



King County
Public Rules and Regulations

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Title

Integrated Transportation Program

Document Code No.

PUT 10-3-2 (PR)

Department/Issuing Agency

[Signature]
(~~Department of Public Works / Roads and Engineering Division~~)
Department of Transportation; Transportation Planning Division,
Comprehensive Long Range Planning Section.

Effective Date.

3-26-99
April 26, 1999

Approved

1.0 **SUBJECT TITLE:** Integrated Transportation Program

1.1 **EFFECTIVE DATE:** April 26, 1999

1.2 **TYPE OF ACTION:** This supersedes Public Rule No. PUT 10-3-1(PR)

1.3 **KEY WORDS:** (1) Transportation Concurrency Management; (2) Mitigation Payment System; (3) Intersection Standards.

2.0 **PURPOSE:** To establish standard procedures for the determination of transportation concurrency, impact fees, and intersection improvements required of proposed developments (implementing Ordinances 11617 and 12616.)

3.0 **ORGANIZATIONS AFFECTED:**

3.1 Land owners

3.2 (~~Land Developers and Builders~~) Development permit applicants

3.3 (~~Department of Public Works, Roads and Engineering Division~~)
Department of Transportation; Transportation Planning Division, Comprehensive
Long Range Planning Section; Transit Division; and Road Services Division

3.4 Department of Development and Environmental Services

4.0 REFERENCES:

- 4.1 Growth Management Act; RCW 36.70A and RCW 82.02.
- 4.2 State Environmental Policy Act and K.C.C.20.44.
- 4.3 Countywide Planning Policies; King County Ordinance 11446.
- 4.4 King County Comprehensive Plan; King County Ordinance 11575 as amended.
- 4.5 King County Code Title 14; Roads and Bridges; Ordinance 11617;
and Ordinance 12616.
- 4.6 King County Code 2.98, Rules of County Agencies.
- 4.7 King County Administrative Policies and Procedures; INF7-1-1(A-EP).
- 4.8 King County Executive Task Force Report on Transportation Concurrency and the
Environmental Review Process; June 1997.

5.0 DEFINITIONS:

These definitions supplement the definitions contained in Ordinances 11617 and 12616.

- 5.01 “Adequate” means that transportation facilities provide for meeting or exceeding the County’s established level of service standards.
- 5.02 “Applicant” means a person, business, corporate entity, or agency that applies to the Department for a Certificate of Concurrency or to pay an MPS fee or to participate in a SEPA traffic impact review of a proposed development.
- 5.03 “Calculated LOS” means a forecast level of service that includes existing traffic, ambient traffic growth, traffic that is expected to be generated by previously approved developments based on DDES records, and the traffic anticipated from the subject development and other proposed developments. The LOS is calculated for the horizon year of the development, unless otherwise required by the Director.
- 5.04 “Capacity” means a quantified estimate of the maximum number of vehicles that can be accommodated by a roadway section or intersection in the Committed Network during a peak travel period and under specified operating conditions. The calculation of capacity will be done according to the most recent edition of the Highway Capacity Manual (HCM), or by alternative methods approved by the Director. For traffic modeling purposes, the Section uses a look up table of link type capacities, based on the HCM and on link type characteristics.
- 5.05 “Certificate of Concurrency” means an original document issued by the Department of Transportation, confirming availability and reserving development capacity on the County’s transportation network, and valid for 180 days, with possible extensions as described in 6.1.5.3. The certificate shall be in the form shown in Appendix 9.3, but may vary in detail according to special circumstances.
- 5.06 “CIP” means the current adopted Capital Improvement Program.
- 5.07 “Committed network” means the committed network of road improvements used to conduct a concurrency test, which is based on the adopted County CIP. The network shall be updated each year. Facilities of cities, WSDOT, and other jurisdictions or by applicants may be added to the network by the Director, based upon written documentation that the jurisdiction or private party is committed to construction funding within six years.

- 5.08 “Concurrency” defined in RCW 36.70A.070(6) means that transportation 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. (See Section 12 of Ordinance 11617 and Section 3 of Ordinance 12616.)
- 5.09 “Concurrency zone” means a small area used for transportation analysis, calculating impact fees under the Mitigation Payment System and for evaluating concurrency. The zones are displayed as Appendix 9.2.
- 5.10 “Concurrency fees” means administrative fees paid to the Department upon application for an original or extended concurrency certificate. (See 6.1.6)
- 5.11 “DDES” means the Department of Development and Environmental Services or its successor agency.
- 5.12 “Department” means the King County Department of Transportation.
- 5.13 “Development Approval” means the approval of an application for a development permit by the Department of Development and Environmental Services. The definition and usage does not apply here to a rezoning action or to an Urban Planned Development.
- 5.14 “Direct access” means the area in which a driveway or street serving as access to a development site intersects with a street immediately adjacent to the site.
- 5.15 “Direct traffic impact” means the volume of new trips from a development that, when added to the existing trips at a direct access or a directly serving access intersection, creates a warrant for safety or operational improvements at that intersection.
- 5.16 “Directly serving access” means any intersection within the immediate area of a development that is directly impacted by traffic generated by the development in route to or from the direct access.
- 5.17 “Director” means the Director of the King County Department of Transportation, or his designee.
- 5.18 “DOT” means the King County Department of Transportation or its successor agency.
- 5.19 “Examiner” means the King County Hearing Examiner.
- 5.20 “Financial Commitment” means revenue assured by the applicant or other parties shall be in a form acceptable to the Director.

- 5.21 "HCM" means the latest version of the "Highway Capacity Manual".
- 5.22 "IS" means Intersection Standards, as described in KCC 14.65.
- 5.23 "ITE" means the Institute of Transportation Engineers.
- 5.24 "Level of service" means, for Transportation Concurrency, a quantified value of traffic service experienced on a road, as measured by the Transportation Adequacy Measure (TAM). It is calculated based on the assumptions and data used by the Comprehensive Long Range Planning Section in its current calibrated traffic model. Model description, parameters, and data are available from the Section by inquiry.
- 5.25 "LOS" means level of service for signalized or unsignalized intersections, which for Intersection Standards is described in the current Highway Capacity Manual. An alternate method of calculation may be used if approved by the Director.
- 5.26 "MUTCD" means the Manual of Uniform Traffic Control Devices issued by the United States Department of Transportation.
- 5.27 "Peak Period" means a composite one hour afternoon period during which each roadway section carries its maximum volume of traffic. For the purposes of intersection analysis, the peak period may be morning or afternoon, depending on which time experiences the worst traffic conditions. In determining which period to analyze, both traffic volumes and turning movement volumes for specific intersections will be considered.
- 5.28 "Peak hour" means, for purposes of IS standards, the one hour period during which an intersection experiences its worst level of service. For the purposes of IS, the peak hour may be morning or afternoon, depending on which time experiences the worst traffic conditions. In determining which period to analyze, both traffic volumes and turning movement volumes for specific intersections will be considered. The Director shall have the discretion to determine whether, for purposes of IS standards, intersection analyses are required for either or both AM and PM peak periods.
- 5.29 "Pooling project" means a road improvement project on the MPS list which has been selected to be funded (at least in part) by pooled MPS revenues from multiple developments. It has an adopted appropriation of funds needed to meet construction costs and a scheduled completion date. Each MPS zone has a unique list of projects which is impacted by the traffic to and from that zone, and which relates to the MPS impact fee for that zone based on project costs and proportional impacts. Each zone's pooling projects are selected from that project list.

- 5.30 “Proportionate cost” means the amount of cost obligation for an intersection improvement to be shared by applicants and public agencies. It is calculated on the basis of the total trips being generated by their developments and the number of trips generated by each development.
- 5.31 “Reasonably related” as used in the MPS chapter of the ordinance means fair and equitable, and that the impact fee imposed on a development will be roughly proportional to the traffic impact of the development.
- 5.32 “Reservation and reserve” means the number of residential development units reserved by the DOT as the result of an application for concurrency. The units will be recorded on the Certificate of Concurrency provided to the applicant, and also in the records maintained by the Director.

For commercial and non-residential development, the County’s records will indicate the land use types and square footage reserved for each land use tested for concurrency.

If development units are temporarily reserved until a development is issued a Certificate of Concurrency, then those units will not be allocated to any subsequent request until that time.

- 5.33 “Section” means the Comprehensive Long Range Planning Section of the King County Department of Transportation.
- 5.34 “SEPA” means the State Environmental Policy Act as implemented by King County in K.C.C. 20.44.
- 5.35 “Service district” is the same as a mitigation payment system (MPS) and concurrency zone. Zones are also used in the traffic model for data and analysis purposes.
- 5.36 “Transportation Adequacy Measure” (TAM) means the level of service approach used by King County to evaluate the adequacy of transportation services. TAM consists of an average weighted volume to capacity ratio for arterials and highways serving a zone and an unfunded critical link designation.
- 5.37 “Transportation Strategies” means actions which reduce travel by single occupant vehicles predominantly in the peak morning and afternoon travel periods. Generally, strategies include actions to increase commuter travel by public transit and by high occupancy vehicles, and to reduce the need to travel in the peak periods. Such strategies are used to implement transportation demand management programs and commute trip reduction programs. Credit for trip reduction due to such strategies will be calculated on an individual basis.

- 5.38 “Unfunded critical links” means roadways essential to mobility and accessibility in unincorporated King County, and which will carry 30 percent or more of the zone traffic in which a proposed residential development is located, or 30 percent or more of the traffic to be generated by a proposed commercial development, and operate at a volume/capacity ratio of 1.1 or greater. The traffic is net traffic volumes after all appropriate trip reductions have been applied.
- 5.39 “Urban Planned Development (UPD)” means a large scale type of land development that is defined by DDES. Concurrency tests for UPDs only will be completed prior to the approval of the development permit application.
- 5.40 “Volume” means the number of vehicles passing a point on a road during a specified time. It is determined by field counts for existing volumes, or by the Section’s traffic model for future volumes. Other methods of determining future volumes must be approved by the Director.
- 5.41 “WSDOT” means the Washington State Department of Transportation.

6.0 POLICIES:

These rules are to be used in the administration of King County Code Title 14.65; 14.70; and 14.75. Individuals pursuing development applications in King County may expect the Department to follow these rules and procedures in its determinations of concurrency, mitigation payments, and intersection standards. Nothing in the rules shall supersede or conflict with state law or County ordinances. These rules may be amended periodically as determined by the Department. Situations which are not clearly specified in K.C.C. Title 14.65; 14.70; and 14.75 and for which no provisions are made in these rules shall be determined on an individual basis by decision of the Director.

6.1 TRANSPORTATION CONCURRENCY MANAGEMENT

6.1.1 Requirement For Certificate of Concurrency.

A valid certificate of concurrency is required by K.C.C. 19.36.045 as amended by Ordinance 11617 and 12616 as part of a completed development application. Note the exemptions to this requirement as described in Rule 6.1.3 below.

6.1.2 Concurrency Test.

Application for Certificate of Concurrency: The application form for submittal to the Department is shown in Appendix 9.1.

- 6.1.2.1 Perform a Concurrency Test.** The Section will use the information on and with the submitted form and its current traffic model to perform the concurrency test. If possible, the Section may use pre-calculated information to determine the concurrency of smaller developments. This information will be revised periodically using current development data. If the use of the pre-calculated information is not appropriate, as for large commercial development proposals, UPDs, or large subdivisions, then the Section will calculate concurrency using a custom computer run of the traffic model. A current look up table will be available, but final concurrency determinations will always be made by the Director.
- 6.1.2.2 Trip Reductions.** The Section will calculate the net trips to be generated by the proposed development, based on considerations of demand management strategies, commute trip reduction program, internal trip making in mixed use developments, and the diversion of pass-by traffic from existing traffic flows. If the applicant wishes to provide additional technical information to identify special features of the proposed development that would influence the calculation of net traffic, then such features should be submitted with the application for approval.
- 6.1.2.3 Use of Net Trips.** The net trips calculated by the Section will be used to calculate concurrency, to calculate impact fees, and to evaluate conformance to Intersection Standards, if the proposed development is not altered. The Director will make the final decision on the calculation of gross and net trips; this decision is appealable according to the appeals procedures described in K.C. C. 14.65.030 and 040, and will be decided by the Hearing Examiner.
- 6.1.2.4 Conformance with Comprehensive Plan.** It is the applicant's responsibility to ensure that the proposed uses, densities, and intensities are or will be in conformance with the Comprehensive Plan and its development regulations. Issuance of a certificate of concurrency does not demonstrate such conformance with the Plan in and of itself. Use of the certificate by the applicant to demonstrate concurrency of a lesser number of development units is valid, always providing that such lesser units are or will be in conformance with the Comprehensive Plan.

6.1.2.5 Critical Link Threshold. For the critical link threshold calculation of the concurrency test, the critical link threshold shall be rounded to the nearest whole vehicle trip, eliminating decimal and fractional portions of trips. At minimum, the critical link threshold shall be one full trip.

6.1.2.6 Trips on the Critical Link. For the critical link calculation of the concurrency test, the number of trips that a proposed development sends to the critical link shall be rounded up or down to the nearest whole vehicle trip.

6.1.3 Exemptions. Development permits that are vested prior to January 9, 1995 are exempt from concurrency requirements. Such developments have the right to develop, or to continue development, pursuant to the laws, rules, and regulations that were in effect on the date of achieving vested status. For Concurrency purposes, building permit applications become vested according to RCW 19.27.095; preliminary plat and short plat applications become vested according to RCW 58.17.033; lots of record in final plats are valid land uses for a period of 5 years according to RCW 58.17.170.

Developments that are exempt from SEPA review and therefore exempt from concurrency are described in WAC 197-11-800. These include minor new construction, repair, remodeling and maintenance activities, water rights, purchase or sale of real property, minor land use decisions, and several categories of non-development activities.

Ordinances 11617 and 12616 do not exempt short plats in any part of the County. Such developments may be denied concurrency if they are located in a zone that fails its level of service standard, and alternate uses of such property may be available. Single family residential building permits are exempt from concurrency in all cases.

6.1.4 TAM Standards. The Transportation Adequacy Measure (TAM) for each zone is calculated by the Section using its traffic model to account for growth and a committed network. Zones may be out of compliance for concurrency due to the average volume/capacity ratio exceeding standards or due to unfunded critical links exceeding the 1.1 and 30 percent trip contribution threshold due to a proposed development. The Section maintains a current map and list of zones that are out of compliance. The current traffic model is on file in the Section in the form of a trip table and

a coded road network. The EMME/2 Software is not available from the Department.

6.1.4.1 Calculation of TAM. There are six (6) elements that comprise the calculation of TAM. They are:

1. Transit service to set transportation service area thresholds.
2. Exempt facilities with high occupancy vehicle links from the volume/capacity evaluation.
3. Evaluate volume/capacity of a weighted zonal average.
4. Evaluate links which exceed a critical volume/capacity ratio.
5. Urban connectors through rural areas.
6. Use prescriptive standards to evaluate non-motorized transportation.

Below is an example of Average Weighted Link Volume/Capacity calculation.

$$\frac{\sum (V/C)_1 (Volume)_1 (Distance)_1 + (V/C)_n (Volume)_n (Distance)_n}{\sum (Volume)_1 (Distance)_1 + \dots + (Volume)_n (Distance)_n}$$

Transportation Adequacy Measure (TAM) Standards

AREA	MAXIMUM AVERAGED V/C ZONAL SCORE	AVERAGE TAM STANDARDS
Transportation Service Area 1	>1.0	F
TSA 1 w/o HOV and Transit	0.99	E
Transportation Service Area 2	0.99	E
Transportation Service Area 3	0.89	D
Transportation Service Area 4	0.79	C
Transportation Service Area 5	0.69	B

*** Transportation Service Areas correspond to the
 Transportation Service Area Map (Appendix 9.5)

6.1.4.2 Transportation Service Areas and Zones. The Transportation Service Areas are displayed in Appendix 9.5, as excerpted from the Comprehensive Plan. The Section has on file a map of King County which shows these Service Areas, the Urban Growth Boundary, the concurrency zones (which are also the MPS zones).

Zones may be located in more than one Transportation Service Area. Where zones are divided between Service Areas, the level of service standard will be that of the Service Area in which the property is actually located. If a development proposal is located in two or more Service Areas, the Director shall review the location, access for the proposal, and other relevant factors to determine the appropriate level of service standard. The Director may, where appropriate, evaluate a proposal assuming its traffic is generated to or from a different zone than the one in which it is physically located if a proposed development would be more accurately evaluated using the different zone.

6.1.4.3 Unfunded Critical Links. The following list of arterial corridors has been identified as being important for countywide mobility, being forecast to have a high traffic congestion level and having unfunded improvements within the six year time frame of the most recent CIP. These links will be monitored and used in the level of service analysis of the Transportation Adequacy Measure for testing concurrency. Only those links which exceed the critical link threshold and which are unfunded for construction in the current CIP will be used for concurrency denial. A map of the links to be monitored for unfunded critical link status is shown in Appendix 9.6.

LINKS TO BE MONITORED FOR UNFUNDED CRITICAL LINK STATUS

<u>MONITORED LINK</u>	<u>LIMITS</u>
1. 68th Ave. NE/Juanita Dr. NE/NE Juanita Dr.	SR-522 to 98th Ave. NE
2. Juanita-Woodinville Way/NE 160 St.	100 Ave. NE to 132nd Ave. NE
3. NE 132nd St.	NE 100 Ave. to 132nd Ave. E
4. NE Woodinville-Duvall Rd.	Avondale Rd. NE to SR-522
5. NE 124/128 St.	I-405 to Avondale Rd. NE
6. Avondale Rd.	NE Woodinville-Duvall Rd. to SR-520
7. NE 132nd/133rd St./236th Ave. NE/238th Ave. NE	Avondale Rd. NE to Bear Creek
8. Novelty Hill Rd.	UPD's and SR-202
9. NE Union Hill Rd.	Avondale Rd. NE to the Eastern
10. SR-202	boundary of the Blakely Ridge UPD
11. East Lake Sammamish Pkwy.	Avondale Way NE to 238th Ave. NE
12. Inglewood Hill Rd.	SR-520 to 244th Ave. NE
13. Sahalee Way/228 Ave. NE and SE/SE 43 Way	SR-202 to I-90
14. Issaquah Pine Lake Rd.	East Lake Sammamish Parkway NE
15. Issaquah Fall City Rd./Duthie Hill Rd.	to 228th Ave. NE/SE
16. SE 56th St.	SR-202 to East Lake Sammamish
17. Newport Way/W. Sunset Way	Parkway SE
18. Coal Creek Parkway	228th Ave. SE to Issaquah Fall City Rd.
19. SR-900	East Lake Sammamish Parkway SE
20. Front St/Issaquah-Hobart Rd.	to Trossachs Blvd. SE
21. SR-169	SR-900 to East Lake Sammamish
22. Carr Rd. SE/Petrovitsky Rd.	Parkway SE
23. 140th Ave. SE/132 Ave. SE	Coal Creek Parkway SE to Front St. N/S
24. SE 208 St./SE 212 St.	I-405 to SE 128 St.
25. SR-515/104th Ave. SE	I-90 Interchange to Renton city limits
26. S. 272nd St/S. 277 St.	I-90 to SR-18
27. SR-516/SE 256th St.	Renton city limits to SR-516
28. Lea Hill Rd./SE 312th St./SE 304th St.	SR-167 to SR-18
29. SR-161	SR-169 to SR-516
	SR-167 to 132nd Ave. SE/SE 204th Way
	S. Grady Way to SE 256th St./SR-516
	SR-99 to SR-516
	104th Ave SE. to SR-169
	Green River to SR-18
	S. 348 St. to Military Rd.

6.1.5 Certificate of Concurrency

6.1.5.1 Responsibility. The issuance of a certificate of concurrency will be done by the Director or the Director's designee.

6.1.5.2 Types of Certificates of Concurrency. Certificates may be unconditioned, conditional (with attached conditions), or extended (valid for an additional 180 days). Fees are charged for each type of certificate (see 6.1.6).

6.1.5.3 Extensions. The Director may grant upon written request from the applicant one extension of an original certificate, provided that the Applicant has scheduled, according to DDES administrative procedures, a mandatory pre-application meeting with DDES while the original certificate is still valid. The extension will be valid for 180 days. Only one such extension may be requested (Refer to Ordinance 12616). The fee for such an extension is 50% of the fee paid for an original certificate.

An additional ninety day extraordinary circumstance extension may be issued at the discretion of the Director under extraordinary circumstances. Such extension must be made upon written request by the applicant to the Director and shall require the applicant to submit a current certificate of water availability. No concurrency administrative fee is charge for such extension.

6.1.5.4 Certificate of Concurrency Conditions. If a Certificate of Concurrency is issued on condition that the applicant voluntarily provide transportation facilities or strategies, then the County must receive financial assurance that such facilities or strategies will be provided concurrently with the development. The conditions of the Certificate will specify the transportation facilities or strategies to be provided, the entity to make such provisions, the time within which the facilities or strategies must be completed, and the type of financial assurance needed.

6.1.5.5 Annexations/Incorporations. Upon annexation of any development by a city, or its inclusion in a newly-incorporated city, and that development holds a Certificate of Concurrency issued by King County, then the County's obligation to provide needed transportation facilities will be covered as part of the overall interlocal agreement among the city and County. Such an agreement between the County and the annexing or incorporating city will specify, at a minimum:

- The disposition of any impact fees paid on behalf of the property and not expended by the County as of the date of annexation or incorporation;
- The status of financial commitments made on behalf of the property, but not yet fulfilled;
- The status of capital improvements planned by the County that are necessary to maintain level of service standards; and
- The level of service standard to be achieved by the annexing or incorporating city.

6.1.5.6 Intergovernmental Agreements. A uniform agreement between the County and cities within the County and/or WSDOT may be prepared for execution in consultation with the cities and/or WSDOT. Such an agreement may provide for level of service standards, transportation concurrency, and impact mitigation across city boundaries and on WSDOT facilities, and will be adaptable to conditions unique to each city or WSDOT facility. Also to be provided will be conditions for the mitigation of traffic impacts on state highways and the participation of the WSDOT in such agreements.

6.1.6 Fees. A concurrency administrative fee will be charged for a determination of concurrency. Applications for a Certificate of Concurrency should be accompanied by a check payable to King County. If the application is determined to be for an exempt action, the check will be returned. No Certificate of Concurrency will be issued until all administrative fees are paid.

The fee is \$100.00 for each application plus \$10.00 per new residential housing unit or \$0.10 per new non-residential commercial square foot. The fee shall not exceed \$1000.00. The fee for an extended certificate shall be \$50.00 and \$5.00 per residential unit or \$0.05 per square foot of non-residential floor area for the one-time extension of an original certificate. (Refer to Ordinance 12616.)

The Section will perform a concurrency test of a speculative development at the request of an applicant. The same fees will be charged as above, however no Certificate of Concurrency will be issued and no reservation of development units will be made.

6.2 MITIGATION PAYMENT SYSTEM (MPS)

6.2.1 Trip Generation Rates. Trip generation rates developed by the Institute of Transportation Engineers are used for individually calculated fees unless a local trip generation rate is available that is based on local studies. If the applicant provides a traffic study, it will be evaluated by Section staff, and used as approved by the Director in individual situations to determine trip generation and distribution.

6.2.1.1 Mobile Homes Prior to January 1, 1991. Non-permitted mobile homes (pre-manufactured housing units) that have been on a site and occupied for at least three years prior to January 1, 1991, have "grandfather" status. A new development permit on such a site is given a credit on its MPS fees if the mobile home is replaced.

6.2.1.2 Demand Management Credits. MPS impact fee credits for transportation demand management strategies will be evaluated on an individual basis, and applied according to their effect on vehicle trip generation as determined by the Director.

6.2.1.3 Pass-by and Diverted Trip Credits. Fee credits for pass-by and diverted trips will be developed and applied based on published studies and on analyses and surveys conducted by Section staff. Such trip reduction credits will be reviewed and updated periodically. Current pass-by and diverted trips are available from the Section.

6.2.1.4 Existing Development Credit. Fee credit shall be given for trips associated with existing development or use on the site of the proposed development, provided that such existing development or use is demolished and has been in existence and occupied within the three consecutive years prior to the date of development permit application.

6.2.2 Payment of Fees. When a single lot development is located in more than one MPS fee zone the applicable fee shall be the fee associated with the zone of access. In the case of plats with more than one access, the Director shall determine which fee shall apply.

6.2.2.1 Optional Payment at Recording. When an applicant chooses to pay MPS fees at recording, fees will be paid for all lots being recorded at the same time.

6.2.2.2 Development prior to January 1, 1991. An applicant who chooses to exercise the option to pay the MPS fee at recording and whose formal plat or short plat subdivision application was made prior to January 1, 1991 will pay the MPS fee in effect on January 1, 1991. All other formal plat and short plat subdivision developments choosing to pay at recording will use the fee schedule in effect at the time of plat application.

6.2.3 Administrative Fees. Administrative fees are collected on the basis of one such fee for each permit or transaction.

6.2.4 MPS Funds. Department staff shall review and reconcile at least monthly the mitigation payments deposited into the MPS trust and agency fund (Fund No. 6960) established by Section 50 of Ordinance 11617 with the transaction information on MPS payments provided by DDES. Any errors, omissions, overpayments, or underpayments shall be identified, and appropriate corrective actions taken by Department staff.

6.2.4.1 MPS Revenues. A quarterly review of expenditures for MPS projects will identify the MPS revenues available to be transferred into the revenue accounts of the applicable pooling projects in the Road Construction Fund (Fund No. 3860). Revenues shall be transferred at least twice yearly when possible. The MPS revenues so transferred shall not exceed expenditures. Documentation of each such transfer will identify which MPS payment transactions comprise the transfer. This Department procedure allows transferred revenues to be identified as expended, and MPS revenues remaining in the MPS Fund as unexpended, in order to meet the six year statutory deadline for the expenditure of MPS revenues.

6.2.5 MPS. MPS fee payments for canceled or withdrawn permits are returned to the applicant unless a replacement permit application is submitted. Permit applications for the same parcel in the future are subject to the applicable MPS impact and administrative fee schedule that is in effect when the new development permit application is submitted to DDES.

6.2.5.1 Transferability of Payment. A mitigation payment may be transferred from a canceled permit to a new replacement permit for the same site with no change in MPS fee amount, provided

that the new permit is submitted at the time of cancellation and provided that the use associated with the new permit has the same transportation impacts as the canceled permit. No administrative fee will be charged for replacement permits.

6.2.5.2 Refund Based on DDES Denial. The MPS administrative fee is not refunded unless a permit application is denied by DDES.

6.2.5.3 Refund Interest. When the dates of payment and refund are more than thirty days apart, then a refund payment shall include interest provided that the amount of interest is greater than five dollars.

6.2.5.4 Calculation of Interest. Interest shall be calculated using the annual investment rate for the current year for fund investments as reported by the King County Office of Finance.

6.2.6 MPS Fee Exemptions. The following conditions will apply for school and low and moderate income housing exemptions:

6.2.6.1 Exemptions for Public Schools. The exemption for public school districts applies only to public schools and not to private or Sunday schools. Schools shall be exempt from both MPS administrative and impact fees.

6.2.6.2 Exemption or Reduction for Low and Moderate Income Housing. Low and moderate income housing fee reductions or exemptions are administered according to Chapter 21-61A, Rules and Regulations of the Planning and Community Development Division of the Department of Parks, Planning and Resources or its successor agency.

Approval of any exemption for low income housing reasons is not a waiver of the MPS administrative fee.

The portion of the MPS administrative fee for a development permit receiving a low or moderate income exemption that is attributable to the Roads Division is transferred to the Planning and Community Development Division by the Finance Unit; such transfer of funds provides for the cost of processing the exemption.

6.2.6.3 Public Funding for Exemptions. MPS impact fees for schools and housing exemptions shall be paid from other public sources and not be redistributed to new developments.

6.3 INTERSECTION STANDARDS

6.3.1 Significant Adverse Impacts. The determination of significant adverse impacts will be done in a traffic impact study that follows procedures and techniques approved by the Director, and that receives approval by the Director upon completion. Only the approved impact study will be used to determine transportation mitigation needs, safety improvements, schedules for completion, and the proportional costs of needed improvements that are attributable to the applicant. Needed mitigation shall take into account the committed transportation projects used to determine concurrency, the MPS project list, and the scheduling of critical safety improvements.

The Director may require at least the following information as part of the traffic impact study:

- Project identification and full description,
- Proposed trip generation and substantiating references,
- Traffic distribution and assignment for the morning and afternoon peak hour,
- Existing and calculated LOS at designated intersections,
- Proposed mitigation measures and resultant LOS, and
- Identification of existing and future safety problems and appropriate corrective measures.

The Director will require the use of cumulative development data, trip generation, trip distribution, and trip assignment methods that are acceptable to the Department.

6.3.1.1 Standards and warrants. Standards and warrants shall be those approved by King County in its Comprehensive Plan, in Title 14 of the K.C.C., and in the Road Standards (K.C.C. 14.42).

6.3.1.2 Turning Lanes. Turning lanes must be provided at the direct access and directly serving access intersections if they are

warranted in the horizon year of the development using the standards in the WSDOT design manual.

6.3.1.3 Traffic Signals. Traffic signals must be provided at the direct access and directly serving access intersections if warranted by the MUTCD at the horizon year of development.

6.3.2 Intersection Improvements. Developments which will create a traffic safety or operational problem according to their traffic impact studies, or which will result in or add to a LOS "F" condition at intersections providing direct access, will be subject to the following conditions for final development approval:

- **Conformance with Road Standards.** The applicant will fund or provide for the improvements needed to conform to the Road Standards;
- **Meet Level of Service "E".** The applicant will fund or provide for the intersection improvements needed to achieve LOS "E" or return to its pre-project condition;
- **Reducing Traffic Impacts.** The applicant may reduce the traffic impacts of the proposed development by reducing the size of the project, by altering the mix of uses in the project, or by using approved transportation demand management strategies to reduce the number of new peak hour direction trips; and
- **Fair Share Contribution.** The applicant will contribute a fair share of the costs to complete the needed intersection improvements as determined by the traffic impact study and the Director.

6.3.3 Exceptions

6.3.3.1 Director/Judgment Authority. Exceptions to the conditions and requirements of the IS chapter of Title 14 and to these rules may be granted by the Director when, in his judgment, extraordinary conditions exist which make full compliance infeasible. Final decisions on such exceptions will be determined as follows:

- **Exceptions in Approving Ordinance.** For subdivisions, PUD's, UPD's, unclassified use permits, and urban planned

developments, the Director must find that there are valid reasons for an exception, and such exception must be granted in the approving ordinance. The ordinance will be determinative and conclusive as to the development's compliance with the IS;

Conditional Use Permits. For conditional use permits, the decision of the Director will be determinative and conclusive regarding the development's compliance with the IS, unless the decision is subsequently appealed to the Hearing Examiner, whose decision will then be determinative; and

• **Commercial Building Permits.** For commercial building permits, the decision of the Director is determinative, unless the decision is appealed to the Hearing Examiner, whose decision will then be determinative.

- 6.3.4 Applicant Cost Sharing Agreements.** If the mitigation measures required of an applicant are also required to mitigate the impacts of other developments proposed in a similar time frame, then the applicant may choose to enter into a proportional cost sharing agreement with other affected applicants for such improvements, provided that the County will not administer proportionate shares unless the affected applicants have executed a legal memorandum of understanding for sharing the cost of the improvements. The memorandum must specify the proportionate costs and responsibilities for the construction of the improvements. An acceptable financial security must be provided for the costs of the required improvements by one or more of the applicants.
- 6.3.5 Full Funding for Frontage Improvements.** The County may require applicants to build or fund one hundred percent of the cost of any required frontage improvements in accordance with K.C.C. 14.42 Road Standards. This requirement will be made if the abutting roadway is not scheduled in the CIP for construction of such improvement within four years of development approval.
- 6.3.6 Appeals of Director's Final Decisions.** Appeals of the Director's final decisions, together with appeals arguments, shall be made to the Director for hearing by the Hearing Examiner within ten working days of receipt of such final decision. The results of such appeals will be filed with DDES within ten days of the decision by the Hearing Examiner.
- 6.3.7 State Facilities and Other Local Jurisdictions.** The Intersection Standards chapter of Title 14 will apply to the public roads in

unincorporated King County, including State highways, except for freeways. Improvements to State and other Local Jurisdiction's facilities will only be required under these rules if an interlocal agreement to provide specified improvements is executed by the County, the State or Local Jurisdiction, and the applicant. Such an agreement will only be initiated when the State or Local Jurisdiction requests specific improvements.

6.3.7.1 Meeting Interlocal Agreement Conditions. A development will not receive final approval until it has fulfilled all IS conditions required by the County, and required by an interlocal agreement. Fulfillment may be achieved by the applicant providing a financial instrument to the Director in a form satisfactory to the County.

6.3.8 One Time Application of IS. The conditions imposed by the IS chapter of Title 14 and administered by these rules will be applied only once to a development, unless the development is changed or modified so as to require further County review and approval and which would result in greater traffic impacts than those considered in the traffic impact study.

6.3.9 County Authority. These rules do not limit the authority of the County to deny or to approve with conditions the following:

- Zone reclassification requests based on traffic impacts;
- Development or zone reclassifications if determined to be a hazard to the public health, safety, or welfare, or that would result in adverse environmental consequences from direct traffic impacts that cannot be fully mitigated by intersection improvements; and
- Developments reviewed under the authority of SEPA.

6.4 Actions Not Covered By Rules/Regulations.

6.4.1 Relation to State laws and County ordinances. Nothing in these rules shall supersede or conflict with State law or County ordinances. These rules may be amended periodically as determined by the Department. The language of these rules shall be broadly interpreted within the context of Title 14 and the adopted Comprehensive Plan.

6.4.2 Authority of Director. Situations which are not clearly specified by ordinance, and for which no provision is made in these rules, shall be determined by the decision of the Director using legal and technical advice from county sources.

7.0 PROCEDURES:

7.1 Transportation Concurrency

Action by:

Action:

Applicant

7.1.1 Submits application and fee for Transportation Certificate of Concurrency to Department. May include a traffic impact study.

Comprehensive
Long Range Planning (CLRP)

7.1.2 Reviews application for transportation concurrency determination. Reviews traffic study if submitted for data and methods used.

CLRP

7.1.3 Issues Certificate of Concurrency or notification of failure of concurrency test.

Applicant

7.1.4 If Certificate of Concurrency issued, proceed to file a development application with DDES. If denied concurrency, applicant may appeal decision, amend proposal according to conditions, or take no further action.

King County Hearing Examiner

7.1.5 Adjudicates appeal.

7.2 Intersection Standards

Action by:

Action:

Applicant

7.2.1 Submits development application and fees to DDES.

DDES

7.2.2 Refers MPS and IS evaluation to Department.

KCDOT

7.2.3 Determines fee and intersection improvements and sends report to DDES.

Applicant	7.2.4 Pays fee to DDES and completes intersection improvements as part of development approval. Files appeal as needed.
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7.3 Mitigation Payment System Program – Residential Fees

Action by:

Action:

Comprehensive Planning (CLRP)	Long Range	7.3.1 Develops MPS residential fee schedule and corresponding zone map. Transmits fee schedule and map to DDES.
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DDES	7.3.2 Incorporates the residential fee schedule and map into their PERMITS and GIS systems.
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Applicant	7.3.3 Submits a residential development application to DDES.
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DDES	7.3.4 Determines appropriate MPS residential fee and assesses MPS fee to development application.
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Applicant	7.3.5 Appeals MPS residential fee.
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CLRP	7.3.6 Reviews residential proposal, evaluates reasons for the appeal, renders a decision on the appeal, sends decision to the applicant, DDES and Roads Services.
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Applicant	7.3.7 Appeals CLRP's decision to the Hearing Examiner.
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Hearing Examiner	7.3.8 Conducts a public hearing on the appeal, reviews public testimony on the appeal and renders a decision. Informs applicant, DDES, CLRP of decision.
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Applicant	7.3.9 Pays the residential MPS fee.
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DDES	7.3.10 Collects the MPS residential fee and transmits the fee to Roads Services.
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Roads Services	7.3.11 Receives the MPS residential fee from
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DDES, checks amount received against amount assessed, disperses fee to appropriate Road fund accounts.

7.4 Mitigation Payment System Program – Commercial Fees

Comprehensive Planning (CLRP)	Long Range	7.4.1 Develops the MPS computer model and transportation network system. The MPS model evaluates commercial applications, forecasts the number of additional trips to be added to the network based on the commercial use and determines the dispersion of the traffic onto the roadway network.
Applicant		7.4.2 Submits a commercial development proposal to DDES.
DDES		7.4.3 Transmits commercial application to CLRP for MPS fee determination.
CLRP		7.4.4 Reviews commercial proposal, determines MPS fee, sends MPS fee letter to applicant, transmits fee information to DDES and Roads Services.
Applicant		7.4.5 Appeals MPS commercial fee.
CLRP		7.4.6 Reviews original proposal, evaluates possible changes to original proposal, possible technical errors, and renders a decision. sends decision to applicant, DDES, and Roads Services.
Applicant		7.4.7 Appeals CLRP's decision to Hearing Examiner.
Hearing Examiner		7.4.8 Conducts a public hearing on the appeal, reviews public testimony and renders a decision. Informs applicant, DDES, and CLRP of decision.
Applicant		7.4.9 Pays commercial MPS fee.
DDES		7.4.10 Collects the commercial MPS fee, transmits the fee to Roads Services.

Roads Services

7.4.11 Receives the MPS commercial fee from DDES, checks amount received equals amount assessed. Disperses MPS fee to appropriate road project accounts.

8.0 RESPONSIBILITIES:

8.1 The Department is responsible for:

- 8.1.1 Analyzing and evaluating development applications involving transportation concurrency, transportation mitigation fees, traffic studies, and intersection operation.
- 8.1.2 Maintaining a current transportation model and data base.
- 8.1.3 Calculating, assessing and collecting residential and commercial mitigation impact fees and assessing intersection improvements.
- 8.1.4 Issuing Transportation Certificates of Concurrency.
- 8.1.5 Coordinating mitigation fee information to the applicant, DDES and Roads Services.
- 8.1.6 Amending these rules as needed.
- 8.1.7 Making SEPA recommendations regarding traffic safety, operational impacts, on-site circulation, and direct access to DDES.

8.2 The Department of Development and Environmental Services is responsible for:

- 8.2.1 Making available appropriate information and forms regarding the county's permit application process, Concurrency and Mitigation Payment System programs.
- 8.2.2 Accepting development applications after Certificates of Concurrency have been issued.
- 8.2.3 Coordinating with DOT the MPS fee determination process for residential and commercial development permits. Collecting MPS fee payments. Dispersing MPS fees to the Roads Services Division.

- 8.2.4 Making SEPA determinations based on King County Department of Transportation recommendations regarding traffic safety, operations impacts, on-site circulation, and direct access.

8.3 The Hearing Examiner is responsible for:

- 8.3.1 Adjudicating appeals of the County's decisions.

8.4 The applicant is responsible for:

- 8.4.1 Applying for the Transportation Certificate of Concurrency by completing the application form and submitting it to the Department of Transportation, together with the applicable fees. The Applicant may also prepare a traffic impact study for the proposed development.
- 8.4.2 Amending the application, as needed, to meet concurrency requirements.
- 8.4.3 Appealing, as needed, concurrency, mitigation, or intersection improvement decisions rendered by the Department of Transportation.
- 8.4.4 Submitting a completed development application, including the Transportation Certificate of Concurrency, within the prescribed 180 or 360 days.

9.0 APPENDICES:

- 9.1 Application Form for Transportation Certificate of Concurrency
- 9.2 Concurrency Information Brochure
- 9.3 Certificate of Concurrency
- 9.4 Concurrency and MPS Zone Map
- 9.5 Transportation Service Area Map
- 9.6 Map of Monitored Unfunded Critical Links