

December 20, 1994

Introduced By: CHRISTOPHER VANCE

Proposed No.: 94-776

ORDINANCE NO. **11617**

AN ORDINANCE relating to transportation; creating a new chapter outlining the relationship of county transportation programs; creating new chapters for the integrated transportation program, transportation concurrency, roadway mitigation payments, and intersection standards; and adding new sections to K.C.C. Title 14 to implement the King County Comprehensive Plan in accordance with the Growth Management Act.

PREAMBLE:

For the purpose of effective transportation management, land use planning and regulation, the King County Council makes the following legislative findings:

1. King County has adopted the 1994 King County Comprehensive Plan to meet the requirements of the Washington State Growth Management Act (GMA).

2. The GMA requires the County's development regulations, which include standards for transportation concurrency, roadway and intersection levels of service, and demand management programs to be consistent with its Comprehensive Plan by December 31, 1994.

3. The changes to the King County Title 14 contained in this Ordinance are needed to bring Title 14 into conformance with the 1994 King County Comprehensive Plan, as required by the GMA. As such they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is added to K.C.C. Title 14 a new section to read as follows:

**Title 14 (Roads and Bridges)** of the King County Code is hereby amended in accordance with R.C.W. 36.70A to adopt development regulations to implement the King County comprehensive plan.

SECTION 2. There is added to K.C.C. Title 14 a new chapter to read as follows:

**"Integrated Transportation Program (ITP)"**

SECTION 3. There is added to K.C.C. Title 14 a new section to read as follows:

1 **Components of the integrated transportation program.**

2 Components of the integrated transportation program: There  
3 are three (3) components of the Integrated Transportation  
4 Program. These components are as follows:

5 A. Transportation Concurrency Management (TCM), by which  
6 King County will regulate new development based on adequate  
7 transportation improvements needed to maintain level of  
8 service standards, in accordance with R.C.W. 36.70A.070(6)  
9 and the King County comprehensive plan.

10 B. Mitigation Payment System (MPS), by which King County  
11 will apply transportation impact fees to new development for  
12 collecting a fair and equitable share of transportation  
13 improvement costs that are needed in accordance with R.C.W.  
14 82.02 and the King County comprehensive plan.

15 C. Intersection Standards (IS) by which King County will  
16 evaluate intersections affected by new development to assure  
17 safe and efficient operation and that improvements to  
18 mitigate the adverse impacts of such developments are  
19 completed, in accordance with the State Environmental Policy  
20 Act (SEPA), K.C.C. 20.44.080, and the King County  
21 comprehensive plan.

22 SECTION 4. There is added to K.C.C. Title 14 a new  
23 section to read as follows:

24 **Relationships among the three components of the ITP.**

25 A. Permit Processes:

26 1. Certificate of Concurrency: Prior to submission of  
27 a development application, a request for a certificate of  
28 concurrency shall be initiated by a submittal to the  
29 department of development and environmental services (DDES)  
30 on a prescribed form containing information describing the  
31 location, uses, intensities, trip generation characteristics  
32 and pertinent information for the intended development. The  
33 certificate is a prerequisite for a complete development  
34 application. The DDES and the department of public works  
35 (DPW), or their successor agencies, shall use the submitted  
36 information to determine the net trips to be generated,  
37 taking into account commute trip reduction strategies,  
38 internal travel for mixed-use development, and pass-by trips  
39 from existing traffic flows, and shall determine whether the  
40 development passes the concurrency test prescribed in the TCM  
41 chapter of this ordinance.

42 2. Development Application: Following the submission  
43 of a development application, the DPW shall determine the  
44 transportation impact fee to be paid under the MPS chapter of  
45 this title and shall determine the traffic impacts of the  
46 proposed development on roadway intersections that will be  
47 adversely impacted and which must be mitigated using the IS  
48 chapter of this ordinance.

1 B. Calculation of Trips Generated by a Development:

2 1. The vehicular trips expected to be generated by a  
3 proposed development shall be calculated as of the time of  
4 application for a certificate of concurrency, using standard  
5 generation rates published by the Institute of Transportation  
6 Engineers, other standard references, or from other  
7 documented information and surveys approved by the DPW.

8 2. The DPW may approve a reduction in generated  
9 vehicle trips calculated pursuant to the preceding subsection  
10 based on the types of land uses that are to be developed, on  
11 the expected amount of travel internal to the development, on  
12 the expected pass-by trips from existing traffic, or on the  
13 expected reduction of vehicle traffic volumes. Such  
14 reduction shall be used when calculating TAM, MPS and IS,  
15 including any impact and mitigation fees and costs for which  
16 the development shall be liable.

17 The calculation of vehicular trip reductions as  
18 described in this section shall be based in all cases upon  
19 sound and recognized technical information and analytical  
20 process that represent current engineering practice. In all  
21 cases, the DPW shall have final approval of all such data,  
22 information, and technical procedures used to calculate trip  
23 reductions.

24 C. Calculation

25 1. TAM Calculations: King County shall determine the  
26 Transportation Adequacy Measure (TAM) for any zone according  
27 to policies T-303, T-304, and T-306 of the Comprehensive  
28 Plan. The TAM is a two part analysis, involving (1) the  
29 average weighted volume to capacity (v/c) ratio of arterials  
30 and highways serving the zone (TAM value) and (2) the  
31 existence of roadways critical to the zone's access not  
32 funded for improvement in the committed network (unfunded  
33 critical links). If an unfunded critical link exists, then  
34 the zone shall be deemed to fail the concurrency test until  
35 the critical link is improved.

36 Administrative rules issued under the authority of this  
37 ordinance shall contain a detailed technical description of  
38 the calculation of TAM and the list of potential unfunded  
39 critical links to be monitored.

40 2. IS Calculations: Intersection level of service shall  
41 be calculated according to the most recent Highway Capacity  
42 Manual or an alternative method approved by the DPW.

43 D. Standards

44 1. The standard for the TAM value of a zone shall be  
45 those maximum average v/c zonal scores listed in  
46 Comprehensive Plan Policy T-305 for Transportation Service  
47 Areas, and displayed in section 27 of the TCM chapter of this  
48 title.

1 2. The unfunded critical link standard shall apply to the  
2 links identified by administrative rule, which have a volume  
3 to capacity ratio of 1.1 or more, and which would carry more  
4 than thirty (30) percent of the zone traffic from a  
5 residential development or more than thirty (30) percent of  
6 the traffic from a commercial development. The concept of  
7 unfunded critical links shall not apply to roads in  
8 Transportation Service Areas 1 and 2 if HOV lanes and  
9 transit service are available now or expected to be  
0 available within six (6) years in the unfunded critical link  
1 corridor. Unfunded critical links shall be applied only on  
2 those roadways in unincorporated King County unless they are  
3 identified in a city according to an interlocal agreement.

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

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

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

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

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

25 F. Administrative Fees: Fees for ITP shall be imposed  
26 as follows:

27 1. An administrative fee of sixty dollars (\$60.00) shall  
28 be charged to the applicant for the TAM determination of  
29 concurrency of a proposed development using analytical  
30 materials currently available to the DPW. In some cases,  
31 existing analytical materials may not be sufficient to make a  
32 determination of concurrency for the proposed development and  
33 an individual concurrency test will be required. An  
34 administrative fee of three hundred and twenty dollars  
35 (\$320.00) shall be charged to the applicant for the  
36 individual determination of concurrency of a proposed  
37 development. The method and time of collection of  
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1 administrative fees for the concurrency test shall be stated  
2 in the administrative rules for this title.

3 2. All developments subject to the MPS fees shall pay an  
4 administrative fee as established by section 47 or 48 at the  
5 time of application for an MPS determination. Payment for  
6 impact mitigation fees under MPS shall be paid at the time a  
7 development permit is issued, provided that residential  
8 developments may defer payment until building permits are  
9 issued.

10 3. No administrative fees shall be charged for IS  
11 review, however, the owner of a proposed development is  
12 responsible for the costs of any traffic study needed to  
13 determine traffic impacts and mitigation measures at  
14 intersections, as determined by the director.

15 G. Relationship to SEPA: The need for the environmental  
16 assessment of a proposed development must be determined by  
17 the department of development and environmental services,  
18 following the filing of a completed permit application.  
19 Impacts on the road system will be mitigated through MPS  
20 fees. Impacts on intersections will be mitigated through the  
21 provisions of the IS chapter of this ordinance.

22 Nothing in this ordinance shall cause a developer to pay  
23 mitigation and impact fees more than once for the same  
24 impact. Improvements and mitigation measures shall be  
25 coordinated by the director with other such improvements and  
26 measures attributable to other proposed developments, and  
27 with the county road improvement program so that the county  
28 road system is improved efficiently and effectively, with  
29 minimum costs to be incurred by public and private entities.  
30 The provisions of this Title do not supersede or replace the  
31 provisions of the County SEPA authority as enacted in K.C.C.  
32 20.44.

33 SECTION 5. There is added to K.C.C. Title 14 a new  
34 section to read as follows:

35 **Filing Appeals.**

36 A. Appeals of the department's final decisions relative  
37 to this ordinance shall be filed with the director or the  
38 director's designee.

39 B. Such appeals shall be in written form, stating the  
40 grounds for the appeal, and shall be filed within ten (10)  
41 calendar days of the receipt of notification of the  
42 department's final appealable decision in the matter being  
43 appealed.

44 SECTION 6. There is added to K.C.C. Title 14 a new  
45 section to read as follows:

46 **Grounds for Appeal.**

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

1. The department committed a technical error,
2. Alternative data or a traffic mitigation plan submitted to the department was inadequately considered,
3. The action of the department would substantially deprive the owner of all reasonable use of the property,
4. Conditions required by the department for concurrency are not related to the concurrency requirement,
- or
5. The action of the department was arbitrary and capricious.

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

1. Committed an error in:
  - a. calculating the development's proportionate share, as determined by an individual fee calculation or, if relevant, as set forth in the fee schedule, or
  - b. granting credit for benefit factors; or
2. Based the final decision upon incorrect data; or
3. Gave inadequate consideration to alternative data or mitigations submitted to the department.

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

1. The department committed a technical error,
2. Alternative data or a traffic mitigation plan submitted to the department was inadequately considered, or
3. Conditions required by the department are not related to improvements needed to serve the proposed development.

SECTION 7. There is added to K.C.C. Title 14 a new chapter to read as follows:

**"Transportation Concurrency Management (TCM)"**

SECTION 8. There is added to K.C.C. Title 14 a new section to read as follows:

**TCM - Authority and Purpose.**

A. This chapter is enacted pursuant to King County's powers as a home rule charter county; Article 11, § 11 of the Washington State Constitution; and the Growth Management Act, RCW 36.70A.070.

B. It is the purpose of this chapter to:

1. Provide adequate levels of service on transportation facilities for existing use as well as new development in unincorporated King County;
2. Provide adequate transportation facilities that achieve and maintain county standards for levels of service as provided in the Comprehensive Plan, as amended; and
3. Ensure that county level of service standards are achieved "concurrently" with development (as required by the Growth Management Act) by denying approval of development that would cause the level of service on transportation

1 facilities to decline below county standards. Applicants  
 2 for development may propose mitigation measures that will  
 3 achieve and maintain the county's standard for level of  
 4 service.

5 SECTION 9. There is added to K.C.C. Title 14 a new  
 6 section to read as follows:

7 **Capital Improvement Program.** Capital Improvement  
 8 Program (CIP): the expenditures programmed by King County  
 9 for capital purposes over the next six (6) year period in  
 0 the CIP most recently adopted by the county council.

1 SECTION 10. There is added to K.C.C. Title 14 a new  
 2 section to read as follows:

3 **Certificate of Concurrence.** Certificate of  
 4 concurrence: the document issued by the county indicating:

5 A. The location or other description of the property on  
 6 which the development is proposed,

7 B. The number of development units and specific uses,  
 8 densities, and intensities that were tested for concurrence  
 9 and approved,

0 C. The type of development approval for which the  
 1 certificate of concurrence is issued,

2 D. An effective date, and

3 E. An expiration date.

4 SECTION 11. There is added to K.C.C. Title 14 a new  
 5 section to read as follows:

6 **Committed Network for the Transportation Adequacy**  
 7 **Measure.** Committed Network for the Transportation Adequacy  
 8 Measure: the system of transportation facilities used to  
 9 calculate the Transportation Adequacy Measure to determine  
 0 the level of service of transportation for a zone. The  
 1 network includes transportation facilities that are needed  
 2 to provide the level of service standard, including existing  
 3 facilities and proposed facilities which are fully funded  
 4 for construction in the most currently adopted six (6) year  
 5 roads CIP or for which voluntary financial commitments have  
 6 been secured. Projects to be provided by the state, cities  
 7 or other jurisdictions may become part of the committed  
 8 network.

9 SECTION 12. There is added to K.C.C. Title 14 a new  
 0 section to read as follows:

1 **Concurrence.** Concurrence: means transportation  
 2 improvements or strategies are in place at the time of  
 3 development or that a financial commitment is in place to  
 4 complete the improvements or strategies within six (6)  
 5 years, according to R.C.W. 36.70A.070(6).

6 SECTION 13. There is added to K.C.C. Title 14 a new  
 7 section to read as follows:

