Chapter 17.10
Concurrency Review

Sections:

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17.10.010 Purpose. This Chapter sets forth specific standards providing for City compliance with the concurrency requirements of the State Growth Management Act (GMA) and for consistency between City and County-wide planning policies under the GMA. The GMA requires that the City of Zillah "must adopt and enforce ordinances which prohibit development approval if the development causes the level-of-service on a 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". For purposes of consistency with the Comprehensive Plan, sewer, water, parks, and schools facilities will also be evaluated with respect to current level-of-service and any future development.

17.10.020 Applicability. All projects or development activities generating more than 90 trips per day must be reviewed for transportation concurrency.

A. The following shall be exempt from the provisions of this Chapter:

1. Any proposed development generating less than ninety vehicular trips;

2. Construction of public transportation facilities; and

3. Road or street projects undertaken by the City;

17.10.030 Review process. The City shall utilize the following procedures for evaluating all projects or development activities for concurrency, unless the Applicant otherwise noted in writing:

A. Whenever a reviewing authority is asked to consider the approval of a division of land for sale or lease or the approval of a site plan, the reviewing official shall make a written determination of concurrency in connection with facilities proposed or available for the project.

1.. Certificate of Concurrency.

a. The Planning Official shall complete a sewer, water, parks, schools, and transportation concurrency evaluation at the time a development permit is applied for or during the course of permit review. The review shall conclude with a determination that the proposed project meets the level of service standards

whereby a Certificate of Concurrency shall be issued and attached or incorporated to the development permit approval. When a project is determined to have not passed level of service standards the Certificate of Concurrency shall be conditioned in a manner that satisfies the requirements of this Chapter, or the project shall not be approved.

b.. The Applicant shall provide the City with all information necessary to complete the concurrency evaluation on the proposed development. It shall be the responsibility of the Applicant to provide studies, surveys, traffic counts, engineering review or any other items determined to be necessary for an accurate concurrency evaluation.

c. A Certificate of Concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development permit time line is extended the certificate shall also be extended for the same time duration. A Certificate of Concurrency shall be valid only for the development permit approved for the same parcel and may be transferable to any new owner(s) of the parcel to which it was issued.

B. With respect to each of the public facilities identified above, concurrency shall be established and determined as follows:

1. **Sewer.**

a. The project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the city;

b. Improvements necessary to provide city standard facilities and services are present or are on an approved and funded plan to assure availability in time to meet the needs of the proposed development.

2. **Water.**

a. The project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the city;

b. Improvements necessary to provide city standard facilities and services are present or are on an approved and funded plan to assure availability in a time to meet the needs of the proposed development.

3. **Parks.** The project meets the requirements of the city for parks, Chapter 13.38 ZMC.

4. **Schools**. The project sponsor provides a letter from the local school district that the school facilities impacted by the proposed development are present, or are on an approved and funded plan, to assure that facilities will be available to meet the needs and impacts of the proposed development.

5. **Transportation**

a. Traffic Impact Calculations.

i. Trip Generation. Traffic calculations shall be based on the trip generation average described within the latest available edition of the Institute of Transportation Engineers (ITE) trip generation manual for the particular type and extent of the development being proposed.

ii. Concurrency Test. The projected number of trips generated by a proposed development shall be subtracted from existing or new transportation capacity of the impacted transportation facility. If projected demand is less than available capacity, the project is not adverse to level of service standards and shall be issued a certificate of concurrency.

b. The project makes on-site and frontage improvements, consistent with city standards for utilities, curbs, gutters, sidewalks, bicycle lanes where appropriate, and roads necessary to serve the proposed project consistent with safety and public interest;

c. The project makes such off-site facility improvements, not listed on the capital facilities plan, as are necessary to meet city standards for the safe movement of traffic and pedestrians attributable to the project. Where a developer is required to oversize an off-site facility for a project by more than 10 percent of the need generated by the proposed project, the city may consider a developer reimbursement contract as authorized by state law;

d. The project makes a contribution to the facilities relating to capacity improvements identified in the adopted six-year traffic improvement program, in the form of a transportation facility impact fees calculated pursuant to Chapter 13.38 or as amended.;

C. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;

2. The level of development, such as units per acre, density of residential development, or other measures of density;

3. The availability and adequacy of infrastructure and public facilities identified in the comprehensive plan; and

4. The character of the development, such as development standards.

D. In determining consistency, the determinations made pursuant to this title shall be controlling.

E. During project review, the city of Zillah or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection C of this section, except for issues of code interpretation

17.10.040 Transportation Concurrency Mitigation Methods. The City shall use the following procedures and criteria to review and approve the adequacy of mitigation methods unless the Applicant is otherwise noted in writing:

A. If mitigation is determined necessary to maintain level of service standards for an impacted transportation facility the Applicant may choose among the following actions:

1. Reduce the size of the project until levels of service standards are met;

2. Enter into a legally binding development agreement with the City whereby all required improvements will be constructed and completed within six years of the development approval date which also insures that the financing is available to pay for the improvements at time of building permit approval;

3. Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development;

4. Propose transportation demand management strategies to reduce vehicle trips generated by the project development; or

5. Await the City's completion of mitigating improvements if such improvements are underway or planned as part of the City's six-year transportation improvement plan; or

6. Any combination of the above.

B. Acceptable impact mitigation requires a finding of the following:

1. The mitigation contributes to transportation facility performance and established level of service standards;

2. The mitigation is consistent with the City's Comprehensive Plan;

3. Any improvements to an intersection or roadway do not shift traffic to residential areas or to other intersections where there is no mitigation being proposed;

4. Any adverse environmental impacts of the facility improvements may be reasonably minimized or eliminated; and

5. The improvements are consistent with the City's engineering standards.