

THE LATEST ON CONCURRENCY

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What is Concurrency?

A measurement of a particular public facility or service (transportation, parks etc) based on a locally adopted Level of Service used to ensure public infrastructure exists at the time development is ready for use or occupancy, i.e. when the impacts are felt.

Growth Management Act: Goals

- RCW 36.70A.020(3): Transportation.
- RCW 36.70A.020(12): Jurisdictions must ensure that public facilities and services “necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use”

Growth Management Act: Requirements

- WAC 365-195-510 (3)(b).
“Levels of service should be set to reflect realistic expectations consistent with the achievement of growth aims. Setting such levels too high could, under some regulatory strategies, result in no growth. As a deliberate policy, this would be contrary to the act.”

Growth Management Act: Requirements

- No statutory regulation of how to measure LOS: Each local jurisdiction has the discretion to define and measure LOS.
- Caveat, cannot exempt certain types of development. *City of Bellevue v. East Bellevue Community Municipal Corporation*, 119 Wn. App. 405 (2001) (however, can change LOS, modify traffic patterns or ‘creatively’ address traffic mitigation).
- Concurrency is “action forcing.” *Montlake Community Club v. CPSCMHB*, 110 Wn. App. 731 (2002)

Growth Management Act: Requirements

- RCW 36.70A.070(6)(b):
“ . . . local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.”

How is Concurrency Applied?

- Capital Facility Element
- Transportation Element
- Establishment of LOS
- Creation of measurement system
- Adoption of Development Regulations
- Certificate of Concurrency

Measuring LOS

- LOS usually measured by grade: A-F
- Calculation: volume / capacity ratio
- Peak hours (a.m. / p.m.)
- Single Area for Entire Jurisdiction versus Zones
- Screen Lines (Escape Route System)
- Road Segments
- Intersections
- Specific System Comparisons

LOS: Tug Between State and Local Facilities

- Highways of Statewide Significance
- Little to no coordination between state and local or between localities: the system fails to address the regional nature of many transportation problems
- Transit

What Was the Purpose of Transportation Concurrency?

- To measure the effectiveness of long range transportation planning
- To prioritize funding of transportation capital improvement projects
- Public transit planning; locating Park & Ride lots and other transit options

How Is Concurrency Used?

- Actively used for evaluation and planning
- Reduced to a procedural hoop – LOS set without regard to reality or needs
- Used primarily to direct development to certain areas
- Used primarily to regulate the timing or rate of development (outstanding area of likely future legal challenge)

Case Examples

- Snohomish County: Development Phasing Overlay
Citizens for Responsible Growth et al. v. Snohomish County, Final Decision and Order, CPSGMHB Case No. 03-3-0013 (12-8-2003)

Case Examples

- City of Sammamish: Growth Metering/
Lottery System
*Master Builders of King and Snohomish
Counties et al. v. City of Sammamish
(Camwest III)*, Final Decision and Order,
CPSGMHB Case No. 05-3-0041 (2-21-
2006)

Legislative Updates

- (2007) Bills 1753 and 5683: Would have created a link between impact fees and concurrency: jurisdictions charging transportation impact fees would have been prohibited from denying an application on the basis of concurrency, i.e. failure to meet the given LOS.
Both failed to pass out of committee.
- (2005) HB 1565 / RCW 36.70A.108; 47.80.030: Multi-Modal and Transit Ridership – Possible regional future merit?

Washington State Studies

- <http://www.wsdot.wa.gov/planning/concurrency>
- Multi-Modal Study:
<http://www.wsdot.wa.gov/planning/concurrency/MultimodalStudy.htm>
- State Owned Transportation Facilities
Concurrency Analysis:
<http://www.wsdot.wa.gov/planning/concurrency/FacilityAnalysis.htm>

Concurrency Systems Under Review

- Snohomish County: Review of Ultimate Capacity
- King County: Updated Concurrency Map
- King County Audit: Likely Significant Revisions to Concurrency Measurement Methods, Mapping and System
- Cities of Sultan and Monroe: Updating Transportation Plans

Funding – Impact Fees

- Public Funding Sources
- Private Sources:
 - SEPA Mitigation Fees: Chapter 43.21C RCW
 - Type of mitigation: can be construction of improvements, delay of project, payment of mitigation fees based on specific impacts of the development
 - Timing: earlier in the development process
 - GMA Impact Fees: Chapter 82.02 RCW
 - Fees set based on schedule in ordinance; derived from capital facility planning
 - Timing: default at building permit but may be set earlier by local jurisdiction

What's Next?

- Concurrency no longer working as effective long range planning or strategy tool
- Encourage regional dialogue – between localities and between state and local
- Encourage dialogue with development community and other transportation experts
- Encourage use of concurrency to enhance viability of public/mass transit