



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 9, 2008**

**Ordinance 16266**

**Proposed No.** 2008-0127.2

**Sponsors** Gossett

1 AN ORDINANCE relating to transportation; amending  
2 Ordinance 6254, Section 2, as amended, and K.C.C.  
3 14.30.020, Ordinance 1711, Section 1, as amended, and  
4 K.C.C. 14.44.010, Ordinance 13734, Section 8, and K.C.C.  
5 14.45.060, Ordinance 13734, Section 15 and K.C.C.  
6 14.45.130, Ordinance 4099, Section 1, as amended, and  
7 K.C.C. 14.46.010, Ordinance 4099, Section 9, as amended,  
8 and K.C.C. 14.46.090, Ordinance 14050, Section 8, as  
9 amended, and K.C.C. 14.70.210, Ordinance 14050, Section  
10 9, as amended, and K.C.C. 14.70.220, Ordinance 14050,  
11 Section10, as amended, and K.C.C. 14.70.230, Ordinance  
12 14050, Section 11, as amended, and K.C.C. 14.70.240,  
13 Ordinance 14050, Section 13, as amended, and K.C.C.  
14 14.70.260, Ordinance 14050, Section 14, as amended, and  
15 K.C.C. 14.70.270, Ordinance 15030, Section 9, and K.C.C.  
16 14.70.285, repealing Ordinance 14050, Section 12, as

17 amended, and K.C.C. 14.70.250 and repealing Ordinance  
18 15839, Attachments A and B.

19  
20 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

35 E. If there is no custodial department with jurisdiction over the county property,  
36 the property services division shall evaluate the feasibility of the proposed use, its impact  
37 on other uses of the county property and its impact on public health and safety. Based on  
38 this evaluation, the property services division shall determine whether the permit should  
39 be issued.

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

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

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

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

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

- 58 1. An application form provided by the property services division and  
59 completed by the applicant;
- 60 2. The name of the applicant and a designated contact person;
- 61 3. Plans and specifications for any structures, antenna or other equipment to be  
62 placed in the right-of-way or, if applicable, on abutting private property;

63 4. A vicinity map showing the specific location of right-of-way subject to the  
64 application;

65 5. When structures and equipment are to be located on abutting properties:

66 a. a site plan illustrating the relationship to property lines and other structures  
67 on the site,

68 b. legal description of the site abutting property, and

69 c. proof that the abutting property is a legally recognized lot pursuant to  
70 K.C.C. Title 19A;

71 6. A ((sensitive)) critical areas affidavit if required by K.C.C. chapter 21A.24;

72 7. A completed environmental checklist, if required by K.C.C. chapter 20.44;

73 and

74 8. Payment of any review fees established by Ordinance 13734;

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

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

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

81 A. Antennas shall not extend horizontally more than three feet from any pole to  
82 which it is mounted. This provision shall be reviewed one year after March 16, 2000, to  
83 evaluate aesthetic benefits upon residential neighborhoods and to determine the effects  
84 upon the ability of wireless service providers to reasonably and efficiently place facilities  
85 within the right-of-way. In order to facilitate this review, wireless service providers shall

86 provide photographs documenting antennas located on all current facilities that are  
87 subject to right-of-way use agreements.

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

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

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

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

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

105 B. The department responsible for the management of the property to be affected  
106 shall review and evaluate applications with respect to the hazard and risk of the proposed  
107 construction or use; location of the proposed construction or use in relation to other

108 facilities using the property; the adequacy of the engineering and design of the proposed  
109 construction or use; and applicable federal, state, county and local laws and regulations.

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

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

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

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

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

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

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

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

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

137 (~~D.1. "Certificate of concurrency" means the document issued by the department~~  
138 ~~indicating:~~

139 ~~a. the location of the property on which the development is proposed;~~

140 ~~b. the number of development units and specific uses that were tested for~~  
141 ~~concurrency and approved;~~

142 ~~c. the type of development approval for which the certificate of concurrency is~~  
143 ~~issued;~~

144 ~~d. an effective date; and~~

145 ~~e. an expiration date.~~

146 ~~2. Certificates may be conditional only for nonresidential developments.~~

147 E. "Committed network" means the road system for measuring concurrency,

148 which includes all existing transportation facilities and also includes proposed

149 transportation facilities that are fully funded for construction in the adopted CIP or for

150 which voluntary financial commitments have been secured. Fully funded projects to be

151 provided by the state, cities or other jurisdictions may become part of the committed

152 network.))

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

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

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

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

167 ~~((I.))~~ G. "Concurrency test" means determining ~~((if a proposed development~~  
168 ~~complies with the adopted level of service standard of the concurrency zone in which the~~  
169 ~~proposed development is located))~~ whether or not an area meets level of service standards  
170 as described in K.C.C. 14.70.220.

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

173 K. "Critical segment" means the one direction lane or lanes of a portion of a  
174 ~~monitored corridor within the committed network with an average travel speed of level of~~  
175 ~~service E for the Urban Growth Area and designated Rural Towns and level of service B~~



176 for the Rural Area during the peak period and that carries more than thirty percent of the  
177 one-way peak-period vehicle trips from a proposed development for nonresidential  
178 development or from a concurrency zone for residential development. The portion of a  
179 roadway comprising a critical segment may be several connected roadway links, as used  
180 in the traffic model.

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

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

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

192 ~~((O.))~~ K. "Development approval" means an order, permit or other official action  
193 of the department of development and environmental services or its successor agency  
194 granting, or granting with conditions, an application for development.

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

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

198 ~~((R.))~~ N. "Financial commitment" consists of:

199           1. Revenue designated in the adopted CIP. The adopted CIP identifies all  
200 applicable and available revenue sources and forecasts these revenues through the six-  
201 year period with reasonable assurance that the funds will be timely put to those ends.  
202 Projects to be used in ~~((defining the committed network))~~ the concurrency analysis are  
203 fully funded for construction in the six years of the CIP. This funding commitment is  
204 reviewed through the annual budget process; or

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

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

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

214           P. Level of service standard" means the ~~((TAM and))~~ travel time standards that  
215 are adopted in the Comprehensive Plan and in this chapter.

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

220           ~~V. "Monitored corridor" means a principal or minor arterial considered by the~~  
221 ~~department to be important to traffic circulation in the county and may consist of two or~~

222 ~~more connected segments. The monitored corridors are established and listed in~~  
223 ~~Attachment A to Ordinance 15839. Monitored corridors in a city shall be based upon~~  
224 ~~interlocal agreement between the county and that city.~~

225 ~~W.))~~ Q. "Peak period" means the one-hour weekday afternoon period during  
226 which the greatest volume of traffic uses the road system. For concurrency purposes, this  
227 period shall be in the afternoon of a typical weekday.

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

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

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

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

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

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

242 ~~((BB.))~~ W. "Segment" means a portion of ~~((a monitored corridor between major~~  
243 ~~intersections or roadway configuration changes such as changes in the number of lanes.~~  
244 ~~A segment may consist of several connected links as used in the traffic model.))~~ an

245 arterial used in level of service standard calculation and defined consistent with  
246 methodology described in Federal Highway Administration Report FHWA-PL-98-035,  
247 March 1993, or as updated and used to calculate level of service.

248 ~~((CC. "Traffic model" means the computer program and data that is used to~~  
249 ~~forecast traffic volumes and that is calibrated to Federal Highway Administration~~  
250 ~~standards. The model is used to prepare the concurrency map for proposed residential~~  
251 ~~developments and to conduct site specific analysis for proposed nonresidential~~  
252 ~~developments. The model documentation is available from the department.~~

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

256 ~~EE.))~~ X. "Transportation facilities" means principal, minor and collector arterial  
257 roads, state highways and high occupancy vehicle facilities as well as associated  
258 sidewalks, bike lanes and other facilities supporting nonmotorized travel. Transportation  
259 facilities include any such a facility owned, operated or administered by the state of  
260 Washington and its political subdivisions, including the county and cities.

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

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

265 ~~((GG.))~~ AA. "Travel time standard" means the level of service standard used to  
266 judge the performance of ~~((monitored corridors and critical))~~ arterial road segments

267 ~~((within the corridors))~~. The level of service standard is identified by ranges of average  
268 travel speed by road classification.

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

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

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

284 B.1. ~~((The TAM calculation for a concurrency zone or nonresidential  
285 development shows the adequacy of the committed network relative to the adopted level  
286 of service. Projects to be provided by the state, cities or other jurisdictions may become  
287 part of the committed network upon decision of the director. A volume to capacity ratio  
288 is the measure used for TAM evaluation with one standard for the Urban Growth Area  
289 and another standard for the Rural Area. The TAM standard for the Urban Growth Area~~

290 and designated Rural Town is level of service E, or 0.99 volume to capacity ratio, as  
291 adopted in the King County Comprehensive Plan. The standard for the Rural Area is  
292 level of service B, or 0.69 volume to capacity ratio, as adopted in the King County  
293 Comprehensive Plan. The standard for the minor developments and public and  
294 educational facilities listed in K.C.C. 14.70.285 is level of service F, or greater than 0.99  
295 volume to capacity ratio, as adopted in the King County Comprehensive Plan.

296 C.1. ~~The travel time standard shall apply to the monitored corridors listed in~~  
297 ~~Attachment B to Ordinance 15839.)~~ The travel time standards are levels of service  
298 based on average travel speed in miles per hour, and the standards vary by road  
299 classification. ~~((The travel speed calculations measure the adequacy of critical segments~~  
300 ~~within monitored corridors.))~~ The travel time standard for the Urban Growth Area and  
301 ~~((designated Rural Towns))~~ the Rural Mobility Areas is level of service E. The travel  
302 time standard for the Rural Area is level of service B. The travel time standard for the  
303 Rural Neighborhood Commercial Centers is level of service D. The travel time standard  
304 for the minor developments and public and educational facilities listed in K.C.C.  
305 14.70.285 is level of service F. ~~((Travel time standards shall not apply to monitored~~  
306 ~~corridors in the Urban Growth Area if HOV lanes and transit service are available at the~~  
307 ~~time of concurrency application or are expected to be available within six years.))~~

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

ROAD LEVELS OF SERVICE				
Road Classification:	I	II	III	IV

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

311 SECTION 9. Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230

312 are each hereby amended to read as follows:

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

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

323 C.1. When making a concurrency determination for a proposed residential  
 324 ~~development, t))~~ The department shall ~~((consult))~~ use the concurrency map currently in

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

332 ~~((2. On the concurrency map, if the zone color is green it means the proposed~~  
333 ~~residential development shall be given a certificate because the concurrency zone is~~  
334 ~~functioning within level of service standards. The color red means the concurrency zone~~  
335 ~~is at or exceeding level of service standards and the proposed residential development~~  
336 ~~shall not be given a certificate, unless it is a minor development listed in K.C.C.~~  
337 ~~14.70.285.~~

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



348 ~~E. If the concurrency test is passed under subsection D. of this section, the~~  
349 ~~applicant shall receive a certificate of concurrency. If the concurrency test for a~~  
350 ~~nonresidential project is passed only under certain conditions of road improvements or~~  
351 ~~project size, then the applicant shall receive a conditional certificate of concurrency on~~  
352 ~~which the specific conditions are stated.~~

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

355 ~~1. Request in writing a ninety day period in which the applicant can meet with~~  
356 ~~the department to review the concurrency analysis and possible mitigation measures. The~~  
357 ~~applicant may also provide additional information to the department in support of the~~  
358 ~~application. The ninety day period must be requested no later than ten days after the~~  
359 ~~applicant's receipt of the notification of denial;~~

360 ~~2. Appeal the denial of the application for a certificate of concurrency in~~  
361 ~~accordance with K.C.C. 14.70.260. Acceptance of the ninety day period shall not impair~~  
362 ~~the applicant's future right to a formal appeal at a later time. An appeal must be filed~~  
363 ~~with the department no later than ten days after the expiration of the ninety day period; or~~

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

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

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

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

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

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

380 A. Any issues relating to the adequacy of the ~~((traffic model))~~ concurrency  
381 analysis and test or the accuracy of the concurrency map shall be raised to the county  
382 council during the annual council consideration of the concurrency map as provided in  
383 K.C.C. 14.70.270.

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

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

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

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

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

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

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

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

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

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

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

416 A. The ~~((traffic model for))~~ concurrency map shall be updated annually as part of  
417 the budget process or when authorized by the county council by ordinance. The update  
418 process shall include the most recently adopted roads CIP, updated traffic volumes and  
419 updated ~~((information regarding issuance of concurrency certificates, development  
420 approvals and development activity. The traffic model shall conform to the guidelines  
421 and procedures described by the Federal Highway Administration in its publication  
422 entitled Calibration and Adjustment of System Planning Models dated December 1990 or  
423 its successor. Each update of the traffic model shall be used to produce a new  
424 concurrency map))~~ travel time surveys and standards and methodologies as described in  
425 K.C.C. 14.70.220 and 14.70.230. The concurrency map shall be submitted to council for  
426 its approval by ordinance. The updates ~~((of the traffic model))~~ shall be deemed adequate  
427 for the purposes of concurrency analysis and the concurrency map shall be used to  
428 determine the concurrency of proposed ~~((residential))~~ development projects. ~~((The traffic  
429 model shall be used to prepare the concurrency map and to perform site specific analysis  
430 for nonresidential projects.))~~

431 B. An annual report shall be prepared by the road services division on the  
432 concurrency program update. The annual report shall explain the technical assumptions,  
433 land use changes, network changes and other parameters used to update the concurrency  
434 ~~((model))~~ map and/or travel shed boundary map. The annual report shall be submitted to  
435 the council along with the annual update required by subsection A. of this section.  
436 Eleven copies of the report shall be filed with the clerk of the council, who shall retain  
437 the original and shall forward copies to each council member and to the lead staff of the  
438 council's transportation committee, or its successor.

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

440 a. review the annual report on the concurrency (~~model~~) update; and

441 b. evaluate proposed changes to the transportation concurrency process,  
442 analysis and (~~model~~) test developed by the road services division.

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

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

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

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

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

465            A. Short subdivisions within the Urban Growth Area:

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

468            C. Any new public senior high school within the Urban Growth Area and any  
469 modification to an existing public senior high school regardless of location, including any  
470 renovation, expansion, modernization or reconstruction of existing facilities and the  
471 addition of relocatable facilities, only if the school prepares and implements a  
472 transportation demand management plan. New public high schools outside the Urban  
473 Growth Area must meet the Rural Area standard level of service B in the provisions of  
474 this chapter. This high school transportation demand management plan shall be  
475 submitted to and approved by the director of the department or the director's designee  
476 before the issuance of the building permit. The high school demand management plan  
477 shall pertain to the entire school and shall specify measures to be implemented to reduce  
478 single occupant vehicle travel by students, faculty and staff. The plan shall further  
479 specify how the school district and department of transportation will cooperate in  
480 monitoring the implementation of such measures and make adjustments as needed to  
481 achieve reduction goals. A high school may voluntarily choose to prepare and implement  
482 a transportation demand management plan for any expansion of an existing public high  
483 school facility that would not generate new trips during the peak period;

- 484 D. Parks, as defined in K.C.C. 21A.06.835;
- 485 E. Public agency or utility office, as defined in K.C.C. 21A.06.930, in the Urban  
486 Growth Area:
- 487 F. Public agency or utility yard, as defined in K.C.C. 21A.06.935, in the Urban  
488 Growth Area;
- 489 G. Building permits for single-family structures;
- 490 H. The construction of a structure for a nonresidential use generating no more  
491 than twelve peak-period trips;
- 492 I. Any development that will not increase the traffic volumes in the peak period;
- 493 J. Any public elementary, middle or junior high school facilities including new  
494 facilities and any renovation, expansion, modernization or reconstruction of existing  
495 facilities and the addition of relocatable facilities; ~~((and))~~
- 496 K. Private elementary, middle or junior high schools ~~((for only the travel time  
497 portion of the concurrency test. The travel time level of service F standard shall only  
498 apply to the redevelopment of a site with an existing nonresidential use, and the TAM  
499 analysis shall include credit for the trips associated with the existing nonresidential use))~~.
- 500 To qualify for the travel time level of service F standard, a school must prepare and  
501 implement a transportation demand management plan submitted to and approved by the  
502 director of the department or the director's designee before the issuance of the building  
503 permit. The school demand management plan shall pertain to the entire school and shall  
504 specify measures to be implemented to reduce single occupant vehicle travel by students,  
505 faculty and staff. The plan shall further specify how the school and department of  
506 transportation will cooperate in monitoring the implementation of such measures and

