

**PLANNING COMMISSION AGENDA ITEM**

CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Update to Concurrency Regulations		
<b>DEPARTMENT:</b> Public Works		
<b>PRESENTED BY:</b> Alicia McIntire, Senior Transportation Planner		
<input checked="" type="checkbox"/> Public Hearing	<input type="checkbox"/> Study Session	<input checked="" type="checkbox"/> Recommendation Only
<input type="checkbox"/> Discussion	<input type="checkbox"/> Update	<input type="checkbox"/> Other

**INTRODUCTION**

In 2011, Council adopted an updated Transportation Master Plan (TMP). One chapter in the TMP discusses transportation concurrency and level of service. The TMP includes policies identifying the transportation levels of service in the City as well as direction to adopt an impact fee program. The TMP serves as the Transportation Element of the Comprehensive Plan and was adopted as such in 2011. The TMP also includes a draft framework for evaluating transportation concurrency. The purpose of this study session item is to introduce a draft methodology for measuring transportation concurrency that is consistent with the framework direction in the TMP and will work effectively with an impact fee program.

**BACKGROUND**

Concurrency is one of the goals of the Growth Management Act (GMA) (RCW 36.70A.020(12)). The GMA also requires the development of a Comprehensive Plan to provide for a generalized coordinated land use policy statement for the City of Shoreline. The Comprehensive Plan contains mandatory elements, with special attention called out for transportation (RCW 36.70A.070(6)). The importance of transportation in comprehensive planning is demonstrated by the GMA's requirement that transportation improvements or strategies to accommodate growth are made concurrently with development. "Concurrent with the development" is defined by the GMA to mean that any needed "improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years." (RCW 36.70A.070(6)(b)). While concurrency is a mandate, cities have flexibility regarding how to apply concurrency within their regulations, plans and permitting processes.

Transportation concurrency is measured by comparing the existing or planned capacity of transportation facilities to the anticipated capacity that will occur as a result of a development. This is generally measured using Level of Service (LOS) standards.

If the existing or planned capacity is greater than what is needed for the proposed development, the applicant passes the concurrency test and a development may

Approved By: Project Manager \_\_\_\_\_

Planning Director *pm*

proceed. The applicant fails the concurrency test if the proposed development exceeds the existing or planned capacity of the transportation facilities. If an applicant fails the concurrency test, the following alternatives are available:

- The applicant can modify the proposal to reduce the transportation impacts;
- The applicant can propose mitigation (transportation improvements and/or strategies) that results in an acceptable LOS;
- The applicant can appeal the concurrency test results; or
- The application is denied.

A description of the City's existing concurrency program, Level of Service (LOS) standards and the Council direction to develop an updated concurrency methodology were outlined in the March 6, 2014 staff report which can be viewed at <http://shorelinewa.gov/home/showdocument?id=15846>. The staff report also discussed the implementation of proposed methodology and the benefits and drawbacks of this methodology. The Planning Commission discussed the draft amendments to SMC 20.60.140 at the March 6, 2014 study session.

### **PROPOSAL & ANALYSIS**

At the March 6, 2014 study session, the Planning Commission discussed the proposed amendments, including possible exemptions from the concurrency test, the requirements for updating the City's available trip capacity, the process for identifying needed transportation improvements and development project review under the State Environmental Policy Act. The Planning Commission also discussed the relationship between the proposed concurrency methodology and an impact fee program.

During their discussion, the Commission requested staff return with an estimated cost for the update of the City's available trip capacity that would be required by 20.60.140(D). While exact costs would vary based upon the complexity associated with updating the traffic model, identification of future traffic problems and development of solutions, it is estimated that the update work would range from \$125,000-\$135,000.

The Planning Commission did not suggest any changes to the draft development code amendments presented at the March 6, 2014 study session. Attachment A outlines the proposed amendments to the development code that would be incorporated within Title 20 of the City's Municipal Code, the Unified Development Code.

### **TIMING AND SCHEDULE**

The Planning Commission held a study session to discuss the proposed amendments on March 6, 2014. A public hearing to receive testimony is scheduled for March 20, 2014. The Planning Commission is scheduled to adopt a recommendation to the City Council on March 20, 2014.

Notice of the March 20, 2014 public hearing on these amendments was published in the Seattle Times on February 18, 2014. Due to an error in the original notice a correction was published on February 25, 2014. Notice of the proposed code amendments was

sent to the Washington State Department of Commerce on February 13, 2014. Copies of these notices were provided to the Planning Commission as part of the March 6, 2014 staff report.

### **RECOMMENDATION**

Staff recommends the Planning Commission hold a public hearing to receive public testimony regarding the proposed amendments to Title 20 of the Shoreline Municipal Code. Staff recommends the Planning Commission forward to City Council a recommendation to approve the draft amendments to Title 20 of the Shoreline Municipal Code as outlined in Attachment A.

### **ATTACHMENTS**

Attachment A – Draft Amendments to Title 20

## ATTACHMENT A – DRAFT AMENDMENTS TO TITLE 20

### **AMENDMENT #1 SMC 20.60.140**

*This change provides new language to more comprehensively outline the purpose of Chapter 20.60.140.*

#### **20.60.140 Adequate Streets.**

The intent of this subchapter is to ensure that public streets maintain an adequate level of service (LOS) as new development occurs. The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the city. The purpose of this chapter is to ensure that the city's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

### **AMENDMENT #2 SMC 20.60.140(A)**

*The proposed change adds minor clarifying language regarding the adopted Level of Service standard.*

**20.60.140(A). Level of Service.** The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; or
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.

These level of service standards apply throughout the City unless an alternative level of service for a particular streets or streets has been adopted in the Comprehensive Plan Transportation Element.

### **AMENDMENT #3 SMC 20.60.140(B)**

*This change clarifies the requirements for transportation impact analyses submitted with development proposals.*

**20.60.140(B). Development Proposal Requirements.** All new proposals for development that would generate 20 or more new trips during the p.m. peak hour must submit a traffic study transportation impact analysis prepared by the applicant in accordance with the standards established in the City's Engineering Development Manual at the time of application. The estimate of the number of trips for a development

shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers. The traffic study shall include, at a minimum, an analysis of the following:

1. An analysis of origin/destination trip distribution proposed;
2. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and
3. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard.

**AMENDMENT #4 SMC 20.60.140(C)**

*This change would delete the language describing the City's current methodology used to evaluate the capacity for concurrency. This new language identifies the requirement for administering a concurrency test prior to issuance of a building permit and identifies proposals that are exempt from a concurrency test.*

~~**20.60.140(C). Concurrency Required** — Development Approval Conditions. A development proposal that will have a direct traffic impact on a roadway or intersection that causes it to exceed the adopted LOS standards, or impacts an intersection or a road segment currently operating below a level of service identified in subsection B of this section, will not meet the City's established concurrency threshold and shall not be approved unless:~~

- ~~1. The applicant agrees to fund or build improvements within the existing right-of-way that will attain the LOS standards; or~~
- ~~2. The applicant achieves the LOS standard by phasing the project or using transportation demand management (TDM) techniques or phasing the development proposal as approved by the City of Shoreline to reduce the number of peak hour trips generated by the project to attain LOS standards.~~

**20.60.140(C). Concurrency Requirement.** The City shall not issue a building permit until:

1. A concurrency test has been conducted and passed, or
2. The building permit has been determined to be one of the following that are exempt from the concurrency test:
  - a. Alteration or replacement of an existing residential structure that does not create an additional dwelling unit or change the type of dwelling unit.
  - b. Alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use.

c. Miscellaneous improvements that do not generate increased need for public facilities, including, but not limited to, fences, walls, residential swimming pools, and signs;

d. Demolition or moving of a structure.

e. Any building permit for development that creates no additional impacts, insignificant and/or temporary additional impacts on any transportation facility, including, but not limited to:

i. Home occupations that do not generate any additional demand for transportation facilities;

ii. Special events permits;

iii. Temporary structures not exceeding a total of 30 days;

f. Any building permit issued to development that is vested to receive a building permit pursuant to RCW 19.27.095

#### **AMENDMENT #5 SMC 20.60.140(D)**

*This new language identifies the requirements for the City to determine the availability capacity for concurrency and when the capacity must be updated.*

#### **20.60.140(D). Available Capacity for Concurrency**

1. The City shall determine the available capacity for concurrency as of the effective date of this ordinance and record it in the Concurrency Trip Capacity Balance Sheet.

2. The City shall update the available capacity in the Concurrency Trip Capacity Balance Sheet within twelve (12) months of any of the events listed below.

a. Update or amendment of the City's Transportation element as it relates to concurrency management.

b. Total traffic volume increases by 30 percent compared to traffic volume at the time the Concurrency Trip Capacity Balance Sheet was created, or was updated with new data from the traffic model.

c. More than 50 percent of the available capacity in the most recent calculation of available capacity has been reserved as a result of concurrency tests conducted by the City.

3. If none of the events listed in subsection 2 occurs within seven years of the most recent calculation of the available capacity, the City will update the available capacity recorded in the Concurrency Trip Capacity Balance Sheet.

4. Each update of available capacity in the Concurrency Trip Capacity Balance Sheet shall carry forward the reservations of capacity for any building permits for development that has not been completed prior to the update of available capacity.

5. In order to monitor the cumulative effect of exemptions from the concurrency test on the available capacity, the City shall adjust the available capacity in the Concurrency Trip Capacity Balance Sheet to record the number of p.m. peak hour trips generated by exempt building permits in the same manner as though a concurrency test had been performed for the exempt building permits.

#### **AMENDMENT #6 SMC 20.60.140(E)**

*This new language outlines the methodology the City will employ to test for concurrency, the conditions under which a development passes or fails a concurrency test, options available to an applicant if a concurrency test is not passed and the order in which tests are administered for applications. This section also identifies that concurrency tests are exempt from the State Environmental Policy Act.*

#### **20.60.140(E). Concurrency Test.**

1. Each applicant for a building permit that is not exempt from the concurrency test as provided in SMC 20.60.140(C)(2) shall submit the type of development to be constructed pursuant to the building permit, the number of square feet of each type of development, and the number of dwelling units.

2. The City shall perform a concurrency test for each application for a building permit that is not exempt from the concurrency test.

3. The concurrency test is passed if the number of trips from an applicant's proposed development is equal to or less than available capacity in the Concurrency Trip Capacity Balance Sheet that has been adjusted to subtract reserved trips . If the concurrency test is passed the City shall record the concurrency test results in the Concurrency Trip Capacity Balance Sheet in order to reduce the available capacity by the number of trips that will be generated by the applicant's development. The reservation of capacity shall be valid for the same time as the building permit for which it was reserved.

4. The concurrency test is not passed if the number of trips from an applicant's proposed development is greater than available capacity after it has been adjusted to subtract reserved trips. If the concurrency test is not passed, the applicant may select one of the following options:

a. Amend the application to reduce the number of trips generated by the proposed development, or

b. Provide system improvements or strategies that increase the city-wide available capacity by enough trips so that the application will pass the concurrency test, or

c. Appeal the denial of the application for a concurrency test, pursuant to the provisions of subsection H of this section, or

5. The City shall conduct concurrency tests for multiple applications impacting the same portions of the transportation network/intersection chronologically in accord with the date each application was deemed complete pursuant to SMC 20.30.110.

6. A concurrency test, and any results, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

**AMENDMENT #7 SMC 20.60.140(F)**

*This new language identifies the conditions under which available capacity is reserved.*

**20.60.140(F). Reservation of Availability Capacity Results of Concurrency Test**

1. Upon passage of a concurrency test, the City shall reserve capacity on behalf of the applicant in the Concurrency Trip Capacity Balance Sheet.

2. A reservation of available capacity shall be valid for the same period as the approved building permit for which it was made, and may be extended according to the same terms and conditions as the underlying building permit.

3. A reservation of available capacity is valid only for the uses and intensities authorized for the building permit for which it is issued. Any change in use or intensity is subject to an additional concurrency test of the incremental increase in impact on transportation facilities.

4. A reservation of available capacity is non-transferrable to another parcel of land or development proposal. A reservation of available capacity may be transferred to a subsequent purchaser of the land for the same uses and intensities.

5. A reservation of available capacity shall expire if the underlying building permit expires; the application or permit is withdrawn by the applicant; the permit is revoked by the City; application approval is denied by the City; or the determination of completeness expires.

**AMENDMENT #8 SMC 20.60.140(G)**

*This new language identifies the fees associated with administering the City's concurrency program.*

**20.60.140(G). Fees.**

1. The City shall charge each applicant for a building permit that is not exempt from this section a concurrency test fee in an amount to be established by resolution by the City Council.



2. The City shall charge a processing fee to any individual that requests an informal analysis of capacity if the requested analysis requires substantially the same research as a concurrency test. The amount of the processing fee shall be the same as the concurrency test fee authorized by subsection G.1.

3. The fees authorized in subsections G.1 or G.2 of this section shall not be refundable, shall not be waived, and shall not be credited against any other fee.

**AMENDMENT #9 SMC 20.60.140(H)**

*This new language identifies the process for appeals.*

**20.60.140(H). Appeals.** Determinations and decisions by the Director that are appealed by an applicant shall follow the procedures of SMC 20.30 for an Administrative Decision-Type B.

**AMENDMENT #10 SMC 20.60.140(I)**

*This new language identifies the Director of Public Works as the responsible official for implementing the City's Concurrency requirements and provides the authority for the City to adopt guidelines for the administration of concurrency, including procedural rules.*

**20.60.140(I). Authority.** The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the concurrency requirements of this chapter. The Director of the Department of Public Works is authorized to adopt guidelines for the administration of Concurrency, which may include the adoption of procedural rules to clarify or implement the provisions of this section.

**AMENDMENT #11 SMC 20.20.010**

*This amendment adds a new definition for "Available Capacity".*

"Available Capacity" means the number of motor vehicle trips that can be accommodated by the transportation facilities during the p.m. peak period for current and planned development while maintaining the adopted level of service standards. Available capacity is calculated as set forth in the table below:

<b>Step 1</b>	<u>Calculate the baseline total number of trips on the existing City-wide network of transportation facilities during the p.m. peak period using the most recent traffic counts.</u>
<b>Step 2</b>	<u>Identify any existing deficiencies of transportation facilities compared to the level of service standards set forth in SMC 20.60.140(A).</u>
<b>Step 3</b>	<u>Identify capital improvements that will eliminate existing deficiencies identified in Step 2.</u>
<b>Step 4</b>	<u>Add the improvements from Step 3 to the existing network</u>

	<u>to create the current non-deficient network</u>
<b><u>Step 5</u></b>	<u>Add future development to the current land use.</u>
<b><u>Step 6</u></b>	<u>Identify any future deficiencies of the current non-deficient network of transportation facilities compared to the level of service standards set forth in SMC 20.60.140(A).</u>
<b><u>Step 7</u></b>	<u>Identify capital improvements that will eliminate future deficiencies identified in Step 6.</u>
<b><u>Step 8</u></b>	<u>Add the improvements from Step 7 to create the improved network</u>
<b><u>Step 9</u></b>	<u>Calculate the total number of future trips on the improved network of transportation facilities during the p.m. peak period by the combined total of current and planned development.</u>
<b><u>Step 10</u></b>	<u>Calculate the available capacity by subtracting the baseline trips as calculated in Step 1 from the future trips as calculated in Step 9.</u>
<b><u>Step 11</u></b>	<u>Record the available capacity as the beginning balance in the City's Concurrency Trip Capacity Balance Sheet conducted by the City pursuant to Step 10.</u>

**AMENDMENT #12 SMC 20.20.014**

*This amendment adds new definitions for "Concurrency", "Concurrency Test" and "Concurrency Trip Capacity Balance Sheet".*

"Concurrency" means the level of service standard will be achieved and maintained for new development by adequate transportation facilities that are in place or will be completed no later than six (6) years after occupancy of development.

"Concurrency Test" means a comparison of the number of motor vehicle trips that will be generated during the p.m. peak period by development to the available capacity of transportation facilities.

"Concurrency Trip Capacity Balance Sheet" means the document created and maintained by the City to record the available capacity, reservations of capacity, and the balance of the available capacity that has been adjusted to reflect reserved trips.

**AMENDMENT #13 SMC 20.20.032**

*This amendment adds a new definition for "Level of Service Standard".*

"Level of Service Standard" means the levels of service in SMC 20.60.140.A. For the purpose of determining capacity for concurrency, the level of service standards shall be compared to the actual levels of service at the p.m. peak period.

**AMENDMENT #14 SMC 20.20.044**

*This amendment adds new definitions for "Reserve" and "Reservation".*

"Reserve" and "Reservation" means to set aside or otherwise note in the City's Concurrency Trip Capacity Balance Sheet in a manner that assigns capacity to the applicant's building permit and prevents the same capacity from being assigned to any other applicant.

**AMENDMENT #15 SMC 20.20.048**

*This amendment adds a new definition for "Transportation Facilities".*

"Transportation Facilities" for the purpose of Concurrency means roads and streets functionally classified as principal and minor arterials and signalized intersections on arterial streets and at unsignalized intersecting arterials except those facilities specifically identified as exempt in the City's Transportation Master Plan.

