluntarily provide funding for one or  
2 more transportation facilities by the development or entities other than the county shall be  
3 conditioned to require that prior to the issuance of any final development approval the  
4 availability of such transportation facilities or financial arrangements has been confirmed.  
5

6 K. Upon annexation of any development, the provisions for the certificate of  
7 concurrency shall be enforced by the interlocal agreement with the annexing city.  
8

9 SECTION 9. Ordinance 11617, Section 30, and K.C.C. 14.70.090 are amended  
10 as follows:

11 **Fees.**

12 A. The county shall charge an administrative fee for conducting the  
13 concurrency test in accordance with Section 14.65.020F, and an additional fee for the one  
14 time extension of a valid certificate. The concurrency test fee shall not be refundable.  
15

16 B. The following types of development are exempt from the concurrency test  
17 fee:

18 1. All applications that are exempt from the concurrency test pursuant  
19 to Section 14.70.050, and  
20

21 2. Development by municipal, county, state, and federal  
22 governments, and special districts (as that term is defined by state law).  
23

24 NEW SECTION. SECTION 10. A new section shall be added to K.C.C. 14.70.  
25 to read as follows.  
26  
27  
28  
29  
30  
31  
32  
33

The provisions and fees of this ordinance shall apply to every application for a transportation concurrency certificate and to every request for the extension of a valid certificate received by the department after the effective date of this ordinance.

INTRODUCED AND READ for the first time this 2nd day of December 1996.

PASSED by a vote of 13 to 0 this 21<sup>ST</sup> day of January, 19 97.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST

  
Clerk of the Council

APPROVED this 31 day of January, 19 97.

  
King County Executive

Attachment: None