

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO TRANSPORTATION CONCURRENCY AND AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 15.20

WHEREAS, the Washington State Growth Management Act requires that cities plan for growth and respond to increased transportation needs; and

WHEREAS, like other cities, Olympia is required to have a transportation concurrency program, which defines the new transportation infrastructure that will be built by the City to support the new trips on city streets that comes with new growth; and

WHEREAS, staff is proposing changes to the City's concurrency program that will improve city streets for walking, biking, transit, as well as driving; and

WHEREAS, the concurrency program ensures that the City keeps pace with the new travel demand on city streets by building new supply or street improvement projects; and

WHEREAS, staff has reached out to stakeholders in the development community regarding changes to the transportation concurrency and impact fee programs, and the public was invited to observe the August 19, 2020 Finance Committee discussion of the proposed changes; and

WHEREAS, the Olympia Planning Commission and the Bicycle and Pedestrian Advisory Committee were briefed earlier this year as the program changes were under development; and

WHEREAS, the Olympia City Council determines it to be in the best interest of the residents of the City of Olympia to change its transportation concurrency program and amend Olympia Municipal Code Chapter 15.20 accordingly; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington Constitution; and

WHEREAS, this Ordinance is supported by the staff report, attachments, and documents on file with the Department of Public Works;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 15.20. Olympia Municipal Code Chapter 15.20 is hereby amended to read as follows:

Chapter 15.20 TRANSPORTATION CONCURRENCY

15.20.000 Chapter Contents

Sections:

- 15.20.010 Title, authority and purpose.
- 15.20.020 Definitions.
- 15.20.030 Level of service standards.
- ~~15.20.040 Concurrency districts.~~
- 15.20.050 Concurrency test.
- 15.20.060 Exemptions from the concurrency test.
- 15.20.070 Findings of concurrency.
- 15.20.080 Fees.
- ~~15.20.090 Concurrency system.~~
- 15.20.100 Monitoring the transportation system.
- 15.20.110 Intergovernmental coordination.
- 15.20.120 Appeals.

15.20.010 Title, authority and purpose

- A. This chapter shall be known as the "Transportation Concurrency Ordinance."
- B. This chapter is enacted pursuant to the City of Olympia's powers as a Code City, Article XI, Section 10 of the Washington State Constitution, Chapter 35A RCW, the Growth Management Act, Chapter 36.70A generally, and RCW 36.70A.070 specifically.
- C. It is the purpose of this chapter:
 - 1. To ensure adequate ~~levels of service on~~ provision of multimodal transportation facilities for existing land uses as well as new development;
 - 2. To provide transportation facilities that achieve and ~~m~~ maintain the City's ~~level of service~~ transportation concurrency standards as established in the Comprehensive Plan; and
 - 3. To ensure that the City's ~~level of service~~ transportation concurrency standards are achieved concurrently with development as required by the GMA.

15.20.020 Definitions

Except as defined below, the words and terms used in this chapter shall have the meaning set forth in the

OMC Section 18.02.180.

- A. Adequate - the transportation facilities meet or exceed the City's adopted ~~standard of service~~ transportation concurrency standard set forth in the City's Comprehensive Plan.

~~B. Capacity – the maximum number of vehicles that can be accommodated during a specified travel period at a specified level of service. Capacity will be calculated according to the methodology used in the most current Highway Capacity Manual. An alternative methodology may be used only if it is preapproved by the Director of Public Works or the Director of Public Works’ designee.~~

B. Mobility units - the metric by which the City’s adopted transportation concurrency standard is evaluated. A mobility unit is defined as a “person trip” generated by land use development and supported by multimodal transportation infrastructure.

C. Person trip - a measure of travel that is generated by a land use. A person trip is defined as a person entering or leaving a land use development by any mode of travel.

15.20.030 ~~Level of service~~Transportation concurrency standards

~~A. The following level of service transportation concurrency standards, established in the Olympia Comprehensive Plan, are hereby adopted for the purposes of this Chapter. If a conflict arises between a level of service standard identified in this Chapter and a standard identified in the Comprehensive Plan, the level of service established in the Comprehensive Plan shall control.~~

- ~~1. Jefferson and 14th;~~
- ~~2. Plum Street and Union;~~
- ~~3. Water and 5th;~~
- ~~4. Capitol and 14th;~~
- ~~5. Sleater Kinney and Martin Way;~~
- ~~6. Lilly and Martin Way; and~~
- ~~7. Black Lake Boulevard and Cooper Point Road.~~

~~B. Level of service "E" for the Downtown City Center and along High Density Residential Corridors as identified in the Comprehensive Plan; and~~

~~C. Level of service "D" in the remainder of the City and its Urban Growth Area.~~

A. Mobility units of supply, as measured by the proportion of the transportation concurrency project list identified in the Capital Facilities Plan, must exceed the number of mobility units of demand generated by approved developments in Olympia.

B. Mobility units of supply are considered available to support new development when the transportation improvement is fully funded, as identified in the Capital Facilities Plan.

C. Transportation improvements on the transportation concurrency project list may be phased and so long as those phases provide person trip capacity, the individual phases can count toward supply when they are funded.

~~15.20.040 Concurrency districts~~

~~There are hereby established four concurrency districts within the City and its Urban Growth Area. The districts will be used to monitor and to allocate available transportation capacity. The districts are depicted in Map One, Attachment A, which is adopted as part of this Title.~~

15.20.050 Concurrency test

A. Unless exempt under Section 15.20.060(A), the test for concurrency will be conducted as part of the building permit application.

~~B. The City may conduct an alternative concurrency test for the applications identified in Section 15.20.060(B) by paying the fee set forth in Section 15.20.080.~~

BC. The test for concurrency will be conducted in the order in which the completed building permit application is received.

DC. The concurrency test will be performed only for the specific property uses(s), residential density(ies) and intensity(ies) of the use(s) described on the building permit application. The applicant shall describe the proposed development in a manner adequate for the City to determine the peak-hour traffic which is person trips which are likely to be generated by the proposed development. The applicant shall also provide the City a legal description of the property. ~~Revisions to the proposed development that may create additional impacts on transportation facilities will be required to undergo an additional concurrency test.~~

ED. In conducting the concurrency test, the City will use the trip generation tables set forth in the Transportation Impact Fee Rate Study (the "Rate Study"), adopted by reference in OMC Title 15. If the trip generation rates for a proposed development are not identified in the Rate Study, then the City shall use the trip generation rates set forth in the latest edition of the Institute of Transportation Engineers, *Information Report—Trip Generation* Trip Generation Manual scaled to equate to person trips as defined in the Rate Study. The presumption is that the rates used by the City are accurate unless proven otherwise.

FE. If the applicant pays the fees identified in Section 15.20.080, the applicant may submit a calculation of alternative person trip generation rates for the proposed development. The City shall review the alternate calculations and indicate in writing whether such calculations are acceptable in lieu of the standard trip generation rates. Reduction in person trip rates are only valid as they relate to "internal trips" or those person trips that do not leave the boundary of the project (as described on the building permit application) and are therefore not accommodated by City transportation infrastructure. The mode of the trips that leave the boundary of the project are not relevant when conducting the concurrency test.

~~G. The City may adjust the trip generation forecast of the proposed development in order to account for any transportation strategies proposed by the applicant that are acceptable to the City.~~

HE. The City shall not make a finding of concurrency as part of the issuance of a building permit if the proposed development will result in the transportation facilities declining below the adopted level of service

~~standards generation of more mobility units of demand than are available as supply. If the level of service of the transportation facilities meets or exceeds the adopted level of service standards there are adequate mobility units of supply available at the time of the concurrency test or will be available within six (6) years, as identified in the Capital Facilities Plan, the concurrency test is passed and the City shall make a finding of concurrency.~~

15.20.060 Exemptions from the concurrency test

A. Exemption from the concurrency test is not an exemption from the remaining requirements of OMC Title 15. The following applications for a building permit shall be exempt from the concurrency test:

1. Any proposed development that creates no additional ~~impacts on any transportation facility~~ person trips;
2. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;
3. Any renewal of a previously issued but unexpired permit; and
4. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application after 1990 and that has undergone the analysis mandated by the State Subdivision Act, RCW 58.17.060 or ~~110~~ RCW 58.17.110, and
5. ~~Any application that is exempt from OMC Title 14.~~

B. Unless otherwise exempted by the Director or Environmental Review Officer, a building permit application must be accompanied by a Traffic Impact Analysis (TIA) provided by the applicant in accordance with the TIA Guidelines in Chapter 4 of the current Engineering Design and Development Standards, or as hereafter amended by resolution of the City Council. Applications that do not meet the minimum requirements to conduct a TIA under Section B 'When Required' of the TIA Guidelines are exempt.

15.20.070 Findings of concurrency

A. The City shall make a finding of concurrency for each building permit application that passes the concurrency test.

B. The finding of concurrency shall be valid for the same time period as the underlying building permit, including any permit extensions.

C. A finding of concurrency shall expire if the underlying building permit expires or is revoked by the City.

D. A finding of concurrency accompanying a building permit for a particular parcel of property may be used by the heirs, executors, successors, or assigns of the applicant.

E. All building permits that require one or more transportation facilities to be provided by the applicant shall be and are hereby conditioned upon an appropriate financial commitment by the applicant which is binding upon subsequent owners, heirs, executors, successors, or assigns, and upon the completion of such

transportation facilities in a timely manner, prior to the issuance of the certificate of occupancy or prior to occupancy, unless stated otherwise in writing by the City.

15.20.080 Fees

If the applicant requests an alternative calculation for the concurrency test, or if the City determines that an alternative calculation is required due to the size, scale, or other unusual characteristics of the proposed development, a fee for the alternative calculation shall be paid by the applicant prior to the initiation of review. The fee for conducting the review of the alternative calculation shall be ~~Two Hundred Dollars (\$200.00)~~ the same costs as an independent fee calculation set forth in Olympia Municipal Code Subsection 15.04.50.E, unless otherwise established by the Director of Public Works.

~~15.20.090 Concurrency system~~

~~A.—The City will provide, or arrange for others to provide, adequate transportation facilities by constructing needed transportation facilities and implementing transportation strategies within the six year horizon that:~~

- ~~1.—Eliminate the level of service deficiencies for existing uses;~~
- ~~2.—Achieve the level of service standards for anticipated future development and redevelopment resulting from previously issued building permits; and~~
- ~~3.—Maintain existing facilities and repair or replace obsolete or worn out facilities.~~

~~The improvements to transportation facilities will be consistent with the Olympia Comprehensive Plan.~~

~~B.—The City will appropriate sufficient funds during the appropriate fiscal year to meet the financial commitment for all the transportation facilities required to meet the level of service standards, except that the City may omit from its budget any capital improvements for which a binding agreement has been executed with another party.~~

15.20.100 Monitoring the transportation system

The City will, on an annual basis, review the supply and demand of mobility units and update its capital facilities plan ~~and transportation element and shall~~ to identify those facilities necessary to achieve transportation concurrency. ~~At a minimum, this review will include updates, as needed, to the City's traffic model, a comparison of actual and forecast traffic volumes, and an examination of conformance with the adopted level of service standards. In addition to annual reviews, emergency review of the concurrency management system will be conducted whenever traffic analysis reveals that 50 percent of the projected six-year capacity of any transportation facility or concurrency district has been assigned in any one year. The City will, on a periodic basis, review and update the transportation concurrency project list that defines the overall supply of mobility units. At the City's sole discretion, projects that supply mobility units may be added or removed based on updated land use growth forecasts, shifting travel modes, available funds to build and maintain transportation infrastructure, and other reasons deemed appropriate by the City.~~

15.20.110 Intergovernmental coordination

The City may enter into agreements with other local governments, Intercity Transit, and the State of Washington to coordinate the imposition of the level of service standards, the collection of impact fees, and the implementation of transportation strategies.

A. The City may apply level of service standards, fees, and other mitigation measures to developments in the City that impact other local governments and the State of Washington. Development permits issued by the City may include conditions and mitigation measures that will be imposed on behalf of and implemented by other local governments and the State of Washington.

B. The City may receive impact fees or other mitigation payments based on or as a result of development proposed in other jurisdictions that impact the City. The City may agree to accept such payments or may coordinate with other jurisdictions to implement the appropriate mitigation measures.

15.20.120 Appeals

A. Any applicant may timely file an appeal of the approval or the denial of a finding of concurrency to the Olympia Hearing Examiner pursuant to OMC 18.75. The applicable appeal fee must be paid pursuant to OMC 4.40.010.

B. The appeal on the finding of nonconcurrency will not be conducted if the applicant refuses to pay the transportation impact fees required by OMC Title 15.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect January 1, 2021, after its passage by the Olympia City Council and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: