

Chapter 14.110

CONCURRENCY MANAGEMENT
SYSTEM

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14.110.010 Purpose.

This chapter provides the necessary regulatory mechanism for determining if a development proposal meets the concurrency provisions of the Comprehensive Plan and to ensure that public facilities are available to support the development's impact at adopted levels of service.

14.110.020 Applicability

- (a) This chapter applies to:
 - (1) All development approval applications filed after its effective date.
 - (2) Changes of occupancy that result in increased demand on public parks, roads or sewer.

- (3) Reconstruction of buildings that results in an increase in vehicular trips, housing units or sewage demand in excess of the pre-existing demand on roads, parks and/or sewer facilities.

14.110.030 Exemptions.

- (a) No Impact. Development which creates no measurable additional impacts on any transportation, parks or sewer facility is exempt from the requirements of this chapter. This type of development includes, but is not necessarily limited to:
 - (1) Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units.
 - (2) Interior renovations with increase in floor area and no change of use or, if a residential use, no increase in the number of dwelling units.
 - (3) Replacement structure with no change in use, no increase in floor area or, if a residential use, no increase in the number of dwelling units.
 - (4) Temporary construction trailers.
 - (5) Driveway resurfacing or parking lot paving.
 - (6) Normal repair and maintenance which does not increase floor area or add residential dwelling units, such as re-roofing.
 - (7) Demolitions.
 - (8) Clearing, grading, filling.
 - (9) The Public Works and Planning and Community Development Departments shall jointly be responsible for determining if other types of development also meet this "no impact" standard so as to be included under this exemption.
- (b) Exempt Permits. The following development permits are exempt from the requirements of this chapter.
 - (1) Boundary line adjustment.
 - (2) Final plat.

- (3) Land use permit for temporary uses such as fireworks stands and Christmas tree lots.
- (4) Variance when not associated with a development that is subject to this chapter.
- (5) Clearing, filling and grading permit.
- (6) Sign permit.
- (7) Building permit for a fence.
- (8) Right-of-way use permit.
- (9) Rezones/comprehensive plan amendments. (Ord. 811, Sec. 88, 2010)

14.110.040 Level of Service Standards.

- (a) Transportation. All City streets shall maintain an LOS C or better at peak hour traffic, except that the following segments must maintain an LOS D or better;
 - (1) 20th Street NE between 123rd Ave NE and 127th Ave NE.
 - (2) Main Street between 16th Street NE and 20th Street NE.
 - (3) For the purpose of this section, transportation level of service shall be the percentage of the capacity of the roadway (number of cars that a road is capable of handling) which is actually used by traffic during any one hour. For example, if the roadway has a capacity to serve 100 cars per hour, and it is observed that there are 70 cars per hour on that road, the percentage is 70 percent, which is also called a volume/capacity ratio. LOS C shall be defined as having a volume/capacity ratio greater than 70 percent and less than or equal to 80 percent. For LOS D, that ratio is greater than 80 percent and less than or equal to 90 percent.
- (b) Parks. Seven and one-half acres per thousand population.
- (c) Sewer. Downstream transport and treatment capacity of 80 gallons per day per residential equivalent.

14.110.050 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes minimum standards which are to be applied to all proposals in order to provide transportation, parks and sewer improvements and is not intended to eliminate the application of SEPA to specific proposals. Each proposal shall be reviewed and be subject to the substantive authority of SEPA.

14.110.060 Administration

The Directors of Public Works and Planning and Community Development shall be responsible for the administration of this chapter including but not limited to determining application submittal requirements, records maintenance, monitoring and evaluation, and administration of a capacity waiting list.

14.110.070 Review of Development Proposals - Concurrency Testing

- (a) Application. Any proposed development which is subject to the chapter will be reviewed by the Planning and Public Works Directors to determine its impact on the transportation, parks, and sewer facilities. This review may be conducted before a development application is submitted to the City.
- (b) Certificate of Concurrency Approval. A certificate of concurrency will be issued under this chapter if it is determined that the adopted LOS for transportation, parks and sewer are met; and the project will not degrade the LOS below the adopted standard. Concurrency testing may rely on:
 - (1) Capacity provided by fully funded projects, including projects in the current six-year Capital Facilities Plan;
 - (2) Projects funded for construction within six years by other agencies or jurisdictions; and
 - (3) Improvements under contract as part of other approved development proposals.

- (4) The concurrency testing shall take into account development projects already in the pipeline but not yet completed. Development in the pipeline includes projects that either were vested prior to the adoption of this chapter or have received a certificate of concurrency.
- (c) Transferability. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.
- (d) Expiration. A certificate of concurrency will expire when:
 - (1) A complete land use or building permit application is not submitted within 120 days of the date of issuance; or
 - (2) The underlying land use permit application expires; or
 - (3) The accompanying land use or building permit expires. If that permit has no expiration date, the certificate of concurrency shall expire 12 months following its issuance; or
 - (4) The permit application is denied or revoked.
- (e) Once a certificate of concurrency expires, is revoked, or if development does not use the total capacity allotted, the unused capacity will be returned to the available pool of capacity.
- (f) Certificate of Concurrency Denial. A certificate of concurrency will not be approved under this chapter if degradation is caused beyond the adopted LOS standard unless mitigated to meet the LOS standard.

14.110.080 Methods for Meeting Concurrency.

- (a) If mitigation is required to meet the LOS standard to maintain concurrency, the applicant may choose to:
 - (1) Reduce the size of the development until the standard is met; or

- (2) Delay the development until the City and/or others provide needed improvements; or
- (3) Design and construct the facilities necessary to achieve the LOS in compliance with Section 14.110.090.

14.110.090 Requirements for Design and Construction of Facilities Necessary to Achieve Adopted Levels of Service.

- (a) If the developer chooses to design and construct the facilities necessary to achieve the adopted LOS standard(s), the following requirements must be met:
 - (1) Issuance of a final plat or building permit approval, which ever comes first, will not be made unless improvements are made by the developer or sufficient financial security pursuant to Section 14.16A.180(e) is in place to ensure the improvements will be made within six years of the issuance of the approval. This allowance for up to a six-year deferral applies only to supplemental mitigation not normally required of the development.
 - (2) The developer shall be responsible for engineering and design of the facilities and shall provide documentation showing the improvements will ensure the LOS is met. The developer shall receive City approval of the engineering and design of the facilities, which shall be consistent with accepted engineering standards and practices.
 - (3) The developer shall enter into a detailed agreement with the City identifying the improvements required and the schedule for their completion. This shall include any necessary interim deadlines necessary to ensure the improvements are completed within the six-year time frame.

- (4) If a developer makes improvements to the sewer general facilities, those cost of those improvements shall be credited against the developer's general facilities charges, except no such credit shall be given if the developer is to be reimbursed through a latecomer's agreement. The credit shall not exceed the general facilities charge that would normally be applied to the project.
 - (5) If a developer makes improvements to a transportation project that would otherwise require SEPA mitigation, the developer shall be given credit for the amount spent on that project against the SEPA mitigation required for that project, but not to exceed the mitigation that would normally be applied to the project.
 - (6) The effect of the improvement shall not degrade another related objective. For example, adding a vehicular lane at the expense of eliminating a bike lane.
 - (7) The project shall comply with the procedural and substantive requirements of the State Environmental Policy Act (SEPA).
 - (8) The improvements shall not create a significant safety hazard.
- (b) Supplemental Mitigation Denial Process. If the City determines that the proposed supplemental mitigation does not meet the requirements of this section, the Public Works and Planning and Community Development Directors may deny the issuance of a certificate of concurrency. (Ord. 811, Sec. 89, 2010)

14.110.100 Implementation of Strategies in Lieu of Capital Improvements.

- (a) With approval from the Public Works and Planning and Community Development Directors, nonconstruction strategies for reducing demand for public facilities to assure LOS are met may be implemented if the following requirements are met:

- (1) The proponent clearly demonstrates to the satisfaction of the City that the proposed strategies have a demonstrated historical track record for effectiveness and reliability for projects similar to that being proposed.
 - (2) The proponent shall provide an analysis as to how much capacity is available, which will provide a maximum amount of demand the project may put upon the public improvements.
 - (3) The effectiveness of the strategies must be easily measured and annual reports must be provided to the City to ensure the demand actually put on the public improvements does not exceed the amount allocated to the development pursuant to subsection (a)(2) of this section.
 - (4) The developer shall provided a financial guarantee for a period of up to ten years which the City may use to construct the necessary improvements, at any time during that ten year period, where it finds the demands on the public system exceed the amounts allocated to the project.
- (b) For the purposes of this section, nonconstruction strategies include any programs which reduce demand for public facilities during peak hour constraints, including but not limited to car/van pooling, staggered work hours, or transfer flow of sewer use to off-peak hours.

14.110.110 Fees.

The City shall charge processing fees to any individual that requests a concurrency determination or approval of a supplemental mitigation program. The fees shall be set by Council resolution.

14.110.115 Concurrency of Projects Vested in the County Pre-Annexation.*

Pursuant to the terms of an interlocal agreement with Snohomish County, the City will accept the County's concurrency determination for

projects vested to the County Code, where the subject property of a vested application has been annexed to the City since the concurrency determination was made by the County. The terms of the concurrency, including expiration, shall be regulated by the vested County code. (Ord. 859, Sec. 2, 2011)

* Code reviser's note: Section 3 of Ordinance 859 adopts sections of the Snohomish County Code concerning mitigation fees and concurrency determination. The text of these sections is attached as Exhibit 1 to the ordinance, on file with the City Clerk's office.

14.110.120 Appeals.

Appeals of requirements imposed pursuant to the chapter shall be governed by the appeal provisions of Chapter 14.20. (Ord. 643, Sec. 1, 2001)

