Regional Transportation Concurrency System in Spokane County
A Feasibility Study

TECHNICAL MEMORANDUM # 1

Workshop Summary

Prepared for

Spokane Regional Transportation Council

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INTRODUCTION

This memorandum is submitted in fulfillment of Task 2 Agency/Stakeholder Involvement. Task 2 includes a presentation of the outcomes of Tasks 3 to 5 to the Spokane Regional Transportation Council (SRTC), including a workshop to present the study progress to stakeholders. This memorandum provides a summary of the SRTC meeting and the workshop.

Technical Memoranda

The following three technical memoranda were presented at the SRTC Technical Advisory Committee meeting and at the Agency/Stakeholder Workshop.

- Technical Memorandum #2 – Literature Survey on Various Concurrency Implementation Strategies
- Technical Memorandum #3 – Transportation Performance Measures for Concurrency Applications
- Technical Memorandum #4 – Legal Assessment

SRTC Meeting

A meeting with the Regional Concurrency Study Technical Advisory Committee (TAC) was held at the SRTC conference room from 10:00 am to 12:30 pm. Ten staff from SRTC and member jurisdictions attended the meeting. Mike Pawlak, the study Project Manager for the Consultant Team, opened the meeting by providing the TAC members with a project update/ overview and status report. Following the study overview, Dr. Ruth Steiner presented Technical Memoranda #2 and #3. Mark White followed with his presentation of Technical Memorandum #4.

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Questions and Comments

The following is a list of some of the questions asked and comments made during the meeting:

- How much of the information presented in the literature review applies to WA? Framework and multimodal tools are transferable.
- Statute in WA does not allow exceptions, although there are mentions of projects (for example in Bellevue) that are being exempted (from concurrency). Level of service (LOS) could be lowered as a way of allowing more congestion in downtown and built up areas.
- May want to go back to the legislature to amend the (Growth Management) Act.
- There is a legislative subcommittee that is evaluating transportation concurrency.
- There was a proposal to make state highways part of concurrency, but didn't pass.
- State is not involved in local land use, but has a Transportation Concurrency Evaluation Subcommittee.
- The State is funding the Puget Sound Regional Council (PSRC) for a study on how to implement multimodal concurrency. This study, however, is vague in its intent. It would build on the previous study and further develop multimodal planning through the use of temporal LOS by mode or centers-oriented development.
- PSRC study is ongoing; has several pages discussing regional cooperation
- The Spokane regional concurrency study provides a unique opportunity to identify what works for Spokane, not a PSRC prescription.
- If concurrency does not work, the law will become prescriptive.
- WA State Senator Jim Kastama is strongly committed to the idea that local growth pays for itself
- (WA State) Senator Kastama's position is partly in response to the 20,000-unit development in Orting for which the developer is not required to pay any fees to make any improvements.
- Similarly another project involves a big box near a freeway interchange without mitigation.

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- There are proposals for Highways of Statewide Significance (HSS) becoming part of concurrency.
- This would be a change because generally the state (WSDOT) does not weigh in on local development. Although on SR-195, locals requested participation after the (land use/mitigation) decisions went to the local (GMA) Hearings Board.
- Central goal is regional coordination.
- Are there systems that use multiple approaches?
- The Second Substitute House Bill (SSHB 1565) is clear on intent, but vague on implementation.
- How to incorporate transit? Poor local grid will result in low transit capture. Transit concurrency approach for Broward County cited as an example.
- Issue of vested property rights. How to deal with existing developments that were vested long before concurrency was implemented. WA has a unique vested rights rule. When one files an application that conforms to existing land use regulation, then one has vested right.
- There is perception that city growth is impeded by concurrency.

Key Issues in the study:

- Need for some sort of tiered approach along regional corridors.
- Allow exception areas.
- Possible to use the regional travel time with centers and corridors that allow lower LOS.
- Provide transit credit with higher residential density but it is difficult to quantify the impacts of transit.
- The growth on regional corridors has been 1-2% per year but less than 10% of the overall development has been in the City of Spokane. Thus, the background traffic increases in the City. The region can't put the burden on the City; it needs to be a regional approach. The current trends would require the City to deny all development and approve all of the development outside of the City. This is the opposite of the desired outcome.

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- The City of Spokane approves a concurrency certificate for 5 years. Even a master-planned development is only given a 6 year certificate to build. Subsequent phases need to get a separate certificate.
- Vested platted lots? Yes, about 16,000.
- The 2005 legislation included greater flexibility for multiple modes, peak and non-peak hour standards and modal performance standards.

Workshop

A workshop was held at the Spokane Regional Chamber of Commerce from 1:00-4:30 pm. Twenty seven stakeholders attended the workshop. Below is a summary of the presentations, together with the questions and the answers to those questions.

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TECHNICAL MEMORANDUM # 2: LITERATURE SURVEY ON VARIOUS CONCURRENCY IMPLEMENTATION STRATEGIES

Summary of Presentation

Dr. Ruth Steiner organized her presentation on Literature Survey on Various Concurrency Implementation Strategies under five main topics: purpose of concurrency, components of a concurrency system, statewide approaches to concurrency, approaches to regional concurrency, and evaluation of regional concurrency systems. She outlined the following purpose of concurrency: (a) to link provision of key public facilities/services with the type, amount, location, density, rate, and timing of new development, (b) to manage growth and development with ability to maintain level of service (LOS), (c) to coordinate public facility and service capacity with demands of new development, (d) to discourage sprawl and leapfrog development patterns and promote infill and redevelopment, (e) to encourage efficient development patterns, e.g., New Urbanism, (f) to maintain level of service for existing residents, and (g) to offer an approach for providing necessary infrastructure for new residents.

Dr. Steiner then moved on to discuss the components of a concurrency system using the Delaware Valley Regional Planning Commission approach, which emphasizes that the success of a concurrency system begins with the capital improvements plan and the comprehensive plan. The capital improvements plan needs to be consistent with the comprehensive plan in meeting the goals and visions of the community. Intergovernmental coordination is necessary to ensure that adjacent jurisdictions and state and local governments throughout the region have goals, objectives, and policies that are consistent with each other.

For statewide approaches to concurrency, Dr. Steiner highlighted the differences between Washington State and Florida concurrency systems. Washington and Florida are the two states with requirements for local governments to include concurrency in local comprehensive plans. Washington's approach only requires counties with high populations or counties that opt into the growth management program while that of Florida requires all local governments to participate.

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On approaches to regional concurrency, Dr. Steiner selected the following four examples: Montgomery and other counties in Maryland, Albuquerque and Bernalillo County in New Mexico, Eastside of Puget Sound Region (Cities of Bellevue, Redmond, Kirkland, and Issaquah) in Washington, Orlando and Orange County in Florida. Other regions that were also cited include Boise in Idaho, Dane County (Madison) in Wisconsin, Davidson and Concord-Cabarrus County in North Carolina, Vancouver and Clark County in Washington, and four counties in Florida (Hillsborough County, Palm Beach County, Miami-Dade County, and Jacksonville/ Duval County).

Dr. Steiner concluded her presentation with an evaluation of regional concurrency systems. She discussed her critique of concurrency and APFOs (adequate public facilities ordinances) which includes among others the focus on vehicle mobility rather than capacity for all modes and standards that do not evolve over time. She concluded that most efforts at the regional scale are relatively new, and that regions that are known for regional coordination and cooperation do not necessarily use regional concurrency systems.

Questions, Comments, and Answers

Q_1 Since the findings of regional concurrency systems are scant, should there be a need to modify the study objectives considering it may not be realistic or achievable to follow the systematic course as outlined in the regional concurrency study objectives?

Answer:

It was quite disappointing not to find the evidence of regional approaches quite the same way we would have expected. There is a disconnect between regional approaches to Growth Management and concurrency. The problem is that regions that have done this regional planning don't necessarily enforce concurrency across the board. While may be a tool for certain communities within it, it isn't quite being implemented the same way between agencies.

A number of approaches could be used, for instance, a regional approach to use one of the enhanced volume/capacity systems that is multi-modal in nature, that creates de facto amendments to excepting areas or that lowers the standard enough that

development can take place in areas where it is desired, and that supports a number of goals. Thinking differently about a "toolbox" of options, the question should then be, "What are the region's goals and how can the issues and the measurement system be matched to achieve these goals?"

Q_2 What about creating a system or authority that administers regional transportation concurrency?

Answer:

Going directly to an authority without taking intermediate steps is definitely not the right solution. It is better to take "baby steps" to achieve the goal. It is better to first identify how to manage the regional corridors with a goal of long term thinking about how one might be able to implement a regional system.

Regionalism is not an option in the statutes. Concurrency has to be coordinated regionally. The statutes are not clear on how this is to be done (that is a good thing); because it allows the flexibility to develop an approach that works for this region institutionally and politically. The city and county must work together in defining concurrency.

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TECHNICAL MEMORANDUM # 3: TRANSPORTATION PERFORMANCE MEASURES FOR CONCURRENCY APPLICATIONS

Summary of Presentation

Dr. Steiner summarized her presentation of transportation performance measures into the following three themes: capacity-oriented performance measures, regional concurrency systems, and exception areas/multimodal transportation districts. Under capacity-oriented system performance measures, Dr. Steiner discussed the volume/capacity ratio, travel delay systems, and enhanced volume/capacity methodology. Advantages and disadvantages of each performance measure were discussed. For volume/capacity ratio, there is wide acceptance and comprehensibility among transportation professionals and the development community, but the v/c measure is auto-focused and does not encourage alternative transportation use, hence limiting resultant mitigations to roadway solutions. Travel delay systems (travel time, travel speed, and intersection delay) are understood by the public, but are complex to calculate and therefore require the use of transportation models. Enhanced volume/capacity ratio (zonal, intersection, and location-constrained approach) uses traditional v/c with tiers based upon whether roadways accommodate alternative modes. Advantages of enhanced v/c include enhanced capacity at lower costs, solutions may represent a more efficient use of transportation modes and facilities, and solutions may more closely match community goals. Disadvantages include an increase in the complexity in analysis and explanation of the methodology to the community due to layers of performance measures, and the addition of development without increasing roadway capacity.

On regional concurrency systems, Dr. Steiner outlined how to replace facility performance with measures of regional performance. She described who could be maintaining the regional system, the role of the regional agency, the approach for achieving regional mode split, and mitigations that could be allowed in other parts of the region. She described the advantages which include pooling of community resources, providing technical expertise of larger agencies to smaller communities, accommodating regional trips, targeting transit and automobile investments, and creating markets for transportation improvements that encourage mode shift. The disadvantages were that regional concurrency systems require cooperation of

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communities with diverse visions, local governments have less control over local land use decisions, accuracy of estimates are dependent upon scale, characteristics and the nature of development projects, the diversity of community (and political) goals can create a complex system, requires region-wide commitment to the goal of trip reduction, a system of mode shift credits may develop, but the price may be difficult to establish, and may require legislation.

For exception areas and multimodal transportation districts, Dr. Steiner described project specific (urban redevelopment, de minimus, projects that promote public transit, projects that pose part time demand, and pay-and-go provisions) and areawide (transportation concurrency exception areas, transportation management areas, long term concurrency management systems, and multimodal transportation districts) applications being implemented in Florida, as well as project specific examples in Washington (child care, transit facilities, parks, not-for-profit schools, affordable housing, etc). Advantages include, such alternatives provide flexibility to implement plans, they allow communities to gradually address a backlog of projects, they encourage land use mix, and allow for the development of techniques for analysis of alternative modes of transportation. Disadvantages include; increased congestion if alternatives are not available or not used, the ignoring of concurrency requirements, they can be complex to implement and monitor, boundary establishment can be difficult, and applicability to Washington State is not clear.

Dr. Steiner concluded her presentation on performance measures by discussing a comparison of alternative concurrency approaches. She concluded that no matter what system is adopted, it will need to address the diverse needs of communities throughout the region.

Questions and Answers

Q_1 Regarding the discussion about percentages that could be used for credits, mixed development, investing credits for interconnecting trails, and specific components for qualifying as transit oriented development; did any of the studies that were reviewed do the checking to ascertain whether those percentages were roughly accurate? Will it work over time if a ratio of 30% for production of trips for a certain type of development is used? Could that happen? Would that be reasonable?

Answer:

There is a recent study reviewing internal capture that reviews the success of internal capture in Florida. Although the internal capture question has not been used in the exception areas; it has been used in the development of regional impacts because they are required to do impact monitoring.

There is an NCHRP panel looking at mixed use development and internal capture rates and one of the things that they found in that study is that even though the Institute of Transportation Engineers (ITE) changed its methodology to look at internal capture, very few new studies have used that methodology. The ones that have been done have largely been done in Florida. The study found that there is a wide range of variability on internal capture. They also found wide ranges of acceptable rates.

Q_2 What's the success in the state legislature on exception areas?

Answer:

The WA statute does not allow exemptions. It is kind of a de facto exception.

Q_3 What is the likelihood that we can create exceptions?

Answer:

There may be a way to create a de facto exception, for example a screenline has some of the characteristics of an exception area. The City of Seattle has a screenline, which some suggest operates as an exception area. Although, doing such de facto exceptions should not be made transparent. It should be justified by regional land use policies and trip generation patterns.

Q_4 Both the city and county have concurrency ordinances in place. Is it part of your task to look at those ordinances, and discuss how we can make those ordinances effective?

Answer:

What we are charged with doing is looking at those ordinances, as well as other information and develop some recommendations on appropriate and implementable strategies. Through the course of the study, we will likely come up with some ideas that

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might be incorporated into those two ordinances. We are not going to re-write the ordinances, but we will be looking at them.

Q_5 Is measuring LOS on a more regional or broader approach becoming a trend as opposed to intersection by intersection approach?

Answer:

Measuring LOS on a broader scale as opposed to an intersection is not the current trend, but it is an option. Most communities typically do a local intersection or road link analysis just because most people are familiar with that approach. The use of a broader areawide LOS is still "in the minority", including in Montgomery County even though it was the first to actually do such areawide approach. Most communities still just look at it locally because it takes another level of planning to let you do areawide analysis. Areawide analysis requires modeling and there is always the question of how accurate models of new development can be within the existing environment.

Q_6 Some years ago there seemed to be an issue that folks in the western part of our state were talking about a more corridor approach to LOS since the intersection approach to LOS showed potentially failing intersections. Don't know if that is accurate today?

Answer:

Florida has taken the Highway Capacity Manual and adjusted it to state practice where they talk about five levels of analysis: (1) a point which should be an intersection, (2) a segment between 2 signalized intersections, (3) a facility which should be a single roadway like I-90, (4) a corridor that would be the parallel capacity to I-90, and (5) areawide which would look at the intersections within an area.

The difference between an areawide analysis and a corridor analysis is that the areawide approach includes a "look" at local capacity. The way to think about it is that an area has regional movements and local movements. The areawide approach assesses the levels and impacts of these two types of movements and how these two movements interact. A lot of arguments in Susan Hendy's book are basically arguing that we tend to build the regional network at the expense of the local network. Much of what "New urbanists" are advocating, and what the discussion on internal capture is about, is how

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an area can build (develop) in such a manner that it doesn't have a major impact on a roadway that is generally designed for regional through movement. How does a development keep more of its impact on the site of development (internal) instead of impacting the adjacent arterials? That's where the areawide approach comes in and there is a lot of emphasis in Florida.

Two examples in Washington State were mentioned where a combination of the corridor approach and the intersection approach is being applied. North Bend is currently drafting an ordinance that will take care of concurrency within their boundaries and also at other boundaries while also looking at other mitigation measures. Right now they are looking at seven major intersections within the City of North Bend,as the basis for their evaluations.

As far as setting LOS, the City of Marysville in their most recent transportation plan update, looked at level of service at major "critical location" intersections. They also recognized that there were three major corridors (i.e., facilities) that would be better evaluated on a corridor basis and so they incorporated that into their planning as well.

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TECHNICAL MEMORANDUM # 4: LEGAL ASSESSMENT

Summary of Presentation

Mark White started his presentation by defining concurrency, its objectives, the myths about concurrency, and the components of concurrency. Mr. White emphasized that concurrency is NOT a comprehensive plan amendment, a rezoning of property, an exaction/ dedication requirement, an impact fee, a moratorium, or an urban design standard. He described ten myths about concurrency: that it stops/slows growth, requires developers to finance public facilities, stops or prevents congestion, drives growth to other jurisdictions, increases housing prices and precludes affordable housing, deters economic development, adversely affects the real estate/development industry, is inflexible, places an undue burden on developers and new residents, and takes property rights.

Mr. White then described several components of concurrency that includes applicable public facilities, exemptions or differential standards, impact areas, level of service, current and projected capacities, permit applicability, adequacy determination, reservation of capacity, failure to meet LOS, conditions and mitigation, and vested rights. He then went on discussing the problems that concurrency can solve, the problems it may create, the legal issues and how to resolve them, how to structure and measure concurrency, how to protect infrastructure capacity without creating sprawl, and how to work together regionally.

Questions and Answers

Q_1 In a multimodal system, transit is considered a mitigation and not something with which concurrency needs to comply?

Answer:

In a way, yes.

Q_2 Adding other techniques, like transit, are seen as a mitigation as opposed to being an additional LOS that will be required to achieve concurrency?

Answer:

One would build that into how compliance with the LOS is measured. In a sense it is like mitigation. For example, instead of expanding the roads to 4 lanes, let's say that they add a commercial component into a residential neighborhood and capture some of that traffic. The network's long term goal is consistent with the urban growth pattern and the anti-sprawl provisions of the growth management legislation, as well as, better coordinated with the other goals and objectives of the statutes.

Q_3 But, it isn't to be seen as you can't develop in an area because you don't receive bus service?

Answer:

That's correct. You can look at other things.

GENERAL DISCUSSIONS

Q_1 Will you also be making recommendations as to appropriate technical tools that differentiate between a one hour peak and a two hour peak?

Answer:

One of the tasks of this study is to look at technical tools in a "tool box" of things (options) that the Spokane County Region can use. It is anticipated that at the end of the study, there be some recommendations as far as strategy and implementation of alternatives. However, it is not the intent in this study to re-write or write new ordinances with all of the specifics; rather the intent is to provide background information on what has and is currently being used, and then personalize that to some extent to what might be more appropriate to the Spokane County Region.

Q_2 The study scope mentioned that there will be a follow-up contact after the workshop with local jurisdictions. Will the team still be doing this?

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Answer:

There will likely be follow-up if there are questions that are not dealt with in the workshop. Participants are invited to submit their comments and suggestions to Ed Hayes at SRTC.

ADDITIONAL NOTES, COMMENTS AND QUESTIONS

- The use of exception areas was discussed. There was general support of use of exception areas especially among downtown Spokane representatives. This is in direct conflict with the rulings of the Hearing Board regarding their use either for specific projects or for an area (yet, there are examples in the PSRC work of both types; e.g., use of zonal areas and screenline methodologies).

- Use of the concept of regional general welfare as a justification for approaches taken in regional concurrency system (WAS 362-195-070).

- Could use the model ordinance approach.

- How do we address the issue of the Hearings Board who is attempting to inject state influence in the process?

- Discussion of the use of a regional approach.

- Concern was expressed about decisions being made at the regional level or creation of a regional agency that would make decisions. The response to this concern was that there are many alternatives short of that kind of change, which may be extremely risky given the complexity of concurrency and the lack of agreement on local goals for development in the region. (The discussions also included the recognition that few regions have taken a regional approach to concurrency and that concurrency is a part of an overall regional approach to growth – while it is not the only aspect that should be regional).

  - Challenges to regional concurrency

  - Political environment

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- Support for growth management
- Balancing of individual interest of communities with the regional interests
- Desire for revenue sharing to balance the differences among various communities with respect to ability to generate revenue for needed transportation projects
- Potential cross-border issues (Kootenai County, Idaho may need to participate in any regional approach to concurrency)
- Development that has impact on another jurisdiction – the local government in the jurisdiction when the development takes place will approve the project even if it has interjurisdictional impacts.
- Internal capture is not well documented even when it is allowed. Mentioned NCHRP 8-51 project that is looking at internal capture.

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