

IMPLEMENTING
DESTINATION 2030

Monitoring Regional Progress

**assessing the effectiveness of concurrency:
final report**



Puget Sound Regional Council

July 2003

Assessing the Effectiveness of Concurrency: Final Report

Puget Sound Regional CouncilJuly 2003

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Overview

A hallmark of the Washington State Growth Management Act (GMA) is its concurrency requirement – which relates to different types of public facilities, including sewer, water, and transportation. Concurrency requires the provision of adequate facilities to serve new development. The GMA leaves the implementation of concurrency to local discretion. As a result, jurisdictions have developed a wide range of programs that are compatible with their own unique transportation, land use, and other planning goals.

The focus of this report is on concurrency for transportation facilities. In developing *Destination 2030*, the region’s long-range transportation plan, concurrency was discussed at great length as a tool for better linking land use and transportation. The discussion brought out a need to clarify the intent of the requirement, and to improve the integration of concurrency programs with other GMA goals. In cooperation with the Regional Staff Committee,¹ Puget Sound Regional Council² staff undertook a three-phase investigative work program to assess the effectiveness of concurrency practices of local governments in the central Puget Sound region.

This report summarizes the findings of each phase of work, and presents a final set of recommendations that will be used to guide the discussions that will be held by the Regional Council’s policy boards and Executive Board. The recommendations primarily relate to the role of the Regional Council, but also include action local and state agencies should consider.

¹ The committee includes senior-level staff from member jurisdictions and transit agencies.

² The Puget Sound Regional Council serves as the growth and transportation planning agency for the central Puget Sound region. The Council’s membership includes King, Kitsap, Pierce and Snohomish counties, 70 of the 82 cities and towns within these counties, three ports, the Washington State Department of Transportation and the Transportation Commission.

1 Introduction

A. Concurrency Overview

The Washington State Growth Management Act (GMA) requires that infrastructure improvements or strategies to accommodate development be available when the impacts of development occur. For transportation facilities, concurrency is defined in the GMA³ and the Washington Administrative Code (WAC)⁴ to mean that any needed transportation improvements or programs be in place at the time of development or that a financial commitment exists to complete the improvements or strategies within six years. Local governments have a significant amount of flexibility regarding how to apply transportation concurrency within their plans, regulations, and permit systems.

As part of the requirement to develop a comprehensive plan, jurisdictions are required to establish level-of-service standards for arterials, transit service, and other facilities. Once a jurisdiction sets a standard, it is used to determine whether the impacts of a proposed development can be met through existing capacity and/or to decide what level of mitigation will be required.

Transportation is the only area of concurrency that specifies denial of development. If existing capacity is exceeded, jurisdictions are required to prohibit development approval unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. Even here, though, the WAC states that if the development is consistent with the comprehensive plan's land use element, the level-of-service standard should be reevaluated.⁵

A Regional Perspective. Although most concurrency and level-of-service work is done at the local level, state law requires regionwide perspectives. State legislation⁶ requires Regional Transportation

³ Planning Goals [Revised Code of Washington (RCW) 36.70A.020 (12)]; Transportation Elements [RCW 36.70A.070(6)(b); RCW 36.70A.070(6)(a)(iii)(C)]

⁴ General Considerations [WAC 365-195-010(6)] and [WAC 365-195-070(3)]; Definitions [WAC 365-195-210]; Consistency [WAC 365-195-510]; Development Regulations [WAC 365-195-835]

⁵ Development Regulations [WAC 365-195-835(3)(d)(i) and 835(3)(d)(iii)]. The Growth Management Hearings Boards reiterated the role of a concurrency program, finding that "the concept of concurrency is not an end in and of itself but a foundation for local governments to achieve the coordinated, consistent, sustainable growth called for by the Act." *Taxpayers for Responsible Government v. City of Oak Harbor*. No. 96-2-0002. July 16, 1996.

⁶ Regional Transportation Planning Organization's Duties [RCW 47.80.023 (7) and (8)]

Planning Organizations (RTPOs), including the Puget Sound Regional Council, to review level-of-service methodologies used by cities and counties to promote a consistent regional evaluation of transportation facilities and corridors. RTPOs are also required to work with cities, counties, transit agencies, the department of transportation, and others to develop level-of-service standards or alternative transportation performance measures for regionally significant state highways. This work is meant to inform a related regional requirement for RTPOs to set levels-of-service for these regionally significant state highways.

B. Problem Statement

Concurrency requirements underlie a fundamental premise of the GMA – that growth should occur where adequate facilities and infrastructure exist or are planned to exist. However, since the passage of the GMA, the public sector’s ability to build transportation infrastructure has diminished, due to funding constraints, rising labor and land costs, and other factors such as endangered species requirements. The inability to make needed infrastructure available, combined with a growing population, increases in jobs, and the subsequent increase in trips, has pushed many jurisdiction’s transportation facilities to their adopted level-of-service standards.

While the GMA requires jurisdictions to adopt level-of-service standards for transportation facilities, it also provides for changing the standard if jurisdictions so choose. Not surprisingly, most jurisdictions are reluctant to change standards they have already adopted following formal analysis and public process. Nevertheless, the reality of the lack of funding and other hindering factors may lead jurisdictions to the decision that the adopted standards need to be lowered.

Compounding the situation is the fact that for most jurisdictions, control of level-of-service conditions is only partially in their hands. Pass-through traffic and impacts from development in surrounding jurisdictions can increase local traffic and thereby dramatically affect the level-of-service. Additionally, state-owned transportation facilities of statewide significance (which include highways of statewide significance) are legally exempt from concurrency requirements. The justification for this is that they are the backbone of the state transportation network and therefore should not be subject to the diverse local standards. Nonetheless, the impacts from traffic to and from these facilities can have a dramatic effect on local systems.

Lastly, jurisdictions are actively working to implement their comprehensive plans, and a number of the plans call for concentrating growth in their centers and downtowns. However, this concentration leads to greater numbers of people and trips in these center areas, creating a situation where the level-of-service begins to decline precisely where a jurisdiction wants to foster growth. This challenge suggests that more flexible and tailored concurrency programs be developed.

During the process of updating the long-range transportation plan for the central Puget Sound region, *Destination 2030*, the Regional Council worked with local staff to assess their perspectives on concurrency. While most agree that the concept of concurrency has utility, many also expressed the belief that transportation concurrency requirements, in practice, fall somewhere between insignificant and harmful. Based upon these concerns and the defined role for regional transportation planning organizations noted in the previous chapter, the Puget Sound Regional Council developed a three-phased work program to assess the effectiveness of transportation concurrency programs throughout the region.

C. Three-Phase Work Plan

To assess the impact of transportation concurrency, Regional Council staff, working with input from members of the Regional Staff Committee, focused on how local jurisdictions are addressing the requirements. This involved working primarily with local government staff. Also involved were members of the Regional Council's policy boards and committees, which represent a more diverse set of organizations and agencies.

Phase 1 surveyed jurisdictions in the four-county region to determine whether they have programs in place, to understand how they are using them and whether they are working collaboratively, and to determine whether they believe changes are necessary. The Regional Council sent a survey to all 86 jurisdictions in the four-county region, 68 of whom responded. Phase 1 was completed in January 2002.

Phase 2 reviewed and analyzed the concurrency programs for a select number of jurisdictions, highlighting innovative methods, describing best practices, and assessing the different approaches in place. The Regional Council conducted focus groups with staff from 20 jurisdictions, reviewed the adopted concurrency regulations from these same jurisdictions, and conducted a detailed case study review of Growth Management Hearings Board and Washington Appeals Court cases related to concurrency. Phase 2 was completed in August 2002.

Phase 3 enlarged the outreach effort to assess the opinions of local jurisdiction staff and interested parties about a range of local, regional, and state issues related to concurrency. In order to meet this goal, the Regional Council hosted a full-day workshop in November 2002. The workshop included brief presentations, with the majority of the time being spent in small group discussions. Phase 3 was completed in January 2003.

These reports are posted at: <http://www.psrc.org/projects/growth/concur/concurrency.htm>.

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II. Phase-by-Phase Overview and Findings

This section provides additional detail on the structure of each phase of work, and summarizes key findings. Overall recommendations are presented in section three.

Phase 1 Overview and Findings

In September 2001, the Regional Council began its concurrency analysis by sending a survey to all 86 jurisdictions in the four-county region; 68 jurisdictions responded. This phase was intended to provide a quantitative baseline snapshot of concurrency practices throughout the region. The survey contained 21 questions, which focused on five topical areas:

- How jurisdictions have structured their programs, with questions regarding what modes are being addressed, what methodologies they are using, what thresholds and exemptions are used, and what standards they are setting.
- How jurisdictions are implementing their programs, with questions on tailoring standards, whether they are collaborating with neighboring jurisdictions, how information is shared with the public, and whether the programs have had impacts on developments.
- How financial aspects are addressed, with questions on what mitigation methods they are using, and what revenues are being generated.
- Whether other facility areas are being incorporated into concurrency programs, such as parks, schools, or utilities.
- Legislative issues, with questions on how their program is linked to their comprehensive plan, what role they see for the Regional Council, and what legislative changes they believe are necessary to make the tool more effective.

The results of the survey were presented in the *Phase 1 Report: Survey Results*, released January 2002. The results were summarized using the five topical areas, and are summarized below.

- **Tools.** In general, most jurisdictions in the region are conducting some level of concurrency-related work, whether through formally adopted programs, or through other administrative processes. The larger jurisdictions are more likely to be doing this work formally than the smaller ones. Every jurisdiction conducting concurrency-related work is addressing issues related to automobile travel,

with half indicating that they are addressing additional modal areas, with slightly more of the larger jurisdictions using a multi-modal approach. Most jurisdictions are using volume-to-capacity ratio as their measurement system, with very little difference based on jurisdiction size. The geographic measurement area is almost evenly split between intersections and segments; again, there seems to be very little difference based on jurisdiction size. Adopted level-of-service standards are more likely to be in the D to F range, reflecting congestion in the region, with smaller jurisdictions being slightly more likely to adopt standards that accept less congestion.

- **Implementation.** Most jurisdictions indicate that their concurrency programs have had little impact on development; however, a small group indicated that there has been a meaningful impact. While both large and small jurisdictions indicate little impact, there is a more noticeable impact on development in the larger jurisdictions. While most jurisdictions provide information about development to other jurisdictions, fewer noted incorporating data from other jurisdictions in their programs. Interjurisdictional coordination is more likely to be indicated for larger jurisdictions than smaller ones.
- **Financial.** While a few jurisdictions generate no revenue through their concurrency-related work, most have some form of revenue-generating process in place, whether impact fees, mitigation fees, flat fees, or the provision of facilities. Smaller jurisdictions are only slightly less active in generating revenues than larger ones. Additionally, the revenue types (such as development fees, local taxes, state or federal contributions) were very similar for smaller and larger jurisdictions.
- **Other facility areas.** Most jurisdictions are primarily focusing their concurrency-related work on transportation. However, a small number do address other areas, with parks and utilities being the most common. More small jurisdictions are doing concurrency-related work in areas outside of transportation, and most of the programs are based on collecting fees for schools and parks.
- **Legislative.** There was strong support for Regional Council involvement, with most indicating that numerous roles were appropriate, including information sharing, providing assistance, and facilitating coordination. Both smaller and larger jurisdictions gave similar responses. Jurisdictions gave a wide range of responses regarding possible legislative changes to the concurrency requirements. These ranged from simplifying to tying it closer to growth management goals to strengthening funding.

The overall sense from the survey was that the state of practice was fairly positive. Concurrency-related work was being done in many different ways, programs were not just focused on automobiles, and that the predominant practice was generating revenues as opposed to stopping development. On the negative side, there seemed to be limited coordination, with information shared but not used, and cross-jurisdictional impacts not being fully mitigated.

Phase 2 Overview and Findings

The Phase 2 effort solicited a more evaluative or qualitative response, and was structured as an in-depth case study analysis. Regional Council staff focused on a selected group of jurisdictions' transportation concurrency programs in order to highlight innovative methods, assess the different approaches being used, and ultimately, to understand whether jurisdictions' goals for their concurrency program are being met.

Regional Council staff selected 19 jurisdictions for analysis, based on a number of criteria, including diversity in size, diversity in growth rates, geographic equity, and indications in the first phase of work that the jurisdiction had innovative features in their program. Regional Council staff analyzed these jurisdictions' concurrency regulations, and conducted eight focus group sessions with senior staff from these jurisdictions.

The focus groups were structured around a set of questions that provided a common framework for the discussions:

- What goals do jurisdictions have for their programs and are they being met?
- Are jurisdictions tailoring their programs to reflect subarea planning?
- How aggressively are jurisdictions using mitigation fees, and what financial gaps still exist?
- What types of mitigation are taking place?
- Are multimodal issues being addressed?
- How are jurisdictions addressing pass-through traffic and interjurisdictional mitigation?
- What is the impact of exempting major state facilities?
- Is the public aware of concurrency, and are major legal issues being encountered?

The detailed case study reviews were also structured around a common set of elements, which were meant to inform all jurisdictions about what their peer jurisdictions are doing and to look for innovative practices in the different facets of the concurrency programs:

- What measurement system is used, with a discussion of tailoring and any traffic study requirements.
- How the concurrency test is administered, what exemptions are granted, and thresholds used for development review.
- What capacity allocation methodology is used, and a description of certificates, timeframes, and transferability.
- What mitigation options are given, whether decision criteria are provided, and whether there are links to the transportation or capital improvement programs.
- Whether transportation demand management, multimodal, and interjurisdictional coordination issues are addressed.
- A description of any additional unique or innovative features of the program.

A final component of the Phase 2 work was an in-depth review of concurrency-related case law. The primary source of cases was the Growth Management Hearings Boards.

The results of the case studies were presented in the *Phase 2 Report: Analysis of Practices*, released August 2002. The results are summarized below.

- **No Two Programs Are The Same.** The analysis reveals that jurisdictions' programs vary widely. Significant differences are found in the administrative details of the programs, such as the measurement system, the capacity reservation methodology, and the level of development fees charged. Perhaps more importantly, differences are found in the objectives jurisdictions have for concurrency – in simple terms, some see it as a growth management tool and others see it as a funding tool. While most feel that their individual systems work fairly well for them, they also believe that the differences among jurisdictions' programs create significant hurdles.

- **The Tool Is Being Used Cautiously.** Jurisdictions seem to be carefully balancing their concurrency program with other goals – the effect of this is that the tool is not being used to its greatest extent. Jurisdictions are not aggressively seeking to focus growth through tailoring the level-of-service standard for different subareas, granting exemptions from concurrency review for specific types of uses, and so on. Also, jurisdictions are not requiring growth to pay its fair share, with few collecting even half of the rate they calculate it will cost to serve the new development.
- **Innovations Are Occurring.** While cautious, jurisdictions are being innovative and so can look to some of their neighbors to find innovative ways to solve problems that they are encountering. Some jurisdictions are successfully focusing growth in their centers by changing how they measure congestion or by reducing concurrency requirements. Some are building projects by implementing concurrency through impact fees. Some are supporting those uses important to them – such as daycares, libraries, transit stations, or even outdoor cafés – through the granting of exemptions, despite being close to reaching their adopted level-of-service standard. Some are even addressing pass through traffic by using different standards for peak versus non-peak hours. While these innovations do not resolve all funding and growth management issues, they seem to be making a difference for the communities using them.
- **The Choice of a Measurement System Is Key.** The details of a jurisdiction’s measurement system can greatly affect what mitigation is required and, if not carefully considered, can control what is in the capital facility plan. While almost all programs measure concurrency for automobiles, not all are controlled by the results. A few go past the volume-to-capacity ratio, and use design standards, travel times, or measure system-wide. Perhaps more impressively, some jurisdictions continue to use volume-to-capacity ratios but purposefully focus their mitigation on non-capacity adding projects such as transit or demand management programs.
- **Multimodal Approaches Are Limited.** Despite federal and state requirements, multimodal approaches are not making their way into jurisdictions’ programs to any great extent. In practice, concurrency is almost exclusively an automotive measurement system. While many jurisdictions do allow for mitigation that supports other transportation modes, and some authorize trip reduction credits for demand management, rarely is the presence of alternative modes used as a factor in what standard is adopted, and rarely do jurisdictions use a wholly separate standard or approach for areas with high levels of transit service.
- **Limited Coordination Is Occurring.** Concurrency programs focus almost exclusively on the local impacts of development and, therefore, all impacts that occur geographically distant from a proposed development are basically excluded from concurrency review and mitigation. Key staff in the region strongly believe that this is a fundamental problem with the existing system. In looking for solutions, a number of respondents indicated that a role exists for regional and perhaps state agencies to help address cross-boundary issues and mitigation.
- **State Facilities.** In most locations, congestion on state facilities creates local impacts, but is not stopping development from occurring. At the same time, the fact that local jurisdictions do the concurrency work means that development mitigation funds are usually not used to pay for improvements to state facilities. Perhaps because this equilibrium may be the optimal situation, jurisdictions’ concurrency codes and ordinances do not address state facilities (although some programs do incorporate state facilities).

After completing the second phase of work, the overall sense was less positive than after the first. It was clear that programs were being refined and improved, but also clear that significant changes continued to be needed to make the programs multimodal, coordinated, and fully supportive of jurisdictions' comprehensive plans. Changes also seemed to be needed to address cross-jurisdictional impacts, but no clear consensus emerged on how this should be addressed.

Further, the diversity of approaches was seen as a predictable outcome given the limited regulatory guidance provided in state law. This diversity clarified why jurisdictions do not collaborate to any great extent – the technical obstacles are often too great. And, the different objectives and philosophies also hinder coordination in that each jurisdiction views their neighbor's actions in light of their own intentions. Thus, it will be challenging for those who use concurrency as a growth management tool to work well with others who use it primarily to fund desired projects. It will also be challenging for those who use concurrency as a mechanism to encourage a variety of transportation modes to work with those who use concurrency as a funding (and perhaps road capacity building) tool.

The research also revealed that few jurisdictions believe they can require new developments to pay the full cost for infrastructure required to serve the new development. The participants seemed to indicate that to remain competitive, jurisdictions couldn't charge much more than their neighbors, regardless of their needs – in essence, jurisdictions are not catching up, nor is concurrency helping them keep up.

Phase 3 Overview and Findings

The third phase of the project was focused on compiling the issues identified in the first two phases of work and enlarging the outreach effort to assess the opinions of practitioners, elected officials, and interested parties. The topics were primarily focused on local activities, but also included some regional and state issues.

Working with input from the Regional Staff Committee, the Regional Council hosted a full-day workshop in November 2002 in Bellevue, Washington. More than 80 people participated, including local government staff, elected officials, planning consultants, staff from the Washington State Department of Transportation, and staff from many of the region's transit agencies.

The workshop included brief presentations to set the context for the ensuing small group discussions. The speakers included local and national experts, including former Washington state agency officials, a transportation planning consultant currently working on a concurrency study for local jurisdictions in the region, a local print media journalist, a Growth Management Hearings Board member, and a concurrency consultant from Florida.

Participants spent the majority of the day working in eight small groups. A set of worksheets was provided to participants to help facilitate discussions. These worksheets condensed and summarized the local, regional, and state issues, posed specific questions, and offered potential actions. Participants discussed the issues, actions, and, ultimately, provided answers to the questions. Participants were encouraged to identify those actions that are most appropriate to take in the short-term versus long-term. The issues revolved around the following set of questions:

- Should concurrency methodologies be more consistent?
- Should jurisdictions tailor their programs, and should they work together to tailor standards across the region to focus growth?

- Should jurisdictions set development-related charges and fees higher, and would working together help in setting rates and fees higher?
- Should jurisdictions share revenues to more equitably address cross-jurisdictional impacts?
- Should jurisdictions coordinate on data, design and level-of-service standards to address cross-jurisdictional impacts from local facilities?
- How should state facilities and their impacts be addressed in local programs, and how should highways of regional significance be addressed?
- Should the Regional Council have a role in concurrency, and should the role be focused on supporting local programs?
- Should the Regional Council's role include developing a regional program?
- Should development-related charges be more flexible to allow funds to be used for ongoing projects or programs such as transit service or demand management programs?
- Should exemptions explicitly be made legal or not, and should transit facilities be made exempt?
- Should interjurisdictional coordination requirements be strengthened, or should already-authorized approaches such as interlocal agreements be used instead?

The results of the workshop were presented in the *Phase 3 Report: Workshop Results*, released January 2003. The results are summarized below and are organized using the local, regional, and state structure used during the workshop, with an additional section for those concepts that have a relationship to all three levels of government.

OVERALL THEMES

- **The law needs no major changes.** While most participants believed that the concurrency requirement, on the whole, is not working as well as they would like, there was a strong majority of support for leaving the requirement as is and for letting jurisdictions continue to work together (in other words, letting the state of the practice mature). There were some issues where small refinements could help.
- **Concurrency should remain a local tool, but should better recognize interjurisdictional implications.** Most participants acknowledge cross-jurisdictional impacts, but indicated that resolving these remained a local matter and local choice.
- **Changes should be made by using carrots, not sticks.** Given the agreement that changes should be made to local programs, most participants supported the notion of an incentive-based approach as being more likely to be effective, and acceptable, than a regulatory approach.
- **Concurrency should be more multimodal.** This primarily translated into better integrating transit service into concurrency programs, despite the host of complicated issues that would need to be resolved. There was also support for nonmotorized and demand management at a conceptual level, however skepticism existed as to whether these were significant enough to warrant the effort.
- **Public understanding and acceptance continues to grow in importance.** Participants agreed that programs should be more easily understood by the public, and that decisions should be more fact-driven (with consistent definitions), as opposed to negotiated.

LOCAL THEMES

- **Jurisdictions should work towards more consistent and compatible methodologies.** Opinions were mixed, some wanting more consistency, some cautioning against a one-size-fits-all approach. Participants indicated that jurisdictions would need technical assistance and resources, which may require additional funding.
- **Coordination is necessary, but should be pursued locally.** Participants felt that coordination was very important, and that the most effective approach would be to work with adjacent jurisdictions. Long-term, however, many felt that coordinating at the corridor or the subarea level would become more important. In general, participants believed that issues should be addressed in a non-prescriptive manner when specific issues arise.
- **Programs should become more tailored and recover more funds.** Jurisdictions should tailor their programs to focus growth within their centers. Jurisdictions should consider being more aggressive to have new growth more fully pay for its impacts. Jurisdictions should consider working together on both tailoring and funding.

REGIONAL THEMES

- **The Regional Council has an important support role to play.** Participants strongly supported the Regional Council continuing the work it is doing, and being a forum for discussions. Participants primarily supported technical assistance, information sharing on best practices, monitoring, and other data efforts. Where feasible, incentives should be used to improve local programs.
- **The Regional Council may have a larger role when it comes to regionally significant issues.** Participants did not see the need for a regional concurrency program, however many participants agreed that some issues (such as regional growth centers or corridor planning) would benefit from the larger perspective that the Regional Council would bring.

STATE THEMES

- **Exemptions can be useful and should be permitted in some fashion.** Almost all the participants agreed on the value of exemptions. Discussions were mixed on what types of uses should be exempted, but most felt that one characteristic should be that the uses should have a small impact. There was some support for exemptions for districts such as regional growth centers or downtowns. There was near consensus that transit facilities should be exempt from the development approval component of concurrency, but not necessarily the mitigation component. Further, most felt that mitigation should perhaps occur through the SEPA process.
- **The State Department of Transportation's role in concurrency should not change.** Jurisdictions continue to be concerned regarding the state's ability to fund transportation projects especially those that would provide some relief from the impacts of traffic on local roads that access and intersect state facilities. However, participants were unanimous in thinking that the state should not have a role in local concurrency determinations. Participants are interested in greater clarity regarding highways that are not of statewide significance, but they did not specifically decide what the role should be.

After completing the final phase of work, the overall assessment was that concurrency remains an evolving tool, and that the state of the practice needs to mature. Further, local jurisdiction staff were consistent in seeing the flaws in current practice and in believing that, by and large, they had the capacity, with some additional resources and technical assistance, to improve their programs. Participants agreed with the Regional Council analysis that multimodal concepts were not, on the whole, being fully pursued, and that greater coordination was needed. Opinions as to the remedy, however, were somewhat mixed.

Most participants saw the future of concurrency as remaining fully a local prerogative; even those who supported a larger regional role expressed skepticism as to whether this would be accepted. At the same time, there was very strong support for regional roles in data, monitoring, and best practices activities.

Finally, participants were in consensus that transit facilities and service provide sufficient benefit system-wide that these facilities should be exempt from the development approval component of concurrency. Most, but not all, felt that these facilities should also be exempt from the mitigation component of concurrency, and that mitigation should occur through other procedures, such as the SEPA process.

III. Recommendations

This section presents a series of recommendations for action that the Regional Council and others should take to help make concurrency implementation more effective. These recommendations draw from the research and investigative work on local concurrency programs conducted by Regional Council staff since Autumn 2001 in cooperation with municipal and county staff officials, along with the results of the November 2002 Concurrency Workshop.

These recommendations are advanced with an understanding that work on concurrency in the four-county region continues to evolve. As a result, some of the recommendations are specific and detailed, while other are more general in nature. Several of the recommendations describe ways in which the Regional Council should be more involved in advancing concurrency issues. Other recommendations are designed to provide additional guidance to local jurisdictions – guidance designed to help improve coordination among programs and to make local efforts more successful.

ISSUE # 1: Concurrency Should Focus on Multimodal Transportation

DISCUSSION

The transportation planning goal in the Growth Management Act focuses on developing efficient multimodal transportation systems – however, the majority of local concurrency programs focus almost exclusively on auto congestion. Typically, if a program is designed only to measure vehicle travel, the remedies being advanced may also tend to be auto-based, with other modes of travel not taken into account. At present, transit, transportation demand management, and nonmotorized travel are not usually considered in local concurrency programs – nor promoted as possible solutions. Transit, in particular, is a critical component for comprehensive transportation planning in urban regions such as the central Puget Sound region.

RECOMMENDATIONS

- 1-a. Multicounty planning policies should be developed to provide guidance to local jurisdictions to expand their concurrency programs to address multimodal considerations in both assessment and mitigation.

- 1-b. Multicounty policies should also address expectations for countywide planning policies regarding multimodal approaches to concurrency.
- 1-c. The Regional Council should pursue a grant to oversee the development of a concurrency manual, which would provide detailed examples and models for integrating transit, demand management, and nonmotorized travel into local concurrency programs. The Regional Council would likely want to work with a consultant to provide expertise.
- 1-d. The Regional Council should pursue a grant to sponsor a pilot program to promote more refined multimodal approaches to concurrency.
- 1-e. The Regional Council's Transportation Operators' Committee (TOC) should be charged with considering how local concurrency programs can better integrate transit. Key issues such as determining how local funds should be used for service/infrastructure, service commitment challenges, and legal nexus tests should be considered.

COMMENT

Policy directives in multicounty and countywide planning policies would ensure that jurisdictions in the region are taking a multimodal approach to addressing concurrency, while continuing to leave the specifics of how this is done to local discretion. Such directives would advance compatibility, while continuing to recognize that one-size does not fit all. Multimodal concurrency programs should promote the concept that availability of transit (and nonmotorized travel options) can be a major part of the solution when automobile-based measures indicate vehicle capacity failures, and therefore should be recognized and promoted in the determination and mitigation. A more multimodal approach to concurrency would also likely place less emphasis on volume-to-capacity ratios, by factoring in transit and promoting transportation demand management.

ISSUE # 2: Concurrency Programs Need to Be Coordinated Among Jurisdictions

DISCUSSION

At present, concurrency is approached and calculated on a jurisdiction-by-jurisdiction basis, whereas the transportation goal in the Growth Management Act is focused on basing decisions on regional priorities and coordination among city and county comprehensive plans. Impacts of developments on neighboring jurisdictions are usually not considered, and sharing revenues to mitigate the impacts is rarely done.

RECOMMENDATIONS

- 2-a. To facilitate coordination, the multicounty planning policies should direct local jurisdictions to incorporate policies and provisions in their local comprehensive plans that outline the goals and principles of their concurrency programs. The Regional Council would then review these provisions as part of its required review and certification of local comprehensive plans.
- 2-b. To help with the sharing of information, the Regional Council should work with jurisdictions to develop a process for regular reporting on concurrency. Such reporting would be requested every third year and the results would be summarized in a *Puget Sound Milestones* report.
- 2-c. If the Regional Council pursues a grant to sponsor a concurrency pilot program (see *Recommendation 1-d* above), an additional facet of the project could work on innovative approaches to coordinating concurrency with neighboring jurisdictions.

COMMENT

Inter-jurisdictional impacts are critical to a full assessment of concurrency conditions and should be factored into key decisions and mitigation efforts. The Growth Management Act already provides a strong foundation and requirement for coordination – both at a policy and a mitigation level – among jurisdictions, including in the area of transportation planning – and therefore it should already be happening. The directives concerning transportation coordination in the RCW and WAC are also the basis for Regional Council review of local programs and provisions.

By asking jurisdictions to incorporate policies and principles for concurrency in their comprehensive plans, localities would still have the broad discretion to determine what forms of interjurisdictional coordination are most appropriate in their unique planning context. Having these issues addressed through the comprehensive planning process also provides regular opportunities for public involvement and increasing public understanding regarding concurrency.

ISSUE # 3: Address the Variety of Concurrency Methodologies Being Practiced

DISCUSSION

A key finding of the Regional Council's assessment of local concurrency programs is that methodologies used for analysis purposes and for setting concurrency standards differ significantly from one jurisdiction to the next. This variation makes interjurisdictional coordination challenging, complicates the ability of general public to understand what is – and is not – happening to implement concurrency, and is a source of frustration for the development community.

RECOMMENDATIONS

- 3-a. The Regional Council should oversee the development of a concurrency manual that fully describes particular concurrency methodologies – highlighting their pros and cons, as well as citing practices and examples. The manual should also provide tools for addressing ways in which methodologies can become more compatible and consistent among jurisdictions (see *Recommendation 1-c above*).
- 3-b. To further advance compatibility and consistency among programs, jurisdictions should be encouraged to choose among those methodologies provided in the manual. This would continue to allow for local policy choices, while providing a clearer understanding of how various approaches relate to each other and are to be coordinated.
- 3-c. Countywide planning policies should address which methodologies are most appropriate for their localities to use.

COMMENT

A concurrency manual would allow staff, elected-officials, developers, and the general public to better understand the distinct features of various methodologies being employed by jurisdictions throughout the region. The manual would help to advance more appropriate ways of understanding the accessibility and mobility of people and goods in terms of travel time, distance, and person throughput. The manual would provide detailed methodological information. Development of such a manual would likely require consultant services, but would also draw on the public and private experience and expertise in the region.

The focus on compatibility and consistency should address common ways of applying the same concepts (so that LOS C means the same thing when used in different jurisdictions), as well as ways of translating various methodological systems (for example – how to relate a screenline system to a program based on volume-to-capacity ratios). A reader-friendly manual should also be a resource for improving public understanding and awareness of concurrency and how it is practiced.

ISSUE # 4: Tailor Concurrency in Planning Subareas

DISCUSSION

The Growth Management Act's urban growth goal encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. This assumes that growth should be fostered in urban areas where capacity already exists before new capacity is brought on line to serve new development. The implication is that those urban areas with capacity should be prioritized for growth. VISION 2020 and Destination 2030 have as their centerpiece a strategy that calls for the development of mixed-use regional growth centers. These are locations in which an increased portion of the region's future residential and employment development should occur.

RECOMMENDATIONS

- 4-a. The Regional Council should encourage jurisdictions with formally designated regional growth centers to tailor their concurrency programs for their centers. This may result in level-of-service standards and fee structures for their centers that differ from those set for the rest of the jurisdiction. Transportation improvements within regional growth centers may also be different in character from elsewhere in the jurisdiction.
- 4-b. Localities should consider tailoring concurrency programs for other subareas and districts within their jurisdictions. Localities should also consider the presence of transit in their tailoring decisions, so that development occurs in those locations that have the potential to be served by transit.
- 4-c. Any tool that the Regional Council develops for the review of centers plans (such as the proposed centers plan checklist) should ask jurisdictions to provide information on how they are addressing concurrency in their designated regional growth centers.
- 4-d. If the Regional Council pursues a grant to sponsor a concurrency pilot program (see *Recommendation 1-d and 2-c above*), an additional facet of the project could focus on local, and subregional approaches to tailoring.

COMMENT

About one third of the jurisdictions in the central Puget Sound region are already tailoring their concurrency standards for different subareas, with another third continuing to use a one-size fits all approach. The Growth Management Act has a goal of reducing sprawling, low-density development. Care should be given that concurrency programs are not designed in a manner that reinforces the on-going provision of facilities in a way that contributes to continuing sprawl patterns.

Concurrency also should not be used to inhibit development in urban centers. On the contrary, concurrency programs should be designed to foster development that is pedestrian-friendly and transit-supportive. In addition, along travel corridors that run through more than one jurisdiction, a corridor approach to concurrency may be one way to address improved coordination.

ISSUE # 5: Develop Common Concurrency Objectives

DISCUSSION

Concurrency can be described as a three-legged stool, with the legs being growth, transportation investments, and level-of-service standards. Different communities place differing emphasis on the three legs – based on their on specific planning concepts for how they envision their community developing and how they understand concurrency. The different objectives hinder coordination – with each jurisdiction viewing their neighbor’s actions in light of their own (differing) intentions.

RECOMMENDATION

- 5-a. Countywide planning policies should encourage local jurisdictions to balance growth targets and service standards in a way that prioritizes growth and reduces sprawl. Countywide policies can address issues related to locating new development, including density.
- 5-b. Multicounty planning policies should also be developed to provide general guidance on this point.
- 5-c. Where deemed appropriate, countywide and multicounty planning policies should define subareas and/or key corridors where common approaches to concurrency are particularly needed or desired.

COMMENT

The Washington Administrative Code indicates that when development is consistent with the local plan’s land use element – but causes the level-of-service standard to fail – the level-of-service standard should be reevaluated.⁷ Some local practices seem to work from the premise that concurrency is a tool that can be used to justify not meeting adopted growth targets. Growth Management Hearings Boards decisions indicate that achieving growth targets is a primary planning requirement and that other planning efforts, including concurrency, should support this. This emphasis is particularly important for jurisdictions as they interact with their neighboring communities concerning concurrency impacts and mitigation.

Developing common objectives is an ongoing task, and will require ongoing work. These recommendations are meant to identify an appropriate regional and sub-regional forum for local jurisdiction discussions around concurrency objectives, while still supporting local discretion in setting standards, funding improvements, and implementing growth targets.

While concurrency is a local tool, periodically there is a need for a region-wide perspective. As part of the VISION 2020 update, growth and capacity issues will again be considered.

ISSUE # 6: Linking Interagency Planning and Improvements

DISCUSSION

Local jurisdictions and state agencies sometimes have different expectations and conflicts regarding the function and character of transportation facilities. One complication is that revenues collected through local concurrency-related revenues are typically not spent on state facilities, even when these facilities impact on local programs and local transportation systems – and are themselves impacted by local permitting decisions.

⁷ Washington Administrative Code 365-195-835(3)(d)(i) and (ii).

RECOMMENDATION

- 6-a. Within planning areas – whether towns, cities, neighborhoods, or regional growth centers – local, transit and state agencies should work together to ensure that there is a common understanding of what the character of the improvements should be. This is particularly important before agencies approach each other regarding sharing revenues. This is also important when agencies work together to set service and design standards.
- 6-b. The Regional Council should be available to provide facilitation and/or mediation for local and regional concurrency issues when there is disagreement among key agencies and local partners.

COMMENT

The current state-local interaction regarding concurrency and state facilities continues to be dynamic and reflects a number of complicated issues and decisions. These include the exemption of highways of statewide significance, limited funding for improving state and local facilities, and pass-through traffic. However, the consensus at the November 2002 concurrency workshop was that the State's role in concurrency should not change.

Nevertheless, local, regional, and state agencies should ensure that their planning efforts are coordinated and that proposed improvements are advancing compatible goals as part of any interagency revenue-sharing strategies that are developed.

ISSUE # 7: Raise More Revenues for Facility Improvements through Concurrency

DISCUSSION

Most local staff and decision-makers feel that concurrency does not (and perhaps cannot) generate sufficient revenues to build facilities and improvements needed to maintain the established level-of-service service standards. However, financing infrastructure improvements is a complex issue, of which development-related charges is only a piece. It is clear that sufficient funding for facilities and services currently does not exist at the state, regional or local level. The reasons for the lack of funding overall are many - including high costs related to labor and environmental choices, voter dissatisfaction, and an unwillingness to charge the full cost to new development. Nevertheless, jurisdictions should consider whether they can take fuller advantage of concurrency to fund some infrastructure. Jurisdictions should also consider coordinating with one another on revenue collection to create more predictability among permitting processes in the region.

RECOMMENDATIONS

- 7-a. Raising additional revenue for local improvements is primarily a local issue. Opportunities clearly exist for concurrency and concurrency-related programs to raise additional revenues for needed improvements and transportation programs. Local jurisdictions should coordinate on their concurrency programs and funding strategies to create a situation where they can more confidently increase their rates of return while at the same time creating more predictability in the permitting process.
- 7-b. Countywide planning policies should direct localities to consider developing a financing strategy that first directs funds to pay for improvements in urban areas where growth is desired with higher fees imposed in areas where growth is less desired.

- 7-c. The Regional Council should include criteria used for the regional Transportation Improvement Program project selection process and other regionally managed funds to take into account the degree to which a locality has tried to raise funds locally for a particular improvement, prior to requesting regionally managed federal dollars for the project.
- 7-d. The Regional Council should use the long-range planning process to prioritize transportation projects to give local jurisdictions greater certainty as to which projects are likely to be funded in the near-term so they can use this information in structuring their concurrency programs.
- 7-e. The Regional Council and its member jurisdictions should participate in appropriate forums where reexamination of funding structures is being discussed.

COMMENT

In considering whether or not to increase local revenues garnered through concurrency programs, it is important to consider the overall goals and principles the community is working with in efforts to manage development and growth. Each jurisdiction is likely to suggest a different balance to the question of how much focus should there be on infrastructure versus accommodating development. Indeed, the case is frequently made that infrastructure may be needed to accommodate growth.

What issues have come into play if a jurisdiction is somehow unwilling to charge new developments more than a fraction of the calculated cost for needed improvements? Oftentimes jurisdictions need to be sensitive to burdening new development with improvements that also provide a major benefit to the existing community. At the same time, not charging the costs can result in shifting the burden to other taxpayers, or simply means it is harder to get around. Nevertheless, concurrency remains a viable tool for managing growth and making decisions concerning infrastructure, even when it plays only a modest role in funding.

ISSUE # 8: Authorize Concurrency Exemptions for Transit

DISCUSSION

It is commonplace among jurisdictions in the region to treat the construction of transit facilities the same as a residential or commercial development project. This can lead to transit agencies having to contribute large amounts of money for mitigation projects – projects that often focus on local impacts but ignore system-wide benefits. This may contradict state law, which states that concurrency requirements do not apply to transportation facilities and services of statewide significance except for island counties. This set of facilities and services is defined in state law,⁸ and includes high capacity transit systems.⁹ The specific components that are defined to be of statewide significance are further detailed in the Washington State Transportation Plan.¹⁰

RECOMMENDATION

- 8-a. Countywide planning policies should support an exemption of high-capacity transit system improvements from concurrency. Rather, review and mitigation should occur through the SEPA process.

⁸ Transportation Facilities and Services of Statewide Significance – Level of Service Standards [Revised Code of Washington (RCW) 47.06.140]

⁹ As authorized under RCW 81.104.105. Sound Transit is the only agency in the region operating under this statute.

¹⁰ Washington’s Transportation Plan - 2003 – 2022 (Appendix D). Adopted February 2002.

- 8-b. The Regional Council should consider whether local transit improvements should also be exempt from concurrency mitigation. This work should be assigned to the Regional Council's Transportation Operators' Committee (TOC) to oversee.
- 8-c. If the Regional Council pursues a grant to sponsor a concurrency pilot program (see *Recommendations 1-d, 2-c, and 4-d*), an additional facet of the project could work on exemptions for districts and for appropriate transit-oriented developments.

COMMENT

Transit should be viewed more as contributing to the overall solution of improving accessibility and mobility for both existing residents and new development. Centers development plans often point to transit as a mitigation action for increased densities. If transit projects are treated like other development projects in a community, they may end up contributing an inordinate amount of mitigation dollars that could better be spent on additional transit enhancements and service improvements. Moreover, transit facilities (especially high-capacity transit) have little recourse in terms of how flexible they can be with facility siting.

IV. Conclusion

The findings of the Regional Council’s concurrency research show continued progress. Yet at the same time, there is clearly a need for additional work by localities, the Regional Council, and others – including transit agencies, the Washington State Department of Transportation, and the Department of Community Development. While the focus of this series of reports has been on transportation concurrency, some of the recommendations may have applicability for other types of facilities, such as sewer or water.

The recommendations advance further evolution in how concurrency is practiced in the central Puget Sound region. The proposed recommendations – whether advanced individually or collectively – can help the region’s jurisdictions more fully meet the goals of the Growth Management Act.