



**KING COUNTY**

17183

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**February 21, 2001**

**Ordinance 14050**

**Proposed No.** 2000-0372.4

**Sponsors** Sullivan

1 AN ORDINANCE to amend the transportation concurrency  
2 program of the department of transportation; amending  
3 Ordinance 11617, Section 3, and K.C.C. 14.65.010,  
4 Ordinance 11617, Section 4, and K.C.C. 14.65.020,  
5 Ordinance 11617, Section 5, and K.C.C. 14.65.030 and  
6 Ordinance 11617, Section 6, as amended, and K.C.C.  
7 14.65.040, adding new sections to K.C.C. chapter 14.70 and  
8 repealing Ordinance 11617, Section 8, and K.C.C.  
9 14.70.010, Ordinance 11617, Sections 9 through 23, as  
10 amended, and K.C.C. 14.70.020, Ordinance 11617, Section  
11 24, and K.C.C. 14.70.030, Ordinance 11617, Section 25, as  
12 amended, and K.C.C. 14.70.040, Ordinance 11617, Section  
13 26, as amended, and K.C.C. 14.70.050, Ordinance 11617,  
14 Section 27, as amended, and K.C.C. 14.70.060, Ordinance  
15 11617, Section 28, and K.C.C. 14.70.070, Ordinance 11617,  
16 Section 29, as amended, and K.C.C. 14.70.080, Ordinance  
17 11617, Section 30, as amended, and K.C.C. 14.70.090,

18 Ordinance 12616, Section 10, and K.C.C. 14.70.092,  
19 Ordinance 11617, Section 31, and K.C.C. 14.70.100,  
20 Ordinance 11617, Section 32, and K.C.C. 14.70.110,  
21 Ordinance 11617, Section 33, and K.C.C. 14.70.120 and  
22 Ordinance 11617, Section 66, and K.C.C. 14.70.200.

23  
24

25 PREAMBLE:

26 For the purpose of effective transportation and growth management, the  
27 King County council makes the following legislative findings:

- 28 1. This ordinance amends the transportation concurrency management  
29 program to improve its effectiveness and to streamline its operation;
- 30 2. This ordinance implements the amended Comprehensive Plan for 2000  
31 as required in chapter 36.70A RCW and as intended in K.C.C. chapter  
32 14.70 and in Ordinance 11617, Ordinance 12616 and Ordinance 13618;
- 33 3. The changes in this ordinance are needed to amend K.C.C. Title 14,  
34 Ordinance 11617, Ordinance 12616 and Ordinance 13618 and bear a  
35 substantial relationship to, and are necessary for, the public health, safety  
36 and general welfare of King County and its residents; and
- 37 4. This ordinance adopts a concurrency map as the concurrency test for  
38 residential development and will have the map amended twice yearly and  
39 submitted each time to the council for approval.

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

41            SECTION 1. Ordinance 11617, Section 3, and K.C.C. 14.65.010 are each hereby  
 42 amended to read as follows:

43            **Components of the ~~((I))integrated ~~((T))transportation ~~((P))program.~~~~~~** There  
 44 are three ~~((3))~~ components of the ~~((I))integrated ~~((T))transportation ~~((P))program.~~~~~~

45            These components are as follows:

46            A. Transportation ~~((C))concurrency ~~((M))management (TCM),~~ by which King  
 47 County ~~((will))~~ regulates new development based on adequate transportation  
 48 improvements needed to maintain level of service standards, in accordance with RCW  
 49 36.70A.070(6) ~~((and)),~~ the King County Comprehensive Plan and K.C.C chapter 14.70.~~

50            B. Mitigation ~~((P))payment ~~((S))system (MPS),~~ by which King County ~~((will~~  
 51 ~~apply))~~ applies transportation impact fees to new development for collecting a fair and  
 52 equitable share of transportation improvement costs that are needed in accordance with  
 53 ~~((RCW))~~ chapter 82.02 ~~((and))~~ RCW, the King County Comprehensive Plan and K.C.C.  
 54 chapter 14.75.~~

55            C. Intersection ~~((S))standards (IS),~~ by which King County ~~((will))~~ evaluates  
 56 intersections affected by new development to assure safe and efficient operation and that  
 57 improvements to mitigate the adverse impacts of such developments are completed, in  
 58 accordance with the ~~((S))state~~ Environmental Policy Act (SEPA), K.C.C. 20.44.080,  
 59 ~~((and))~~ the King County Comprehensive Plan and K.C.C chapter 14.80.

60            SECTION 2. Ordinance 11617, Section 4, and K.C.C. 14.65.020 are each hereby  
 61 amended to read as follows:

62            ~~((Relationships among three components of the Integrated Transportation~~  
 63 ~~Program.))~~ Procedures for mitigation payment system and intersection standards.

64 A. ~~((Permit Processes.~~

65 1. ~~1. — Certificate of Concurrence: Prior to submission of a development~~  
66 ~~application, a request for a certificate of concurrence shall be initiated by a submittal to~~  
67 ~~the department of transportation on a prescribed form containing information describing~~  
68 ~~the location, uses, intensities, trip generation characteristics and pertinent information for~~  
69 ~~the intended development. The certificate is a prerequisite for a complete development~~  
70 ~~application. The department of transportation shall use the submitted information to~~  
71 ~~determine the net trips to be generated, taking into account commute trip reduction~~  
72 ~~strategies, internal travel for mixed-use development, and pass-by trips from existing~~  
73 ~~traffic flows, and shall determine whether the development passes the concurrence test~~  
74 ~~prescribed in the TCM chapter of this title.~~

75 2 ~~Development Application))~~ Following the submission of a development  
76 application, the department of transportation shall determine the transportation impact fee  
77 to be paid under ~~((the MPS))~~ K.C.C. chapter ((of this title)) 14.75 and shall determine the  
78 traffic impacts of the proposed development on roadway intersections that will be  
79 adversely impacted and which must be mitigated using ~~((the IS))~~ K.C.C. chapter ((of this  
80 title)) 14.80.

81 B. ~~((Calculation of Trips Generated by a Development.))~~ 1. The vehicular trips  
82 expected to be generated by a proposed development shall be calculated as of the time of  
83 application ~~((for a certificate of concurrence)),~~ using standard generation rates published  
84 by the Institute of Transportation Engineers, other standard references~~((;))~~ or from other  
85 documented information and surveys approved by the department of transportation.

86           2. The department of transportation may approve a reduction in generated  
87 vehicle trips calculated ~~((pursuant to the preceding))~~ under subsection B.1 of this section  
88 based on the types of land uses that are to be developed, on the expected amount of travel  
89 internal to the development, on the expected pass-by trips from existing traffic~~((;))~~ or on  
90 the expected reduction of vehicle traffic volumes. Such a reduction shall be used when  
91 calculating ~~((TAM;))~~ MPS and IS, including any impact and mitigation fees and costs for  
92 which the development shall be liable.

93           3. The calculation of vehicular trip reductions as described in this section shall  
94 be based in all cases upon sound and recognized technical information and analytical  
95 process that represent current engineering practice. In all cases, the department of  
96 transportation shall have final approval of all such data, information~~((;))~~ and technical  
97 procedures used to calculate trip reductions.

98           C. ~~((Calculations.~~

99           ~~1. TAM Calculations. King County shall determine the Transportation~~  
100 ~~Adequacy Measure (TAM) for any zone according to policies T-303, T-304, and T-306~~  
101 ~~of the comprehensive plan. The TAM is a two-part analysis, involving the average~~  
102 ~~weighted volume to capacity (v/c) ratio of arterials and highways serving the zone (TAM~~  
103 ~~value) and the existence of roadways critical to the zone's access not funded for~~  
104 ~~improvement in the committed network (unfunded critical links). If an unfunded critical~~  
105 ~~link exists, then any proposed development which sends at least thirty percent of its trips~~  
106 ~~to that critical link shall be deemed to fail the concurrency test until the critical link is~~  
107 ~~improved.~~

108 ~~Administrative rules issued under the authority of this chapter shall contain a~~  
109 ~~detailed technical description of the calculation of TAM and the list of potential unfunded~~  
110 ~~critical links to be monitored.~~

111 ~~2. IS Calculations.)) Intersection level of service shall be calculated according~~  
112 ~~to the most recent Highway Capacity Manual or an alternative method approved by the~~  
113 ~~department of transportation.~~

114 D. ~~((Standards.~~

115 ~~1. The standard for the TAM value of a zone shall be those maximum average~~  
116 ~~w/e zonal scores listed in Comprehensive Plan Policy T-305 for Transportation Service~~  
117 ~~Areas, and displayed in K.C.C. 14.70.060.~~

118 ~~2. The unfunded critical link standard shall apply to the links identified by~~  
119 ~~administrative rule, which have a volume to capacity ratio of 1.1 or more, and which~~  
120 ~~would carry more than thirty percent of the zone traffic from a residential development or~~  
121 ~~more than thirty percent of the traffic from a commercial development. The concept of~~  
122 ~~unfunded critical links shall not apply to roads in Transportation Service Areas 1 and 2 if~~  
123 ~~HOV lanes and transit service are available now or expected to be available within six~~  
124 ~~years in the unfunded critical link corridor. Unfunded critical links shall be applied only~~  
125 ~~on those roadways in unincorporated King County unless they are identified in a city~~  
126 ~~according to an interlocal agreement.~~

127 ~~3.)) The intersection standard for all intersections shall be "E" as required by~~  
128 ~~((the IS)) K.C.C. chapter 14.80 and calculated according to the most recent Highway~~  
129 ~~Capacity Manual((;)) or approved alternative method.~~

130 E. ~~((Application of Standards:))~~ As well as other criteria for bicycle, pedestrian,  
131 traffic congestion, safety and road design, ((F))the standards ((set forth above)) in  
132 subsection D of this section shall be used in the ~~((ITP as follows:~~

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

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

140 3. ~~))~~ integrated transportation program ((F)) for the determination of traffic  
141 impacts for the SEPA evaluation of a proposed development ~~((, the Intersection Standard~~  
142 ~~will be used, as well as other criteria for bicycle/pedestrian, traffic congestion, safety, and~~  
143 ~~road design)).~~

144 F. ~~((Administrative Fees:))~~ Fees for ~~((the ITP))~~ MPS and IS shall be ~~((imposed))~~  
145 as follows:

146 1. ~~((An original administrative fee of one hundred dollars (\$100.00) plus ten~~  
147 ~~dollars (\$10.00) per residential unit or ten cents (\$0.10) per square foot of nonresidential~~  
148 ~~floor area shall be charged to the applicant for the TAM determination of concurrency~~  
149 ~~and issuance of an original concurrency certificate of a proposed development. No~~  
150 ~~original administrative fee shall exceed one thousand dollars (\$1000.00). An additional~~  
151 ~~administrative fee of fifty dollars (\$50.00) and five dollars (\$5.00) per residential unit or~~  
152 ~~five cents (\$0.05) for each square foot of nonresidential floor area shall be charged for the~~

153 ~~one-time extension of a certificate as stated in K.C.C. 14.70.080E. No additional~~  
154 ~~administrative concurrency fee shall exceed five hundred dollars (\$500.00). The method~~  
155 ~~and time of collection of administrative fees for the concurrency test shall be stated in the~~  
156 ~~administrative rules for this title.~~

157 2)) All developments subject to the MPS fees shall pay an administrative fee as  
158 established by K.C.C. 14.75.080 and 14.75.090 at the time of application for an MPS  
159 determination. Payment for impact mitigation fees under MPS shall be paid at the time a  
160 development permit is issued, ~~((provided that))~~ but residential developments may defer  
161 payment until building permits are issued~~((-)); and~~

162 ~~((3. No))~~ 2. ((a))Administrative fees shall not be charged for IS review,  
163 ~~((however,))~~ but the owner of a proposed development is responsible for the costs of any  
164 traffic study needed to determine traffic impacts and mitigation measures at intersections,  
165 as determined by the director.

166 G. ~~((Relationship to SEPA.))~~ The need for the environmental assessment of a  
167 proposed development must be determined by the department of development and  
168 environmental services, following the filing of a completed permit application. Impacts  
169 on the road system will be mitigated through MPS fees. Impacts on intersections will be  
170 mitigated through ~~((the provisions of))~~ K.C.C. chapter 14.80.

171 H. Nothing in this chapter shall cause a developer to pay mitigation and impact  
172 fees more than once for the same impact. Improvements and mitigation measures shall  
173 be coordinated by the director with other such improvements and measures attributable to  
174 other proposed developments, and with the county road improvement program so that the  
175 county road system is improved efficiently and effectively, with minimum costs to be



176 incurred by public and private entities. ~~((The provisions of t))~~ This title ~~((do))~~ does not  
177 supersede or replace the ~~((provisions of the))~~ county SEPA authority as enacted in K.C.C.  
178 chapter 20.44.

179 SECTION 3. Ordinance 11617, Section 64, and K.C.C. 14.65.025 are each  
180 hereby amended to read as follows:

181 **Administrative rules – mitigation payment system, intersection standards.**

182 For MPS and IS, ~~((F))~~ the director ~~((is hereby instructed and authorized to))~~ may adopt  
183 such administrative rules and procedures as are necessary to implement ~~((the provisions~~  
184 ~~of))~~ this chapter.

185 SECTION 4. Ordinance 11617, Section 5, and K.C.C. 14.65.030 are each hereby  
186 amended to read as follows:

187 **Filing appeals – ~~((Concurrency, MPS, IS)) mitigation payment system,~~**  
188 **intersection standards.**

189 A. Appeals of the department's final decisions relative to ~~((this chapter))~~ MPS  
190 and IS shall be filed with the director or the director's designee.

191 B. ~~((Such))~~ The appeals shall be in written form, stating the grounds for the  
192 appeal, and shall be filed within ten ~~((+10))~~ calendar days of the receipt of notification of  
193 the department's final appealable decision in the matter being appealed.

194 SECTION 5. Ordinance 11617, Section 6, as amended, and K.C.C. 14.65.040 are  
195 each hereby amended to read as follows:

196 **Grounds for appeal – ~~((Concurrency, MPS, IS)) mitigation payment system,~~**  
197 **intersection standards.**

198 A. ~~((For appeals of denial or conditional approval of a certificate of concurrency,~~  
199 ~~the appellant must show that:~~

- 200 ~~———— 1. The department committed a technical error;~~
- 201 ~~———— 2. Alternative data or a traffic mitigation plan, which may include transportation~~  
202 ~~strategies such as demand management or vanpools, submitted to the department was~~  
203 ~~inadequately considered;~~
- 204 ~~———— 3. The action of the department would substantially deprive the owner of all~~  
205 ~~reasonable use of the property;~~
- 206 ~~———— 4. Conditions required by the department for concurrency are not related to the~~  
207 ~~concurrency requirement; or~~
- 208 ~~———— 5. The action of the department was arbitrary and capricious.~~

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

- 210 1. Committed an error in:
  - 211 a. ~~((C))~~calculating the development's proportionate share, as determined by an  
212 individual fee calculation or, if relevant, as ~~((set forth))~~ in the fee schedule~~((s))~~; or
  - 213 b. ~~((G))~~granting credit for benefit factors; ~~((or))~~
- 214 2. Based on the final decision upon incorrect data; or
- 215 3. Gave inadequate consideration to alternative data or mitigation~~((s))~~ submitted  
216 to the department.

217 ~~((C.))~~ B. For appeals of IS improvements, the appellant must show that:

- 218 1. The department committed a technical error;
- 219 2. Alternative data or a traffic mitigation plan submitted to the department was  
220 inadequately considered; or

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

223 SECTION 6. Ordinance 11617, Section 8, and K.C.C. 14.70.010, Ordinance  
224 11617, Sections 9 through 23, as amended, and K.C.C. 14.70.020, Ordinance  
225 11617, Section 24, and K.C.C. 14.70.030, Ordinance 11617, Section 25, as amended, and  
226 K.C.C. 14.70.040, Ordinance 11617, Section 26, as amended, and K.C.C. 14.70.050,  
227 Ordinance 11617, Section 27, as amended, and K.C.C. 14.70.060, Ordinance 11617,  
228 Section 28, and K.C.C. 14.70.070, Ordinance 11617, Section 29, as amended, and K.C.C.  
229 14.70.080, Ordinance 11617, Section 30, as amended, and K.C.C. 14.70.090, Ordinance  
230 12616, Section 10, and K.C.C. 14.70.092, Ordinance 11617, Section 31, and K.C.C.  
231 14.70.100, Ordinance 11617, Section 32, and K.C.C. 14.70.110, Ordinance 11617,  
232 Section 33, and K.C.C. 14.70.120 and Ordinance 11617, Section 66, and K.C.C.  
233 14.70.200 are each hereby repealed.

234 NEW SECTION. SECTION 7. There is hereby added to K.C.C chapter 14.70 a  
235 new section to read as follows:

236 **Authority and purpose.**

237 A. This chapter is enacted under King County's powers as a home rule charter  
238 county, Article XI, Section 11 of the Washington State Constitution and the Growth  
239 Management Act, chapter 36.70A RCW.

240 B. It is the purpose of this chapter to:

241 1. Ensure that county level of service standards are achieved "concurrently"  
242 with development, as required by the Growth Management Act and the Comprehensive

243 Plan, by denying approval of development that would cause the level of service on  
244 transportation facilities to decline below county standards;

245 2. Ensure that the concurrency program directly reflects the financial  
246 commitments of the adopted CIP currently in effect; and

247 3. Ensure that the transportation concurrency policies established by the county  
248 council are carried out through technical procedures approved by the council.

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

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

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

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

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

260 a. The location of the property on which the development is proposed;

261 b. The number of development units and specific uses that were tested for  
262 concurrency and approved;

263 c. The type of development approval for which the certificate of concurrency is  
264 issued;

265 d. An effective date; and

266 e. An expiration date.

267 2. Certificates may be conditional or unconditional.

268 D. "Committed network" means the existing and proposed transportation  
269 facilities that are fully funded for construction in the adopted CIP or for which voluntary  
270 financial commitments have been secured.

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

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

277 G. "Concurrency status" means whether or not a concurrency zone meets the  
278 TAM and critical link standards adopted in this chapter.

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

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

284 J. "Critical link" means the one-direction lane or lanes of a portion of a  
285 monitored corridor within the committed network with a volume-to-capacity ratio of 1.1  
286 or more during the peak period that carries more than thirty percent of the one-way  
287 concurrency zone vehicle trips during the peak period for residential development or that

288 carries more than thirty percent of the one-way vehicle trips during the peak period from  
289 a nonresidential development.

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

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

298 M. "Development application" means the request made to the department of  
299 development and environmental services for the department of development and  
300 environmental services's approval of a development.

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

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

306 P. "Financial commitment" consists of:

307 1. Revenue designated in the adopted CIP. The adopted CIP identifies all  
308 applicable and available revenue sources and forecasts these revenues through the six-  
309 year period with reasonable assurance that the funds will be timely put to those ends.

310 Projects to be used in defining the committed network are fully funded for construction in

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311 the six years of the CIP. This commitment is reviewed through the annual budget  
312 process; or

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

315 Q. "HOV" means high occupancy vehicle.

316 R. "Level of service" means the TAM standards that are adopted in the  
317 Comprehensive Plan and the critical link standards in the chapter.

318 S. "Link" means the one direction lane or lanes of a roadway between two  
319 adjacent intersections as used in the traffic model.

320 T. "Monitored corridor" means a principal or minor arterial considered by the  
321 department to be important to traffic circulation in the county. A monitored corridor in a  
322 city is so designated by interlocal agreement between the county and that city. The  
323 monitored corridors are established and listed in Attachment B to this ordinance.

324 U. "Monitored zones" means those zones that are within 10 percent of exceeding  
325 the adopted TAM or critical link level of service standards.

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

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

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

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

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

345 AA. "Transportation service area" means the areas of unincorporated King  
346 County so designated in the Comprehensive Plan.

347 NEW SECTION. SECTION 9. There is hereby added to K.C.C chapter 14.70 a  
348 new section to read as follows:

349 **Transportation adequacy measure and critical link standards.**

350 A. Concurrency shall be determined by the application of TAM and critical link  
351 standards to all proposed developments within unincorporated King County, except for  
352 those developments that are exempt from concurrency under section 15 of this ordinance.

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



356 committed network upon decision of the director. The following are the TAM standards  
 357 for each transportation service area, as adopted in the King County Comprehensive Plan  
 358 Policy T-209.

359	Transportation Service Area	Maximum Averaged	Average TAM
360		V/C Zonal Score	Standard
361	Transportation Service Area 1	0.99	E
362	Transportation Service Area 2	0.99	E
363	Transportation Service Area 3	0.89	D
364	Transportation Service Area 4	0.79	C
365	Transportation Service Area 5	0.69	B

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

372 C. The critical link standard shall apply to the monitored corridors listed in  
 373 Attachment B to this ordinance. A critical link is the one-direction lane or lanes of a  
 374 portion of a monitored corridor within the committed network with a volume-to-capacity  
 375 ratio of 1.1 or more during the peak period that carries more than thirty percent of the one  
 376 way concurrency zone vehicle trips during the peak period for residential development or  
 377 that carries more than thirty percent of the one way vehicle trips during the peak period  
 378 from a nonresidential development. Critical links shall not apply to monitored corridors

379 in Transportation Service Areas 1 and 2 if HOV lanes and transit service are available at  
380 time of concurrency application or expected to be available within six years.

381 D. For monitored zones, the concurrency map includes a table, attached to this  
382 ordinance as Attachment C. The table shows the estimated number of vehicle trips that  
383 can be accommodated in a monitored zone. The department will monitor the certificates  
384 of concurrency issued in each monitored zone. The department may approve applications  
385 for concurrency certificates, in whole or in part, up to the number of vehicle trips  
386 estimated for a zone as indicated in the table. The number of remaining trips in the table  
387 shall be reduced by the number of peak hour trips represented in each residential and  
388 nonresidential concurrency certificate issued in a monitored zone. When a monitored  
389 zone reaches its estimated capacity for vehicle trips, the department will hold all  
390 applications in that zone until the council adopts a new concurrency map. If a new  
391 adopted concurrency map indicates that more trips can be accommodated in the zone, the  
392 department will process those applications that were put on hold, in the order received  
393 until the estimated vehicle trip capacity is once again reached, at which point the  
394 department will hold all applications in that zone as stated above. If the new concurrency  
395 map indicates that the monitored zone is out of compliance for adopted TAM and critical  
396 link level of service standards then applications that were put on hold will be denied.

397 NEW SECTION. SECTION 10. There is hereby added to K.C.C chapter 14.70 a  
398 new section to read as follows:

399 **Concurrency test.**

400           A. The department shall perform a concurrency test for each application for a  
401 certificate of concurrency to determine whether the proposed development satisfies the  
402 TAM and critical link standards.

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

407           C. When making a concurrency determination for a proposed residential  
408 development, the department shall consult the concurrency map currently in effect. The  
409 department shall make a determination of concurrency according to the status indicated  
410 on the adopted map for the zone the proposed residential development is located in. For  
411 a proposed residential development in TSA 4 where public sewer and water services are  
412 available, a concurrency certificate shall be issued if the zone complied with a TSA 3  
413 standard at the time of map adoption. The concurrency map displayed in Attachment A  
414 to this ordinance is adopted as the official concurrency map for King County.

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

419           E. When conducting the concurrency test for a proposed nonresidential  
420 development, the department shall conduct a site specific analysis using the department's  
421 traffic model. The department shall use standard trip generation rates published by the  
422 Institute of Transportation Engineers or other documented information and surveys

423 approved by the department. The department may approve a reduction in generated  
424 vehicle trips based on additional information supplied by the applicant. The calculation  
425 of vehicle trip reductions shall be based upon recognized technical information and  
426 analytical process that represent current engineering practice. The department shall have  
427 final approval of such data, information and technical procedures as are used to calculate  
428 vehicle trip reductions.

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

433 G. If the concurrency test is not passed, the applicant shall select one of the  
434 following options:

435 1. For nonresidential developments, request in writing a ninety-day period in  
436 which the applicant can meet with the department to review the concurrency analysis and  
437 possible mitigation measures. The applicant may also provide additional information to  
438 the department in support of the application. The ninety-day period must be requested no  
439 later than ten days after the applicant's receipt of the notification of denial;

440 2. Appeal the denial of the application for a certificate of concurrency, in  
441 accordance with section 13 of this ordinance. Acceptance of the ninety-day period shall  
442 not impair the applicant's future right to a formal appeal at a later time. An appeal must  
443 be filed with the department no later than ten days after the expiration of the ninety-day  
444 period; or

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

446 H. This section expires two years after the effective date of this ordinance.

447 NEW SECTION. SECTION 11. There is hereby added to K.C.C chapter 14.70 a  
448 new section to read as follows:

449 **Requirement for certificate of concurrency.**

450 A. Each applicant for a development approval shall present a valid certificate  
451 of concurrency, except as provided in section 15 of this ordinance.

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

455 C. Applications for certificates of concurrency shall be submitted to the  
456 department of transportation on forms provided by the department.

457 NEW SECTION. SECTION 12. There is hereby added to K.C.C chapter 14.70 a  
458 new section to read as follows:

459 **Issuance of certificate of concurrency.**

460 A. The director or the director's designee shall issue a certificate of concurrency  
461 for each proposed development that passes the concurrency test. The determination of  
462 concurrency shall be final at the time of development approval.

463 B. For nonresidential development, issuance of a certificate creates a rebuttable  
464 presumption that the proposed development satisfies the concurrency test and meets the  
465 adopted level of service standards. The issue of concurrency may be raised as part of the  
466 review process for the development application for which the certificate of concurrency  
467 was issued. If raised at that time, the grounds for appeal shall be those listed in section  
468 13 of this ordinance.

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

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

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

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

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

485 NEW SECTION. SECTION 13. There is hereby added to K.C.C chapter 14.70 a  
486 new section to read as follows:

487 **Appeals.**

488 A. Appeals of the department's final decisions relative to concurrency denial shall  
489 be filed by the applicant with the director or the director's designee. Such appeals shall  
490 be in written form, stating the grounds for the appeal, and shall be filed within ten  
491 calendar days after receipt of notification of the department's final decision in the matter

492 being appealed or if a ninety-day period was requested pursuant to section 10G.1 within  
493 ten days after the expiration of the ninety day period.

494 B. Challenges to concurrency approvals may be raised as part of the review  
495 process for the development application for which the certificate of concurrency was  
496 issued.

497 C. For appeals of concurrency denial or approval, the appellant must show that:

498 1. The department committed a technical error, defined as errors in arithmetic,  
499 table and map lookups and similar clerical functions;

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

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

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

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

510 E. For appeals on grounds other than technical error, the department's  
511 dependence on its professional judgment and experience will be given due deference by  
512 the hearing examiner.

513 F. Any issues relating to the adequacy of the traffic model shall be raised to the  
514 county council during the annual and midyear council adoption of the concurrency map.

515            NEW SECTION. SECTION 14. There is hereby added to K.C.C chapter 14.70 a  
516 new section to read as follows:

517            **Update and use of the traffic model.**

518            A. The traffic model for concurrency shall be updated twice per year. The update  
519 process shall include the most recently adopted roads CIP, updated traffic volumes, and  
520 updated information regarding issuance of concurrency certificates, development  
521 approvals and development activity. The traffic model shall conform to the guidelines  
522 and procedures described by the Federal Highway Administration in its publication  
523 entitled Calibration and Adjustment of System Planning Models dated December 1990 or  
524 its successor. Each update of the traffic model shall be used to produce a new  
525 concurrency map and table of estimated vehicle trips for monitored zones. The  
526 concurrency map and table of estimated vehicle trips for monitored zones shall be  
527 submitted to council for its approval. The updates of the traffic model shall be deemed  
528 adequate for the purposes of concurrency analysis and the concurrency map shall be used  
529 to determine the concurrency of proposed residential development projects. The traffic  
530 model shall be used to prepare the concurrency map and to perform site specific analysis  
531 for nonresidential projects.

532            B. The concurrency map is a result of the values inputted in to the traffic model,  
533 as described above in this section. The concurrency map indicates if a concurrency zone  
534 does or does not comply with adopted TAM and critical link level of service standards.  
535 Any changes to the concurrency status of a zone or zones on the concurrency map other  
536 than those resulting from the model update process may only be accomplished by the



537 council changing the adopted TAM and/or critical link standards, and/or the list of funded  
538 projects in the most recently adopted CIP.

539 NEW SECTION. SECTION 15. There is hereby added to K.C.C chapter 14.70 a  
540 new section to read as follows:

541 **Exemptions.**

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

- 544 1. Development that is vested before January 8, 1995, is exempt for the  
545 development approval for which vested status was achieved;
- 546 2. Short subdivisions within the urban growth area;
- 547 3. Building permits for single family structures;
- 548 4. Renewals of previously issued, unexpired development approvals;
- 549 5. The construction or location of any residential structure of eight dwelling  
550 units or less;
- 551 6. The construction of a barn, loafing shed, farm equipment storage building,  
552 produce storage or packing structure, or similar agricultural structure, covering up to  
553 thirty thousand square feet;
- 554 7. The construction of an office, commercial, recreational, service or storage  
555 building with twelve thousand square feet of gross floor area, and with associated parking  
556 facilities designed for forty automobiles;
- 557 8. Expansions or phases of projects that were disclosed by the applicant and  
558 subject to a concurrency test as part of the original application (for example, phased

559 development), if a certificate of concurrency was issued for the expansion or subsequent  
560 phase;

561 9. Any development that will have no transportation impact and that will not  
562 change the traffic volumes and flow patterns in the peak period, as determined by the  
563 director;

564 10. Any public elementary, middle or junior high school facilities, including new  
565 facilities and any renovation, expansion, modernization or reconstruction of existing  
566 facilities and the addition of relocatable facilities;

567 11. Any new public senior high school inside the urban boundary, and any  
568 modification to an existing public senior high school regardless of location, including any  
569 renovation, expansion, modernization or reconstruction of existing facilities and the  
570 addition of relocatable facilities, provided that the school prepare and implement a  
571 transportation demand management plan. New public high schools outside the urban  
572 boundary are not exempt from the provisions of this ordinance. The high school  
573 transportation demand management plan shall be submitted to and approved by the  
574 director of the department before the issuance of the building permit. The high school  
575 demand management plan shall pertain to the entire school and shall specify measures to  
576 be implemented to reduce single occupant vehicle travel by students, faculty and staff.  
577 The plan shall further specify how the school district and department of transportation  
578 will cooperate in monitoring the implementation of such measures and make adjustments  
579 as needed to achieve reduction goals. A high school may voluntarily choose to prepare  
580 and implement a transportation demand management plan for any expansion of an

581 existing public high school facility that would not generate new trips during the peak  
582 period; and

583 12. Parks, as defined in K.C.C. 21A.06.835, public agency or utility office in the  
584 urban area, as defined in K.C.C. 21A.06.930, and public agency or utility yard in the  
585 urban area, as defined in K.C.C. 21A.06.935.

586 B. To monitor the cumulative effect of exempt development approvals on the  
587 level of service of transportation facilities, the department shall add the impacts of  
588 exempt development approvals to the traffic model and all other relevant concurrency  
589 monitoring records.

590 NEW SECTION. SECTION 16. There is hereby added to K.C.C chapter 14.70 a  
591 new section to read as follows:

592 **Intergovernmental coordination.**

593 A. The county may enter into agreements and continue existing agreements with  
594 other local governments and the state of Washington to coordinate concurrency  
595 standards, impact fees and other mitigation.

596 B. The county may apply concurrency standards, fees and mitigation to  
597 development in the county that impacts other local governments and the state of  
598 Washington. Development approvals by the county may include conditions and  
599 mitigation that will be imposed on behalf of, and implemented by other local  
600 governments and the state of Washington.

601 C. The county may receive impact fees or other mitigation based on or as a result  
602 of development proposed in other jurisdictions that impacts the county. The county may

603 agree to accept and implement conditions and mitigation that are imposed by other  
604 jurisdictions on development in their jurisdictions.

605 D. The county shall not require fees or mitigation for transportation facilities of  
606 other agencies unless an agreement has been executed between the county and the  
607 affected agency. The agreement shall specify the fee schedule and level of service  
608 standards to be used by the county and the affected agency, which standards shall be  
609 consistent with the county's Comprehensive Plan and, if different than the standards  
610 adopted under this title, shall be adopted by ordinance.

611 NEW SECTION. SECTION 17. There is hereby added to K.C.C chapter 14.70 a  
612 new section to read as follows:

613 **Relationship to state Environmental Policy Act.** A determination of  
614 concurrency shall be an administrative action of King County that is categorically exempt  
615 from the state Environmental Policy Act.

616 NEW SECTION. SECTION 18. There is added to K.C.C chapter 14.70 a new  
617 section to read as follows:

618 **Severability.** If any provision of this chapter or its application to any person or  
619 circumstance is held invalid, the remainder of the chapter or the application of the  
620 provision to other persons or circumstances is not affected.

621 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 14.70 a  
622 new section to read as follows:

623 **Effective date of ordinance.** This ordinance takes effect January 1, 2001.

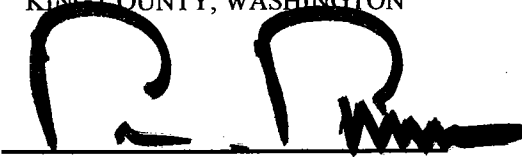
624 NOTE: This ordinance was passed on the 2/12/01 agenda although the final vote was not  
625 taken until 2/20/01.

626

Ordinance 14050 was introduced on 6/19/00 and passed as amended by the Metropolitan King County Council on 2/12/01, by the following vote:

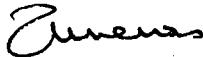
Yes: 12 - Mr. von Reichbauer, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms. Hague, Mr. Vance and Mr. Irons  
No: 1 - Ms. Miller  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



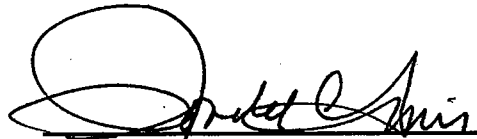
Pete von Reichbauer, Chair

ATTEST:



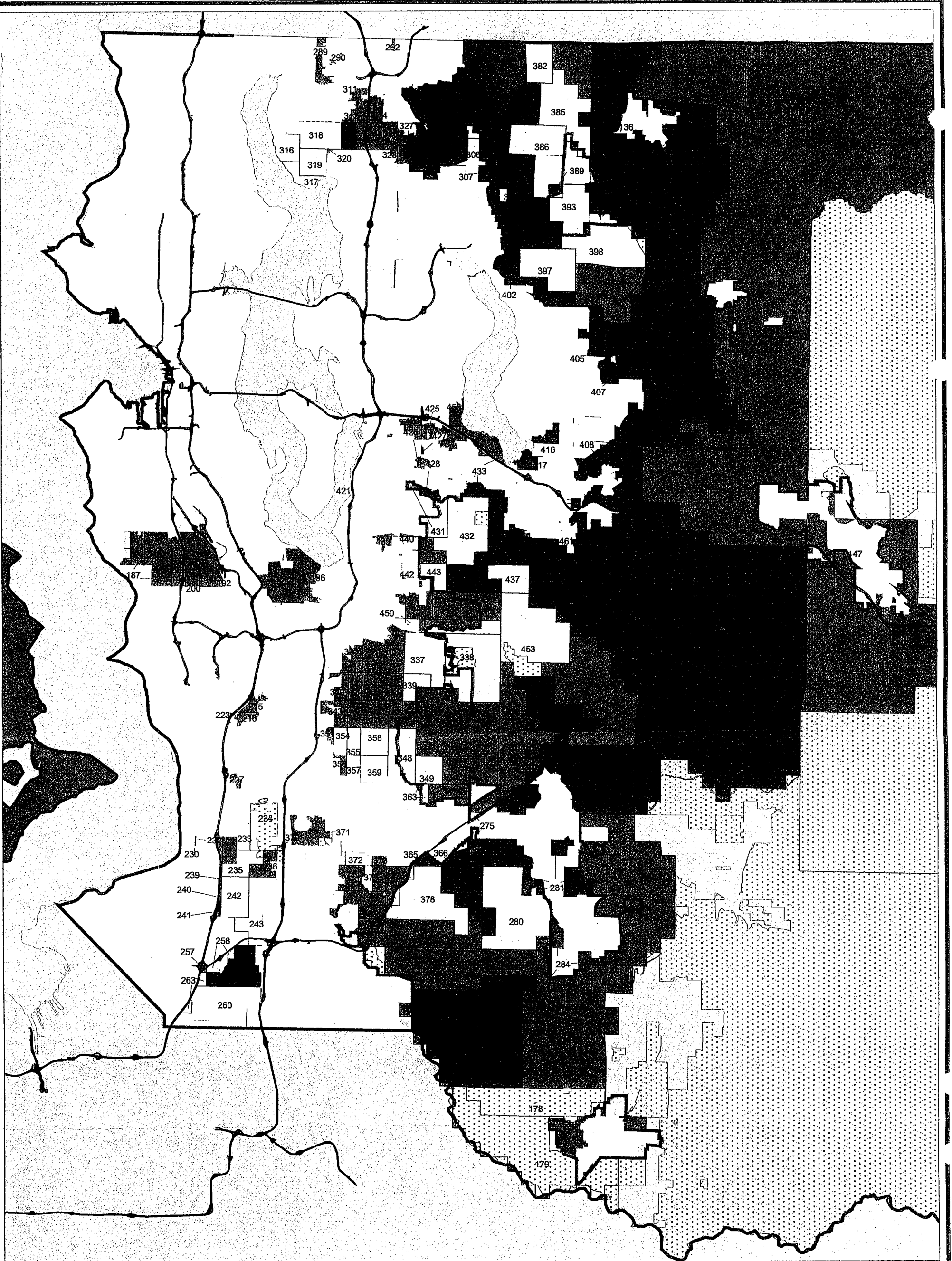
Anne Noris, Clerk of the Council

APPROVED this 2 day of March, 2001.



Ron Sims, County Executive

**Attachments** A. Transportation Concurrency Level of Service Standards Status Map, dated February 5, 2001, B. Monitored Corridors to Determine Critical Link Status List, C. Estimated Vehicle Trips for Monitored Zones, 2001 Transportation Concurrency Model



# Transportation Concurrency Level of Service Standards Status (with 2001 CIP)

AMENDMENT #1 - UPD's ALL URBAN

Attachment A | 4050

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King County  
Department of Transportation



1 0 1 2 3 4 5 Miles

February 5, 2001

### Legend

- Urban Growth Line 1998
- Under Threshold
- Monitored Zone
- Over Threshold
- Zone Numbers
- Resource Lands

17212