

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Concurrency and Impact Fees		
DEPARTMENT:	Public Works		
PRESENTED BY:	Mark Relph, Public Works Director Kirk McKinley, Transportation Services Manager Alicia McIntire, Senior Transportation Planner		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Discussion	

PROBLEM/ISSUE STATEMENT:

In 2011, Council adopted an updated Transportation Master Plan (TMP). One chapter in the plan discussed transportation concurrency and level of service. The plan includes policies identifying the transportation levels of service in the City as well as direction to adopt an impact fee program. These policies were adopted as part of the 2012 Comprehensive Plan update. The TMP also includes a suggested framework for evaluating transportation concurrency.

The City's transportation concurrency consultant has made several presentations to Council explaining state law addressing transportation concurrency requirements, options available for implementation of an impact fee program and a description of the transportation concurrency framework included in the TMP. On May 20, 2013, Council directed staff to proceed with development of an updated concurrency methodology and impact fee program for Shoreline. This report outlines the Planning Commission and staff's recommendations and supporting documentation for both.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact associated with tonight's discussion. The resources needed to complete an updated concurrency methodology and impact fee program were allocated as part of the Transportation Master Plan update and are still available. Funding has also been allocated for development of public information handouts and internal forms as well as implementation training for staff once these programs are adopted. Upon adoption of an impact fee program, the City would begin implementing the new concurrency system and collecting impact fees in conjunction with building permits. Impact fees would be applied toward design and construction of the transportation improvements needed to accommodate growth and maintain the City's adopted level of service for transportation facilities.

RECOMMENDATION

No formal action is required at this time as this report is for discussion purposes only. Staff is scheduled to return to Council for additional discussion on this topic on June 2, 2014 (if needed) and adoption of Ordinance Nos. 689 and 690 and the Rate Study for Impact Fees for Transportation on July 21, 2014.

Approved By: City Manager ***DT*** City Attorney ***IS***

INTRODUCTION

In 2011, Council adopted an updated Transportation Master Plan (TMP). One chapter in the plan discussed transportation concurrency and level of service. The plan includes policies identifying the transportation levels of service in the City as well as direction to adopt an impact fee program. These policies were adopted as part of the 2012 Comprehensive Plan update. The TMP also includes a suggested framework for evaluating transportation concurrency.

The City's transportation concurrency consultant has made several presentations to Council explaining state law addressing transportation concurrency requirements, options available for implementation of an impact fee program and a description of the transportation concurrency framework included in the TMP. On May 20, 2013, Council directed staff to proceed with development of an updated concurrency methodology and impact fee program for Shoreline. This report outlines the Planning Commission and staff's recommendations and supporting documentation for both.

BACKGROUND

Concurrency is one of the goals of the Growth Management Act (GMA). 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. 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." 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 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.

The City's adopted concurrency standard measures Level of Service (LOS) at the signalized intersections on arterial streets, unsignalized intersecting arterials, and on principal and minor arterial street segments. Intersection LOS is measured by average delay and roadway segment LOS is measured as a volume to capacity ratio (V/C). LOS standards qualitatively describe the operating conditions of a roadway and are based on a scale of "A" to "F."

LOS A is essentially free flowing traffic conditions whereas LOS F reflects a heavily congested roadway as traffic demand exceeds the capacity of the roadway. Thus, LOS A and B represent minimal delays, and LOS C represents generally acceptable delays. LOS D represents an increasing amount of delay and an increasing number of vehicles stopped at the intersection. An intersection with LOS E is approaching capacity and is processing the maximum number of vehicles possible through the intersection. LOS F means that the intersection is operating with excessive delays, meaning that it has a high level of traffic congestion. Vehicles approaching an intersection with LOS F may have to wait for more than one signal cycle to get through the intersection. The 2010 Highway Capacity Manual measures LOS in the following manner:

Level of Service	Roadway Segments V/C Ratio	Signalized Intersections Average Delay (sec/veh)	General Description
A	≤ 0.60	≤ 10	Free Flow
B	> 0.60 - 0.70	> 10 - 20	Stable Flow (slight delay)
C	> 0.70 - 0.80	> 20 - 35	Stable Flow (acceptable delay)
D	> 0.80 - 0.90	> 35 - 55	Approaching Unstable Flow (speeds somewhat reduced, more vehicles stop and may wait through more than one signal cycle before proceeding)
E	> 0.90 - 1.0	55 - 80	Unstable Flow (speeds reduced and highly variable, queues occur, many vehicles have to wait through more than one signal cycle before proceeding)
F	> 1.0	> 80	Forced Flow (jammed conditions, long queues occur that do not clear, most vehicles wait through more than one signal cycle before proceeding)

Shoreline LOS

For its signalized intersections on arterials and unsignalized intersecting arterials, the City of Shoreline has adopted a level of service standard of LOS D. The City has also adopted a supplemental LOS for principal arterials and minor arterials that limits the volume to capacity (V/C) ratio to 0.90 or lower except when any leg of a principal or minor arterial intersection operates at LOS D or better.

Development proposals that generate more than 20 trips during the p.m. peak travel period are evaluated using a Traffic Impact Analysis prepared by the applicant. (Twenty p.m. peak hour trips is the equivalent of 32 apartments or 13,500 square feet of office

space or 5,400 square feet of retail space). This analysis is required to identify any direct impacts to City roadways or intersections. If there will be impacts, they are mitigated through the City's SEPA review process. This process generally identifies the impacts only on adjacent or nearby streets and does not analyze the cumulative impacts of development on the citywide transportation network. As a result, the full burden for upgrades to some facilities falls on the applicant whose project exceeds the threshold.

Shoreline Concurrency and Impact Fees

As part of the TMP update, the City contracted with Randy Young of Henderson, Young & Co. to evaluate the City's existing concurrency process and recommend changes, if needed. The identified goals for this evaluation were that any new program:

- needed to be easy and inexpensive to implement,
- easily understood by the development community, and
- customized to reflect the built out nature of Shoreline.

During development of the TMP, Randy Young presented a draft framework to update the City's concurrency program to the Council (Attachment E). The framework focused on mitigating the impacts of traffic growth only. At the beginning of the process, a multi-modal concurrency approach that included bicycles, pedestrians and transit was discussed among staff and the consultant. It was determined that this approach would be cumbersome and expensive for the City to administer and would not suit Shoreline as a fully built-out community where large developments are not anticipated. The draft framework accomplished the identified goals and at the Council meeting of May 20, 2013, Council directed staff to proceed with development of an updated concurrency methodology and new impact fee program based upon this approach. To view the staff report from this May 2013 discussion, please click on the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2013/staffreport052013-9a.pdf>.

Under state law, the City is required to have a concurrency standard by which to measure growth. An impact fee is not required but is allowed under state law. Concurrency and impact fees are not dependent upon one another – a City can have one without the other.

The majority of cities in this region charge a transportation impact fee associated with development. The fees cover a broad range of impacts, depending upon the estimated costs of the transportation improvements that will be needed to accommodate varying levels of growth. Attachment F to this staff report shows the adopted transportation impact fees per single family dwelling unit for several cities in this region. These fees range from \$625 to \$14,854 per single family dwelling unit. This attachment also shows other city adopted impact fees, including those for fire protection, parks and open space and schools. On June 2nd, staff will also present a larger look at the fees associated with development in Shoreline and in other cities in the Puget Sound region to provide some context for both City's economic development goals and the implementation of transportation impact fees.

DISCUSSION

Two related draft ordinances are being presented with this staff report. Draft Ordinance No. 689 (Attachment A) outlines changes to Shoreline Municipal Code (SMC) 20.60.140 that establish a new methodology for measuring transportation concurrency. It also amends several definitions contained in SMC 20.20 that are related to the draft changes to SMC 20.60.140. Because these represent amendments to the City's development code, the text of draft Ordinance No. 689 has been reviewed and recommended by the City's Planning Commission.

The other ordinance, Draft Ordinance No. 690 (Attachment B), will add a new chapter to SMC Title 12 that authorizes the collection of transportation impact fees and establishes those fees. This ordinance also amends the City's fee schedule contained within SMC Chapter 3.01. The changes contained within draft Ordinance No. 690 were not evaluated by the Planning Commission as they are not part of the City's development code.

The draft concurrency methodology and impact fee program outlined in these ordinances have been designed to work in conjunction with each other. They allow the City to implement concurrency and impact fee programs that are easy to administer, understandable and predictable for the development community and result in development paying for the improvements needed to mitigate the traffic impacts that occur due to growth. The City will be able to reexamine the need for growth related transportation improvements as the forecasts for growth change and adjust the impact fee accordingly.

Should the Council decide not to adopt an impact fee program, a different concurrency framework would need to be developed. Without impact fees, the City would lack the funding for the street improvement projects that provide the trip capacity in the citywide concurrency trip bank. Additionally, if improvements to maintain transportation LOS cannot be funded, the City will need to make a decision about how to meet its concurrency standard. When addressing unfunded improvements, the City may choose to restrict growth by denying or delaying land use permit applications or accept a lower transportation level of service.

Since impact fees are designed to cover the costs for growth citywide, mitigation would still be required for localized impacts resulting from individual developments. These impacts would be evaluated as part of the City's SEPA process.

Impact fees can be used for any phase of a project including project administration, design, environmental review, right-of-way acquisition and construction. However, because impact fees can only be collected to pay for the impacts of growth, additional funding will be needed to cover the costs of correcting any existing deficiencies. Impact fees can be used as a match when pursuing grants.

In developing the recommended impact fee program, staff has heard several concerns regarding how impact fees will influence development in a city. These include concerns that development will occur elsewhere, housing will be unaffordable or that the timing is wrong because of a bad economy. Cities with impact fee programs have found that

impact fees produce benefits that equal costs and they are a small portion of the total cost of a development project. Additionally, development decisions are generally based upon location, availability of land, price of land, market rent potential, and nearby attractions. Issues such as interest rates, land costs and amenities provided by development have a larger effect on affordability than impact fees. Finally, research has shown that impact fees have not stalled development nor has reducing or eliminating impact fees served as a mechanism to stimulate development. As the market recovers and growth begins, development will need to pay its share. However, some jurisdictions opt to allow a waiver for low-income housing.

The Point Wells development will result in significant transportation impacts in the City. The anticipated growth at this site was not included in the traffic model so that the impacts of this development would be identified and mitigated separately. Because the property is not located in Shoreline, the developer would not be subject to the City's impact fees but will be required to provide mitigation as part of the SEPA process.

Draft Ordinance No. 698 and 690 are further described below:

Concurrency Methodology – Draft Ordinance No. 689

Draft Ordinance No. 689 outlines a concurrency program that measures traffic volume compared to road capacity. It functions as a trip “debit” system wherein the City first calculates the maximum allowed vehicle trips the traffic network can accommodate based upon projected growth, adopted transportation LOS and planned transportation improvements. Once the baseline trip “account” is established, new trips generated by future development are “debited” from it. New trips will be calculated at the time of building permit application. As long as trips are still available in the City account, the concurrency test is passed. If there are not enough trips in the account to accommodate a proposed development, the application must be modified to reduce the number of trips to an amount equal to or less than the account balance, the applicant provides additional mitigation or the project fails the concurrency test and is denied. For projects that are approved, the applicant is required to pay the transportation impact fee and provide mitigation for localized transportation impacts. Development proposals that do not create new dwelling units or additional square feet of non-residential development, do not increase impacts to transportation facilities or demolish or move a structure would be exempt from the concurrency test.

The recommended change to the City's concurrency program has two primary benefits:

1. Accounts for the impacts of growth citywide – The City's existing concurrency methodology only requires evaluation of the localized impacts of a proposal and does not take into account the impacts of a project on the citywide transportation network. Additionally, a development that fails the City's concurrency test because of the cumulative impacts of previous projects may be required to invest significant funds into transportation improvements which were not entirely necessary to mitigate the project's impacts in order to be approved. The City has developed a traffic model to help predict where there will be transportation problems resulting from growth throughout the City and has also calculated the approximate costs for those projects. When integrated with an impact fee program, the proposed methodology requires each developer to mitigate the

localized impacts of a proposal as well as paying for a proportional share of those projects needed to accommodate citywide growth over the next twenty years.

2. Streamlines permitting process – With the adoption of the proposed methodology, the City will provide for a more predictable and streamlined permitting process. The concurrency test is greatly simplified, as the City will have established trip generation rates for different uses, making the test a relatively simple exercise of calculating trips based upon type of use and number of units and/or square footage of area. Developers can simplify the calculations in Transportation Impact Analyses for a given development by utilizing these rates. The scope of Transportation Impact Analyses is reduced, as the larger impacts of citywide growth will be identified in advance and individual developers will not be required to analyze those areas nor pay to mitigate impacts that result from cumulative development. Transportation Impact Analyses will focus on localized transportation and safety impacts.

On March 6, 2014, staff presented the draft concurrency methodology to the Planning Commission for review and discussion. A public hearing was held on March 20, 2014 and the Planning Commission adopted their recommendation to Council. The Planning Commission discussed whether Point Wells would be evaluated through this concurrency program, review of permit applications and mitigation for localized impacts from development and the timeline for future updates to the citywide capacity. Public comments were received from Shoreline Community College and Richmond Beach Advocates. Attachment D to this staff report contains the record of the Planning Commission deliberations and recommendation. The Planning Commission recommended language is incorporated into Draft Ordinance No. 689 as Exhibit A.

Impact Fee Program – Draft Ordinance No. 690

Draft Ordinance No. 690 establishes procedures for the collection of transportation impact fees, as well as the rates associated with various land uses, the process for collection of fees and exemptions from impact fees.

Transportation impact fees are collected to help pay for projects needed to maintain the City's adopted LOS standard as growth occurs. In order to identify locations where transportation facilities would fail to meet the adopted LOS, traffic modeling was performed as part of the TMP development. Utilizing growth assumptions of 5,000 new jobs and 5,000 new housing units in the next twenty years, the traffic model identified the following projects as necessary to help ensure that adequate transportation facilities are in place to support growth while maintaining the City's adopted LOS:

1. Addition of a center two-way left-turn lane and traffic calming measures on Meridian Avenue N from N 145th Street to N 205th Street
2. Intersection improvements at N 185th Street and Meridian Avenue N
3. Addition of a center two-way left-turn lane on N 175th Street from Stone Avenue N to Meridian Avenue N
4. Intersection improvements at N 175th Street and Meridian Avenue N
5. Extension of left-turn pockets on N/NE 175th Street between Meridian Avenue N and the I-5 on-/off-ramps

6. Addition of a center two-way left-turn lane on NE 185th Street from 1st Avenue NE to 7th Avenue NE
7. Intersection improvements at NE 175th Street and 15th Avenue NE

The total cost for these projects is approximately \$38.7 million. Project number 7 was not included in the development of the impact fees, as the project consists primarily of the reprogramming of traffic signals and minor roadway rechannelization, which can be accommodated by the City's existing traffic program.

The proposed impact fee program for the City is based upon the costs for these projects. Impact fees cannot be used to pay for existing deficiencies in the transportation system, such as an intersection that currently fails to meet the City's LOS standard. Similarly, they cannot be collected in order to pay for transportation capacity beyond the forecast need. Jurisdictions also cannot rely solely on impact fees to fund transportation system improvements. The total estimated cost for all transportation improvements, less these requirements, is divided by the total estimated number of p.m. peak hour growth trips (which is the standard identified for use by the City when measuring concurrency) to determine a cost per trip. The details of these calculations are contained within the Rate Study for Impact Fees for Transportation (Attachment C).

Using the factors described above, Shoreline's impact fee per p.m. trip has been calculated at \$6,124.77. This per trip amount has been used to determine the impact fee for various land uses. The number of trips generated by a given land use varies depending upon the intensity of use. Similarly, the trip lengths (how far someone would travel to access a use) and the exclusivity of trips (the use is generally a single destination or it is included as a "pass by" trip) are factors to determine the impact fee for a given use. These factors are derived using the *Institute of Transportation Engineers Trip Generation Report*. Draft Ordinance No. 690 includes a table that identifies the impact fees for the most common land uses, as well as those allowed in Shoreline. They include:

- Single family residential (includes townhouse and duplex): \$5,567.41 per dwelling unit
- Apartment (includes accessory dwelling unit): \$3,607.49 per dwelling unit
- Condominium: \$3,662.61 per dwelling unit
- General office: \$12.10 per square foot
- Medical-dental office: \$19.55 per square foot
- General retail and personal services: \$8.14 per square foot
- Sit down restaurant: \$22.97 per square foot

For developed properties that experience a change of land use, if no impact fee was paid for by the immediately preceding use, the impact fee for the new use will be reduced by an amount equal to the current impact fee for the immediately preceding use. Buildings vacant for less than twelve months would be assessed with a reduction based on the most recent legally established use and those vacant for twelve months or more would pay the full impact fee for the new use. Impact fees for mixed use developments would be assessed by the proportionate share of each land use. Similar to the draft concurrency regulations, development proposals that do not create new

dwelling units or additional square feet of non-residential development, do not increase impacts to transportation facilities, or demolish or move a structure would be exempt from paying impact fees.

Because not all estimated trips that utilize Shoreline streets will be generated by development within the City (also known as external to external or pass-through trips), the City cannot collect impact fees for them. This also partially applies to trips that only begin or end in Shoreline (internal to external or external to internal trips), as only the internal trip ends will result in the collection of an impact fee. It is expected that the maximum the City would be able to collect through impact fees would be approximately 43% of the total project costs. This would only be achieved if all of the anticipated development was to occur within the 20 year time frame and all impact fees were collected, which is not likely. The City will periodically revise its growth assumptions and reevaluate the transportation improvements needed to accommodate them. The City would be able to leverage the impact fees for grant funding to help pay for the growth projects.

Optional Items

Draft Ordinance No. 690 includes two sections that are optional for impact fee programs:

1. Deferred payment for residential development - In other jurisdictions, homebuilders have requested an option to delay payment of impact fees to lessen the effect on the cash flow of small builders. The impact fee would be collected 18 months after permit issuance or in conjunction with the sale of the property, whichever is earlier. Staff is recommending inclusion of a deferral for single family residential development. This deferral would not apply to multi-family residential development or non-residential development, such as commercial or office uses.
2. Low income housing exemption - Local governments have the discretion to provide exemptions from impact fees for low-income housing and other "broad public purpose" development. The City's Comprehensive Plan contains several policies that promote affordable housing opportunities, including the use of incentives. Staff is recommending inclusion of an exemption from impact fees when state- or federally-recognized non-profit organizations commit to maintaining the housing as low income for a period of ten years. Public funds would be used to pay the amount equal to the exemption when they are needed for any phase of growth project implementation.

When adopting a transportation impact fee, the City is not required to adopt the full amount identified in the rate study. Jurisdictions have opted to adopt a portion or percentage of the impact fee, resulting in lower payments for developers. The program can also be phased in, in which a reduced fee is adopted for a set time frame, such as one year, and then it is increased over time until 100 percent of the rate is being implemented. However for each exemption or reduction in the rates, the City will be responsible for providing those funds, either with roads capital funding or by securing grants. Once adopted, Council can reduce the rates by amending the City's rate table, provided the reductions are the same percentage for all land use categories. Staff is not recommending either of these options.

Adoption and Implementation

Generally, ordinances go into effect five days after their adoption. However, the City will need to develop forms for the permit applicants, set up any internal implementation programs and ensure all employees that will be administering the program are trained. The City will also want to provide plenty of notice to potential permit applicants that an impact fee program has been adopted. Funding is included in the CIP for consultant assistance with training and to develop the forms and implementation programs. Therefore, it is staff's recommendation that these Ordinances go into effect on January 1, 2015 in order to provide staff with time to prepare and to coincide with any additional changes to the City's fee schedule.

STAKEHOLDER OUTREACH

The draft concurrency methodology was presented to the Planning Commission for review and discussion on March 6, 2014. A public hearing was held on March 20, 2014 and the Planning Commission adopted their recommendation to Council, incorporated into Draft Ordinance No. 689 as Exhibit A, at that time. Attachment D to this staff report contains the record of the Planning Commission deliberations and recommendation. This is the first discussion of the proposed impact fee program (Draft Ordinance No. 690) or the draft Rate Study for Impact Fees for Transportation.

COUNCIL GOAL(S) ADDRESSED

City Council Goal 2 is to "Improve Shoreline's utility, transportation, and environmental infrastructure". The TMP identifies the necessary transportation improvements to accommodate growth over the next twenty years and maintain the City's adopted transportation LOS. Adoption of the updated concurrency methodology coupled with an impact fee program will help the City fund design and construction the needed improvements.

RESOURCE/FINANCIAL IMPACT

There is no financial impact associated with tonight's discussion. The resources needed to complete an updated concurrency methodology and impact fee program were allocated as part of the Transportation Master Plan update and are still available. Funding has also been allocated for development of public information handouts and internal forms as well as implementation training for staff once these programs are adopted. Upon adoption of an impact fee program, the City would begin implementing the new concurrency system and collecting impact fees in conjunction with building permits. Impact fees would be applied toward design and construction of the transportation improvements needed to accommodate growth and maintain the City's adopted level of service for transportation facilities.

RECOMMENDATION

No formal action is required at this time as this report is for discussion purposes only. Staff is scheduled to return to Council for additional discussion on this topic on June 2,

2014 (if needed) and adoption of Ordinance Nos. 689 and 690 and the Rate Study for Impact Fees for Transportation on July 21, 2014.

ATTACHMENTS

Attachment A: Draft Ordinance No. 689

Attachment B: Draft Ordinance No. 690

Attachment C: Rate Study for Impact Fees for Transportation

Attachment D: Planning Commission Public Hearing Record, Update to Concurrency Regulations, March 20, 2014

Attachment E: Draft Transportation Concurrency Framework, prepared by Henderson, Young and Co., dated January 26, 2010

Attachment F: Impact Fees: Washington Cities

ATTACHMENT A
CITY OF SHORELINE, WASHINGTON
ORDINANCE NO. 689

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON, AMENDING SHORELINE MUNICIPAL
CODE SECTION 20.60.140 “ADEQUATE STREETS” TO
CLARIFY THE CONCURRENCY REQUIREMENT FOR NEW
DEVELOPMENT AND PROVIDING FOR EXEMPTIONS
FROM THE CONCURRENCY TEST; AND AMENDING
CHAPTER 20.20 DEFINITIONS.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW; and

WHEREAS, the City, as required by the GMA, adopted and has subsequently revised a Comprehensive Plan which includes a Transportation Element that plans for adequate transportation facilities and sets levels of service and

WHEREAS, the City’s Transportation Element is based on an analysis of levels of services, needed improvements to the transportation system and a framework for transportation concurrency set forth in the 2011 Transportation Management Plan (2011 TMP); and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code Title 20, the Unified Development Code, to implement the Comprehensive Plan; and

WHEREAS, the Unified Development Code, Chapter 20.60 Subchapter 4 includes regulations to ensure adequate streets will be maintained, including levels of service and concurrency requirements; and

WHEREAS, RCW 36.70A.070(6)(b) specifically requires adoption and enforcement of an ordinance which prohibits 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 unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development; and

WHEREAS, On March 20, 2014, the Planning Commission held a publically-noticed open record public hearing in order to provide interested members of the public an opportunity to comment on the proposed amendments. The Planning Commission's recommendations were submitted to the City Council for the Council's initial discussion session on May 12, 2014; and

WHEREAS, on May 12, 2014, the City Council, at its regularly scheduled meeting, considered the proposed amendments and interested members of the public were given the opportunity to comment on the proposed amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the SEPA Responsible Official for the City of Shoreline has determined that this amendment to the Unified Development Code is categorically exempt from SEPA review pursuant to WAC 197-11-800(19); and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment.

Title 20 of the Shoreline Municipal Code, is amended as set forth in Exhibit A to this Ordinance, amending SMC 20.20 Definitions and SMC 20.60.140 Adequate Streets.

Section 2. Severability.

Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or circumstance.

Section 3. Publication and Effective Date.

A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force on _____, 2014.

ADOPTED BY THE CITY COUNCIL ON _____, 2014.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:

EXHIBIT A
ADEQUATE STREETS “CONCURRENCY” REGULATIONS

SMC 20.60.140 Adequate Streets is hereby amended as follows:

~~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.~~

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.

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.

1. The traffic impact analysis shall include, at a minimum, an analysis of the

following:

- a. An analysis of origin/destination trip distribution proposed;
 - b. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and
 - c. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard.
2. If the traffic impact analysis identifies one or more intersections at which the adopted LOS standards are exceeded, the development proposal shall not be approved unless the applicant shall mitigate the impacts in order to achieve and maintain the adopted LOS standard.

~~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.~~

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 as defined in the land use categories as set forth in the impact fee analysis land use tables.

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

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.

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.

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.

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 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.

H. Appeals. Determinations and decisions by the Director may be appealed by an applicant following the procedures of SMC 20.30 for an Administrative Decision-Type B.

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.

SMC 20.20.010 is hereby amended to add the following definition:

“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:

<u>Step 1</u>	<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>
<u>Step 2</u>	<u>Identify any existing deficiencies of transportation facilities compared to the level of service standards set forth in SMC</u>

	<u>20.60.140(A).</u>
<u>Step 3</u>	<u>Identify capital improvements that will eliminate existing deficiencies identified in Step 2.</u>
<u>Step 4</u>	<u>Add the improvements from Step 3 to the existing network to create the current non-deficient network</u>
<u>Step 5</u>	<u>Add future development to the current land use.</u>
<u>Step 6</u>	<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>
<u>Step 7</u>	<u>Identify capital improvements that will eliminate future deficiencies identified in Step 6.</u>
<u>Step 8</u>	<u>Add the improvements from Step 7 to create the improved network</u>
<u>Step 9</u>	<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>
<u>Step 10</u>	<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>
<u>Step 11</u>	<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>

SMC 20.20.014 is hereby amended to add the following definition:

"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.

SMC 20.20.032 is hereby amended to add the following definition:

"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.

SMC 20.20.044 is hereby amended to add the following definition:

"Reserve" and "Reservation" for the purpose of Concurrency 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.

SMC 20.20.048 is hereby amended to add the following definition:

"Transportation Facilities" for the purpose of Concurrency means those roads and streets functionally classified as principal and minor arterials. "Transportation Facilities" also means signalized intersections on arterial streets and unsignalized intersecting arterials. "Transportation Facilities" does not include those facilities specifically identified as exempt in the City's Transportation Master Plan.

ATTACHMENT B
CITY OF SHORELINE, WASHINGTON
ORDINANCE NO. 690

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADDING A NEW CHAPTER 12.35 *IMPACT FEES* TO TITLE 12, *STREETS, SIDEWALKS AND PUBLIC PLACES*, TO THE SHORELINE MUNICIPAL CODE AUTHORIZING THE COLLECTION OF IMPACT FEES FOR TRANSPORTATION FROM NEW DEVELOPMENT; AND AMENDING CHAPTER 3.01 FEE SCHEDULES.

WHEREAS, the Shoreline City Council finds that new growth and development in the City of Shoreline will create additional demand and need for transportation facilities; and

WHEREAS, in the Revised Code of Washington (RCW) 82.02.050(1), the Legislature has stated its intent is to allow the cities to require that new growth and development within their boundaries pay a proportionate share of the cost of system improvements to serve such new development activity through the assessment of impact fees for transportation facilities; and

WHEREAS, in RCW 82.02.050(2), the Legislature has authorized cities to impose impact fees subject to the requirements of RCW 82.02.050(3) and (4); and

WHEREAS, RCW 82.02.090(3) defines “impact fee” as a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development; and

WHEREAS, RCW 82.020.050(1)(b) and RCW 82.020.060 provide that the City may enact a local ordinance providing for impact fees and the limitations and/or extent that the local ordinance can provide for the impact fees; and

WHEREAS, RCW 82.020.070(2) provides that impact fees shall be expended only in conformance with the Capital Facilities Plan Element of the Comprehensive Plan; and

WHEREAS, the City Council finds that building permits issued by the City are the specific development approval of development activity in the City that can create additional demand and need for transportation facilities; and

WHEREAS, the City Council finds that development activities authorized by building permits for, but not limited to new residential, commercial, retail, office, and industrial development in the City will create additional demand and need for system improvements to transportation facilities in the City, and the City Council finds that such new growth and development should pay a proportionate share of the cost of system improvements needed to serve the new growth and development; and

WHEREAS, the City Council finds that it is in the public interest, and consistent with the intent and purposes of the Growth Management Act (GMA), ~~36.70~~ RCW, and consistent with RCW 82.02.060(1), for the City to adopt impact fees which are uniform to the greatest extent practicable; and

WHEREAS, the City has conducted extensive research documenting the procedures for measuring the impact of new growth and development on transportation facilities, and has prepared the “Rate Study for Impact Fees for Transportation,” City of Shoreline, dated April 3, 2014 (“Rate Study”) which utilizes methodologies for calculating the maximum allowable impact fees that are consistent with the requirements of RCW 82.02.060(1); and

WHEREAS, in developing the impact fees for transportation facilities, the City has provided adjustments for past and future taxes paid or to be paid by new growth and development, which are allocated or proratable to the same new transportation facilities that will serve the new growth and development; and

WHEREAS, the purpose and intent of this chapter is to authorize the collection of impact fees for transportation facilities and to provide for certain other matters in connection therewith; and

WHEREAS, on May 12, 2014, the City Council, at its regularly scheduled meeting, considered the proposed amendments and interested members of the public were given the opportunity to comment on the proposed amendments; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter.

A new chapter, Chapter 12.35, *Impact Fees for Transportation*, is added to Title 12 of the Shoreline Municipal Codes as set forth in Exhibit A to this Ordinance.

Section 2. New Section.

A new section, Section 3.01.015 *Transportation Impact Fees*, is added to Chapter 3.01 as set forth in Exhibit B to this Ordinance.

Section 3. Severability.

If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

Section 4. Effective Date and Publication.

A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force on _____, 2014.

ADOPTED BY THE CITY COUNCIL ON _____, 2014.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:

TRANSPORTATION IMPACT FEES EXHIBIT A

Chapter 12.35, Impact Fees for Transportation

.010 Authority and Incorporation by Reference.

A. Pursuant to RCW 82.02.050 – 100, the City adopts impact fees for transportation.

B. The rate study “Rate Study for Impact Fees for Transportation,” City of Shoreline, dated April 3, 2014 (“Rate Study”) documents the extensive research concerning the procedures for measuring the impact of new developments on public transportation facilities. The rate study, City Clerk’s Recording Number XXXX, is fully incorporated by reference.

C. The Council adopts this chapter to assess impact fees for transportation. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the Council in providing for the assessment of impact fees.

.020 Definitions.

For purposes of this chapter, if not defined below, the definitions of words and phrases set forth in SMC 1.05.050, SMC 20.20, and RCW 82.02.090 shall apply to this chapter or they shall be given their usual and customary meaning.

“Applicant” is any person, collection of persons, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation obtaining a building permit. Applicant includes an applicant for an impact fee credit.

“Building permit” means written permission issued by the City empowering the holder thereof to construct, erect, alter, enlarge, convert, reconstruct, remodel, rehabilitate, repair, or change the use of all or portions of a structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

“Capital facilities plan” means the capital facilities element of the City’s Comprehensive Plan adopted pursuant to RCW 36.70A and such plan as amended.

“Director” means the Director or designee of the Department of Public Works.

“Encumbered” means to reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for system improvements.

“Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for transportation facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development. An impact fee does not include a reasonable permit fee or application fee. An impact fee does not include the administrative fee for collecting and handling impact fees, the fee for reviewing independent fee calculations, or the fee for deferring payment of impact fees.

“Impact fee account” means the separate accounting structure within the City’s established accounts which shall identify separately earmarked funds and which shall be established for the impact fees that are collected. The account shall be established pursuant to subsection 12.35.100, and shall comply with the requirements of RCW 82.02.070.

“Independent fee calculation” means the impact fee calculation, studies and data submitted by an applicant to support the assessment of a transportation impact fee other than by the use of the rates published in Chapter 3.01.015(A), or the calculations prepared by the director where none of the fee categories or fee amounts in Chapter 3.01.015 accurately describe or capture the impacts on transportation facilities of the development authorized by the building permit.

“Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the Council shall be considered a project improvement.

“Transportation facilities”, for purposes of this chapter, means the public streets and roads owned or operated by the City of Shoreline or other governmental entities.

“Rate study” means the “Rate Study for Impact Fees for Transportation,” City of Shoreline, dated April 3, 2014.

“Street or road” means a public right-of-way and all related appurtenances, such

as curb, gutter, sidewalk, bicycle lanes and other components of complete streets, and required off-site mitigation, which enables motor vehicles, transit vehicles, bicycles, and pedestrians to travel between destinations.

“System improvements”, means transportation facilities that are included in the City’s capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

.030 Establishment of service area.

A. The City hereby establishes, as the service area for impact fees, the City of Shoreline, including all property located within the corporate City limits.

B. The scope of the service area is hereby found to be reasonable and established on the basis of sound planning and engineering principles, and consistent with RCW 82.02.060, as described in the rate study.

.040 Impact fees methodology and applicability.

The transportation impact fees in Chapter 3.01.015 are generated from the formulae for calculating transportation impact fees set forth in the rate study. Except as otherwise provided for independent fee calculations in subsection 12.35.060, exemptions in subsection 12.35.070, and credits in subsection 12.35.080, all building permits issued by the City will be charged impact fees applicable to the type of development listed in the fee schedule adopted pursuant to Chapter 3.01.015.

.050 Collection of impact fees.

A. The City shall collect impact fees for transportation, based on the rates in Chapter 3.01.015, from any applicant seeking a building permit from the City unless specifically exempted in subsection 12.35.070.

B. When an impact fee applies to a building permit for a change of use, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee paid for the immediately preceding use.

1. For purposes of this provision, a change of use should be reviewed based on the land use category provided in the rate study that best captures the broader use or development activity of the property under development or being changed. Changes of use and minor changes in tenancies that are consistent with the general character of the building or building aggregations (i.e., “industrial park,” or “specialty retail”), or the previous use shall not be considered a change of use that is subject to an impact fee.

2. If no impact fee was paid for the immediately preceding use, the

impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the immediately preceding use.

3. Buildings vacant for less than 12 months shall be assessed with a reduction based on the most recent legally established use as shown on a locally owned business license.

4. Buildings vacant for 12 months or more shall pay the full impact fee for the new use.

C. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use, based on the applicable measurement in the impact fee rates in Chapter 3.01.015.

D. Impact fees shall be determined at the time the complete application for a building permit is submitted using the impact fees then in effect. Impact fees shall be due and payable before the building permit is issued by the City.

E. Applicants allowed credits prior to the submittal of the complete building permit application shall submit, along with the complete application, a copy of the letter prepared by the Director setting forth the dollar amount of the credit allowed.

F. A building permit applicant may defer payment of impact fees for a single family detached residential dwelling unit until the earlier of the seven (7) days after the date of the sale of the dwelling unit or eighteen (18) months after issuance of the original building permit, but only if before issuance of the building permit, the applicant:

1. Submits to the Director a signed and notarized deferred impact fee application, pays associated administrative fees, and provides acknowledgement form for each single family detached residential dwelling unit for which the applicant wishes to defer payment of the impact fees;
2. Records at the applicant's expense a covenant and lien that:
 - a. requires payment of the impact fees to the City seven (7) days after the date of sale or eighteen (18) months after issuance of the original building permit, whichever occurs first;
 - b. provides that if the impact fees are paid through escrow at closing of sale, in the absence of an agreement between the buyer and the seller to the contrary, the impact fees shall be

paid from the seller's proceeds;

c. provides that the seller bears strict liability for the payment of the impact fees;

d. requires the seller or seller's agent of property subject to the covenant and lien to provide written disclosure of the covenant and lien to a purchaser or prospective purchaser. Disclosure of the covenant must include the amount of impact fees payable and that the fees are to be paid to the City on the date of sale; and

e. makes the applicant legally liable for payment of the impact fees if the fees are not paid by the earlier of seven days after the date of sale or eighteen months after the building permit has been issued, whichever occurs first;

G. Payment of impact fees deferred under this subsection shall be made by cash, escrow company check, cashier's check or certified check.

H. Upon receipt of payment of impact fees deferred under this subsection, the City shall execute a lien release for each single family detached residential dwelling unit for which the impact fees have been received. Unless an agreement to the contrary is reached between buyer and seller, the seller, at the seller's expense, shall be responsible for recording the lien release.

I. The director shall not issue the required building permit until the impact fees have been paid or the signed and notarized deferred impact fee application and acknowledgement form and deferral fee has been received and approved by the City.

J. Not later than one year after the effective date of this Chapter, the Director shall report to the Council on the effect of subsection 12.35.050.F-I. The report shall include information on the number of applications for deferral, the length of time of deferral, the amount of fees deferred, the number of fees and amount not paid as required, and any adverse impacts to the ability of the City to construct projects made necessary by new development. The report shall also include recommendations for changes to address deficiencies identified in the report.

.060 Independent fee calculations.

A. If, in the judgment of the Director, none of the fee categories set forth in Chapter 3.01.015 accurately describes or captures the impacts of a new development on transportation facilities, the director may conduct independent fee calculations and the Director may impose alternative fees on a specific

development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant.

B. A applicant may opt not to have the impact fees determined according to the fee structure in Chapter 3.01.015, in which case the applicant shall prepare and submit to the Director an independent fee calculation for the development for which a building permit is being sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees adopted pursuant to Chapter 3.01.015, shall be limited to adjustments in trip generation rates and lengths for transportation impact fees.

C. There is a rebuttable presumption that the calculations set forth in the rate study are valid. The Director shall consider the documentation submitted by the applicant, but is not required to accept such documentation or analysis which the Director reasonably deems to be inapplicable, inaccurate, incomplete, or unreliable. The Director may require the applicant to submit additional or different documentation for consideration. The Director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations therefore shall be set forth in writing and shall be mailed to the applicant.

.070 Exemptions.

Except as provided for below, the following shall be exempted from the payment of all transportation impact fees:

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 as defined in the land use categories as set forth in the impact fee analysis land use tables.

C. Miscellaneous improvements which do not generate increased need for transportation facilities, including, but not limited to, fences, walls, residential swimming pools, and signs;

D. Demolition or moving of a structure.

E. Properties that have undergone prior State Environmental Policy Act (SEPA), RCW 43.21C, review and received a final decision that includes mitigation requirements on the condition that the SEPA mitigation obligation has or will be fulfilled by the time the impact fees, if applicable, would be due.

F. Any development that creates 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;

G. Low-income housing provided by federally- or state-recognized non-profit organizations. Federally – or state-recognized non profit organizations that are developers of low-income housing, including single family residential dwelling units and multi-family residential buildings, shall execute and record a lien against the property, in favor of the City, for a period of ten (10) years guaranteeing that the dwelling unit will continue to be used for low-income housing or that impact fees from which the low-income housing is exempted, plus interest, shall be paid to the City. The lien against the property shall be subordinate only to the lien for general taxes. In the event that the development is no longer used for low-income housing, the owner shall pay the City the impact fee from which the owner or any prior owner was exempt, plus interest at the statutory rate. Any claim for an exemption for low-income owner occupied housing must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

.080 Credits for dedications, construction of improvements, and past tax payments.

A. An applicant may request that a credit or credits for impact fees be awarded to him/her for the total value of system improvements, including dedications of land and improvements, and/or construction provided by the applicant. The application for credits shall be presented by the applicant on forms to be provided by the director and shall include the content designated in such forms. Credits will be given only if the land, improvements, and/or the facility constructed are:

- 1. Included within the capital facilities plan;
- 2. Determined by the City to be at suitable sites and constructed at acceptable quality;
- 3. Serve to offset impacts of the development authorized by the applicant's building permit; and
- 4. Part of one (1) or more of the projects listed in Table 1 of the rate

study as the basis for calculating the transportation impact fee, however frontage improvements for those projects are not eligible for credits unless the Director determines that the frontage improvements will not be replaced or significantly changed when the project is constructed..

B. For credits for dedications of real property, the procedures of SMC 2.60.090 shall be followed if applicable. If the procedures of SMC 2.60.090 are not applicable, the following procedures shall be followed:

1. For each request for a credit or credits, the Director shall select an appraiser or, in the alternative, the applicant may select an independent appraiser acceptable to the Director.
2. Unless approved otherwise by the Director, the appraiser must be a Member of the American Institute of Appraisers and be licensed in good standing pursuant under RCW 18.40 et.seq. in the category for the property to be appraised, and shall not have a fiduciary or personal interest in the property being appraised.
3. The applicant shall pay the actual costs for the appraisal and an independent review, if required.
4. After considering the appraisal the Director shall provide the applicant with a written determination setting forth the dollar amount of any credit, the reason for the credit, a description of the real property dedicated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such determination accepting the terms of the letter or certificate, and return such signed document to the Director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within sixty (60) calendar days of the date of the determination shall nullify the credit. If credit is denied, the applicant shall be notified in a letter that includes the reasons for denial.
5. No credit shall be given for project improvements.

C. An applicant may request a credit for past tax for past payments made for the particular system improvements listed in the rate study as the basis for the impact fee. For each request for a credit for past payments the applicant shall submit receipts and a calculation of past payments earmarked for or proratable to the particular system improvement for which credit is requested. The Director shall determine the amount of credits, if any, for past payments for system

improvements.

D. Any claim for credit must be received by the City prior to issuance of the building permit. The failure to timely file such a claim shall constitute an absolute bar to later request any such credit.

.090 Adjustments for future tax payments and other revenue sources.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for future taxes to be paid by the development authorized by the building permit which are earmarked or proratable to the same new transportation facilities which will serve the new development. The impact fees in Chapter 3.01.015 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund transportation improvements.

.100 Establishment of impact fee accounts.

A. The City shall establish a separate impact fee account for the transportation impact fees collected pursuant to this chapter. Funds appropriated or otherwise withdrawn from the impact fees received must be used in accordance with the provisions of this Chapter and applicable state law. Interest earned on the fees shall be retained in the accounts and expended for the purposes for which the impact fees were collected.

B. On an annual basis, the Director or designee shall provide a report to the Council on the impact fee accounts showing the source and amount of all moneys collected, earned, or received, and the transportation improvements that were financed in whole or in part by impact fees.

C. Impact fees shall be expended or encumbered within ten (10) years of receipt, unless the Council identifies in written findings extraordinary and compelling reasons for the City to hold the fees beyond the ten (10) year period, pursuant to RCW 82.02.070(3).

.110 Refunds and offsets.

A. If the City fails to expend or encumber the impact fees within ten (10) years of the date the fees were paid, unless extraordinary or compelling reasons are established, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The City shall notify potential claimants of the refund by first-class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant must be the current owner of record of the real

property against which the impact fees were assessed.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Director within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the system improvements for which they were collected.

E. Refunds of impact fees under this subsection shall include any interest earned on the impact fees by the City.

F. When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this chapter. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first-class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended for the transportation facilities for which the impact fees were collected. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The City shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development for which the impact fees were imposed did not occur; provided, however, that, if the City has expended or encumbered the impact fees in good faith prior to the application for a refund, the Director may decline to provide the refund. If within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar building permit, the owner can petition the Director for an offset in the amount of the fee originally paid and not refunded. The petitioner must provide receipts of impact fees previously paid for a building permit of the same or substantially similar nature on the same real property or some portion thereof. The Director's determinations shall be in writing and shall be subject to the appeals procedures set forth in subsection 12.35.140.

.120 Use of impact fees.

A. Pursuant to this chapter, impact fees:

1. Shall be used for system improvements that will reasonably benefit the new development authorized by the building permit;

2. Shall not be imposed to make up for deficiencies in transportation facilities; and

3. Shall not be used for maintenance or operation.

B. Impact fees may be spent for system improvements including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

C. Impact fees may also be used to recoup system improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, such impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this chapter.

.130 Review and adjustment of rates.

The fees and rates set forth in the rate study may be reviewed and adjusted by the Council as it deems necessary and appropriate in conjunction with the annual budget process so that adjustments, if any, will be effective at the first of the calendar year subsequent to budget period under review. The Director shall advise the Council of the most recent annual change of the Washington Department of Transportation's construction Cost Indices (CCI) for consideration during this rate review.

.140 Appeals.

Determinations and decisions by the Director that are appealed by an applicant shall follow the procedures of SMC 20.30 Subchapter 4.

.150 Existing authority unimpaired.

Nothing in this chapter shall preclude the City from requiring the applicant or the proponent of a development authorized by a building permit to mitigate adverse environmental impacts of a specific development pursuant to the SEPA, Chapter 43.21C RCW, based on the environmental documents accompanying the building permit process, and/or Chapter 58.17 RCW, governing plats and subdivisions. Compliance with this chapter or payment of fees under this chapter shall not constitute evidence of a determination of transportation concurrency. Such mitigation shall not duplicate the impact fees charged under this chapter.

**TRANSPORTATION IMPACT FEES
EXHIBIT B**

Chapter 3.01 is amended to add:

3.01.015 Transportation Impact Fees.

A. Rate Table

ITE Code	Land Use Category/Description	Impact Fee Per Unit @ \$6,124.77 per Trip	
90	Park-and-ride lot w/ bus svc	2,848.02	per parking space
110	Light industrial	7.78	per square foot
140	Manufacturing	5.86	per square foot
151	Mini-warehouse	2.09	per square foot
210	Single family house (includes townhouse and duplex)	5,567.41	per dwelling unit
220	Apartment (includes accessory dwelling unit)	3,607.49	per dwelling unit
230	Condominium	3,662.61	per dwelling unit
240	Mobile home park	2,601.80	per dwelling unit
251	Senior housing	1,190.65	per dwelling unit
255	Continuing care retirement	1,776.18	per dwelling unit
310	Hotel	3,722.02	per room
320	Motel	2,965.00	per room
444	Movie theater	11.67	per square foot
492	Health/fitness club	15.37	per square foot
530	School (public or private)	4.52	per square foot
540	Junior/community college	11.82	per square foot
560	Church	3.04	per square foot
565	Day care center	29.19	per square foot
590	Library	14.75	per square foot
610	Hospital	7.15	per square foot
710	General office	10.76	per square foot
720	Medical office	19.55	per square foot
731	State motor vehicles dept	94.21	per square foot
732	United States post office	22.48	per square foot
820	General retail and personal services (includes shopping center)	8.14	per square foot
841	Car sales	14.97	per square foot
850	Supermarket	22.23	per square foot

ITE Code	Land Use Category/Description	Impact Fee Per Unit @ \$6,124.77 per Trip	
851	Convenience market-24 hr	41.31	per square foot
854	Discount supermarket	22.67	per square foot
880	Pharmacy/drugstore	13.09	per square foot
912	Bank	31.85	per square foot
932	Restaurant: sit-down	22.97	per square foot
934	Fast food	52.85	per square foot
937	Coffee/donut shop	67.05	per square foot
941	Quick lube shop	23,840.66	per service bay
944	Gas station	21,679.38	per pump
948	Automated car wash	46.34	per square foot

Annually, and prior to the first day of January, the Director shall adjust the fees by the same percentage change as in the most recent annual change of the Washington Department of Transportation's Construction Cost Indices (CCI).

B. Administrative Fees.

1. For each impact fee imposed, there shall be charged a non-refundable administrative fee equal to the charge for one hour as set forth in the City's fee schedule, SMC 3.01.010. The administrative fee shall be paid at the time the building permit is issued.
2. Request to the Director for an estimate or preliminary determination of impact fees shall be charged a non-refundable administrative processing fee as provided in SMC 3.01.010(G)(10) Interpretation of Development Code. The fee shall be paid at the time the request is submitted to the City.
3. Each application for a deferral of payment of residential impact fees as provided in SMC 12.35.050(F) shall pay a non-refundable administrative deferral fee equal to the charge for one hour as set forth in the City's fee schedule, SMC 3.01.010. The fee shall be paid at the time the application for deferral is submitted to the City.
4. Any applicant submitting an independent fee calculation as provided in SMC 12.35.060 shall pay a non-refundable administrative fee to cover the cost of reviewing the independent fee calculation. The fee shall be based on the hourly rate set forth in the City's fee schedule, SMC 3.01.010, times the actual hours incurred by the City to perform the review. A fee deposit equivalent to three-hours shall be paid prior to issuance of the Director's determination.
5. Administrative fees shall not be credited against the impact fees.

RATE STUDY
FOR
IMPACT FEES
FOR
TRANSPORTATION

CITY OF SHORELINE, WASHINGTON

April 24, 2014

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EXECUTIVE SUMMARY

The purpose of this study is to establish the rates for impact fees for transportation¹ facilities in the City of Shoreline, Washington.

Rates

The rates for transportation impact fees for new residential development are:

Type Dwelling Unit	Impact Fee per Unit
Single Family	\$ 5,567.41
Apartment	3,607.49
Condominium	3,662.61

The rates for transportation impact fees for non-residential land uses are listed in Table 5.

Impact Fees vs. Other Applicant Contributions

Impact fees are charges paid by new development to reimburse local governments for the capital cost of public facilities that are needed to serve new development and the people who occupy or use the new development. Throughout this study, the term "applicant" is used as a shorthand expression to describe anyone who is obligated to pay impact fees, including builders, owners or developers.

The impact fees that are described in this study do not include any other forms of applicant contributions or exactions, such as mitigation or voluntary payments authorized by SEPA (the State Environmental Policy Act, RCW 43.21C), system development charges for water and sewer authorized for utilities (RCW 35.92 for municipalities, 56.16 for sewer districts, and 57.08 for water districts), local improvement districts or other special assessment districts, linkage fees, or land donations or fees in lieu of land.

Adjustments for Other Sources of Revenue for Transportation Capital Improvements

The impact fees in this study recognize the existence of other sources of revenue that are available to pay for the capital cost of transportation facilities. These other revenues are accounted for by adjusting (i.e., reducing) the amount of

¹ Throughout this study the term "transportation" refers to "public streets and roads" defined in RCW 82.02.090, including related appurtenances such as curb, gutter, sidewalk, bicycle lanes and other components of complete streets.

the impact fee rates to adjust for the portion of transportation capital project costs that are paid by the other revenues.

Credits for Other Contributions by Applicant

An applicant who contributes land, improvements or other assets that are part of one of the impact fee projects may receive a "credit" which reduces the amount of impact fee that is due. This credit is in addition to the adjustment for other revenues described in the preceding paragraph. The City has the sole right to determine what contributions are acceptable. The improvement by the applicant must be part of one or more of the projects listed in Table 1 of this study. Frontage improvements for those projects are not eligible for a credit unless the Director determines that the frontage improvement will not be replaced or significantly altered when the project is constructed.

Who Pays Impact Fees

Impact fees are paid by all types of new development that are not exempted by City Code. Impact fee rates for new development are based on, and vary according to the type of land use.

Service Areas for Impact Fees

Impact fees in some jurisdictions are collected and expended within service areas that are smaller than the jurisdiction that is collecting the fees. Impact fee programs are not required to use multiple service areas unless such "zones" are necessary to establish the relationship between the fee and the development. Public streets and roads impact fees are collected and expended in a single service area throughout the current boundaries of the City of Shoreline because of the compact size of the City and the accessibility of its transportation system to all property within the City.

Timing of Payment of Impact Fees

Impact fees are usually collected at the time the local government issues a building permit. In the City of Shoreline the amount of the impact fees are calculated at the time the complete building application is submitted. The impact fees are paid at the time the building permit is issued unless authorized by City Code.

Uses of Impact Fee Revenue

Impact fee revenue can be used for the capital cost of public facilities. Impact fees cannot be used for operating or maintenance expenses. The cost of public facilities that can be paid for by impact fees include engineering design studies, environmental review, land surveys, right of way acquisition, engineering, permitting, financing, administrative expenses, construction, applicable mitigation costs, and capital equipment (i.e., signals) pertaining to

transportation capital improvements. A separate administrative fee charged with the impact fee provides money to pay for the cost of administering the impact fee program.

The public facilities that can be paid for by impact fees are "system improvements" (which are typically outside the development), and "designed to provide service to service areas within the community at large" as provided in RCW 82.02.050(9)), as opposed to "project improvements" (which are typically provided by the applicant on-site within the development or adjacent to the development), and "designed to provide service for a development project, and that are necessary for the use and convenience of the occupants or users of the project" as provided in RCW 82.02.050(6).

Expenditure Requirements for Impact Fees

Impact fees must be spent on capital projects contained in an adopted capital facilities plan, or they can be used to reimburse the government for the unused capacity of existing facilities. Impact fee payments that are not expended or obligated within 10 years must be refunded unless the City Council makes a written finding that an extraordinary and compelling reason exists to hold the fees for longer than 10 years. In order to verify these two requirements, impact fee revenues must be deposited into separate accounts of the government, and annual reports must describe revenue and expenditures.

Applicant Options

Washington law provides people who are liable for impact fees several alternatives to paying the impact fees calculated in this study. The applicant can submit data and/or analysis to demonstrate that the impacts of the proposed development are less than the impacts calculated in this rate study. The applicant can appeal to the Hearing Examiner the impact fee calculation by the City of Shoreline. If the local government fails to expend the impact fee payments within 10 years of receipt of such payments, the applicant can obtain a refund of the impact fees (unless the City Council has made a written finding and extension of the deadline pursuant to RCW 82.02.060(3)(a)). The applicant can also obtain a refund if the development does not proceed, no impacts are created, and the City has not expended the impact fees.

ORGANIZATION OF THE STUDY

This impact fee rate study contains four chapters, and an appendix:

- Chapter 1 summarizes the statutory basis for developing impact fees, discusses issues that must be addressed, and presents the methodology and formulas for determining the amount of the impact fee.

- Chapter 2 lists the capital improvement project costs of system improvements to transportation facilities, and subtracts non-impact fee revenues to determine the unfunded cost of eligible transportation projects.
- Chapter 3 documents the growth in trips attributable to new development, and calculates the cost per growth trip.
- Chapter 4 documents the trip generation rate for each type of land use, and calculates the transportation impact fee for each of the land use types.
- Appendix A documents the need for additional transportation facilities, including identification of existing deficiencies in transportation system capacity for current development, capacity of existing transportation system available for new development, and additional transportation system capacity needed for new development, as specified in RCW 82.02.050(4).

DATA USED IN THIS STUDY

This impact fee rate study is based on the most recent data provided by the City of Shoreline.

1. STATUTORY BASIS AND METHODOLOGY

Local governments charge impact fees for several reasons: 1) to obtain revenue to pay for some of the cost of new public facilities; 2) to implement a public policy that new development should pay a portion of the cost of facilities that it requires, and that existing development should not pay all of the cost of such facilities; and 3) to assure that adequate public facilities will be constructed to serve new development.

This study of impact fees for transportation for Shoreline, Washington describes the methodology that is used to develop the fees, presents the formulas, variables and data that are the basis for the fees, and documents the calculation of the fees. The methodology is designed to comply with the requirements of Washington State Law.

This study uses data and levels of service standards from the Transportation Element and the Capital Facilities Plan Element of the City's Comprehensive Plan.

STATUTORY BASIS FOR IMPACT FEES

The Growth Management Act of 1990 authorizes local governments in Washington to charge impact fees. RCW 82.02.050 - 82.02.100 contain the provisions of the Growth Management Act that authorize and describe the requirements for impact fees.

The impact fees that are described in this study are not mitigation payments authorized by the State Environmental Policy Act (SEPA). There are several important differences between impact fees and SEPA mitigations. Two aspects of impact fees that are particularly noteworthy are: 1) the ability to charge for the cost of public facilities that are "system improvements" (i.e., that provide service to the community at large) as opposed to "project improvements" (which are "on-site" and provide service for a particular development); and 2) the ability to charge small-scale development their proportionate share, whereas SEPA exempts small developments.

The following synopsis of the most significant requirements of the law includes citations to the Revised Code of Washington as an aid to readers who wish to review the exact language of the statutes.

Types of Public Facilities

Four types of public facilities can be the subject of impact fees: 1) public streets and roads; 2) publicly owned parks, open space and recreation facilities; 3) school facilities; and 4) fire protection facilities. *RCW 82.02.050(2) and (4), and RCW 82.02.090(7)*

Types of Improvements

Impact fees can be spent on "system improvements" (which are typically outside the development), as opposed to "project improvements" (which are typically provided by the applicant on-site within the development). *RCW 82.02.050(3)(a) and RCW 82.02.090(6) and (9)*

Benefit to Development

Impact fees must be limited to system improvements that are reasonably related to, and which will benefit new development. *RCW 82.02.050(3)(a) and (c)*. Local governments must establish reasonable service areas (one area, or more than one, as determined to be reasonable by the local government), and local governments must develop impact fee rate categories for various land uses. *RCW 82.02.060(6)*

Proportionate Share

Impact fees cannot exceed the development's proportionate share of system improvements that are reasonably related to the new development. The impact fee amount shall be based on a formula (or other method of calculating the fee) that determines the proportionate share. *RCW 82.02.050(3)(b) and RCW 82.02.060(1)*

Reductions of Impact Fee Amounts

Impact fees rates must be adjusted to account for other revenues that the development pays (if such payments are earmarked for or proratable to particular system improvements). *RCW 82.02.050(1)(c) and (2) and RCW 82.02.060(1)(b)* Impact fees may be credited for the value of dedicated land, improvements or construction provided by the applicant (if such facilities are in the adopted CFP and are required as a condition of development approval). *RCW 82.02.060(3)* The City has the sole right to determine what contributions are acceptable.

Exemptions from Impact Fees

Local governments have the discretion to provide exemptions from impact fees for low-income housing and other "broad public purpose" development, but all such exemptions must be paid from public funds (other than impact fee accounts). *RCW 82.02.060(2)*

Applicant Options

Applicants who are liable for impact fees can submit data and or/analysis to demonstrate that the impacts of the proposed development are less than the impacts calculated in this rate study. *RCW 82.02.060(5)*. Applicants can pay

impact fees under protest and appeal impact fee calculations. *RCW 82.02.060(4) and RCW 82.02.070(4) and (5)*. The applicant can obtain a refund of the impact fees if the local government fails to expend or obligate the impact fee payments within 10 years, or terminates the impact fee requirement, or the applicant does not proceed with the development (and creates no impacts). *RCW 82.02.080*

Capital Facilities Plans

Impact fees must be expended on public facilities in a capital facilities plan (CFP) element (or used to reimburse the government for the unused capacity of existing facilities). The CFP must conform to the Growth Management Act of 1990, and must identify existing deficiencies in facility capacity for current development, capacity of existing facilities available for new development, and additional facility capacity needed for new development. *RCW 82.02.050(4), RCW 82.02.060(7), and RCW 82.02.070(2)*

New Versus Existing Facilities

Impact fees can be charged for new public facilities (*RCW 82.02.060(1)(a)*) and for the unused capacity of existing public facilities (*RCW 82.02.060(7)*) subject to the proportionate share limitation described above.

Accounting Requirements

The local government must separate the impact fees from other monies, place them in an interest bearing account, expend or obligate the money on CFP projects within 10 years, and prepare annual reports of collections and expenditures. *RCW 82.02.070(1)-(3)*

ISSUES RELATING TO IMPACT FEES

Prior to calculating impact fee rates, several issues must be addressed in order to determine the need for, and validity of such fees: responsibility for public facilities, the need for new revenue for additional transportation facilities, and the benefit of transportation facilities to new development.

Responsibility for Public Facilities

In general, local governments that are authorized to charge impact fees are responsible for specific public facilities for which they may charge such fees. The City of Shoreline is legally and financially responsible for the transportation facilities it owns and operates within its jurisdiction. In no case may a local government charge impact fees for private streets or roads, but it may charge impact fees for some streets or roads that it does not administer if such facilities are "owned or operated by government entities" (*RCW 82.02.090 (7)*). Thus, a city or county may charge impact fees for transportation, and enter into an

agreement with the State of Washington for the transfer, expenditure, and reporting of transportation impact fees for state roads. A city may not charge or use impact fees on State roads without an agreement with the State, and a City CFP that includes state road projects.

Need for Additional Transportation Capacity

The need for additional transportation system capacity is determined by using standards for levels of service for transportation facilities and other metrics, such as increase in traffic volume. The analysis of needed transportation facilities must comply with the statutory requirements of identifying existing deficiency, reserve capacity and new capacity requirements for facilities. An analysis of the need for additional transportation facilities is presented in Appendix A.

Need for New Revenue for Additional Transportation Capacity

The need for new revenue for transportation facilities is demonstrated by comparing the cost of new facilities through 2030 to the existing sources of revenue for the same time horizon. The City's Transportation Element and CFP for transportation facilities does not have enough revenues from other sources to pay needed costs without impact fees.

Determining the Benefit to Development

The law imposes three tests of the benefit provided to development by impact fees: 1) proportionate share, 2) reasonably related to need, and 3) reasonably related to expenditure (*RCW 80.20.050(3)*).

1. Proportionate Share.

First, the "proportionate share" requirement means that impact fees can be charged only for the portion of the cost of public facilities that is "reasonably related" to new development. In other words, impact fees cannot be charged to pay for the cost of reducing or eliminating deficiencies in existing facilities.

Second, there are several important implications of the proportionate share requirement that are not specifically addressed in the law, but which follow directly from the law:

- Costs of facilities that will be used by new development and existing users must be apportioned between the two groups in determining the amount of the fee. This can be accomplished in either of two ways: (1) by allocating the total cost between new and existing users, or (2) calculating the cost per trip and applying the cost only to new development when calculating impact fees.

- Impact fees that recover the costs of existing unused capacity should be based on the government's actual cost, rather than the replacement cost of the facility. Carrying costs may be added to reflect the government's actual or imputed interest expense.

The third aspect of the proportionate share requirement is its relationship to the requirement to provide adjustments and credits to impact fees, where appropriate. These requirements ensure that the amount of the impact fee does not exceed the proportionate share.

- The "adjustments" requirement reduces the impact fee to account for past and future payments of other revenues (if such payments are earmarked for, or proratable to, the system improvements that are needed to serve new growth).
- The "credit" requirement reduces impact fees by the value of dedicated land, improvements or construction provided by the applicant (if such facilities are in the adopted CFP and are required as a condition of development approval). The law does not prohibit a local government from establishing reasonable constraints on determining credits. For example, the location of dedicated right of way and the quality and design of a donated transportation facilities improvement can be required to be acceptable to the local government.

Without such adjustments and credits, the fee-paying development might pay more than its proportionate share.

2. Reasonably Related to Need.

There are several ways to fulfill the requirement that impact fees be "reasonably related" to the development's need for public facilities, including personal use and use by others in the family or business enterprise (direct benefit), use by persons or organizations who provide goods or services to the fee-paying property (indirect benefit), and geographical proximity (presumed benefit). These measures of relatedness are implemented by the following techniques:

- Impact fees for transportation facilities are charged to properties that need (i.e., benefit from) new transportation facilities. The City of Shoreline provides its transportation facilities network to all kinds of property throughout the City regardless of the type of use of the property.
- The relative needs of different types of growth are considered in establishing fee amounts (i.e., different trip generation rates for different types of land use).

- Applicants can pay a smaller fee if they demonstrate that their development will have less impact than is presumed in the impact fee schedule calculation for their property classification. Such reduced needs must be permanent and enforceable (i.e., via land use restrictions).

Shoreline's transportation facilities serve the entire City, therefore the impact fees for these transportation capital improvements are based on a single service area that encompasses the City.

3. Reasonably Related to Expenditures.

Two provisions of the law tend to reinforce the requirement that expenditures be "reasonably related" to the development that paid the impact fee. First, the requirement that fee revenue must be earmarked for specific uses related to public facilities ensures that expenditures are on identifiable projects, the benefit of which can be demonstrated. Second, impact fee revenue must be expended or obligated within 10 years, unless the City Council makes a written finding that an extraordinary and compelling reason exists to hold the fees for longer than 10 years. This deadline ensures a benefit to the applicant by prohibiting the City from holding the money indefinitely.

METHODOLOGY AND RELATIONSHIP TO CAPITAL FACILITIES PLAN

Impact fees for transportation facilities begin with the list of projects in the City's Transportation Element and Capital Facilities Plan (CFP). The projects in the Transportation Element and CFP are analyzed to identify capacity costs attributable to new development. The costs are adjusted to reflect other sources of revenue paid by the new development (and any payments that reduce the cost of the facility that is to be paid by impact fees). The costs are calculated per growth trip. The costs per growth trip are applied to the unique trip generation rates for each type of land use. The amount of the fee is determined by charging each fee-paying development for cost of the number of growth trips that it generates.

Calculation of Impact Fee Amounts

Five formulas are used to determine the amount of impact fees for transportation facilities that are required as a result of new development:

$$\begin{array}{rcccl} 1. & \text{Road}^2 & & \text{Cost of Capacity} & \\ & \text{Project} & & \text{for Growth} & \\ & \text{Costs} & - & \text{After 2030} & = \\ & & & & \text{Capacity Cost} \\ & & & & \text{for Future} \\ & & & & \text{Growth} \end{array}$$

² In the formulas and tables in this study, the terms "road" or "roads" is used as a shorthand expression for "transportation" (i.e., "public streets and roads" authorized by RCW 82.02.090(7)).

2.	Capacity Cost for Future Growth	-	Other Funds Committed To Projects	=	2008 ³ -2030 Growth's Share of Projects		
3.	Future Trips on Road Network	-	Current Trips on Road Network	=	Growth Trips on Road Network		
4.	2008-2030 Growth's Share	÷	Growth Trips on Road Network	-	"Not Rely Solely" Adjustment	=	Eligible Cost per Growth Trip
5.	Eligible Cost per Growth Trip	x	Trip Generation Rate per Land Use	=	Impact Fee for Land Use Type		

³ 2008 is the baseline year of Shoreline's most recent traffic model. Development that has occurred between 2009 and the present, and increases in trips on Shoreline's street network since 2008 are considered "growth" for the purpose of calculating impact fee costs per trip. However, impact fees will be charged only to growth that occurs after the effective date of Shoreline's ordinance adopting impact fees, and growth between 2009 and that effective date will not be charged impact fees.

2. ROAD SYSTEM IMPROVEMENT COSTS ELIGIBLE FOR IMPACT FEES

This chapter includes a description of the first two formulas, each variable that is used in the formula, an explanation of the use of data in the formula, and the calculation of 2008-2030 growths' share of the capital cost of system improvements to transportation facilities that are eligible for impact fees.

The transportation projects listed in this chapter are eligible for impact fees because the needs analysis of the Transportation Element and CFP projects presented in Appendix A meets the requirements of RCW 82.02.

FORMULA 1: CAPACITY COST FOR FUTURE GROWTH

The cost of the capacity of eligible transportation projects for future growth is calculated by subtracting the cost of existing deficiencies and the cost of capacity not used by 2030 from the total transportation project costs as shown in the City's Transportation Element and Capital Facilities Plan (CFP) for transportation facilities.

$$1. \quad \begin{array}{rclcl} \text{Road} & & \text{Cost of} & \text{Cost of Capacity} & \\ \text{Project} & & \text{Existing} & \text{for Growth} & \\ \text{Costs} & - & \text{Deficiencies} & \text{After 2030} & = \text{Capacity Cost} \\ & & & & \text{for Future} \\ & & & & \text{Growth} \end{array}$$

There are three variables that require explanation: (A) the costs of transportation projects, (B) the cost of existing deficiencies, and (C) the cost of capacity for growth after 2030.

Variable (A) Costs of Transportation Projects

The Transportation Element and Capital Facilities Plan identify capital projects needed to maintain the City's current transportation system, and to meet the additional demands from growth. The projects in the Transportation Element and CFP were analyzed to determine which projects are needed to serve growth. Appendix A presents the results of that analysis.

The costs of transportation projects used in this study include the full cost of the project, including engineering, right of way, and construction costs.

The cost of transportation projects does not include any costs for interest or other financing. If the City decides in the future to borrow money for transportation facilities, the carrying costs for financing can be added to the costs in this study, and the impact fee can be recalculated to include such costs.

Variable (B): Costs of Existing Deficiencies

Impact fees can be charged for growth's proportionate share of transportation projects, but impact fees cannot be charged for the portion of projects that eliminate deficiencies that existed before growth occurred. The portion of a project that eliminates an existing deficiency is not eligible for impact fees, therefore the cost of eliminating the existing deficiency is subtracted from the total cost of the project.

For transportation segments, the cost of existing deficiency is determined by dividing the current deficient traffic volume by the capacity created by the new project. The resulting percent is the portion of the project that is needed for the existing deficiency. That percent is multiplied times the total transportation project cost to determine the portion of the cost that is needed to eliminate the existing deficiency.

For intersections, the cost of existing deficiency is determined by dividing the number of seconds of delay in excess of the standard by the number of seconds allowed by the standard. The resulting percent is the portion of the project that is needed for the existing deficiency. That percent is multiplied times the total intersection project cost to determine the portion of the cost that is needed to eliminate the existing deficiency.

Variable (C) Costs of Capacity for Growth after 2030

The impact fees in this study are calculated for growth that will occur between 2008 and 2030, but some of the transportation projects in the Transportation Element and Capital Facilities Plan create more capacity than will be used up by growth through 2030. The amount of capacity that is not used by 2030 is available for long-term growth that occurs after 2030, but its cost should not be included in impact fees for short-term growth.

The cost of growth after 2030 is calculated by determining the unused ("reserve") capacity. Reserve capacity is the difference between the total capacity of the improved transportation facilities and the amount of traffic volume in the year 2030 (as forecast by the traffic model). The cost (value) of reserve capacity is determined by dividing the reserve capacity by the total capacity created by the new project. The resulting percent is the portion of the project that is unused reserve capacity in 2030. That percent is multiplied times the total project cost to determine the portion of the cost that is for capacity for growth that will occur after 2030. However, project #6, N 175th St. from Stone to Meridian is being constructed in order to relieve congestion on Meridian. As a result, the analysis of reserve capacity on N 175th is not applicable to the impact fee calculations.

CALCULATION OF CAPACITY COSTS FOR FUTURE GROWTH

The calculation of the cost of the capacity of eligible transportation projects for future growth is presented in Table 1. Columns 1 and 2 list the eligible projects and total costs from the Transportation Element and CFP. The total costs are reduced by existing deficiency costs and costs of capacity for growth after 2030 in Columns 3 and 4. These ineligible costs are subtracted from the total costs, and the balance in Column 5 is the cost of capacity for future growth.

TABLE 1 GROWTH SHARE OF FUTURE PROJECT COST				
(1)	(2)	(3)	(4)	(5)
#	Project	Project Cost	Cost of Existing Deficiency	Cost of Post-2030 Reserve Capacity
1.	N 185 th St/Meridian Ave N: 500 ft NB/SB	\$ 5,479,125	\$199,241	\$ 0
2.	N 175th St/Meridian Ave N: 500 ft	5,260,356	180,502	0
3.	Meridian Ave N: N 145th St to N 205th St	10,108,030	0	0
4.	NE 185th St: 1st Ave NE to 7th Ave NE	308,068	0	211,797
5.	N 175th St: Meridian Ave N to I-5	4,269,679	0	0
6.	N 175th St: Stone to Meridian	13,253,502	0	0
	Totals	38,678,760	379,743	211,797
				38,087,220

FORMULA 2: 2008-2030 GROWTH'S SHARE

The 2008-2030 growth share of transportation project cost is calculated by subtracting the value of other funds that are committed to the project and which will pay for part of growth's share of the cost (from Table 1).

$$2. \text{ Capacity Cost for Future Growth} - \text{Other Funds Committed To Projects} = \text{2008-2030 Growth's Share of Projects}$$

There is one new variable that requires explanation: (D) other funds committed to projects.

Variable (D): Other Funds Committed to Projects

Impact fee rate calculations must recognize and reflect all known sources of revenue from new development that are earmarked or proratable to a particular impact fee project. These sources of revenue can include locally generated revenues (e.g., taxes, fees or charges, interest, etc.), state and/or

federal grants, bonds, or other revenue sources, which are committed to transportation capital improvement projects. The City's Transportation Element and CFP list specific sources of revenue for each project. The City of Shoreline's impact fee calculations include all non-impact fee revenue, whether paid by new development, or paid by existing residents and businesses.

The sources of revenue listed in the City's Transportation Element and CFP are available to pay for the City's "share" of projects, as well as growth's "share." The City's share includes the costs of variables B and C listed above: costs of existing deficiencies, and cost of capacity for growth after 2030. The revenues in the City's plan were analyzed to determine the portion that was available for the City's share and the portion that was for growth's share. The City has no revenue that applies to growth's share of project costs.

Revenues that are used for repair, maintenance or operating costs are not included because impact fees are not used for such expenses. Revenues for payments of *past* taxes paid on vacant land prior to development are not included because new capital projects do not have prior costs, therefore prior taxes did not contribute to such projects.

If an applicant believes that past tax payments were made by his/her property and such taxes meet the criteria of RCW 82.02.060(1)(b), an applicant can submit documentation and request a special review.

CALCULATION OF 2008-2030 GROWTH'S SHARE

The 2008-2030 growth share of transportation project cost is presented in Table 2. Column 1 lists the eligible projects from the Transportation Element and CFP. Column 2 lists the capacity cost for future growth (from Table 1, column 5). The capacity costs in Column 1 are reduced by the other revenue that pays for growth's share (Column 3). The result is shown in Column 4: 2008-2030 growth's share of the transportation improvement projects.

TABLE 2 NET GROWTH SHARE ELIGIBLE FOR IMPACT FEES				
(1)		(2)	(3)	(4)
#	Project	2008 - 2030 Growth Share	Other Funds Committed to Projects	Net Growth Share (Eligible for Impact Fees)
1.	N 185 th St/Meridian Ave N: 500 ft NB/SB	\$ 5,279,884	\$ 0	\$ 5,279,884
2.	N 175th St/Meridian Ave N: 500 ft	5,079,854	0	5,079,854
3.	Meridian Ave N: N 145th St to N 205th St	10,108,030	0	10,108,030
4.	NE 185th St: 1st Ave NE to 7th Ave NE	96,271	0	96,271
5.	N 175th St: Meridian Ave N to I-5	4,269,679	0	4,269,679
6.	N 175th St: Stone to Meridian	13,253,502	0	13,253,502
Totals		38,087,220	0	38,087,220

3. 2008-2030 GROWTH COST PER GROWTH TRIP

In this chapter the 2008-2030 growth's share of the cost of eligible transportation projects from Chapter 2 is converted to a cost per growth trip. As in the previous chapter, this chapter includes a description of each formula and each variable that is used in the formulas, an explanation of the use of data in the formula, and the calculation of the unfunded cost per growth trip, using formulas 3 and 4.

FORMULA 3: GROWTH TRIPS

The growth of trips on Shoreline's transportation system is calculated by subtracting the number of trips currently on the transportation system from the number of trips that are forecast to be on the transportation system in the year 2030:

$$3. \quad \begin{array}{c} \text{Future} \\ \text{Trips on} \\ \text{Road Network} \end{array} - \begin{array}{c} \text{Current} \\ \text{Trips on} \\ \text{Road Network} \end{array} = \begin{array}{c} \text{Growth} \\ \text{Trips on} \\ \text{Road Network} \end{array}$$

There is one new variable used in formula 3 that requires explanation: (E) trips.

Variable (E) Trips (Current and Future)

A traffic demand model is used to analyze traffic on transportation facilities. Shoreline's model was run by the City's transportation planning consultant, DKS Associates, and the results used to calculate current and future trips on Shoreline's transportation facilities. The data from the model is presented here as p.m. peak hour trips.

CALCULATION OF GROWTH TRIPS

Table 3 shows the future and current trips and calculates the growth trips.

TABLE 3 GROWTH TRIPS (P.M. PEAK HOUR) IN SHORELINE			
(1)	(2)	(3)	(4)
Origin - Destination	2008 Trips	2030 Trips	Growth Trips (Increase in Trips)
internal to internal	2,444	3,352	908
internal to external	7,009	8,846	1,837
external to internal	8,168	9,766	1,598
external to external	8,011	9,700	1,689
Total Trips	25,632	31,664	6,032

FORMULA 4: COST PER GROWTH TRIP

The 2008-2030 growth share of cost of transportation projects per growth trip is calculated by dividing the 2008-2030 growth share of cost of transportation projects by the number of growth trips:

$$4. \quad \begin{array}{ccccc} \text{2008-2030} & & \text{Growth} & & \text{"Not Rely"} & & \text{Eligible Cost} \\ \text{Growth's} & \div & \text{Trips on} & - & \text{Solely"} & = & \text{per} \\ \text{Share} & & \text{Road Network} & & \text{Adjustment} & & \text{Growth Trip} \end{array}$$

There is one new variable used in formula 3 that requires explanation: (F) "not rely solely on impact fees."

Variable (F) "Not Rely Solely on Impact Fees"

RCW 82.02.050(7) provides that "...the financing for system improvements to serve new development ... cannot rely solely on impact fees." The statute provides no further guidance, and "not rely solely" could be anything between 0.1% and 99.9%, thus additional analysis is presented below.

As noted previously, the total cost of all eligible projects is \$32.5 million, and 0.9% of that is for existing deficiencies. In addition, the future reserve capacity equals 0.5% of total costs. The City is required to pay for existing deficiencies and reserve capacity costs. The City may or may not eventually recoup the costs of future reserve capacity from development that occurs after the 2030 planning horizon for the transportation improvements. Arguably the 0.9% and the 0.5% that will be paid by the City provide sufficient compliance with the requirement to "not rely solely on impact fees." However, in the event that the intent of the statute is more narrowly construed to mean that the City should "not rely solely on impact fees" for the \$32,042,240 cost that is eligible for impact fees, an additional 3% reduction (\$961,267) is made to the impact fee calculation. This is accomplished at the end of Table 4, by reducing the cost per trip by 3%, and the resulting net cost per trip will be used as the basis for the remaining calculations of the transportation impact fee for Shoreline.

CALCULATION OF COST PER GROWTH TRIP

Table 4 shows the calculation of the cost per growth trip by dividing the 2008-2030 growth share of cost of transportation projects that are eligible for impact fees (from Table 2) by the number of growth trips (from Table 3) to produce the total cost per growth trip. The last step in Table 4 is to subtract an amount equal to 3% of the total cost per trip in order to determine the eligible cost per trip.

TABLE 4 COST PER GROWTH TRIP	
(1) Description	(2) Amount
Growth Share of Project Costs	\$ 38,087,220
P.M. Peak Hour Growth Trips	6,032
Cost per P.M. Peak Hour Growth Trip	\$ 6,314.19
RCW 82.02.050 (2) "cannot rely solely on impact fees"	-3.00%
Net Cost per P.M. Peak Hour Growth Trip	\$ 6,124.77

4. IMPACT FEE RATES FOR SPECIFIC LAND USES

In this chapter the eligible cost per growth trip (from chapter 3) is converted to an impact fee rate per unit of development for a variety of land use categories. As in the previous chapter, this chapter includes a description of the formula and each variable that is used in the formula, an explanation of the use of data in the formula, and the calculation of the impact fee, using formula 5.

FORMULA 5: IMPACT FEE RATES FOR SPECIFIC LAND USES

The impact fee for each category of land use is determined by multiplying the cost per growth trip times the number of trips generated per unit of development of each category of land use:

$$5. \quad \begin{array}{ccccc} \text{Eligible Cost} & & \text{Trip} & & \text{Impact} \\ \text{per} & & \text{Generation} & & \text{Fee for} \\ \text{Growth Trip} & \times & \text{Rate per Land Use} & = & \text{Land Use Type} \end{array}$$

The formula uses different trip generation rates for different types of land uses (i.e., single family houses, office buildings, etc.). There is one new variable used in formula 4 that requires explanation: (G) trip generation rates.

Variable (G) Trip Generation Rates

This rate study uses the data reported in Trip Generation, compiled and published by the Institute of Transportation Engineers (ITE). The report is currently in its 8th edition. The report is a detailed statistical compilation of hundreds of surveys of trip origins and destinations conducted throughout the United States. The data is reported on several variables (i.e., type of land use, units of development, number of employees, hour of day, etc.). The data used in this impact fee rate study is for trips generated during the p.m. peak hour, since that is the same basis as the trip data for the City's level of service. Impact fee rates are calculated in this study for many frequently used types of land use (i.e., dwellings, offices, retail, restaurants, etc.). Impact fees can be calculated for other land uses not listed in this rate study by referring to the data in the ITE report.

Trip generation data is reported initially as the total number of trips leaving and arriving at each type of land use (i.e., trip ends). There are two adjustments made to each trip generation rate before it is used to calculate the impact fee.

The first adjustment is to reduce the number of trips charged to land uses that are incidental attractors and generators of trips. For example, if a person leaves work to return home at the end of the workday, the place of employment is the origin, and the home is the destination. But if the person stops enroute to run an errand at a store, the ITE data counts the stop at the store as a new destination (and a new origin when the person leaves the store). In reality, the work-to-

home trip was going to occur regardless of the incidental stop, therefore the trip rate of the store should not be charged as an additional impact on the transportation system. The adjustment is based on the number of "pass-by" trips that stop at the store instead of "passing by." In Table 5, these trips are eliminated by counting only the trips that are truly "new" trips (i.e., a person made a special trip to the store). The adjustment is shown in the rate table as "Percent New Trips."

The second adjustment is the "Trip Length Factor." Not all trips are the same length. Longer trips need more transportation facilities, so they are considered to have a greater impact than shorter trips. The ITE report's trip generation data is adjusted by a factor that compares the average trip length of each type of development to the average trip length of all trips. Some land uses have factors greater than 1.0 (i.e., hospitals are factored at 1.28 because their trips are 28% longer than average) while other land uses have factors less than 1.0 (i.e., 24-hour convenience markets trips are factored at 0.44 because their trips are only 44% the length of an average trip).

CALCULATION OF IMPACT FEE RATES FOR SPECIFIC LAND USES

Table 5 shows the calculation of impact fee rates for twenty-eight frequently used categories of land use that are listed in column 1. The ITE trip rate in column 2 is multiplied times the percent new trips in column 3, and the result is multiplied times the trip length factor in column 4. Column 5 reports the net new trips that are the result of these calculations. The impact fee rates in column 6 are calculated by multiplying the net new trips from column 5 times the eligible cost per growth trip (from Table 4, and repeated in the column heading of column 6). If the trip generation rate in column 5 is reported per 1,000 square feet, the calculation of rates for column 6 includes a step of dividing by 1,000 in order to calculate the impact fee rate per square foot.

An applicant for a building permit will be assessed an impact fee that is determined as follows:

1. Select the appropriate land use category from Table 5, and find the impact fee rate per unit in column 6.
2. Determine the number of "units" of development, such as dwelling units, or square feet of buildings the applicant proposes to build. (Specific "units" used for impact fees are listed in the right portion of column 6 of Table 5).
3. Multiply the rate per unit by the number of units to be built. The result is the impact fee.

TABLE 5
IMPACT FEE RATES

(1) ITE Code	(2) Land Use Category/ Description	(3) Trip Rate ¹	(4) % New Trips ²	(5) Trip Length Factor ³	(6) Net New Trips Per Unit of Measure	(7) Impact Fee Per Unit @ \$6,124.77 per Trip
90	Park-and-ride lot w/ bus svc	0.62	75%	1.00	0.47 parking spce	2,848.02 per parking spce
110	Light industrial	0.97	100%	1.31	1.27 1,000 sq ft	7.78 per square foot
140	Manufacturing	0.73	100%	1.31	0.96 1,000 sq ft	5.86 per square foot
151	Mini-warehouse	0.26	100%	1.31	0.34 1,000 sq ft	2.09 per square foot
210	Single family house (includes townhouse and duplex)	1.01	100%	0.90	0.91 dwelling	5,567.41 per dwelling unit
220	Apartment (includes accessory dwelling unit)	0.62	100%	0.95	0.59 dwelling	3,607.49 per dwelling unit
230	Condominium	0.52	100%	1.15	0.60 dwelling	3,662.61 per dwelling unit
240	Mobile home park	0.59	100%	0.72	0.42 dwelling	2,601.80 per dwelling unit
251	Senior housing	0.27	100%	0.72	0.19 dwelling	1,190.65 per dwelling unit
255	Continuing care retirement	0.29	100%	1.00	0.29 dwelling	1,776.18 per dwelling unit
310	Hotel	0.59	100%	1.03	0.61 room	3,722.02 per room
320	Motel	0.47	100%	1.03	0.48 room	2,965.00 per room
444	Movie theater	3.80	85%	0.59	1.91 1,000 sq ft	11.67 per square foot
492	Health/fitness club	3.53	90%	0.79	2.51 1,000 sq ft	15.37 per square foot
530	School (public or private)	0.97	80%	0.95	0.74 1,000 sq ft	4.52 per square foot
540	Junior/community college	2.54	80%	0.95	1.93 1,000 sq ft	11.82 per square foot
560	Church	0.55	95%	0.95	0.50 1,000 sq ft	3.04 per square foot
565	Day care center	12.46	75%	0.51	4.77 1,000 sq ft	29.19 per square foot
590	Library	7.30	75%	0.44	2.41 1,000 sq ft	14.75 per square foot
610	Hospital	1.14	80%	1.28	1.17 1,000 sq ft	7.15 per square foot
710	General office	1.49	90%	1.31	1.76 1,000 sq ft	10.76 per square foot
720	Medical-dental office	3.46	75%	1.23	3.19 1,000 sq ft	19.55 per square foot
731	State motor vehicles dept	17.09	90%	1.00	15.38 1,000 sq ft	94.21 per square foot
732	United States post office	11.12	75%	0.44	3.67 1,000 sq ft	22.48 per square foot
820	General retail and personal services (includes shopping center)	3.73	66%	0.54	1.33 1,000 sq ft	8.14 per square foot
841	Car sales	2.59	80%	1.18	2.44 1,000 sq ft	14.97 per square foot
850	Supermarket	10.50	64%	0.54	3.63 1,000 sq ft	22.23 per square foot
851	Convenience market-24 hr	52.41	39%	0.33	6.75 1,000 sq ft	41.31 per square foot
854	Discount supermarket	8.90	77%	0.54	3.70 1,000 sq ft	22.67 per square foot
880	Pharmacy/Drugstore	8.42	47%	0.54	2.14 1,000 sq ft	13.09 per square foot
912	Bank	25.82	53%	0.38	5.20 1,000 sq ft	31.85 per square foot
932	Restaurant: sit-down	11.15	57%	0.59	3.75 1,000 sq ft	22.97 per square foot
934	Fast food	33.84	50%	0.51	8.63 1,000 sq ft	52.85 per square foot
937	Coffee/donutshop	42.93	50%	0.51	10.95 1,000 sq ft	67.05 per square foot
941	Quick lube shop	5.19	75%	1.00	3.89 service bay	23,840.66 per service bay
944	Gas station	13.87	58%	0.44	3.54 pump	21,679.38 per pump
948	Automated car wash	11.64	65%	1.00	7.57 1,000 sq ft	46.34 per square foot

¹ ITE Trip Generation (8th Edition): 4-6 PM Peak Hour Trip Ends

² Excludes pass-by trips: see "Trip Generation Handbook: An ITE Proposed Recommended Practice" (1988) and other sources.

³ Ratio to average trip length

APPENDIX A: ANALYSIS OF NEEDS FOR ROAD IMPROVEMENTS

Need for Transportation to Serve Growth in Shoreline

RCW 82.02 requires impact fees to be based on the City's Capital Facilities Plan which must identify existing deficiencies in transportation system capacity for current development, capacity of existing transportation system available for new development, and additional transportation system capacity needed for new development. Shoreline's Capital Facilities Plan for transportation projects is found in the Transportation Element of the City's Comprehensive Plan.

Existing deficiencies and reserves were summarized in Table 2 of this study. The purpose of this appendix is to summarize needs for additional capacity for new development based on data provided in the Transportation Element of the City's Comprehensive Plan.. Specifically, Figure A-4 denotes roadway projects to accommodate growth. Tables 8.2 and 8.3 speak to 2008 and 2030 increased in time delay (for LOS) in % and Appendix E, Figures E-2, E-3, E-4, and E-5 all speak to growth with 2008 and 2030 vehicle counts and % growth calculations being presented.

The need for additional transportation facilities is determined by using several criteria, including increases in traffic volume, increases in transportation system capacity and determination that the capacity increases are needed for growth. Table A-1 lists the transportation projects from Shoreline's Transportation Element and CFP that are eligible for impact fees because of the results of one or more criteria.

TABLE A-1 ANALYSIS OF NEED FOR ROAD PROJECTS TO SERVE GROWTH					
(1)	(2)	(3)	(4)	(5)	
#	Project	Description	Volume Increase 2008 - 2030	Capacity Increase 2008 - 2030	Capacity Increase Needed to Serve Growth
1.	N 185 th St/Meridian Ave N: 500 ft NB/SB	Add/Drop Lanes	50%	380 vph	X
2.	N 175th St/Meridian Ave N: 500 ft	NB Add lane, Restripe WB Approach	44%	380 vph	X
3.	Meridian Ave N: N 145th St to N 205th St	Add two way left turn lane	39%	140 vph	X
4.	NE 185th St: 1st Ave NE to 7th Ave NE	Add two way left turn lane	38%	160 vph	X
5.	N 175th St: Meridian Ave N to I-5	Roadway widening and sidewalks	22%	160 vph	X
6.	N 175th St: Stone to Meridian	Roadway widening, sidewalks and vertical realignment	40%	160 vph	X



PUBLIC HEARING RECORD
Update to Concurrency Regulations
March 20, 2014 / List of Exhibits

- Exhibit 1** March 6, 2014 Staff Report “Update to Concurrency Regulations”
- Exhibit 2** Attachment A: Draft Amendments to Title 20
- Exhibit 3** Attachment B: Concurrency Test Process
- Exhibit 4** Attachment C: Notice of Public Hearing
- Exhibit 5** Attachment D: Revised Public Hearing Notice Text
- Exhibit 6** Affidavit of Publication for Public Hearing Notice
- Exhibit 7** Concurrency Presentation - March 6 Planning Commission Meeting
- Exhibit 8** March 20, 2014 Staff Report “Update to Concurrency Regulations”
- Exhibit 9** Attachment A – Draft Amendments to Title 20
- Exhibit 10** Concurrency Presentation – March 20 Planning Commission Meeting
- Exhibit 11** Shallbetter Law Comment Letter
- Public Hearing Minutes (include oral testimony)**
- Planning Commission transmittal of findings, conclusion and recommendation**

Planning Commission Audio Recording at:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/pcd/pc/2014/0320/PC032014.mp3>

Content of the Record. *The record of a hearing conducted by the Planning Commission shall include, but not be limited to, the following materials:*

- a. The application;*
- b. The departmental staff reports;*
- c. All evidence received which shall include oral testimony given at the hearing, all exhibits and other materials admitted as evidence;*
- d. A statement of all matters officially noticed;*
- e. A recommendation containing the findings and conclusions of the Planning Commission;*
- f. Recordings made on electronic equipment; and*
- g. Any Environmental Impact Statement prepared for the project or action.*

Planning Commission Meeting Date: March 6, 2014

Agenda Item 6

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Update to Concurrency Regulations**DEPARTMENT:** Public Works**PRESENTED BY:** Alicia McIntire, Senior Transportation Planner☐

Public Hearing

☒

Study Session

☐

Recommendation Only

☐

Discussion

☐

Update

☐

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 _____

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.

The City's existing concurrency program measures Level of Service (LOS) at the signalized intersections on arterial streets, unsignalized intersecting arterials, and on principal and minor arterial street segments (Shoreline Comprehensive Plan, Transportation Element, Policy T-44; SMC 20.60.140(A)). Intersection LOS is measured by average delay and roadway segment LOS is measured as a volume to capacity ratio (V/C). LOS standards qualitatively describe the operating conditions of a roadway and is based on a scale of "A" to "F." LOS A is essentially free flowing traffic conditions whereas LOS F reflects a heavily congested roadway as traffic demand exceeds the capacity of the roadway. Thus, LOS A and B represent minimal delays, and LOS C represents generally acceptable delays. LOS D represents an increasing amount of delay and an increasing number of vehicles stopped at the intersection. An intersection with LOS E is approaching capacity and is processing the maximum number of vehicles possible through the intersection. LOS F means that the intersection is operating with excessive delays, meaning that it has a high level of traffic congestion. Vehicles approaching an intersection with LOS F may have to wait for more than one signal cycle to get through the intersection. The 2010 Highway Capacity Manual measures LOS in the following manner:

Level of Service	Roadway Segments V/C Ratio	Signalized Intersections Average Delay (sec/veh)	General Description
A	≤ 0.60	≤ 10	Free Flow
B	> 0.60 - 0.70	> 10 - 20	Stable Flow (slight delay)
C	> 0.70 - 0.80	> 20 - 35	Stable Flow (acceptable delay)
D	> 0.80 - 0.90	> 35 - 55	Approaching Unstable Flow (speeds somewhat reduced, more vehicles stop and may wait through more than one signal cycle before proceeding)
E	> 0.90 - 1.0	55 - 80	Unstable Flow (speeds reduced and highly variable, queues occur, many vehicles have to wait through more than one signal cycle before proceeding)
F	> 1.0	> 80	Forced Flow (jammed conditions, long queues occur that do not clear, most vehicles wait through more than one signal cycle before proceeding)

For its signalized intersections on arterials and unsignalized intersecting arterials, the City of Shoreline has adopted a level of service standard of LOS D (Shoreline Comprehensive Plan, Transportation Element, Policy T-44; SMC 20.60.140(A)). The City has also adopted a supplemental LOS for principal arterials and minor arterials that limits the volume to capacity (V/C) ratio to 0.90 or lower except when any leg of a principal or minor arterial intersection operates at LOS D or better. *Id.*

Development proposals that generate more than 20 trips during the p.m. peak travel period are evaluated using a Traffic Impact Analysis prepared by the applicant. (Twenty p.m. peak hour trips is the equivalent of 32 apartments or 13,500 square feet of office space or 5,400 square feet of retail space.) (SMC 20.60.140). This analysis is required to identify any direct impacts to City roadways or intersections. If there will be impacts, they are mitigated through the City's SEPA review process.

As part of the TMP update, the City contracted with Randy Young of Henderson, Young & Co. to evaluate the City's existing concurrency process and recommend changes, if needed. The goals staff laid out for Young were:

- any new program needed to be easy and inexpensive to implement,
- easily understood by the development community and
- customized to reflect the built out nature of Shoreline.

During development of the TMP, Randy Young presented a draft framework to update the City's concurrency program to the Council. The framework focused on mitigating the impacts of traffic growth only. At the beginning of the process, a multi-modal concurrency approach that included bicycles, pedestrians and transit was discussed among staff and the consultant. It was determined that this approach would be cumbersome and expensive for the City to administer and would not suit Shoreline as a fully built-out community where large developments are not anticipated. The draft framework accomplished the identified goals and at its regular meeting on May 20, 2013 Council directed staff to proceed with development of a program based upon this approach. Council also directed staff to develop an impact fee program for the City, however, the impact fee program is not subject to review by the Planning Commission. Under state law, the City is required to have a concurrency standard by which to measure growth (RCW 36.70A.070(6)(b)). An impact fee is not required but is allowed under state law (RCW 82.02). Concurrency and impact fees are not dependent upon one another – a City can have one without the other.

In order to identify locations where transportation facilities would fail to meet the adopted LOS, traffic modeling was performed as part of the TMP development. Utilizing growth assumptions of 5,000 new jobs and 5,000 new housing units in the next twenty years, the traffic model identified seven projects as necessary to help ensure that adequate transportation facilities are in place to support growth while maintaining the City's currently adopted LOS. An impact fee program for the City will be based upon the costs for these projects. A cost per trip will be calculated to allow the fees to be distributed in proportion to the type and size of development. Since impact fees are designed to cover the costs for growth citywide, mitigation would still required for localized impacts resulting from individual developments. These impacts would be evaluated as part of the City's SEPA process.

The draft amendments (Attachment A) outline a concurrency program that functions best in conjunction with an impact fee. It allows the City to implement a program that is easy to administer, understandable and predictable for the development community and results in development paying for the improvements needed to mitigate the traffic impacts that occur due to growth. The City will be able to reexamine the need for growth related transportation improvements as the forecasts for growth change and adjust the impact fee accordingly. Should the City decide not to adopt an impact fee program, a different concurrency framework would need to be developed. Without impact fees, the City would lack the funding for the street improvement projects that provide the trip capacity in the citywide concurrency trip bank. Additionally, if improvements to maintain transportation LOS cannot be funded, the City will need to make a decision about how to meet its concurrency standard. In addressing unfunded improvements, the City may choose to restrict growth by denying or delaying land use permit applications or accept a worse transportation level of service.

These amendments would be incorporated within the Title 20 of the City's Municipal Code, the Unified Development Code, and are therefore subject to review by the Planning Commission. This is the Planning Commission's first discussion of the specific amendments to the City's Concurrency regulations.

PROPOSAL & ANALYSIS

The proposed code amendments outline a concurrency program that measures traffic volume compared to road capacity. It functions as a trip "debit" system wherein the City first calculates the maximum allowed vehicle trips the traffic network can accommodate based upon projected growth, adopted transportation LOS and planned transportation improvements. Once the baseline trip "account" is established, new trips generated by future development are "debited" from it. New trips will be calculated at the time of building permit application. As long as trips are still available in the City account, the concurrency test is passed. If there are not enough trips in the account to accommodate a proposed development, the application must be modified to reduce the number of trips to an amount equal to or less than the account balance or the project fails the concurrency test and is denied. For projects that are approved, the applicant is required to pay the transportation impact fee and provide mitigation for localized transportation impacts. Attachment B shows the process the City would use to administer concurrency tests. Development proposals that do not create new dwelling units or create additional square feet of non-residential development, increase impacts to transportation facilities or demolish or move a structure would be exempt from the concurrency test.

The recommended change to the City's concurrency program has two primary benefits.

1. Accounts for the impacts of growth citywide – The City's existing concurrency methodology only requires evaluation of the localized impacts of a proposal and does not take into account the impacts of a project on the citywide transportation network. Additionally, a development that fails the City's concurrency test because of the cumulative impacts of previous projects may be required to invest significant funds into transportation improvements which were not entirely necessary to mitigate the project's impacts in order to be approved. Using the proposed methodology, the City will identify where there will be expected

transportation problems resulting from growth throughout the City. When integrated with an impact fee program, the proposed methodology requires each developer to mitigate the localized impacts of a proposal as well as paying for a proportional share of those projects needed to accommodate citywide growth over the next twenty years.

2. Streamlines permitting process – With the adoption of the proposed methodology, the City will provide for a more predictable and streamlined permitting process. The concurrency test is greatly simplified, as the City will have established trip generation rates for different uses, making the test a relatively simple exercise of calculating trips based upon type of use and number of units and/or square footage of area. Developers can simplify the calculations in Transportation Impact Analyses for a given development by utilizing these rates. The scope of Transportation Impact Analyses is reduced, as the larger impacts of citywide growth will be identified in advance and individual developers will not be required to analyze those areas nor pay to mitigate impacts that are not tied solely to a single development.

City Council Goal 2 is to “Improve Shoreline’s utility, transportation, and environmental infrastructure”. The TMP identifies the necessary transportation improvements to accommodate growth over the next twenty years and maintain the City’s adopted transportation LOS. Adoption of the updated concurrency methodology coupled with an impact fee program will help the City fund design and construction the needed improvements.

These amendments are categorically exempt from State Environmental Policy Act review under Washington Administrative Code 197-11-800(19).

TIMING AND SCHEDULE

This study session is the first presentation of the proposed amendments to the Planning Commission. 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.

RECOMMENDATION

No action is requested at this time. This report is for discussion purposes only.

ATTACHMENTS

Attachment A – Draft Amendments to Title 20
Attachment B – Concurrency Test Process
Attachment C – Notice of Public Hearing

Attachment D – Revised Public Hearing Notice

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:

<u>Step 1</u>	<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>
<u>Step 2</u>	<u>Identify any existing deficiencies of transportation facilities compared to the level of service standards set forth in SMC 20.60.140(A).</u>
<u>Step 3</u>	<u>Identify capital improvements that will eliminate existing deficiencies identified in Step 2.</u>
<u>Step 4</u>	<u>Add the improvements from Step 3 to the existing network</u>

	<u>to create the current non-deficient network</u>
<u>Step 5</u>	<u>Add future development to the current land use.</u>
<u>Step 6</u>	<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>
<u>Step 7</u>	<u>Identify capital improvements that will eliminate future deficiencies identified in Step 6.</u>
<u>Step 8</u>	<u>Add the improvements from Step 7 to create the improved network</u>
<u>Step 9</u>	<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>
<u>Step 10</u>	<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>
<u>Step 11</u>	<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".

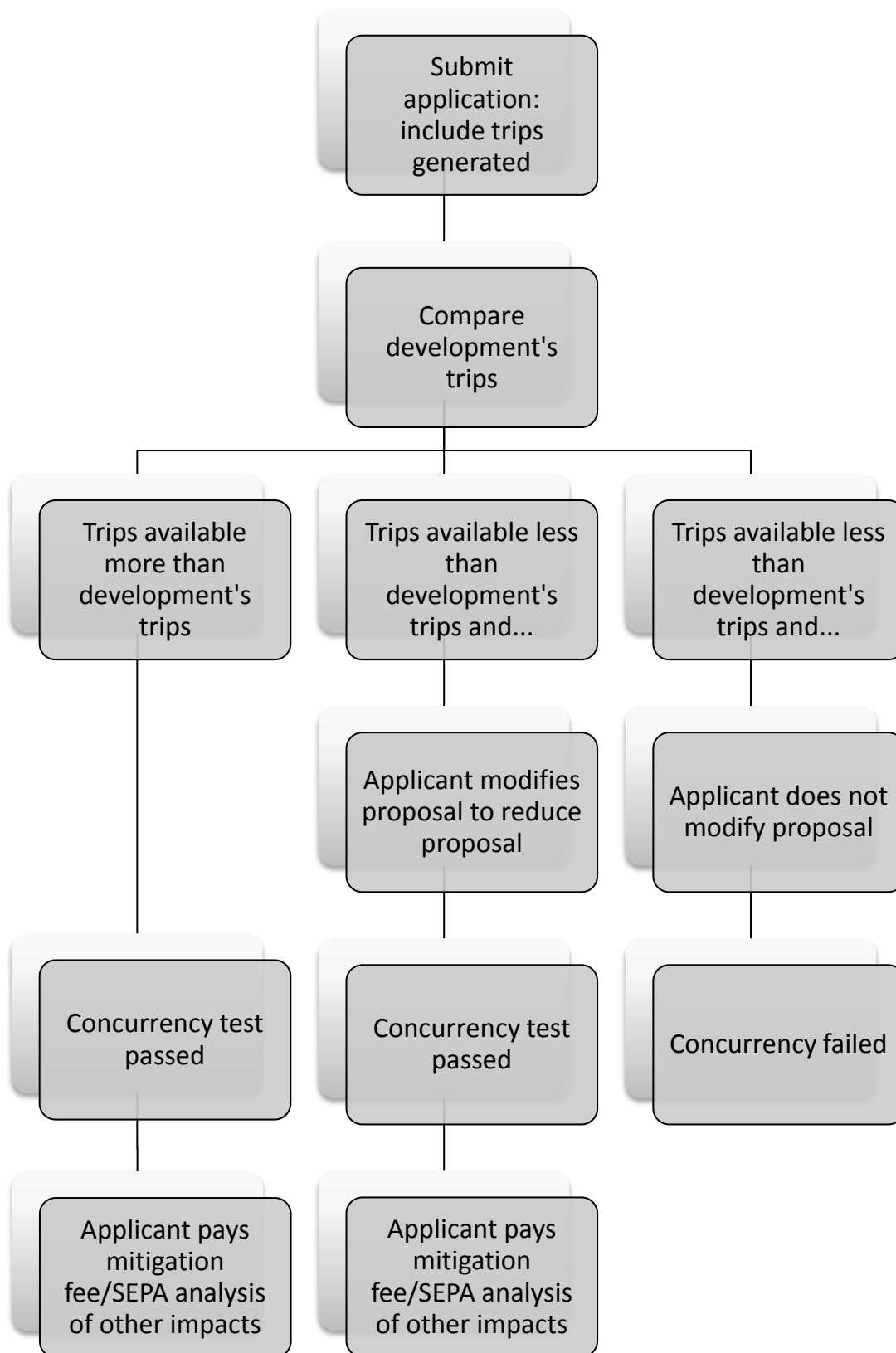
"Reserve" and "Reservation" means to set aside or otherwise note in the City's Concurrency Trip Capacity Balance Sheet in a manner that assigns capacity to the applicant's building permit and prevents the same capacity from being assigned to any other applicant.

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.

ATTACHMENT B - Concurrency Test Process



ATTACHMENT C – NOTICE OF PUBLIC HEARING

The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing a Development Code Amendment to amend SMC 20.60.140 “Adequate streets” to clarify concurrency requirements for new development, provide exemptions from the concurrency test and providing definitions in SMC 20.20.

This proposed amendment to the Development Code is categorically exempt from SEPA review under WAC 197-11-800(19).

This may be your only opportunity to submit written comments. Written comments must be received at the address listed below before **5:00 p.m. March 6, 2014**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Alicia McIntire 17500 Midvale Avenue N, Shoreline, WA 98133 or email to amcintire@shorelinewa.gov.

Interested persons are encouraged to attend a study session for this development code amendment. The study session is scheduled for Thursday, March 6, 2014 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, March 20, 2014 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Questions or More Information: Please contact Alicia McIntire, Public Works Department at (206) 801-2483.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

ATTACHMENT D – REVISED PUBLIC HEARING NOTICE

The City of Shoreline Notice of Public Hearing of the Planning Commission REVISED

Description of Proposal: The City of Shoreline is proposing a Development Code Amendment to amend SMC 20.60.140 “Adequate streets” to clarify concurrency requirements for new development, provide exemptions from the concurrency test and providing definitions in SMC 20.20.

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The Seattle Times

City of Shoreline
Kim Sullivan
17500 Midvale Ave N

Shoreline, WA 98133-4905

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Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)

Seattle Times

02/25/14



MAUREEN E DUGAN Signature Maureen E Dugan

subscribed and sworn to before me on

Feb 25, 2014

DATE

Christina C. McKenna

Christina C. McKenna

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 100164

Ad #: 410010

Agency Account #: 0

Agency Name:

AD TEXT

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Update to Concurrency Regulations

March 6, 2014



BACKGROUND

- Updated Transportation Master Plan adopted in 2011
- Includes direction to update concurrency methodology and adopt impact fees
- Transportation concurrency required by GMA (RCW 36.70A.020(12))

BACKGROUND (cont.)

EXHIBIT 7

- “Concurrency” comes from “concurrent”
- Dictionary defines “concurrent” = at the same time as
- “Concurrency” = private development and *adequate* public infrastructure at the same time

BACKGROUND (cont.)

EXHIBIT 7

Before Concurrency:

- Development was not linked to adequate infrastructure (except water & sewer)
- Infrastructure was never adequately funded
- Traffic congestion was considered normal in urban and suburban areas

BACKGROUND (cont.)

EXHIBIT 7

Concurrency origins:

- Cannot occupy structure without potable water and disposal of sanitary wastes
- Florida 1985: added transportation & other facilities
- Washington 1990: concurrency for transportation (“adequacy” for others)

BACKGROUND (cont.)

EXHIBIT 7

- Concurrency measured by comparing existing or planned capacity to anticipated capacity resulting from growth
- Measured as Level of Service standard
- Concurrency test administered for development
 - Existing/planned capacity $>$ development = pass
 - Existing/planned capacity $<$ development = fail, modify or mitigate

BACKGROUND (cont.)

EXHIBIT 7

What is “adequate”? (PSRC 2001 survey)

Grade	Percent
D	50%
E	26%
F	12%

BACKGROUND (cont.)

EXHIBIT 7

City of Shoreline Level of Service

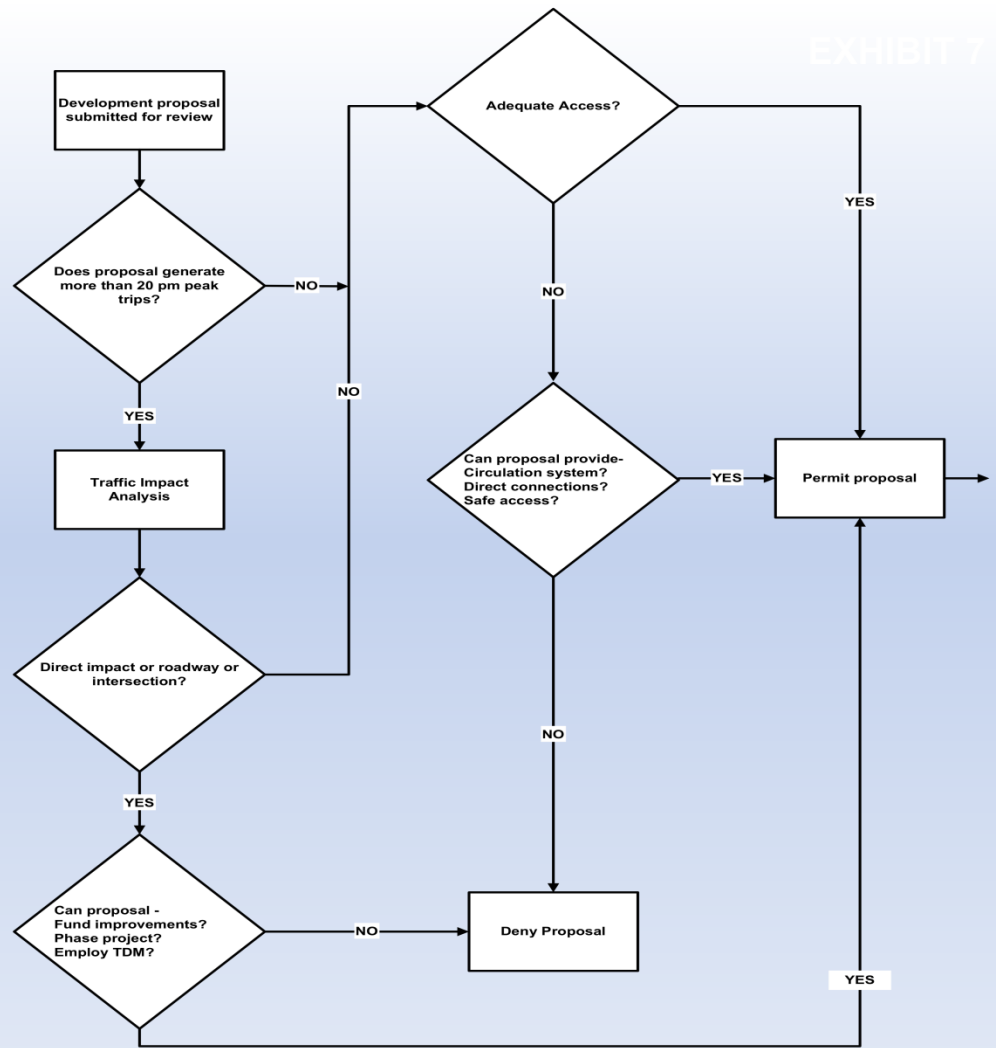
- LOS D for signalized intersections on arterials and unsignalized intersecting arterials
- Volume to capacity ratio of 0.90 for Principal and Minor arterials

DISCUSSION

Proposed Concurrency Program

- Easy and inexpensive to implement
- Easily understood by the development community
- Customized to reflect the built out nature of Shoreline
- Works best with impact fee program

Shoreline's Existing Concurrency



Pros & Cons of Shoreline's Existing Concurrency

- Pro
 - Familiar
 - Easy on small scale development (no traffic studies, no mitigation)
- Con
 - Impacts only adjacent or nearby streets
 - Full burden on applicant who exceeds threshold
 - Applicant pays for traffic impact study
 - No cumulative impacts of small scale development

A. Submit app, trip
calculator

Shoreline's Proposed Concurrency

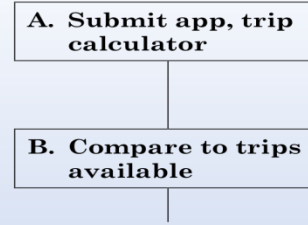
Step A

Shoreline's Proposed Concurrency Trip Generation Calculator

ITE Code	ITE Land Use Category	Trip Rate (1)	Unit of Measure	Applicant's Number of Units	Applicant's Trips To Be Generated
110	Light Industrial	0.98	1,000 sq ft		
140	Manufacturing	0.74	1,000 sq ft		
151	Mini-warehouse	0.26	1,000 sq ft		
210	Single family House	1.01	dwelling	32	20
220	Apartment	0.62	dwelling		
230	Condominium	0.52	dwelling		
240	Mobile Home	0.59	dwelling		
250	Retirement Community	0.26	dwelling		
310	Hotel	0.59	room		
320	Motel	0.47	room		
420	Marina	0.19	berth		
430	Golf course	0.30	acre		
444	Movie Theater	5.22	1,000 sq ft		
492	Racquet club	0.64	1,000 sq ft		
530	High School	0.97	1,000 sq ft		
560	Church	0.66	1,000 sq ft		
610	Hospital	1.18	1,000 sq ft		
620	Nursing home	0.22	bed		
710	General Office	1.49	1,000 sq ft	13,500	20
720	Medical office	3.72	1,000 sq ft		
820	Shopping Center	3.75	1,000 sq ft	5,400	20
932	Restaurant: sit-down	10.92	1,000 sq ft		
933	Fast food, no drive-up	26.15	1,000 sq ft		
934	Fast food, w/ drive-up	34.64	1,000 sq ft		
944	Gas station	13.86	pump		
945	Gas station w/convenience	13.38	pump		
850	Supermarket	10.45	1,000 sq ft		
851	Convenience market-24 hr	52.41	1,000 sq ft		
912	Drive-in Bank	45.74	1,000 sq ft		
				TOTAL	60

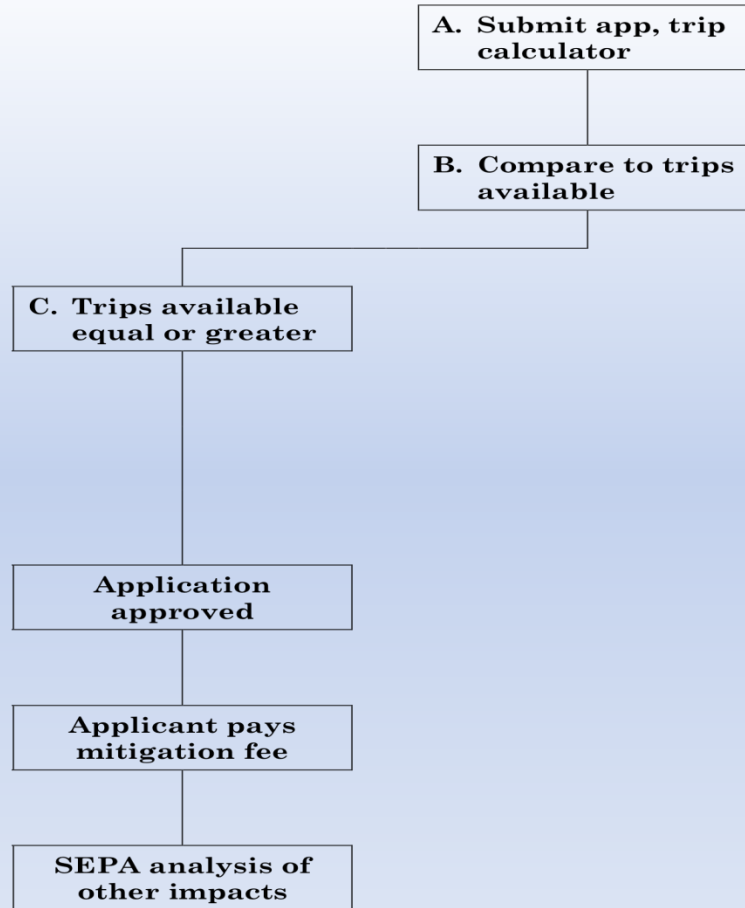
Shoreline's Proposed Concurrency

Step B



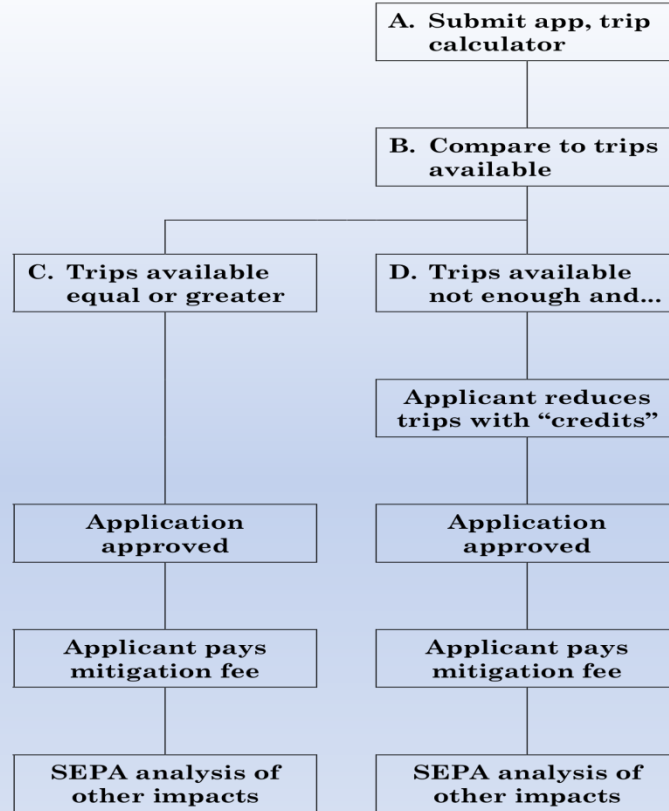
Shoreline's Proposed Concurrency

Step C



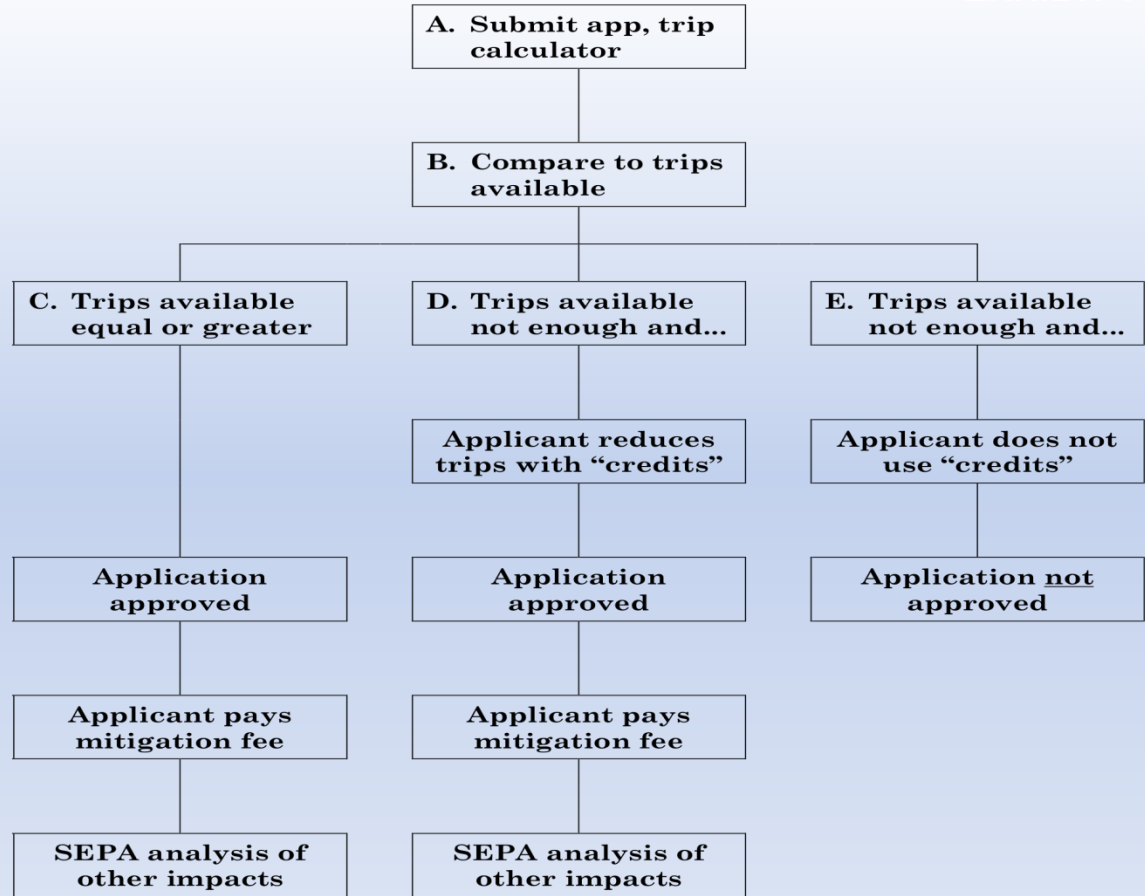
Shoreline's Proposed Concurrency

Step D



Shoreline's Proposed Concurrency

Step E



Pros & Cons of Shoreline's Proposed Concurrency

- Pro
 - Trip generation calculator instead of traffic impact study saves time and cost
 - Burden limited to proportionate share
 - Every development's impacts are counted
- Con
 - Still need to check local access

RECOMMENDATION AND SCHEDULE

- No action required tonight
- Return for public hearing and adoption –
March 20, 2014
- Staff recommendation – Planning Commission
recommend adoption of amendments to SMC
Title 20

Planning Commission Meeting Date: March 20, 2014

Agenda Item

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Update to Concurrency Regulations**DEPARTMENT:** Public Works**PRESENTED BY:** Alicia McIntire, Senior Transportation Planner

Public Hearing



Study Session



Recommendation Only



Discussion



Update



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



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:

Step 1	<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>
Step 2	<u>Identify any existing deficiencies of transportation facilities compared to the level of service standards set forth in SMC 20.60.140(A).</u>
Step 3	<u>Identify capital improvements that will eliminate existing deficiencies identified in Step 2.</u>
Step 4	<u>Add the improvements from Step 3 to the existing network</u>

	<u>to create the current non-deficient network</u>
<u>Step 5</u>	<u>Add future development to the current land use.</u>
<u>Step 6</u>	<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>
<u>Step 7</u>	<u>Identify capital improvements that will eliminate future deficiencies identified in Step 6.</u>
<u>Step 8</u>	<u>Add the improvements from Step 7 to create the improved network</u>
<u>Step 9</u>	<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>
<u>Step 10</u>	<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>
<u>Step 11</u>	<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.

Update to Concurrency Regulations

March 20, 2014



BACKGROUND

EXHIBIT 10

- **Updated Transportation Master Plan adopted in 2011**
- **Includes direction to update concurrency methodology and adopt impact fees**
- **Transportation concurrency required by GMA (RCW 36.70A.020(12))**

What is Concurrency?

EXHIBIT 10

- **Concurrency = compare existing + planned capacity to trips resulting from growth**
- **Capacity must maintain Shoreline's adopted Level of Service standard:**
 - ✓ **LOS D for signalized intersections on arterials and unsignalized intersecting arterials**
 - ✓ **Volume to capacity ratio of 0.90 for Principal and Minor arterials**

Shoreline's Existing Concurrency

EXHIBIT 10

- **Traffic study: case-by-case**
 - Only looks at adjacent or nearby streets
 - Full burden on applicant who exceeds LOS standard, not proportionate share
 - No cumulative impacts of small scale development
 - City gets piecemeal improvements
 - City does not get mitigation for impacts elsewhere in the City
 - Applicant costs: time and money for study, potential full cost of mitigation

Shoreline's Proposed Concurrency (part 1 of 2)

EXHIBIT 10

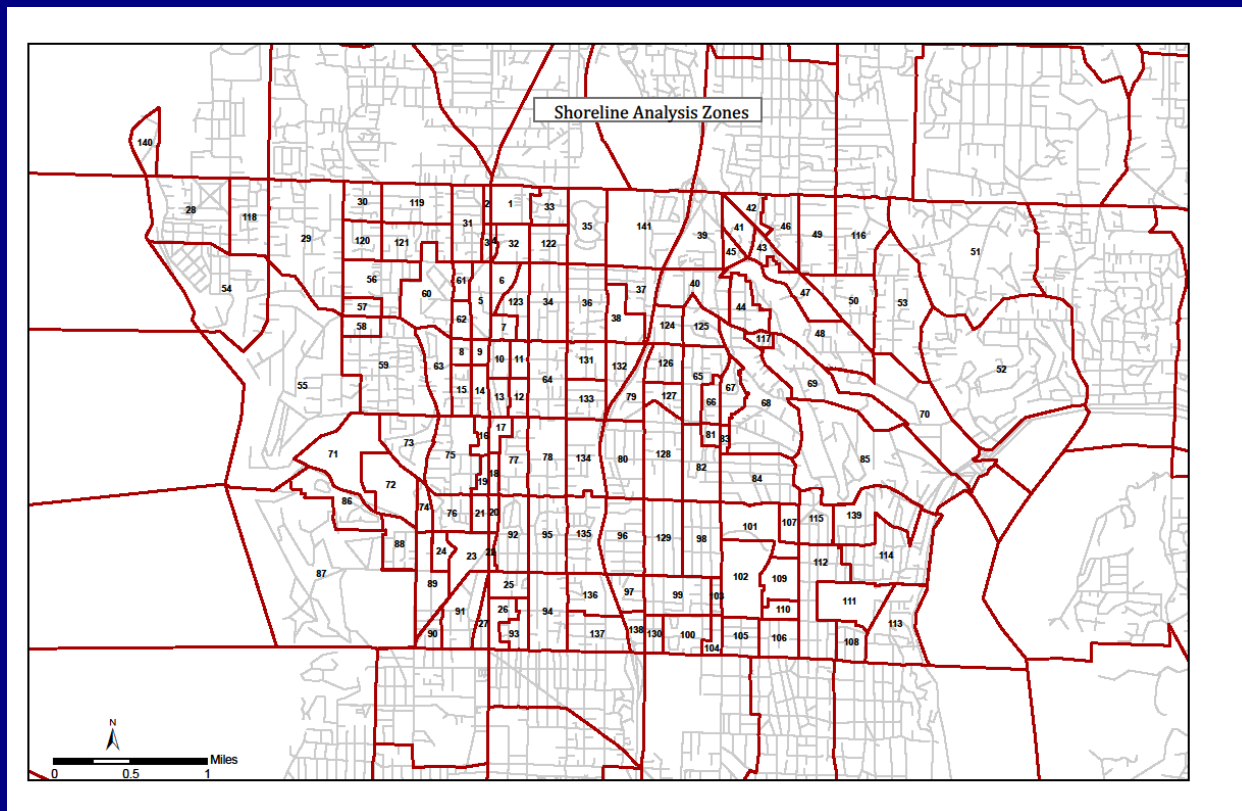
- **Citywide traffic analysis, projects, funding**
 - **Citywide growth per Regional Allocation & Shoreline Comp Plan**
 - **Growth assigned to 141 Traffic Analysis Zones in traffic model**
 - **Growth's impact on streets is identified by traffic model**
 - **Projects are identified to solve LOS problems and maintain LOS standards**

Next 5 graphics show how it works...

Citywide Growth in Shoreline

Development	Base	2030	Growth
Housing Units	21,000	26,000	5,000
Jobs	16,000	21,000	5,000

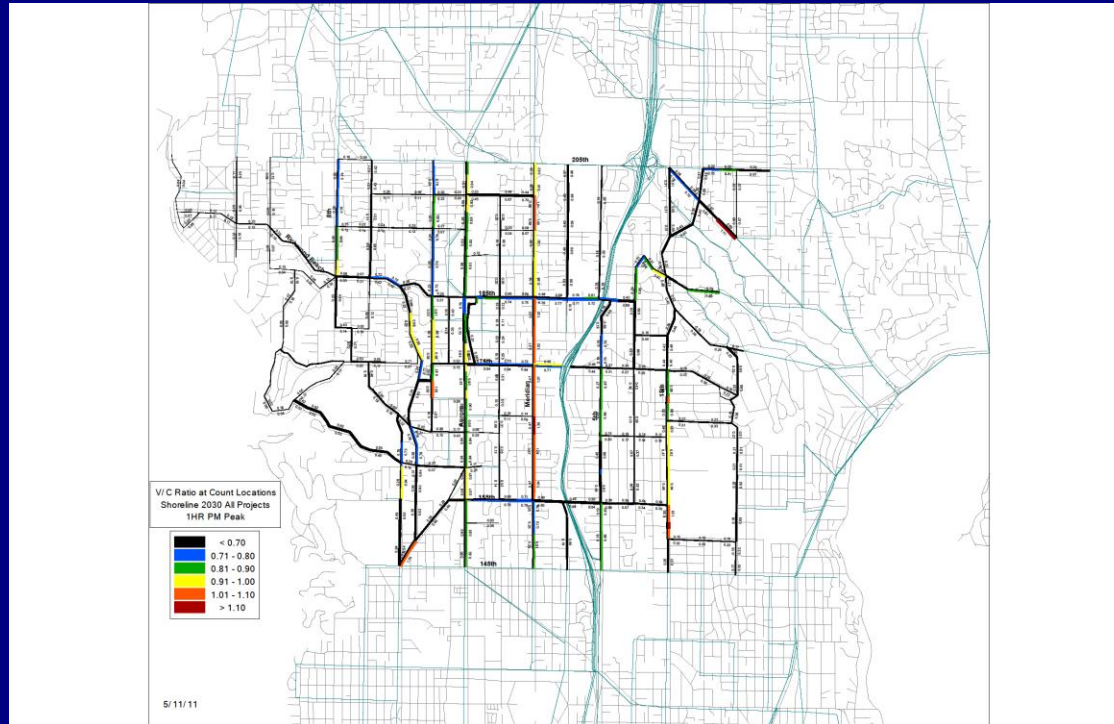
Growth Assigned to 141 Zones (“TAZs”)



Growth Assignment Consistent With the Comprehensive Plan

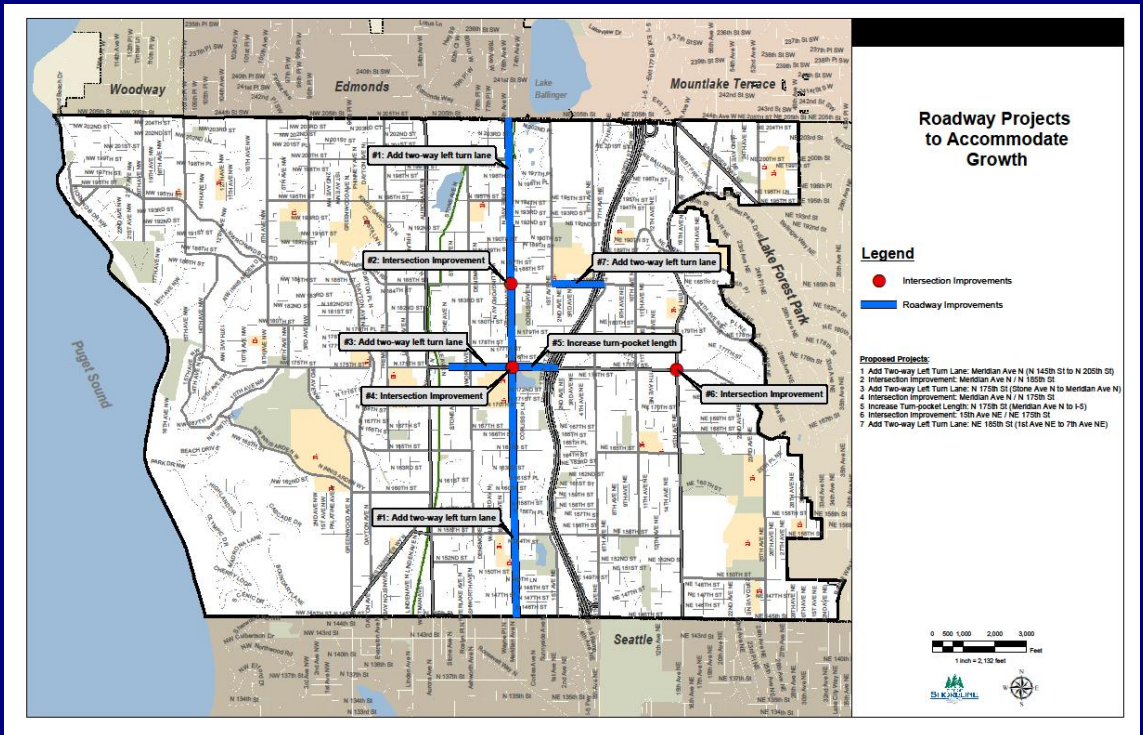
SHORELINE TRAFFIC MODEL - TOD FOCUSED SCENARIO						
TAZ NUMBER	NEW JOBS	EXISTING JOBS	TOTAL JOBS	NEW HOUSING UNITS	EXISTING HOUSING UNITS	TOTAL HOUSING UNITS
1	400	841	1241	32	0	32
5	350	207	557	300	92	392
10	250	159	409	200	165	365
30	0	2	2	7	148	155
38	600	128	728	500	20	520
41	100	158	258	300	127	427
44	0	4	4	7	112	119
55	0	96	96	7	706	713

Traffic Model Identifies Levels of Service ^{EXHIBIT 10} With Growth



Projects Add Capacity for Growth

Impact Fees Pay for Part of Projects



Shoreline's Proposed Concurrency (part 2 of 2)

EXHIBIT 10

- **Trip calculator and trip capacity bank**
 - **Applicant proposes # of dwellings + # sq. ft. of commercial**
 - **Trip calculator computes total # of applicant's trips on citywide network**
 - **Applicant's citywide trips compared to citywide trip capacity**
 - **If existing + planned capacity > development = pass**
 - **If existing + planned capacity < development = fail, modify or mitigate**
 - **If pass, pay citywide impact fee that pays for specific projects throughout the City that produce the capacity**

Shoreline's Proposed Concurrency Trip Generation Calculator

ITE Code	ITE Land Use Category	Trip Rate (1)	Unit of Measure	Applicant's Number of Units	Applicant's Trips To Be Generated
110	Light Industrial	0.98	1,000 sq ft		
140	Manufacturing	0.74	1,000 sq ft		
151	Mini-warehouse	0.26	1,000 sq ft		
210	Single family House	1.01	dwelling	32	20
220	Apartment	0.62	dwelling		
230	Condominium	0.52	dwelling		
240	Mobile Home	0.59	dwelling		
250	Retirement Community	0.26	dwelling		
310	Hotel	0.59	room		
320	Motel	0.47	room		
420	Marina	0.19	berth		
430	Golf course	0.30	acre		
444	Movie Theater	5.22	1,000 sq ft		
492	Racquet club	0.64	1,000 sq ft		
530	High School	0.97	1,000 sq ft		
560	Church	0.66	1,000 sq ft		
610	Hospital	1.18	1,000 sq ft		
620	Nursing home	0.22	bed		
710	General Office	1.49	1,000 sq ft	13,500	20
720	Medical office	3.72	1,000 sq ft		
820	Shopping Center	3.75	1,000 sq ft	5,400	20
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850	Supermarket	10.45	1,000 sq ft		
851	Convenience market-24 hr	52.41	1,000 sq ft		
912	Drive-in Bank	45.74	1,000 sq ft		
				TOTAL	60

REASONS TO CHANGE CONCURRENCY

EXHIBIT 10

- Easy and inexpensive to administer
- Predictable and easily understood by the development community
- Customized to reflect the built out nature of Shoreline
- Connects capacity for level of service to impact fees that mitigate impacts

STATUS OF REVIEW

EXHIBIT 10

- Presented draft amendments to Planning Commission at March 6, 2014 study session.
- No changes requested by Planning Commission
- Requested estimates for updating available trip capacity
 - \$125,000 - \$135,000

RECOMMENDATION AND SCHEDULE

- **Hold public hearing tonight to receive public testimony**
- **Staff recommendation – Planning Commission recommend adoption of amendments to SMC Title 20**

End of Presentation

ADDITIONAL SLIDES

Pros & Cons of Shoreline's Proposed Concurrency

- Pro
 - Trip generation calculator instead of traffic impact study saves time and cost
 - Burden limited to proportionate share
 - Every development's impacts are counted
- Con
 - Still need to check local access

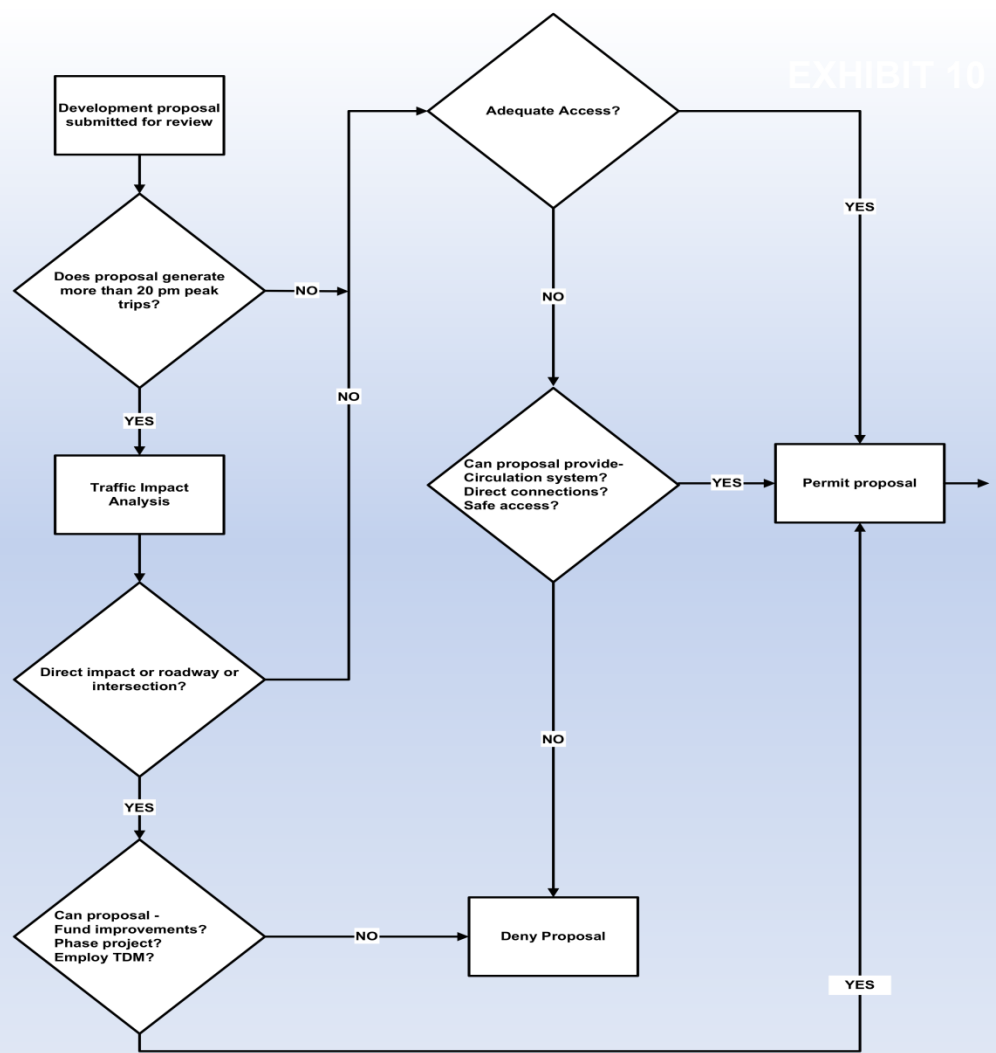
BACKGROUND (cont.)

EXHIBIT 10

What is “adequate”? (PSRC 2001 survey)

Grade	Percent
D	50%
E	26%
F	12%

Shoreline's Existing Concurrency



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traci@shallbetterlaw.com

PUGET SOUND NORTHERN CASCADES KITTITAS COUNTY CENTRAL WASHINGTON EASTERN WASHINGTON

March 20, 2014

City of Shoreline Planning Commission
17500 Midvale Avenue N.
Shoreline, WA 98133-4905
via email: plancom@shorelinewa.gov; pcd@shorelinewa.gov

Re: Public Comment re. Traffic Concurrency Amendments

On behalf of Richmond Beach Advocates (“RBA”), I have reviewed the City’s proposed Transportation Concurrency Development Code Amendments. RBA takes issue with just one of the proposed amendments, and recommends a slight modification to avoid vagueness and unlimited discretion by the City.

Specifically, we would request that the language for the proposed SMC 20.60.140(E)(4)(b) be revised to more specifically define what may qualify as acceptable “*strategies that increase the city-wide available capacity*” or how the City will discern as much. As it has been proposed, the SMC 20.60.140(E)(4)(b) is unduly vague and confers unlimited (and potentially uniformly exercised) discretion on City staff.

We believe that the City’s intention is to add some options for flexibility and innovation to the City’s concurrency standards, authorizing, for example strategies such as: (a) a multimodal concurrency system (i.e., if you do improvements to pedestrian or transit facilities then you can operate at a lower vehicle capacity because the people carrying capacity of the corridor has been increased); or (b) provision of improvements on a parallel corridor that provide the combined two systems greater capacity. Such “strategies” are consistent with, and commonly accepted, in the transportation planning industry as legitimate and effective means of fulfilling concurrency objectives.

While it is not necessary for the City to attempt to identify and list all potentially acceptable “strategies” for increasing the city-wide available capacity, it is essential that the City provide some guidelines or objective standards in SMC 20.60.140(E)(4)(b) for determining whether proposed “*strategies that increase the city-wide available capacity*” will be accepted by the City. **At minimum, we would request that the language of SMC 20.60.140(E)(4)(b) be modified to read something along the lines of “*strategies that increase the city-wide available capacity, provided such strategies are consistent with, and commonly accepted, in the transportation planning industry as legitimate and effective means of fulfilling concurrency objectives.*”**

Sincerely,
SHALLBETTER LAW
Attorneys for Richmond Beach Advocates

Traci Shallbetter

RECOMMENDATIONS OF THE PLANNING COMMISSION

Recommendations from the Planning Commission:

Adopt the proposed changes as amended:

Amendment 2

Amend to reflect the changes proposed by the Julie

20.60.140 (B) Development Proposal Requirements. All new proposals for development.....published by the Institute of Traffic Engineers.

(1) The traffic impact analysis shall include

a.

b.

c.

(2) If the traffic impact analysis identifies one or more intersections at which the adopted LOS standards are exceeded the applicant shall mitigate their impacts in order to achieve and maintain the adopted LOS Standard.

Amendment 4

20.60.140 (C)

2 (B) ...change the existing land use as defined in the land use categories as set forth in the impact fee analysis land use tables.

DRAFT

CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
MINUTES OF PUBLIC HEARING**

March 20, 2014
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Moss
Vice Chair Esselman
Commissioner Craft
Commissioner Maul
Commissioner Montero
Commissioner Scully
Commissioner Wagner

Staff Present

Rachael Markle, Director, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Kirk McKinley, Transportation Services Manager
Julie Aynsworth Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

Others Present

Randy Young, Henderson, Young and Associates

CALL TO ORDER

Chair Moss called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Moss, Vice Chair Esselman, and Commissioners Craft, Maul, Montero, Scully and Wagner.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of March 6, 2014 were adopted as submitted.

GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to address the Commission during this portion of the meeting.

PUBLIC HEARING: TRAFFIC CONCURRENCY DEVELOPMENT CODE AMENDMENT

Staff Presentation

Mr. McKinley reviewed that when the Transportation Master Plan (TMP) was last updated in 2011, it included direction to update the concurrency policy and methodology, which is the subject of the proposed amendments. He emphasized that transportation concurrency is required by the Growth Management Act (GMA).

Randy Young, Henderson, Young and Associates, explained that concurrency is about comparing existing and planned capacity to trips resulting from growth to make sure there is enough trip capacity to serve development. As per the GMA, the City must deny development if there is not enough capacity and the Level of Service (LOS) Standard would be violated. The proposed amendments are intended to implement a program that protects the City's LOS Standard. As discussed at the last meeting, the City of Shoreline has adopted LOS D for signalized intersections on arterials and unsignalized intersection arterials, as well as a volume-to-capacity ratio of 0.90 for principal and minor arterials.

Mr. Young provided a chart to give more factual background for what the different LOS Standards, particularly LOS D, would look and feel like. The chart illustrates how full a road could get and how much crowding the City is willing to tolerate. He explained that from an economist's standpoint, efficient use of the City's resources would be to have the road system operating close to capacity (80% to 90%). However, it is also important to keep in mind how long the City is willing to allow people to wait to get through an intersection. For those who are anxious to get somewhere, waiting 35 to 55 seconds is too long, but reducing this time to 10 to 30 seconds would require LOS A. That would mean that most of Shoreline would be paved roadways with lots of capacity but nowhere to live. He reminded the Commission that the purpose of tonight's discussion is not to argue or even defend the City's current LOS Standard because it has already been adopted into the City's Comprehensive Plan and Development Code. If the Commission believes there are good reasons to question or doubt the adopted standard, they could recommend that the standard be revisited as a separate process. Because a concurrency program is required, the City must either adopt the proposed amendments or live with the program that is currently adopted, which is still LOS D with a different methodology.

Mr. Young explained that the City's existing concurrency program requires a traffic study for all development that exceeds the 20-trip threshold. The traffic study only looks at adjacent or nearby streets, and the full burden of required improvements would fall on the applicant who exceeds the LOS standard, even if the improvements would also solve preexisting problems and provide capacity for future development. The program does not address the cumulative impacts of small-scale development, and the City ends up with piecemeal improvements. In addition, the program does not allow the City to get mitigation for impacts that occur elsewhere in the system. He pointed out that traffic studies cost applicants a significant amount of time and money, and then they are required to pay the full cost of mitigation. It is difficult to predict the outcome of the current system, which results in a surprise burden to some applicants and surprise lottery win to others who do not trigger the threshold or get a free ride on the developer who went before them. In addition to being difficult to administer and requiring staff to respond to every traffic study, the City's biggest concern is that small-scale development is invisible and they do not get mitigation for impacts other than those in the immediate area.

Mr. Young explained that instead of requiring each applicant to do a study, the proposed methodology involves a citywide approach for addressing future traffic needs. He reminded the Commission that the City of Shoreline has accepted its regional allocation of growth (5,000 people and 5,000 jobs) and the Comprehensive Plan and Development Plan have been updated accordingly. As required by GMA, the City must also have a plan in place to ensure that the traffic system will sustain the growth.

Mr. Young advised that a citywide traffic study was completed to identify the areas where growth is likely to occur, and traffic modeling was done to identify the growth's impact on streets throughout the City. He provided visual information to illustrate how the proposed program would be implemented, noting that the traffic model assigns growth to 141 Traffic Analysis Zones (TAZ). He recalled the Commission's concern about preserving and protecting residential neighborhoods. He explained that the TAZs are not identical to neighborhood boundaries, and in many cases they are smaller. Rather than spreading the growth evenly throughout each of the 141 TAZs, the growth was allocated based on the City's adopted Comprehensive Plan Land Use Map. He reviewed a chart that illustrates the zones where most of the growth is anticipated to occur and advised that the numbers were used to create a traffic model that identifies how the anticipated growth would impact the City's transportation network. Rather than waiting for applicants to mitigate the problem areas one block at a time, the model identifies six specific projects that are necessary to solve LOS problems and maintain LOS Standards.

Mr. Young explained that, as per the proposed program, applicants would no longer be required to complete detailed traffic studies. Instead, they would simply identify the number of dwelling units and/or amount of commercial space associated with the project, and staff would use the Trip Generation Calculator to compute the total number of trips that would be added to the citywide network. Projects would be approved if there is existing or planned capacity in the citywide system to accommodate the additional trips. If a project exceeds the existing and planned capacity, the applicant would be required to either downsize the application or mitigate the additional impact. He reminded the Commission that if capacity in the citywide system falls below 50%, a new study would be required to update the capacity numbers.

Mr. Young explained that applicants would be required to pay a citywide impact fee that will be used to fund the six specific projects throughout the City that are necessary to improve capacity. He explained that, using this approach, no applicant would get stuck building an entire improvement, nor would an applicant get a free ride. He reminded the Commission that the current program exempts small projects that generate fewer than 20 trips. He pointed out that small-scale development would include a multi-family residential development of up to 31 units or an office building of up to 1,300 square feet. He summarized that small-scale development is not invisible and without impacts.

Mr. Young concluded his presentation by pointing out the benefits of the proposed concurrency program:

- No applicants would escape the process.
- The capacity for LOS would be connected to the impact fees that fund the six projects. While all applicants would pay a predictable and consistent share of the improvements, it is important to understand that the City is going to have to pay for a share of the improvements associated with through traffic.

- The mitigation burden would be proportionate to the size of a development. This makes the program fairer and easier for attorneys to defend.
- The trip calculator and trip bank will save both time and money for the City staff and applicants.
- The program would be transparent and easy to administer.
- The program would be predictable for the development community.
- The program would be customized to Shoreline.

Mr. Young recalled that because no formal action was taken by the Commission on March 6th to alter the proposal, no changes were made to the ordinance. However, the Commission requested a cost estimate for updating the available trip capacity. He reported that the estimated cost of updating the available trip capacity is between \$125,000 and \$135,000. Mr. McKinley added that the timeline for the update would be tied to the next update of the TMP. At that time, the City will know more about what will happen at the Sound Transit station areas, etc.

Mr. McKinley reviewed the timeline for moving the proposed amendment forward, starting with a public hearing before the Planning Commission. Staff's recommendation is that the Commission recommend adoption of the amendments to SMC Title 20.

Commission Questions

Commissioner Maul pointed out that, as per the maps provided by Mr. Young, there are already some intersections on Meridian Avenue that are below LOS D. He asked how the City could ensure capacity when the program is first implemented. Mr. Young responded that, while they do not have final numbers, the bank account will be based on the difference between the current number of trips and how many trips a street can handle. He explained that although it would be nice to think the City would not approve a new development unless the six improvements had already been complete to handle future capacity without falling below LOS D, State law allows the City a six-year time period to actually achieve the LOS standard. The proposed program will enable the City time to collect enough impact fees and obtain grant funding to complete the improvements within six years.

Commissioner Wagner pointed out that Point Wells is identified on the map as one of the 141 TAZs. She asked staff to clarify the City's expectations related to this area. Mr. Young reminded the Commission that Point Wells is outside the City boundaries, so the City would not have the ability to impose impact fees on future development. Mr. McKinley explained that the only access to Point Wells is through Shoreline, so the City will suffer all of the impacts associated with the project. Although the City requested that Snohomish County analyze the option of providing access through Snohomish County as part of the draft Environmental Impact Statement, this connection would be very difficult. Even if a connection were provided, most of the people who would live and work at Point Wells would use the City's roads to access Aurora Avenue North and Interstate 5. He advised that the developer is predicting a 20 to 25-year period to complete the project, which will be constructed in four phases. If the City were to annex the site at some point in the process, the impact fee program would be applicable. At this point, the City has negotiated a Memorandum of Understanding with the developer that says the developer would pay for the mitigation identified in the Transportation Corridor Study, which is taking place right now. He noted that when the City initially submitted comments regarding the project in

2009, the estimated cost of mitigation was \$30 million, and he anticipates the actual costs will be double that amount.

Commissioner Wagner asked if impacts associated with Point Wells were considered when identifying the six projects and developing the available trip capacity. Mr. McKinley answered no and said he does not anticipate anyone will live at Point Wells for at least six to eight years. By that time, the City will have completed at least one update of the available trip capacity.

Commissioner Scully expressed concern that, as per the proposed program, the City would no longer have the ability to study the local impacts of a development and require mitigation. He asked if a study of the local traffic impacts would be part of a State Environmental Policy Act (SEPA) review. Ms. Aynsworth Taylor answered that, regardless of the concurrency ordinance, Shoreline Municipal Code (SMC) 20.60.140(B) requires a transportation study for all projects that generate more than 20 peak hour trips. The study requires an analysis of traffic origin, destination, and trip generation. It must also demonstrate how impacted intersections would accommodate the trips and maintain the LOS standard.

Commissioner Montero asked how long it would take the City to address a situation where a large development creates LOS problems at an intersection that is not included on the list of six projects. Would the City have to wait six years to identify a new group of projects? Mr. Young explained that, as per the proposed program, small-scale development would no longer be exempt, and all applicants would be required to pay a predictable mitigation fee. The citywide impact fee would also apply to larger developments (more than 20 peak hour trips). In addition, larger projects would require an additional traffic study to identify and mitigate local impacts. Mr. McKinley clarified that no additional mitigation would be required through SEPA as long as a project does not exceed LOS D.

Chair Moss asked how long it would take to update the Concurrency Trip Capacity Balance Sheet. Chair Moss asked if applications would be put on hold while the update is being done. Mr. Young reminded the Commission that an update would be triggered as soon as the citywide capacity falls below 50% of the trip count. With the exception of a very large project, this provision would allow sufficient capacity for the City to continue to issue permits while the study is being updated.

Commissioner Wagner asked if a project that is done in phases would be charged against the Concurrency Trip Capacity Balance Sheet. Mr. Young answered that the trips would not be deducted from the balance sheet until each phase of the project is at the building permit stage. However, staff will likely start the update sooner if they anticipate a project will trigger the need for an update in the near future. Again, he reminded the Commission that there are three possible triggers for the update: an amendment to the City's TMP as it relates to concurrency, a 30% increase in total traffic volume compared to traffic volume at the time the Concurrency Trip Capacity Balance Sheet was created, and more than 50% of the available capacity in the most recent calculation of available capacity has been reserved.

Commissioner Wagner asked how often the City conducts traffic counts. Mr. McKinley answered that the City conducts citywide traffic counts on a quarterly basis.

Commissioner Craft asked the Assistant City Attorney to respond to the letter from the Shallbetter Law Firm. Ms. Aynsworth Taylor advised that the letter was submitted on behalf of Richmond Beach advocates. The letter proposes language that would limit the City's ability to consider new and more creative strategies. It also raises concerns about what is considered "legitimate and effective." She explained that all strategies implemented by the City will be tied to trip capacity reduction and the changes proposed in the letter are unnecessary. At most, a categorical list of acceptable types of strategies could be added. However, she cautioned against refining the language down to specific strategies, which would unfairly bind both developers and the City from considering other strategies.

Commissioner Wagner noted that the term, "traffic study," was replaced with "transportation impact analysis" in SMC 20.60.140(B). She asked if this is a simple change of terminology rather than creating a different tool. Ms. Aynsworth Taylor said the terminology was changed to be consistent with the rest of the code. Mr. Young added that the term is defined in the code.

Commissioner Maul said it not clear in the language proposed in SMC 20.60.140(B) that a developer would be required to make local improvements if a traffic study shows that an intersection would be impacted beyond LOS D. In addition to changing the terminology, Mr. Young pointed out that the language makes it clear that the analysis must meet the standards established by the City's Engineering Development Manual. The study must analyze the proposed origin/destination trip distribution, identify any intersections that would receive the addition of 20 or more trips during the peak hour, and demonstrate how impacted intersections could accommodate the additional trips and maintain the LOS standard. While the language in this section does not specifically say an applicant must solve the problem, SMC 20.60.140(E) states that if an applicant does not pass the concurrency test, he/she can amend the application to reduce the number of trips generated, provide system improvements or strategies that increase the citywide available capacity, or appeal the denial.

Commissioner Scully said his interpretation of SMC 20.60.140(B) is that a permit would not be issued if it is demonstrated that a project will exceed the City's LOS standard at a particular intersection unless improvements are made. However, this requirement should be made clearer. Commissioner Craft concurred and asked for direction from the Assistant City Attorney. Ms. Aynsworth Taylor explained that if the Commission wants to move the proposed amendments forward to the City Council immediately after the public hearing, they should provide specific language to address their concerns. Another option would be to postpone their recommendation to allow the staff and consultant time to craft new language for their consideration. Commissioner Wagner pointed out that new Commissioners would come on board at the next meeting. She suggested the Commission craft new language to address their concerns and forward a recommendation to the City Council with a request that staff highlight the issue in their presentation to the Council.

Mr. Young suggested adding a paragraph at the end of SMC 20.60.140(B) to read, "If the analysis identifies one or more locations at which the LOS Standard is not maintained, the applicant shall mitigate their impacts sufficient to achieve and maintain the LOS Standard."

Commissioner Maul questioned if it would be more appropriate to place this new language in SMC 20.60.140(E). Mr. Young pointed out that SMC 20.60.140(E) refers to the "concurrency test," and SMC 20.60.140(B) refers to an additional analytical requirement. They must make sure that SMC

20.60.140(B) solves problems identified by the transportation impact analysis, just as SMC 20.60.140(E) solves problems identified in the concurrency test.

Ms. Aynsworth Taylor modified the proposed language to read, “If the analysis identifies one or more intersections where adopted LOS Standards are exceeded, the applicant shall mitigate their impacts sufficient to achieve and maintain the adopted LOS standard.”

Public Testimony

Brent Carson, Seattle, VanNess Feldman Lawfirm, said he was present to speak on behalf of Shoreline Community College (SCC). He said he just recently learned about the proposed concurrency amendments while meeting with the City Attorney and staff to discuss the SCC Master Plan. As a land-use attorney, he is very familiar with the concept of concurrency, and he reviewed the proposal today in an effort to provide some quick comments.

Mr. Carson recalled the question from Commissioner Wagner about phased projects and said he is particularly interested in master development plan permits. He reminded the Commission that SCC is prohibited from doing any development until a master development plan has been adopted for the site. This detailed process identifies all of the development that is expected to occur, as well as associated mitigation. He expressed concern that the proposed language appears to require the SCC and other master planned developments to go through the concurrency test at the time of each building permit application even though traffic impacts and required mitigation were addressed as part of the master development plan. He referred to SMC 20.30.353(G), which says a master development plan permit is vested for 10 years to all the applicable land use codes. He asked if this provision would apply to concurrency, as well.

Mr. Carson also requested clarification about whether a property owner would be required to go through a concurrency test when seeking a development permit to remodel or when changing the use on a commercial site that is already developed.

Lastly, Mr. Carson said he supports a citywide concurrency program. However, he pointed out that most communities that have adopted this approach have eliminated the intersection-by-intersection concurrency standards and used SEPA to address local issues, instead. He reminded the Commission that the goal of the new program is to provide clarity and predictability. Developers of projects that create more than 20 vehicle trips know they must do a traffic analysis as part of the SEPA review, and they understand that mitigation may be required. The SEPA review provides flexibility to make the determination of how much mitigation is appropriate and reasonable. If the City adopts a citywide approach for concurrency, he recommended that the intersection-by-intersection concurrency requirement be eliminated and that the SEPA mitigation requirement be used instead.

Continued Commission Discussion and Questions

To answer Mr. Carson’s question regarding changes in use and remodels, Mr. Young referred to SMC 20.60.140(C)(2)(a) and 20.60.140(C)(2)(b). As currently proposed, alteration or replacement of an existing residential structure that does not create an additional dwelling unit or change the type of

dwelling unit would be exempt from the concurrency test. The same would be true for alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use.

Commissioner Scully said Mr. Carson was actually seeking more information about what is meant by “changes in existing land use,” because “land use” is not defined in the City’s code. He said his interpretation of SMC 20.60.140(C)(2) is that a concurrency test would be required in situations where an existing use is changed to a more intense use that has a much higher traffic count. Commissioner Maul agreed that some commercial uses have much higher parking and traffic requirements than other and would change the impact on streets. However, the proposed language is intended to get away from requiring concurrency and mitigation for changes in use because it has become a nightmare for jurisdictions to implement. This approach would require the City to track every change, and potentially offer credits for changes that result in fewer vehicle trips.

Commissioner Maul asked Mr. Young to respond to Mr. Carson’s comment regarding the new language discussed earlier by the Commission for SMC 20.60.140(B). Mr. Young said Mr. Carson is advocating for a citywide program that uses SEPA to address local intersections, which is consistent with the proposed new language. Commissioner Scully said his interpretation of the new language is that applicants would be required to meet both sections of the transportation code. Mr. Carson is asking them to eliminate SMC 20.60.140(B) and address local intersections through SEPA. Ms. Aynsworth Taylor clarified that Mr. Carson recommended a cross reference to say “mitigation for intersection-specific impacts would be handled through the SEPA process.”

Regarding the earlier discussion about “existing land uses,” Ms. Aynsworth Taylor explained that land use tables are provided in the code to identify the permitted uses in each of the various zoning districts. To provide clarity, she suggested the language be changed to reference the City’s land use tables in the Development Code.

Commissioner Wagner asked if adding an accessory dwelling unit on a single-family residential lot would require a concurrency test. Director Markle recalled a discussion between the staff and Mr. Young where it was determined that accessory dwelling units would be considered new units and a concurrency test would be required.

Mr. Young referred to Mr. Carson’s concern about how the proposed concurrency program would be applied to phased projects such as master development plans. He agreed with Mr. Carson that most jurisdictions allow for concurrency earlier in the process. However, most of these cities have more capability for large development. The initial thought was that the proposed plan includes protections, other than exempting them or giving them a separate and earlier path to concurrency. He reminded the Commission of the requirement built into the proposed concurrency program, which requires the City to take a fresh look at the citywide system capacity if the 50% threshold has been exceeded. While this does not provide the assurance that large scale developers want and prefer, it does provide assurance that the City is not intentionally putting phased-developments at risk. The proposed program is transparent and will be updated regularly as part of the TMP.

Regarding vesting, Mr. Young explained that a citywide impact fee program has been proposed in conjunction with the concurrency program. While vesting creates a lot of protection for properties, it does not vest any property under Washington law from paying an impact fee at the point of a building permit. The impact fee portion of the proposal would not change nor would an applicant be vested from the fee by virtue of being allowed to have concurrency earlier in the process.

Mr. Young commented that allowing master planned and phased developments to use a separate and earlier path to concurrency would enable the City to set aside the trips associated with the development and protect them from being used by other developers in the future. That is good for both the applicant and the City. However, there is a price tag associated with this approach. Because the trips would be placed on the books earlier, the City would need to identify a mechanism for dealing with situations where properties change hands and owners decide to develop them differently than the plans that were previously approved. Would the trips be protected for the property regardless of changes in uses?

Mr. McKinley reminded the Commission that one purpose of the master development plan process is to provide predictability. The City and its citizens have an understanding of what will happen in the future, and the developer knows what to expect and gets prior approval on the context of the development. During the master development plan process, staff advises applicants that impact fees will be assessed at the time a building permit application is submitted. This enables developers to build the fee into their financial plans. Both parties know what to expect so there are no surprises.

Mr. Young recalled that King County's original concurrency system included a provision that allowed early applicants to come in and file for concurrency for plats, preliminary plats, rezones, etc. At the time, he recommended that King County not just warn applicants of the impact fee, but require them to pay the fee as a deposit at the time they were given concurrency. He cautioned King County that if they gave away something of value at no cost, developers would grab it off the shelf very quickly. King County did not follow his advice, and all of the concurrency capacity on the Sammamish Plateau was taken up in just a few short months. King County quickly changed their approach, and his subsequent clients have learned from this mistake. If the City wants to allow an early or special path for concurrency, he urged them to require a concurrency fee that is treated as a payment for the reservation of capacity. The fee should be an amount equal to the cost per trip of the existing impact fee. It should not be considered a prepayment of the impact fee, but a deposit against the final impact fee at the time building permits are in place. This will protect the City in case the impact fee goes up.

Chair Moss referred to Amendment 14 (SMC 20.20.044) and noted that the term "reserve" could be used as both a noun and a verb. She asked if both meanings would be clearly defined in the definition section of the code. Mr. Young explained that each of the subchapters in the "fee" section of the SMC, where the language related to impact fees is located, has its own definition section. However, the Development Code portion of the SMC places all of the definitions in one place to provide consistency. There is currently no definition for "reserve" or "reservation" in Chapter 20, and the proposed definition is written in such a way that it would only apply to Chapter 20.

Chair Moss suggested that punctuation should be added to the definition for "transportation facilities" found in Amendment 15 (SMC 20.20.048) to make it read clearer.

Because the public hearing had not been closed, Chair Moss allowed Mr. Carson another opportunity to address the Commission.

Brent Carson, Seattle, VanNess Feldman Lawfirm, pointed out that “community college” is not one of the uses listed on the Trip Generation Calculator. He asked if applicants would be allowed to provide a study that identifies the number of trips for unique uses. To clarify a point he made earlier, Mr. Carson pointed out that the Trip Generation Calculator identifies a specific number of 3.75 for shopping centers, yet “shopping center” is not a land use category in the City code. He expressed concern that referencing the land use section of the code could require the City to charge property owners when uses change even though the impact fees were paid by the developer when the shopping center was developed.

Mr. Young explained that what takes precedence is whether or not you are responsible for a concurrency test. Impact fees would not be assessed unless a concurrency test is required. The proposed language defines that changes in land use (or land use categories as per the land use tables) would require a concurrency test and an impact fee would be assessed. As long as the use remains within the same category of land use, no concurrency test or impact fee would be required.

Closure of Public Hearing

Chair Moss closed the public hearing.

Commission Deliberation and Action

COMMISSIONER WAGNER MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO CITY COUNCIL THAT THEY ADOPT THE PROPOSED AMENDMENTS TO TITLE 20 AS DRAFTED BY STAFF. COMMISSIONER MONTERO SECONDED THE MOTION.

Commissioner Wagner thanked City staff and the consultant for providing a thorough presentation, specifically explaining the reasons why the proposed amendments make sense directionally. She particularly likes that the proposed concurrency program would give predictability to developers and allow staff to apply the requirements consistently for all development applications.

Commissioner Montero also commended staff and the consultant for their thorough presentation. He noted that the proposed program is very similar to the program that has been successfully implemented by the City of Redmond. He felt the document was well drafted and would encourage development in the City.

COMMISSIONER SCULLY MOVED TO AMEND THE MOTION TO CHANGE AMENDMENT 3 [SMC 20.60.140(B)] TO READ AS FOLLOWS:

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 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.

1. The transportation impact analysis shall include:

- a. An analysis of origin/destination trip distribution proposed;*
- b. The identification of any intersection that would receive the addition of 20 or more trips per the p.m. peak hour; and*
- c. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard.*

2. If the transportation impact analysis identifies one or more intersections where adopted LOS standards are exceeded, the applicant shall mitigate their impacts in order to achieve and maintain the adopted LOS standard.

COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

The Commission asked staff to review the document and change all “traffic study” references to “traffic impact analysis.”

Commissioner Wagner expressed concern about how the concurrency program would be applied to phased developments. She specifically referred to the Community Renewal Area where redevelopment is encouraged and reminded the Commission of the need to provide predictability, particularly for larger developments. She asked for direction from the staff and consultant about how and where this issue would be best addressed. Ms. Aynsworth answered that phased projects should be addressed in a stand-alone section that is a subset of the concurrency requirement.

COMMISSIONER SCULLY MOVED TO AMEND THE MOTION TO CHANGE SMC 20.60.140(C)(2)(b) (AMENDMENT 4) TO READ:

- b. Alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use as defined in the land use categories as set forth in the trip generation calculator land use categories.*

COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Scully agreed with the concern raised by Mr. Carson regarding the definition of “land use categories.” He believes the intent is to move away from the massive table of use categories to simple trip generation categories. His proposed change simply clarifies what is meant by “land use category.”

Mr. Young pointed out that the trip generation calculator provided in the presentation is actually just an example from another jurisdiction. A trip generation calculator has not yet been created for the City of Shoreline. Director Markle reminded the Commission that the table Commissioner Scully referred to in

the motion would be adopted as part of the City's new impact fee program, and amendments related to the concurrency program would not be adopted until the impact fee program has been adopted.

Commissioner Montero said he likes the ambivalence of the plain words "land use" and leave it up to the Public Works Director to decide whether a true change in land use has occurred. He would prefer to give the director options instead of using a strict table.

THE MOTION FAILED.

COMMISSIONER SCULLY MOVED TO AMEND THE MOTION TO CHANGE SMC 20.60.140(C)(2)(b) (AMENDMENT 4) TO READ:

- b. Alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use as defined in the land use categories as set forth in the impact fee analysis land use tables.*

COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Chair Moss reminded the Commission that the letter from the Richmond Beach Association asked them to review the language in SMC 20.60.140(E)(4)(b) (Amendment 6). The Commission decided against amending the language in this section.

Chair Moss questioned if SMC 20.20.014 (Amendment 12) should also include a definition for the term, "concurrency fee deposit." Mr. Young said this definition would only be needed if the Commission chooses to establish a separate concurrency path for master development plans. Director Markle said this issue would be better addressed under the code section related to master development plans.

Commissioner Wagner asked if the master development plan option would only be applicable to properties zoned "campus." Mr. Szafran answered affirmatively and said there are currently four properties in the City that are zoned "campus." Commissioner Wagner expressed concern that incorporating a separate concurrency path for master development plans would not address other types of phased development such as the Community Renewal Area. She reminded the Commission of the City's desire for larger, consolidated, multi-use projects; but she acknowledged she does not have enough information to understand whether or not a developer would find the proposed concurrency program less attractive because it does not provide enough certainty.

Commissioner Maul observed that the proposed concurrency program would add a lot of predictability for large projects. The proposed language makes it clear the impact fee would be applied when a permit application has been made, and there would be no advantage for property owners to pay a deposit fee when a master development plan is vested. He said he does not see a need to allow large developments to reserve trips.

The Commission directed staff to make grammatical changes to SMC 20.20.048 (Amendment 15) to clarify the intent of the definition for "transportation facilities."

THE MAIN MOTION TO FORWARD A RECOMMENDATION TO CITY COUNCIL THAT THEY ADOPT THE PROPOSED AMENDMENTS TO TITLE 20 AS DRAFTED BY STAFF WAS UNANIMOUSLY APPROVED AS AMENDED.

DIRECTOR'S REPORT

Director Markle referred to correspondence the Commission received from Ms. Basher concerning training opportunities. The Growth Management Act Course on Local Planning provides an overview of Washington State Law, comprehensive planning in general, and best practices and public participation. She encouraged those who have not attended in the past to consider participating in one of the three local sessions. In addition, the Washington Cities Insurance Authority is sponsoring a training event for public officials that will be specifically geared towards Commissioners and Councilmembers. Risk exposure and controls will be the focus of the training, and she encouraged Commissioners to attend if possible.

Director Markle announced that the deadline for submitting scoping comments related to the Point Wells Project was extended to April 2nd.

Director Markle reported that the fourth of six meetings for the Transportation Corridor Study for Point Wells was held on March 19th, and the upper portion of Richmond Beach Road (Segment B) was the focus of the discussion. There will be one more meeting on Segment B, followed by a wrap-up meeting in mid April. She commented that the process is going well, and the City has received a lot of good, constructive comments.

Director Markle advised that the Chronic Nuisance Ordinance was adopted by the City Council on March 3rd.

Director Markle announced that the City Council confirmed the appointment of new Commissioners, who will start at the first meeting in April. Chair Moss was reappointed, and two new Commissioners (Terry Strandberg and Jack Malek) were appointed.

Director Markle thanked Commissioner Esselman for her four years of service on the Commission. She commented that she has always admired her ability to listen and give thoughtful comments. She particularly appreciated her perspective on the built environment. She also thanked Commissioner Wagner for her eight years of service on the Commission, and commented that her leadership helped to change the dynamic on the Commission so they could work towards consensus. She also appreciates her drive to seek balance and present both sides of an issue in an unbiased way.

UNFINISHED BUSINESS

No unfinished business was scheduled on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Letter to Council

Chair Moss referred to a draft letter to the City Council that she prepared on behalf of the Commission. She invited the Commissioners to review the letter and provide comments via Plancom as soon as possible. She specifically requested Commissioners provide information about the other public meetings they attended outside of the regular Commission meetings. She agreed to also seek this information from staff.

Chair Moss said she would present an updated letter at the next Commission meeting for final review and acceptance before it is forwarded to the City Council.

AGENDA FOR NEXT MEETING

Mr. Szafran reviewed that “housing for everyone” will be the topic of the Commission’s April 3rd meeting, and various individuals have been invited to share their perspectives on housing and housing choices.

Councilmember Hall commented that he could not do his job, as a Councilmember on behalf of the community, without the work done by the Planning Commission. There is simply too much for Councilmembers to get into the thorough detail the Commissioners discuss on each issue. The work they do to perfect legislation so it comes to the City Council thoroughly baked is exceptional. While the Council may have slightly different input from time to time that might lead them to amend the Commission’s work, they should never misunderstand that to be a condemnation or criticism of their work. Every single recommendation from the Commission is exceptional and valuable.

Councilmember Hall specifically thanked Commissioners Wagner and Esselman for their thoughtful, hard working, and caring dedication as Planning Commissioners. The remaining Commissioners also thanked Commissioners Wagner and Esselman for their service on the Commission.

ADJOURNMENT

The meeting was adjourned at 9:41 p.m.

Donna Moss
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

**TIME STAMP
March 20, 2014**

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: 1:25

GENERAL PUBLIC COMMENT: 1:53

PUBLIC HEARING: TRAFFIC CONCURRENCY – DEVELOPMENT CODE AMENDMENT

Staff Presentation: 3:10

Commission Questions: 30:41

Public Testimony: 1:05:45

Continued Commission Discussion and Questions: 1:14:40

Closure of Public Hearing: 1:47:20

Deliberation and Action: 1:47:35

DIRECTOR'S REPORT: 2:25:55

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS:

Letter to Council: 2:30:25

AGENDA FOR NEXT MEETING:

ADJOURNMENT:

TRANSPORTATION CONCURRENCY FRAMEWORK

SHORELINE, WASHINGTON

January 26, 2010

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1. DEFINITION OF TRANSPORTATION CONCURRENCY

- A. "Transportation concurrency" requires adequate transportation facilities to be available concurrent with private development. Development is not allowed if it causes the level of service (LOS) on transportation facilities to fall below standards adopted in the comprehensive plan.

Transportation concurrency is determined by comparing the capacity of public transportation facilities needed by each application for development to the uncommitted capacity that is (or will be) available. If the uncommitted available capacity is equal to, or greater than the capacity required, the applicant passes the concurrency "test." If the uncommitted available capacity is less than the capacity required, the applicant fails the concurrency "test."

If the concurrency test is "failed" there are several alternatives: (1) the applicant can mitigate the impacts to achieve a satisfactory LOS, (2) the applicant can revise the proposed development to reduce the impacts and maintain a satisfactory LOS, or (3) the application is denied, and the proposed development does not occur.

- B. Washington law establishes goals and specific requirements for transportation concurrency.

1. Goal for adequate public facilities and services:

RCW 36.70A.020. PLANNING GOALS.

(12) "... public facilities and services ... shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."

2. Specific requirements for transportation concurrency:

RCW 36.70A.070. COMPREHENSIVE PLANS--MANDATORY ELEMENTS.

(6)(b) After adoption of the comprehensive plan ... 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. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that 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.

(6)(a)(iii) Facilities and services needed, including:...

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. ...;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

3. Specific requirement for transportation facilities for subdivisions:

RCW 58.17.110. SUBDIVISIONS.

(2) "A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for such ... streets or roads, alleys, other public ways, transit stops, ..."

2. GOALS FOR SHORELINE'S TRANSPORTATION CONCURRENCY

- A. Shoreline's transportation concurrency program should be simple:
 - 1. It should be understandable to the applicants and the community.
 - 2. It should be easy for City staff to implement and administer.
 - 3. Shoreline is nearly built out, therefore the program will not be used enough to need or justify a more complex approach.
- B. Shoreline's transportation concurrency program should support the City's interest in increasing the use of transit as an alternative to single occupancy vehicles¹.
- C. Shoreline's transportation concurrency program should support a simple, fair and predictable program for mitigating the impact of development on the transportation system.
- D. Shoreline's transportation concurrency program should support transportation planning and land use decisions that improve travel time and reduce travel delays.

¹ Shoreline also supports bicycle and pedestrian modes as alternatives to single occupancy vehicles, but bicycle and pedestrian level of service metrics and standards are not yet developed sufficiently to become part of Shoreline's concurrency and mitigation program.

3. BENCHMARKS AND ASSUMPTIONS FOR SHORELINE'S CONCURRENCY

There are several key elements of Shoreline's transportation plans that will serve as benchmarks for the City's transportation concurrency requirement.

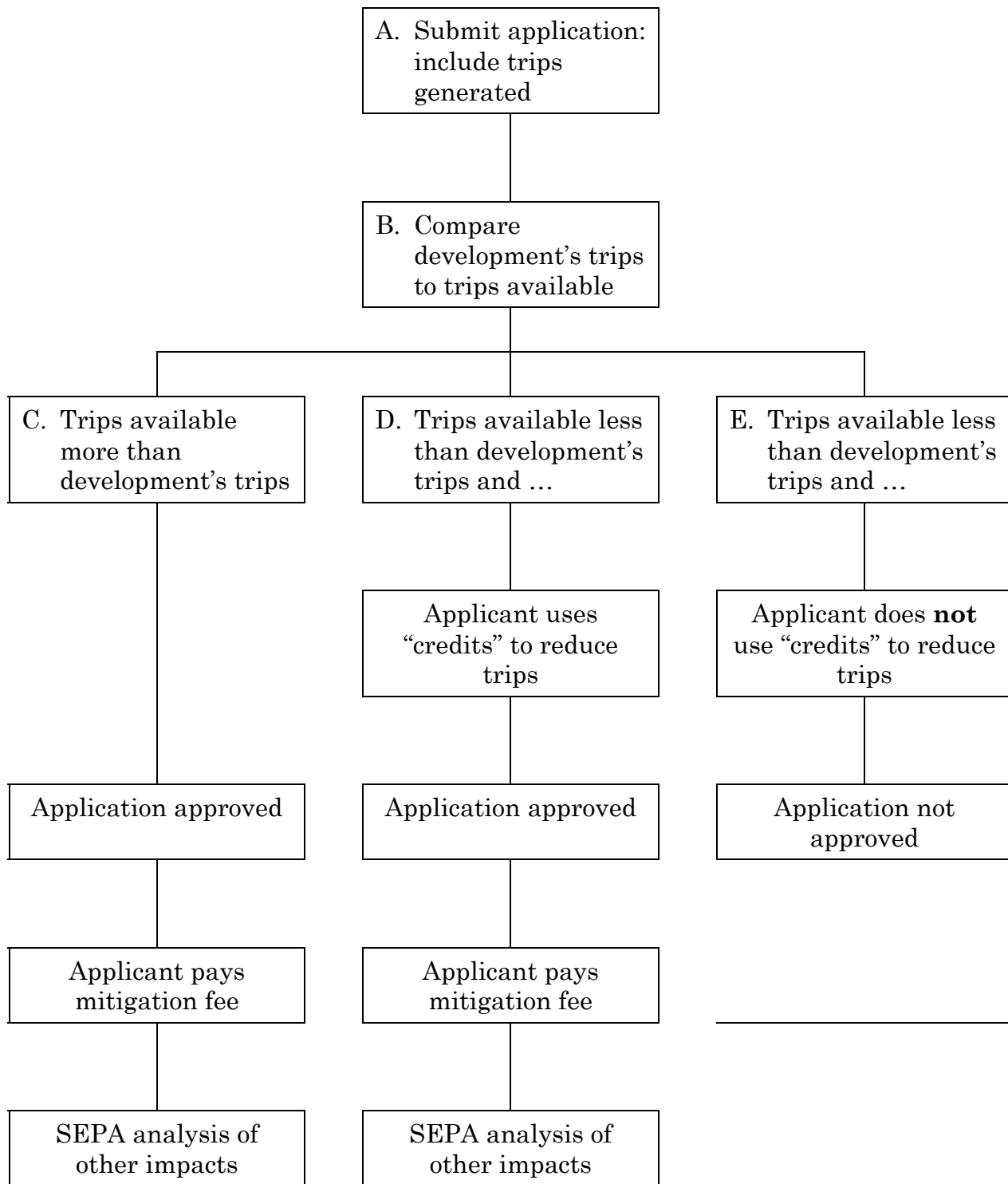
- A. Level of service (LOS) is the heart of concurrency: it must be understandable, accurate, and defensible. The nature of the LOS controls the nature of the concurrency ordinance. LOS standards for transportation concurrency will be the same as the City's standards in the transportation element of the comprehensive plan and the transportation plan:
- B. Traffic counts and trip generation will be measured during the p.m. peak period in order to be consistent with the City's adopted standards.
- C. The metric for vehicular traffic will measure traffic volume compared to road capacity.
- D. Concurrency will be tested as early as possible in the development process:
 - 1. Applications for rezoning, subdivision, or site plan approval will be tested for concurrency. If the concurrency requirement is fulfilled, the concurrency approval will apply automatically to subsequent development permits for the same development.
 - 2. Concurrency must be tested no later than during the application for a building permit. If the proposed development has not been tested previously for concurrency, it must be tested during the application for a building permit. If the proposed development was tested and approved for concurrency before the building permit, no further concurrency test will be required.
- F. Transportation concurrency will be evaluated in one citywide service area. Multiple service areas or corridors will add complexity.

4. STEPS IN SHORELINE'S CONCURRENCY FOR ROADWAYS

The steps in Shoreline's transportation concurrency for roadways are described below, and presented graphically in Figure 1 on the next page. An explanation of the technical basis for key elements in these steps is presented in Section 5 of this Framework.

- A. An application for development is submitted, including the number of trips it will generate.
- B. The number of trips from the proposed development is compared to the number of trips available for development.
- C. If there are more trips available than the development will generate, the concurrency requirement is fulfilled (subject to the development paying the mitigation fee for its share of the City's transportation plan improvements that were included in determining the number of trips available). The trips needed by the applicant will be subtracted from the available balance and "reserved" for the applicant. The applicant will receive a certificate or similar confirmation of the approval of concurrency and the reservation of trips for the development. The application will then be reviewed pursuant to SEPA to identify and mitigate any other transportation impacts not included in concurrency.
- D. If there are not enough trips available to serve the trips generated by the development the applicant can use "credits" to reduce its trip generation by providing one or more specific additional mitigations from the City's pre-approved list of trip-reducing credits. When the applicant's reduced trips are less than the trips available, the concurrency requirement is fulfilled (subject to the development paying the mitigation fee for its share of the City's transportation plan improvements that were included in determining the number of trips available). The trips will be "reserved" for the applicant, and a certificate will be issued in the same manner as Step C, above. The application will then be reviewed under SEPA in the same manner as Step C.
- E. If there are not enough trips available to serve the trips generated by the development and the applicant is unable or unwilling to reduce its trip generation the concurrency requirement is not fulfilled, and the City cannot approve the development.

Figure 1: Steps in Shoreline's Transportation Concurrency for Roadways



5. TECHNICAL BASIS OF SHORELINE'S CONCURRENCY FOR ROADWAYS

- A. The number of trips initially available for development (see Step 4-B) is determined by using the traffic model as follows:
1. The model is run with the existing network, current land use (existing dwelling units and commercial square feet), and recent traffic counts in order to identify any existing deficiencies compared to adopted level of service standards.
 2. Capital improvements are identified that will eliminate existing deficiencies.
 3. The model is run with the improvements from 2, above, added to the existing network, and with future development (dwelling units, commercial growth) added to the current land use. The result will identify future "deficiencies" caused by growth (i.e., intersections, street segments and/or other elements of the transportation system that will operate in the model below the adopted standard for level of service).
 4. Capital improvements are identified that will create capacity needed to serve future development (i.e., eliminate the future "deficiencies" identified by the model during 3, above).
 5. The model is run with the improvements from 4, above, added to the model version from 3, above, in order to confirm that the improved network will serve current and future development without any deficiencies.
 6. Subtract the total trips from model results from 1, above, from the total trips from model results from 5, above. The difference is the number of trips that can be added by growth and accommodated by the improved network.
- B. The number of trips available for development (see Step 4-B) after one or more applications have been processed is as follows:
1. The number of trips that can be added by growth and accommodated by the improved network from A-6, above, is the beginning entry in a ledger of available trip capacity.

2. Each time an application for development is approved for transportation concurrency, the number of trips for the new development is subtracted from the previous balance of trips available, and a new balance is entered in the ledger. This ledger tracks trip capacity in the same manner that a checkbook balance tracks money.
- C. “Credits”: The City’s pre-approved list of trip-reduction credits available for Step 4-D contains a variety of specific mitigations that can be provided by the applicant, and the exact percentage of trips that will be credited for each specific mitigation. The City of Olympia has such a list. The following are examples from Olympia’s reductions:

Action	Reduction
Install bus shelter on site or within ¼ mile of site.	1%
Install preferential carpool/vanpool parking facilities	2%
Install paid parking	3%
Underbuild parking standards by 20%, or 30% or 40%	2%, 4%, 7%
Install bike lockers or employee showers	1%

The following are other potential credits identified by DKS for the type or location of development, and for installation of bike and pedestrian improvements. The amount of the credit has not yet been determined.

- Developing a specific type of development that the City would like to encourage
- Locating development near a LINK light rail station
- Locating development near park and ride/transit centers
- Locating development near rubber tire transit corridors
- Installing additional sidewalks/non-motorized trails beyond frontage improvements required by code
- Installing bike lanes

The following is another list of potential credits identified by DKS for the funding provided by the developer. The amount of the credit has not yet been

determined, but it could be a dollar-for-dollar reduction of the transportation mitigation fee paid in Steps 4-C or 4-D (the methodology is described immediately following this list).

- Funding for Transit Signal Priority
- Funding for sidewalks
- Funding for bike lanes
- Funding for City identified roadway or intersection improvement projects
- Funding for signal improvements
- Funding for ITS components

D. All applications that are approved for concurrency will pay a mitigation fee (see Steps 4-C and 4-D).

1. The purpose of the fee is to pay for the development's proportionate share of the cost of the City's transportation plan improvements that were included in determining the number of trips needed to serve new development and therefore available for transportation concurrency (see 5-A-4, above).
2. The calculation of the mitigation fee cost per trip uses the following formula:

$$c/t = \frac{(c - d - r)}{t}$$

where

c/t	=	the cost per trip,
c	=	the total cost of transportation plan improvements identified to create capacity needed to serve future development (i.e., eliminate future "deficiencies" identified by the model: see 5-A-4),
d	=	the portion of the cost of the improvement that eliminates existing deficiencies, if any,
r	=	the revenue from other sources that will pay for a portion of the capital improvement in excess of the cost of the deficiency,

t = the number of trips added by all growth planned for the City (see 5-A-6).

3. The mitigation fee cost per trip is the same for all applications. It is calculated when the transportation concurrency program is established. It is recalculated only at such time as there are significant modifications or updates to the transportation plan, traffic model, and/or the transportation concurrency program. The mitigation fee cost per trip is not recalculated for each application for development because all developments pay the same proportionate share cost per trip.
4. The amount of the mitigation fee to be paid by each applicant is calculated by multiplying the number of trips generated by the development (from Step 4-A) times the cost per trip (from 5-D-2).
5. The amount of the mitigation fee is not affected by specific mitigations that reduce trips for 5-C, above, because the mitigation fee is for the set of transportation improvements for the transportation system as a whole, whereas the specific mitigations for trip-reducing credits affect the trips generated by a specific development, and benefits to other users are incidental.

6. SHORELINE'S CONCURRENCY FOR TRANSIT

NOTE: this section of the concurrency and mitigation framework is a work-in-progress that needs more discussion among staff and consultants in order to finalize the best choice and develop the specific methodology and steps.

- A. One of the following ***alternative methods*** can be used to include transit in Shoreline's transportation concurrency and mitigation program.
 - 1. Transit supportive trip-reducing credits (see 5-C).
 - 2. Reduce LOS for facilities or areas served by transit. Criteria would need to be established to identify the transit service that qualifies an area for reduced LOS.
 - 3. Other, such as
 - a. Transit usage (mode split), OR
 - b. Transit availability (whole system): service hours, seat miles, headways, etc.), OR
 - c. Applicant's trip generation (see 4-A) includes separately stated transit trip generation based on the percent usage of transit (from recent PSRC travel diaries), or on a multiplier based on persons per vehicle.
- B. The steps in transportation concurrency for transit should be similar to, and concurrent with the steps for motor vehicle concurrency.
- C. The mitigation program for transit concurrency should be similar to, and concurrent with the mitigation program for motor vehicle concurrency.

7. TRANSPORTATION IMPACTS NOT INCLUDED IN CONCURRENCY AND MITIGATION FEES

Shoreline's transportation concurrency and mitigation program will consider the impact of proposed development on the major components of the transportation system (i.e., arterial and collector streets and intersections and the public transit system), but it does not deal with smaller components (i.e., local streets, alleys, or driveways). The transportation concurrency and mitigation program also excludes specific impacts by proposed development on arterial and collector intersections or road segments that are not identified by the traffic model as impacted by overall growth in Shoreline. *[Question: should concurrency include local streets experiencing cut-through traffic, thus functioning like a collector?]*

Shoreline will use other programs, such as project-specific traffic impact analysis (TIA) pursuant to SEPA, to consider the impact of development on the transportation elements listed below that are excluded from transportation concurrency and mitigation.

- A. Local public streets and alleys, on-site streets, driveways, and parking. These improvements are required for local access, safety, and local mobility. They are typically required by development regulations, such as subdivision or site plan regulations. They are not considered in evaluating LOS, therefore they are not included in transportation concurrency. They are not included in the City's transportation plan capital improvements, thus they are not part of the mitigation program, and therefore no credit against mitigation fees is given for making these improvements.
- B. Frontage improvements on arterials and collectors. If the TIA shows an impact on an arterial or collector that is also on Shoreline's mitigation program list, the applicant will receive a credit against their mitigation fee for making the frontage improvement. If a segment or intersection of an arterial or collector has been removed from the mitigation program list, applicants will receive credits for frontage improvements they are required to make within 5 years after a segment or intersection has been removed from the mitigation program list. If the impacted arterial or collector is not on the mitigation program list, and has not been on the mitigation program list for more than 5 years, the applicant will be required to make the frontage improvement, but will not receive credit against their mitigation fee for the frontage improvement.

- C. Intersections and/or segments of arterials and collectors that are not included in capital improvement projects in Shoreline's transportation plan. If the TIA shows an impact on an arterial or collector that is not on Shoreline's mitigation program list, the applicant's mitigation will be limited to the applicant's proportionate share of the cost, or the applicant must be provided a latecomer agreement that can provide reimbursement to the applicant for portions of the cost that exceed their proportionate share.

8. IMPLEMENTATION AND ADMINISTRATION OF CONCURRENCY

- A. The public works department will perform the concurrency test (i.e., verify the trips generated by each applicant, and compare the trips generated to the trips available).
- B. Transportation concurrency does not apply to the following development applications:
 - 1. Vested development is exempt by state law (see RCW 19.27.095). Development is vested if the applicant submitted a completed application for a building permit before the concurrency requirement is adopted by Shoreline. Vested development will be reviewed in order to determine the number of trips it will generate, and those trips will be recorded in the concurrency ledger, but the vested applications will be approved even if trips are not available.
 - 2. Proposed development that causes no added impacts on capital facilities. Examples include:
 - a. Accessory structures to residences
 - b. Amenities: swimming pools, fences, walls, signs
 - c. Room addition to residences
 - d. Identical replacement of structure
 - e. Utility substations
 - f. Use permits/right-of-way permits
 - g. Completion/finishing permits if shell permit was vested or tested for concurrency
 - h. Tenant improvements
 - i. Remodelings (if no additional square footage and no change in use)
 - j. Art projects

- k. Any other development that generates no impact on transportation facilities
- C. Shoreline will evaluate applications for transportation concurrency in the order in which completed applications are received. This will prevent awarding of the same trip capacity to more than one applicant.
- D. If there are fewer trips available than needed by an applicant the applicant can amend their application to reduce the number of trips needed to be equal to or less than the number available.
- E. Availability and reservation of trips will be documented on a separate certificate of capacity.
 - 1. serves as a control document
 - 2. can be recorded to disclose status to future buyers
 - a. specific uses, densities, intensities
 - b. expiration date
 - 3. no change to existing forms or software
- F. Fees will be charged for concurrency.
 - 1. Concurrency application fee (due with application, not refundable)
 - 2. Fee for reviewing independent data or traffic studies submitted by the applicant to be used in lieu of the standard data used by the City (due when independent data is submitted by the applicant, not refundable)
 - 3. Concurrency mitigation fee (due when approved for concurrency, not refundable, but if the development does not proceed the mitigation fee runs with the land as a credit against future mitigation fees due from the property)
 - 5. Exemptions from concurrency fees, or reduced fees, or deferral of payment until construction or occupancy is available only as follows:
 - a. low-income housing: _____

- d. economic development projects: _____
 - c. single family houses on single lots (or sub-SEPA threshold):

 - d. transit-oriented development: _____
 - e. other _____ : _____
- G. Trip capacity reservation expires when the permit expires, unless the permit has been extended (which automatically extends the trip capacity reservation).
- H. Trip capacity reservation is transferrable only to new owners of same parcel for the same number of trips reserved for the applicant
- I. Shoreline will discourage monopolization of concurrency trips by tying them to the expiration of the permits, limiting transfer to subsequent owners of the same parcel, and requiring payment of mitigation fees at the time concurrency is approved.
- J. Appeals of denials of concurrency:
- 1. Grounds for appealing a denial of concurrency include the following:
 - a. Error by the City
 - b. Rejection of applicant's alternative data or studies
 - 2. Appeals of concurrency determinations will be the same as appeals of other decisions pertaining to applications for development.
 - 3. If trip capacity was available and denial of the application was on other grounds, the City will reserve the trip capacity until the appeal is completed.
 - 4. If trip capacity was not available therefore denial was on the grounds of insufficient trip capacity, the City will reserve any trip capacity that has not been reserved and create a temporary hold on future applications until the appeal is completed

- K. Source of data used for the transportation concurrency and mitigation program:
1. The source of data for the transportation concurrency and mitigation program is the City of Shoreline, and other sources selected by the City.
 2. Applicants may provided alternative data provided that they
 - a. pay a fee to pay for review of the data by the City,
 - b. provide documentation substantiating the alternative data
 - c. provide controls (i.e., deed restrictions) to prevent variance from applicant's proposed use
- L. The transportation concurrency and mitigation program will be updated within 3 months of any of the events listed below. If none of the listed events occurs within five years of the adoption or update of the transportation concurrency and mitigation program, the City will update the program.
1. Update or amendment of Shoreline's transportation plan.
 2. Total traffic volume increases by 30% over the previous baseline.
 3. More than 50% of the trip capacity in the original or updated ledger has been approved for applicants since the adoption or most recent update of the transportation concurrency and mitigation program.
 4. Transportation capital improvements are completed that cumulatively increase the capacity of the system by more than 10% of the previous baseline.

ATTACHMENT F
TRANSPORTATION IMPACT FEES: WASHINGTON CITIES

<u>City</u>	<u>Fee</u> <u>(SFDU)</u>		<u>Source</u>
Gold Bar	624.70	x	2012 AWC Survey
Carnation	636.00		2012 AWC Survey
Pasco	709.00		2012 AWC Survey
Renton	750.00		2012 AWC Survey
Blaine	770.10		2008 AWC Survey
Washougal	775.00		1997 AWC Survey
Edmonds	840.72		HYCo Files
Anacortes	900.00		2012 AWC Survey
Everett	900.00	x	2012 AWC Survey
Oak Harbor	907.00		2012 AWC Survey
Burien	957.00		2012 AWC Survey
Edgewood	1,162.00		2012 AWC Survey
Sumner	1,165.00	x	2012 AWC Survey
Mountlake Terrace	1,242.00	x	2012 AWC Survey
West Richland	1,247.35		2012 AWC Survey
Yelm	1,334.21		2012 AWC Survey
Tukwila	1,361.00		2010 AWC Survey
Vancouver	1,458.34		2012 AWC Survey
Sedro-Wooly	1,500.00		2006 AWC Survey
Richland	1,519.10		2012 AWC Survey
Lacey	1,616.00		2012 AWC Survey
Issaquah	1,646.62		2012 AWC Survey
Newcastle	1,704.98		2012 AWC Survey
Ellensburg	1,758.00	x	2012 AWC Survey
Bellevue	1,768.00		2012 AWC Survey
Mukilteo	1,875.00	x	2012 AWC Survey
Ridgefield	1,943.00		2012 AWC Survey
Bellingham	1,951.00		2010 AWC Survey
Lynden	2,016.00		2012 AWC Survey
Yacolt	2,050.00		2012 AWC Survey
Bothell	2,093.00		Mirai 12/26/07
Gig Harbor	2,124.00		2012 AWC Survey
Orting	2,149.00		2012 AWC Survey
Stanwood	2,216.12		2012 AWC Survey
Ferndale	2,300.00		2004 AWC Survey
Granite Falls	2,500.00		2012 AWC Survey
median SFDU	2,500.00		
Monroe	2,518.38		2010 AWC Survey
Kenmore	2,602.42		2008 AWC Survey
average SFDU	2,820.42		
Tumwater	2,828.49		2012 AWC Survey
La Center	2,838.10		2012 AWC Survey
Des Moines	2,838.77		2012 AWC Survey
Sequim	2,893.00		2012 AWC Survey
Enumclaw	2,937.00		2012 AWC Survey
Mill Creek	2,939.00	x	2012 AWC Survey
Brier	3,000.00		2004 AWC Survey
Olympia	3,054.00		2012 AWC Survey
Woodinville	3,098.00		Mirai 12/26/07
Federal Way	3,111.94		2012 AWC Survey

TRANSPORTATION IMPACT FEES: WASHINGTON CITIES

Mount Vernon	3,176.50		2012 AWC Survey
Lynwood	3,209.20		2012 AWC Survey
University Place	3,230.00		2012 AWC Survey
Shelton	3,282.39	x	2012 AWC Survey
Arlington	3,355.00	x	2012 AWC Survey
Camas	3,410.00		2012 AWC Survey
Burlington	3,633.00	x	2012 AWC Survey
Kent	3,702.00		2012 AWC Survey
Kirkland	3,825.00		2012 AWC Survey
Auburn	3,882.61		2012 AWC Survey
Bonney Lake	4,035.00		2012 AWC Survey
Buckley	4,153.00		2012 AWC Survey
Puyallup	4,500.00	x	2012 AWC Survey
Covington	4,505.00		2012 AWC Survey
Wenatchee	4,830.00		2012 AWC Survey
Sultan	5,272.00		2010 AWC Survey
Maple Valley	6,272.00		2012 AWC Survey
Marysville	6,300.00		2012 AWC Survey
Fife	6,478.00		2010 AWC Survey
Redmond	6,916.19		2012 AWC Survey
Duvall	7,480.00	x	2012 AWC Survey
Sammamish	14,853.96		2012 AWC Survey
Deer Park	350 /parking space		2010 AWC Survey
Poulsbo	283.50/trip		2012 AWC Survey
Zillah	0.39/sq ft		2012 AWC Survey
73 cities w/ transp impact fees		x	= rate per p.m. peak trip

Attachment F

Association of Washington Cities - 2012 Tax and User Fee Survey Impact Fees

City	Impact Fees				TOTAL	When Collect Fees
	Fire Protection	Parks/ Open Space	Schools	Transportation		
Algona		\$1,000			\$ 1,000.00	at time of building permit
Arlington		\$1,662.00		\$3,355	\$ 5,017.00	At building permit
Auburn	\$290.13	\$3,500	Varies	\$3,882.61	\$ 7672.74+	Building permit issuance or certificate of occupancy
Bellevue			\$3,568	\$1,768	\$ 5,336.00	at building permit issuance
Bonney Lake		\$3,130		\$4,035	\$ 7,165.00	At Building Permit Issuance
Buckley		\$772		\$4,153	\$ 4,925.00	building permit, final plats
Burien				\$957	\$ 957.00	time of building permit issuance
Burlington	\$150	\$625	\$5,796	\$3,633	\$ 10,204.00	at building permit issuance
Carnation		\$2,850		\$636	\$ 3,486.00	Schools: 50% at final plat, 50% at building permit issuance. Parks and Transportation: building permit issuance
Coupeville		\$870			\$ 870.00	at building permit issuance
Covington			\$5,486	\$4,505	\$ 9,991.00	Final Plat (res), Notice to Proceed (comm) Schools at time of building permit issuance
Des Moines				\$2,838.77	\$ 2,838.77	issuance of building permit
DuPont	\$940.87				\$ 940.87	At time of building permit issuance
Duvall		\$4,305		\$7,480	\$ 11,785.00	School impact fee: 50% at time of final plat and 50% at time of building permit issuance, short plat pay school impact fee at time of building permit issuance. School & transportation impact fees: at time of building permit issuance. Park impact fees: at time of building permit issuance.
Edgewood		\$2,939	\$3,500	\$1,162	\$ 7,601.00	Building Permit Issuance
Ellensburg		\$1,925		\$1,758	\$ 3,683.00	building permit issuance
Enumclaw		\$1,209		\$2,937	\$ 4,146.00	building permit issuance
Everett				\$900	\$ 900.00	School impact fees are collected prior to final plat approval on plats. For multi-family development, prior to issuance of building permit. For transportation impact fees, we collect prior to final plat approval on plats. For all other projects, we collect prior to the issuance of building permits.
Federal Way				\$3,111.94	\$ 3,111.94	They are collected typically at time of building permit issuance, although they MAY be deferred until sale of property.
Gig Harbor		\$1,500	\$2,780	\$2,124	\$ 6,404.00	Building Permit Issuance

Association of Washington Cities - 2012 Tax and User Fee Survey						
Impact Fees						
City	Impact Fees				TOTAL	When Collect Fees
	Fire Protection	Parks/ Open Space	Schools	Transportation		
Gold Bar		\$866	\$1,673	\$624.70	\$ 3,163.70	building permit issuance
Granite Falls		\$230		\$2,500	\$ 2,730.00	building permit issuance
Issaquah	\$688.34	\$6,998.43	\$3,568	\$1,646.62	\$ 12,901.39	Building Permit Issuance
Kent			\$5,486	\$3,702	\$ 9,188.00	Building permit issuance
Kirkland		\$3,845	\$5,000	\$3,825	\$ 12,670.00	Building Permit Issuance
La Center		\$2,042	\$6,891	\$2,838.10	\$ 11,771.10	Building permit issuance
La Conner			\$252		\$ 252.00	Prior to issuance of Certificate of Authorization
Lacey				\$1,616	\$ 1,616.00	Permit Issuance
Lake Stevens		\$2,363	\$4,414	Varies	\$ 6777.00+	Park and School fees are collected at time of building permit issuance. Transportation fees are collected at time of final plat.
Lynden	\$517	\$936		\$2,016	\$ 3,469.00	50% at final plat; 50% with building permits
Lynnwood				\$3,209.20	\$ 3,209.20	Building Permit Issuance
Maple Valley		Varies	\$5,052	\$6,272	\$ 11,324.00+	Building permit issuance, final plat
Marysville		\$1,251	\$4,263	\$6,300	\$ 11,814.00	traffic-final plat, school & parks at building permit issuance
Medical Lake	\$104	\$1,210	\$268		\$ 1,582.00	Building permit issuance
Mill Creek	\$365	\$5,933.27	\$1,937	\$2,939	\$ 11,174.27	Prior to Final Plat approval
Mount Vernon	\$76	\$427.50	\$6,684	\$3,176.50	\$ 10,364.00	At time of building permit issuance
Mountlake Terrace		\$1,351		\$714	\$ 2,065.00	At time of building permit issuance.
Mukilteo		\$2,438	\$2,456	\$1,875	\$ 6,769.00	Building Permit Issuance
Napavine			\$3,479.81		\$ 3,479.81	At time of building permit issuance
Newcastle			\$3,568	\$1,704.98	\$ 5,272.98	Transportation: at building permit application a temp measure provides collection prior building permit final inspection. Parks: at final plat temp measure allows for collection prior to building permit final. Schools: 50% at final plat and 50% prior building permit issuance.
Olympia		\$5,068	\$2,969	\$3,054	\$ 11,091.00	Building permit issuance
Orting		\$830	\$3,005	\$2,149	\$ 5,984.00	Parks fees are collected at final plat. Transportation Impact Fees are collected at building permit issuance.Schools are paid to School District and proof of payment is required at building permit issuanace

Association of Washington Cities - 2012 Tax and User Fee Survey						
Impact Fees						
City	Impact Fees				TOTAL	When Collect Fees
	Fire Protection	Parks/ Open Space	Schools	Transportation		
Pasco		\$687	\$4,700	\$709	\$ 6,096.00	building permit issuance
Port Orchard			\$1,114.88		\$ 1,114.88	AT building permit issuance
Poulsbo		\$1,195		\$283.50	\$ 1,478.50	Building permit issuance
Puyallup		\$2,300	\$3,074	\$4,500	\$ 9,874.00	Applicants have choice: at permit issuance or occupancy
Redmond	\$105.59	\$3,100.13	\$5,672	\$6,916.19	\$ 15,793.91	Building permit issuance
Renton	\$488	\$530.76	\$6,310	\$75	\$ 7,403.76	Prior to Construction or Building Permit issuance
Richland		\$663		\$1,519.10	\$ 2,182.10	Building permit issuance
Ridgefield		\$1,933.09	\$4,490.97	\$1,943	\$ 8,367.06	Varies
Quincy		\$250			\$ 250.00	Impact Fees are only with large scale retail over 40,000 at which time an impact analysis is done and those impacts are addressed through fees and participation with improvements.
Roy		\$2,372			\$ 2,372.00	Building permit issuance
Sammamish		\$2,605.82	Varies by district	\$14,853.96	\$ 17459.78+	preliminary, final and building permit issuance
Sequim		\$1,975		\$2,893	\$ 4,868.00	Bldg Permit Application
Shelton				\$3,282.39	\$ 3,282.39	Non-residential at time of building permits, residential up to time of final inspection
Stanwood	\$200	\$640.80		\$2,216.12	\$ 3,056.92	Building permit issuance
Steilacoom			\$6,201		\$ 6,201.00	Building permit issuance
Sumner	\$80	\$214	\$1,298	\$1,165	\$ 2,757.00	occupancy
Tukwila	\$922	\$1,426		Varies	\$ 2348.00+	at building permit issuance
Tumwater		\$3,726.86	\$3,496	\$2,828.49	\$ 10,051.35	Building Permit Issuance
University Place		\$2,000		\$3,230	\$ 5,230.00	Building permit issuance
Vancouver		\$2,084	\$4,324	\$1,458.34	\$ 7,866.34	Building Permit Issuance
Wenatchee			\$0	\$4,830	\$ 4,830.00	
West Richland		\$860		\$1,247.35	\$ 2,107.35	Building permit issuance
Woodland	\$1,530	\$1,116	\$2,750		\$ 5,396.00	Building permit issuance or C of O; but we do offer a deferral program
Yacolt		\$1,800		\$2,050	\$ 3,850.00	Permits OK'd by Town Council