King County

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Legislation Text

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Clerk 03/15/2002

AN ORDINANCE adopting the new transportation concurrency map and the new monitored zones table, and establishing conditions for the council's review of the concurrency test; amending Ordinance 14050, Section 9, and K.C.C. 14.70.220, Ordinance 14050, Section 10, and K.C.C. 14.70.230, Ordinance 14050, Section 13, and K.C.C. 14.70.260 and Ordinance 14050, Section 14, and K.C.C. 14.70.270 and repealing Ordinance 14177, Section 2, and Ordinance 14177, Section 3.

STATEMENT OF FACTS:

1. K.C.C. 14.70.270 requires the department of transportation to update the traffic model for concurrency once per year and to submit to the King County council for its review and approval a new concurrency map and table of estimated vehicle trips for monitored zones based on the updated model.

2. The department of transportation completed the update of the traffic model for concurrency in March 2002.

3. Attachments A and B to this ordinance are the new concurrency map and table of estimated vehicle trips for monitored zones based on the updated traffic model.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14050, Section 9, and K.C.C. 14.70.220 are each hereby amended to read as follows:

Transportation adequacy measure and critical link standards.

A. Concurrency shall be determined by the application of TAM and critical link standards to all proposed developments within unincorporated King County, except for those developments that are exempt from concurrency under K.C.C. 14.70.280.

B. The TAM calculation for a concurrency zone or nonresidential development shows the adequacy of the committed network relative to the adopted level of service. Projects to be provided by the state, cities or other jurisdictions may become part of the committed network upon decision of the director. The following are the TAM standards for each transportation service area, as adopted in the King County Comprehensive Plan Policy T-209.

Transportation Service Area	Maximum Averaged V/C Zonal Score	Average TAM Standard
Transportation Service Area 1	0.99	E
Transportation Service Area 2	0.99	E
Transportation Service Area 3	0.89	D
Transportation Service Area 4	0.79	C
Transportation Service Area 5	0.69	B

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

C. The critical link standard shall apply to the monitored corridors listed in Attachment B to Ordinance 14050. A critical link is the one-direction lane or lanes of a portion of a monitored corridor within the committed network with a volume-to-capacity ratio of 1.1 or more during the peak period that carries more than

thirty percent of the one way concurrency zone vehicle trips during the peak period for residential development or that carries more than thirty percent of the one way vehicle trips during the peak period from a nonresidential development. Critical links shall not apply to monitored corridors in Transportation Service Areas 1 and 2 if HOV lanes and transit service are available at time of concurrency application or expected to be available within six years.

D. For monitored zones, the concurrency map includes a table, ((attached to Ordinance 14050 as)) Attachment ((C . The table)) B to this ordinance, that shows the estimated number of vehicle trips that can be accommodated in a monitored zone. The department will monitor the certificates of concurrency issued in each monitored zone. The department may approve applications for concurrency certificates, in whole or in part, up to the number of vehicle trips estimated for a zone as indicated in the table. The number of remaining trips in the table shall be reduced by the number of peak hour trips represented in each residential and nonresidential concurrency certificate issued in a monitored zone. When a monitored zone reaches its estimated capacity for vehicle trips, the department will hold all applications in that zone until the council adopts a new concurrency map. If a new adopted concurrency map indicates that more trips can be accommodated in the zone, the department will process those applications that were put on hold, in the order received until the estimated vehicle trip capacity is once again reached, at which point the department will hold all applications in that zone as stated above. If the new concurrency map indicates that the monitored zone is out of compliance for adopted TAM and critical link level of service standards then applications that were put on hold will be denied.

SECTION 2. Ordinance 14050, Section 10, and K.C.C. 14.70.230 are each hereby amended to read as follows:

Concurrency test.

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

B. The concurrency test shall be performed only for the proposed development identified by the

applicant on a completed concurrency application. Changes to the proposed development that would create additional vehicle trips shall be subject to an additional concurrency test.

C. When making a concurrency determination for a proposed residential development, the department shall consult the concurrency map currently in effect. The department shall make a determination of concurrency according to the status indicated on the adopted map for the zone the proposed residential development is located in. For a proposed residential development in TSA 4 where public sewer and water services are available, a concurrency certificate shall be issued if the zone complied with a TSA 3 standard at the time of map adoption. The concurrency map displayed in Attachment A to ((Ordinance 14050)) this ordinance is adopted as the official concurrency map for King County.

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

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

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

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

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

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

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

H. This section expires ((two years after the effective date of Ordinance 14050)) March 12, 2003.

SECTION 3. Ordinance 14050, Section 13, and K.C.C. 14.70.260 are each hereby amended to read as follows:

Appeals.

A. Appeals of the department's final decisions relative to concurrency denial shall be filed by the applicant with the director or the director's designee. Such appeals shall be in written form, stating the grounds for the appeal, and shall be filed within ten calendar days after receipt of notification of the department's final decision in the matter being appealed or if a ninety-day period was requested pursuant to K.C.C. 14.70.230G.1 within ten days after the expiration of the ninety-day period.

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

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

1. The department committed a technical error, defined as errors in arithmetic, table and map lookups

and similar clerical functions;

2. Alternative data or a traffic mitigation plan submitted to the department was inadequately

considered;

3. Conditions required by the department for concurrency are not related to the concurrency

requirement; or

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

D. The standard of review when considering whether a technical error was committed shall be

compelling evidence that the department made an error in arithmetic, table references or other such mechanical

or clerical error. Appeals based upon technical error shall not call into question the underlying traffic model or

its inputs.

E. For appeals on grounds other than technical error, the department's dependence on its professional

judgment and experience will be given due deference by the hearing examiner.

F. Any issues relating to the adequacy of the traffic model shall be raised to the county council during

the annual ((and midyear)) council adoption of the concurrency map.

SECTION 4. Ordinance 14050, Section 14, and K.C.C. 14.70.270 are each hereby amended to read as

follows:

Update and use of the traffic model.

A. The traffic model for concurrency shall be updated ((twice per year)) annually as part of the CIP

budget process. The update process shall include the most recently adopted roads CIP, updated traffic volumes,

and updated information regarding issuance of concurrency certificates, development approvals and

development activity. The traffic model shall conform to the guidelines and procedures described by the

Federal Highway Administration in its publication entitled Calibration and Adjustment of System Planning

Models dated December 1990 or its successor. Each update of the traffic model shall be used to produce a new

table of estimated vehicle trips for monitored zones. The concurrency map and table of estimated vehicle trips

for monitored zones shall be submitted to council for its approval. The updates of the traffic model shall be

deemed adequate for the purposes of concurrency analysis and the concurrency map shall be used to determine

the concurrency of proposed residential development projects. The traffic model shall be used to prepare the

concurrency map and to perform site specific analysis for nonresidential projects.

B. The concurrency map is a result of the values inputted in to the traffic model, as described ((above))

in subsection A of this section. The concurrency map indicates if a concurrency zone does or does not comply

with the adopted TAM and critical link level of service standards. Any changes to the concurrency status of a

zone or zones on the concurrency map other than those resulting from the model update process may only be

accomplished by the council changing any combination of the adopted TAM ((and/))or critical link standards,

((and/)) or the list of funded projects in the most recently adopted CIP.

SECTION 5. It is the council's intention, prior to the expiration of K.C.C. 14.70.230, to review

alternative methods for evaluating concurrency, such as but not limited to, time of travel, ultimate roadway

design capacity, volume to capacity ratios, and intersection delay and to consider these alternatives as a

replacement for the concurrency methodology now in effect. To assist the council in this process, the

department of transportation shall review the PSRC survey results on different concurrency systems in the

Puget Sound region and shall provide the following information to Council:

A. For each zone inside the urban growth boundary that is out of compliance for the adopted TAM or

critical link level of service standards, identification of capacity improvements necessary to bring that zone into

compliance;

B. A six-month work program for analyzing various alternative concurrency methodologies; and

C. A case study of the Soos Creek plateau analyzing the alternative concurrency methodologies and a

report with recommendations for updating the county's concurrency program and possible revisions to the King

County Comprehensive Plan.

The information identified in subsections A and B of this section shall be provided by June 30, 2002.

The information required by subsection C of this section shall be provided by December 31, 2002.

SECTION 6. Ordinance 14177, Section 2, and Ordinance 14177, Section 3, are each hereby repealed.

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