

Greater Maple Valley Area Council  
P.O. Box 101  
Maple Valley, WA 98038

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To: King County Council:  
council@kingcounty.gov;  
rod.dembowski@kingcounty.gov;  
larry.gossett@kingcounty.gov;  
kathy.lambert@kingcounty.gov;  
larry.phillips@kingcounty.gov;  
dave.upthegrove@kingcounty.gov;  
jane.hague@kingcounty.gov;  
pete.vonreichbauer@kingcounty.gov;  
joe.mcdermott@kingcounty.gov;  
reagan.dunn@kingcounty.gov

## Proposed 2013 King County Transportation Concurrency Management (TCM) Program Update to King County Code (KCC) 14.70

The Greater Maple Valley Unincorporated Area Council (GMVUAC) fully supports the County's Transportation Concurrency Management (TCM) Program. However, we do have concerns with two major elements of the proposed Ordinance to update the TCM: 1. Travel Shed Splitting and 2. Biennial Update (our emphasis below).

### 1. Travel Shed Splitting

We believe there is no compelling reason for the County to alter its Travel Shed concept simply to handle revenue shortfalls in the County's Transportation budget.

The King County Department of Transportation (KCDOT) SEPA evaluation of the proposed changes to the King County Code (KCC) states the following with regards to Travel Sheds:

"KCC 14.70.230 identifies the concurrency analysis and testing. The proposed change in the concurrency testing procedure is to have separate tests of Urban and Rural areas within the same travel shed. Currently Urban and Rural area road mileage is tested using the entire sampled road mileage of the travel shed. Based on the 2013 concurrency test, five travel sheds out of 25 have failing concurrency areas. Four of the five travel sheds have Urban Areas, and three of the Urban Areas are passing the concurrency test using the proposed testing procedures. All five travel sheds have failing Rural Areas." -- (Ref.: King County Department of Transportation, Road Services Division, Determination of Non-Significance issued November 8, 2013.)

Clearly, there could be adverse ramifications of doing separate concurrency testing for the urban and rural areas within a Travel Shed. This could be counterproductive by allowing the approval of more development within travel sheds that have urban areas, even though the vehicle trips generated by those urban areas will affect the rural areas of the same travel shed. This appears to defeat the laudable purpose of using the travel shed concept to recognize the interwoven traffic patterns across jurisdictional lines.

In such a "split" concept a "combined" Travel Shed could be failing Concurrency testing (i.e., traffic congestion exceeds standards), yet the County could still allow development to proceed if just one of the two parts is passing. This could allow more development to be approved than the infrastructure can accommodate--directly contrary to the Growth Management Act's (GMA's) dictates.

The KCC defines the County's TCM Program and provides the governing policies as follows:

"KCC 14.65.010 -- Components of the integrated transportation program. A. Transportation concurrency management (TCM), by which King County regulates new development based on adequate transportation improvements needed to maintain level of service standards, in accordance with RCW 36.70A.070(6), the KCCP and KCC 14.70."

We reviewed the policy hierarchy listed above in KCC 14.65.010 starting with the State RCW that governs Concurrency, flowing down through the KCC and eventually the King County Comprehensive Plan (KCCP) -- our emphasis below:

RCWs:

“36.70A.70(6)

A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(iv) Finance, including:

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, 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" means 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.....”

In RCW 36.70A.70(6)(a)(iv)(C) above we believe "land use assumptions" should not be interpreted that the County can relax its Level of Service Standards. In RCW 36.70A.70(6)(b) above we believe this allows the County to prohibit development that would cause its infrastructure to fail pre-established standards.

KCC:

“14.70 TRANSPORTATION CONCURRENCY MANAGEMENT

14.70.205 Authority and purpose.

B. It is the purpose of this chapter to:

1. Ensure that county level of service standards are achieved "concurrently" with development, as required by the Growth Management Act and the Comprehensive Plan, by denying approval of development that would cause the level of service on transportation facilities to decline below county standards;... 14.70.270 Update of the transportation concurrency map.

D. The concurrency map is a result of the concurrency analysis and test, as described in subsection A. of this section. The concurrency map indicates if an area does or does not comply with adopted level of service standards. Any changes to the concurrency status of an area or areas on the concurrency map other than those resulting from the update process may only be accomplished by the council, through an ordinance, by changing any combination of the adopted level of service standards, or the list of funded projects in the most recently adopted CIP....”

KCC 14.70.205(B) above allows the County to deny permits that cause Level of Service failures to occur. KCC14.70.270(D) above appears to allow the County to essentially change its standards by modifying its Travel Shed boundaries by “splitting” into its “Urban” and “Rural” parts. However, we believe such an interpretation of the governing RCW (discussed earlier) is incorrect.

KCCP:

“CHAPTER 7 -- TRANSPORTATION

II. Providing Services and Infrastructure that Support the County Land Use Vision H. Concurrency

The Growth Management Act (GMA) requires local jurisdictions to adopt and enforce ordinances that prohibit development approval if the development causes the LOS on identified county arterials or certain state roads to decline below the adopted LOS standards. King County's Transportation Concurrency Management program was developed to address the GMA's concurrency requirement. The Transportation Concurrency Management program requires that adequate transportation facilities must be available to carry the traffic of a proposed development at county LOS standards, or construction for needed improvements funded in the adopted Six-Year Roads Capital Improvement Program, or else the proposed development cannot be approved.

IV. Financing Services and Facilities that Meet Local and Regional Goals

D. Revenue Shortfall

The state Growth Management Act provides guidance for managing a revenue shortfall. The following actions can be used to balance the funding shortfall of the plan:

1. Reduce transportation funding needs;
2. Develop new revenue options;
3. Change LOS; or
4. Change land use.

T-405 During review of its Comprehensive Plan, King County should consider and address any potential shortfalls likely to occur between expected revenues and needed improvement costs. Such review could include a reassessment of land use, growth targets, LOS standards and revenue availability.”

Clearly, KCCP Chapter 7 (II)(H) above mirrors RCW 36.70A.070(6)(b). KCCP Chapter 7 (IV)(D) and T-405 above mirror KCC 14.70.270.

In summary, with respect to Travel Sheds, we see no need for the County to reduce its standards by redefining Travel Sheds into “Urban” and “Rural” parts, so that it can approve more development in the “Urban” part. Should the County not be able to secure sufficient revenues to improve its transportation infrastructure, it should follow the RCWs and deny development until such funds are available or the developer mitigates its own impacts. That is the root essence of the Growth Management Act.

## **2. Biennial Update**

The KCDOT SEPA evaluation of the proposed changes to the KCC states the following with regards to TCM Updates:

“KCC 14.70.270 requires an annual update of the concurrency map based on updated travel time surveys, standards and methodologies. The concurrency map indicates the passage or failure of the travel sheds and is the basis of determining concurrency for both residential and nonresidential development proposals. The proposed changes will make the TCM annual update a biennial update to coincide with the current King County biennial budget process and two-year cycle of the adopted King County Transportation Needs Report (TNR) process. The proposed action is being taken to comply with King County Code and the Washington State Growth Management Act.” -- (Ref.: King County Department of Transportation, Road Services Division, Determination of Non-Significance issued November 8, 2013.)

The concept of a biennial update is fine. However, the TNR and its use remain a severe disconnect to reality, since it is based on “growth targets” that essentially have no basis in reality and are considered “minimums,” thus, tend to underestimate transportation needs.

We respectfully request the Council take our comments herein into consideration as it deliberates the proposed Transportation Concurrency Ordinance. Thank you.

Sincerely,

Steve Hiester (gmvac\_chair@hotmail.com)  
Chairman, Greater Maple Valley Unincorporated Area Council

cc: King County Executive Dow Constantine: Dow.Constantine@kingcounty.gov  
KCDOT Director Harold S. Taniguchi: harold.taniguchi@kingcounty.gov  
L-U & UA Relations Manager Lauren Smith lauren.smith@kingcounty.gov  
CSA Manager Alan Painter alan.painter@kingcounty.gov  
FCUAC Chair Peter Eberle: mtcphe@msn.com  
UBCUAC Chair Nancy Stafford: nancy@go2email.net