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## Chapter 25.20

### CONCURRENCY

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1 **25.20.010 Purpose**  
2

- 3 (a) Pursuant to the State Growth Management Act, the purpose of this Chapter is to ensure that capital  
4 facilities and services necessary to accommodate the impacts of development are available and  
5 adequate to maintain the Level of Service (LOS) standards set in the Comprehensive Plan at the time  
6 a project is first occupied, or that a financial commitment is in place to complete the facilities within  
7 six (6) years. This analysis and conditioning of development permits is in addition to and separate  
8 from the evaluation and conditioning of environmental impacts that occurs under SEPA review.  
9
- 10 (b) Concurrency for certain urban and rural public facilities and services is assured by the  
11 implementation of the Capital Facilities Plan, the County's monitoring and annual review of that plan  
12 and the County's response in the absence of concurrency. Certain public facilities and services also  
13 need to be analyzed before the County can issue a project permit for a specific development. This  
14 Chapter addresses both the annual concurrency review process and the system whereby individual  
15 development projects are examined for concurrency and development permits are issued only after it  
16 is demonstrated that the levels of service will not be degraded below the adopted level of service  
17 standards for these facilities and services.  
18

19 **25.20.020 Applicability**  
20

- 21 (a) The Administrative Official shall not approve a development permit application unless it has met all  
22 applicable Concurrency Review requirements and the Administrative Official has made a Finding of  
23 Concurrency. All development permit applications, unless specifically exempted in subparagraph (b)  
24 below, are subject to Concurrency Review. These include:  
25 (1) The construction or expansion of a structure or use;  
26 (2) A change in use of land or structures that creates a need for additional Concurrency Facilities  
27 and Services; or  
28 (3) A new phase of an existing Planned Unit Development.  
29
- 30 (b) Exemptions: The following project permits are exempt from Concurrency Review:  
31 (1) Development permits that were issued or applications that were accepted as complete before the  
32 effective date of this UDC. If the accompanying development permit does not expire, capacity  
33 shall be deemed to exist for five years after the above date. If the development authorized by the  
34 accompanying development permit is not completed within five (5) years of the effective date of  
35 this UDC, the development permit shall automatically expire and the project shall be subject to  
36 Concurrency Review;  
37 (2) Any project that is a component of another proposed development and that was included in a  
38 prior application for a Finding of Concurrency. This does not include new phases of Planned  
39 Unit Developments and Master Planned Resorts which must receive new and separate approvals;  
40 (3) The first renewal of a previously issued, unexpired permit, provided that substantial progress has  
41 been made on the project;  
42 (4) The following permit actions:  
43 (A) Boundary Line Adjustment;  
44 (B) Final subdivision (if a concurrency test was conducted for the corresponding Preliminary  
45 Subdivision Permit);  
46 (C) Minor or Major Rezone;  
47 (D) Shoreline Substantial Development Variance;  
48 (E) Street Vacation;  
49 (F) Temporary Use Permit; and  
50 (G) Variance;

- 1 (5) Exempt Types of Development:  
 2 (A) Single-family homes and duplexes;  
 3 (B) Any proposed development that creates no additional impacts on any Concurrency Facility  
 4 and Service are exempt from Concurrency Review. Such development includes but is not  
 5 limited to:  
 6 (i) Accessory Dwelling Units;  
 7 (ii) Any addition to, renovation or replacement of a structure with no change in use and no  
 8 more than one additional dwelling unit added;  
 9 (iii) Any addition or accessory structure with no change in use and no more than one  
 10 additional dwelling unit added;  
 11 (iv) A replacement structure for a structure that has a valid Finding of Concurrency as set  
 12 forth in GCC § 25.20.090;  
 13 (v) Interior renovations with no change in use or increase in number of dwelling units;  
 14 (vi) Interior completion of a structure for a use with the same or less intensity as the  
 15 existing use or a previously approved use;  
 16 (vii) Temporary construction trailers;  
 17 (viii) Driveway, resurfacing or parking lot paving;  
 18 (ix) Re-roofing of structures;  
 19 (x) Demolition;  
 20 (xi) Any action that is categorically exempt from the threshold determination requirements  
 21 under the State Environmental Policy Act (see GCC 14.12) including any  
 22 development that would be exempt but for its location in an environmentally sensitive  
 23 area; and  
 24 (xii) Any other permit that the Administrative Official determines has no impact on a  
 25 concurrency facility or service.  
 26 (6) Exemption from Concurrency Review for Roads: Any development generating a total of less  
 27 than twenty (20) peak hour trips from the total project shall be exempt from Transportation  
 28 Concurrency Review, but shall not be exempt from Concurrency Review for other non-  
 29 transportation Concurrency Facilities and Services.  
 30 (7) Exemption for projects in municipal Urban Growth Areas: Any proposed project within an  
 31 Urban Growth Area, except for the Unincorporated Lakeview Park UGA, shall conform to the  
 32 concurrency requirements set forth in the applicable city ordinance and shall not be subject to  
 33 Concurrency Review under this Chapter. Where a city has not adopted an ordinance specifying  
 34 concurrency requirements, the requirements of this Chapter shall apply.  
 35 (8) Highways of statewide significance (HSS) exempt from the concurrency ordinance.

36  
 37 **25.20.030 Concurrency Facilities and Services**  
 38

- 39 (a) The following Concurrency Facilities, if impacted or used by the proposed development, shall be  
 40 subject to Concurrency Review:  
 41 (1) Transportation Facilities: those County Roads for which Level of Service (LOS) standards are  
 42 established in the Comprehensive Plan;  
 43 (2) Non-Transportation Facilities: County solid waste management systems, law enforcement, and  
 44 community water and community sewage systems that serve Rural Activity Centers and the  
 45 Unincorporated Lakeview UGA.  
 46

47 **25.20.040 Level of Service Standards**  
 48

- 49 (a) The Level of Service (LOS) standards shall be as listed in Tables 1 and 2.  
 50

**Table 1**  
**LOS Standards for Transportation Facilities<sup>1</sup>**

Concurrency Facility and Service	LOS Standard
County Roads <sup>2</sup> outside of UGAs and Rural Activity Centers	B
County Roads <sup>2</sup> within Rural Activity Centers	D

<sup>1</sup> LOS standards are set forth in Chapter 8 – Transportation Element of the Comprehensive Plan.

<sup>2</sup> Those County Roads for which LOS standards are established are specified in Chapter 8 – Transportation Element of the Comprehensive Plan.

**Table 2**  
**LOS Standards for Non-Transportation Facilities<sup>1</sup>**

Concurrency Facility and Service	LOS Standard
Community Water Systems <sup>2</sup>	As determined by each service provider or established in any Coordinated Water System Plan
Community Sewage Systems <sup>3</sup>	As determined by each service provider

<sup>1</sup> LOS standards are set forth in Chapter 9 – Capital Facilities Element and Chapter 10 – Utilities Element of the Comprehensive Plan.

<sup>2</sup> Community water systems are those Group A Community water systems as classified by the Washington State Department of Health and that serve Rural Activity Centers or the Unincorporated Lakeview UGA.

<sup>3</sup> Community sewer systems are those large, on-site sewer systems as classified by the Washington State Department of Health and wastewater treatment systems permitted by the Washington State Department of Ecology and that serve Rural Activity Centers or the Unincorporated Lakeview UGA.

**25.20.050 Concurrency Review**

- (a) Timing: All applicants for development permits, except those exempt, shall apply for Concurrency Review at the time applications for development project permits are submitted. Inquiries about availability of capacity on concurrency facilities and services may be made prior to development permit applications, but responses to such inquiries are advisory only and available capacity can only be reserved through a Certificate of Capacity as set forth in this Chapter.
- (b) Application Requirements: Concurrency Review shall be performed for the specific property, uses, densities and intensities based on the information provided by the applicant. The applicant shall, as a part of the development application:
  - (1) Describe the proposed development in a manner adequate for each of the Concurrency Facility and Services Providers to determine the demands on Concurrency Facility and Services that are likely to be generated by the proposed development, including densities and intensities that are consistent with the uses allowed for the property; and
  - (2) Describe any improvements and/or non-capital alternative strategies that are proposed in conjunction with the Concurrency Facility and Services Providers which may reduce the demand on facilities or increase available capacity.
- (c) Decision-Making Authority: Concurrency Review will be performed as part of the processing of a development permit as specified in GCC § 25.04. The Decision Maker as set forth in GCC §

1 25.04.080 Table 2 shall be vested with the authority to make a Final Concurrency Determination,  
2 either of No Concurrency or Concurrency. The Facility and Service Providers are vested with the  
3 authority to conduct Concurrency Review for their facilities and services and for determining  
4 appropriate methodologies for doing so. The County Engineer is vested with the authority to conduct  
5 Concurrency Review for Transportation Concurrency Facilities, and for determining appropriate  
6 methodologies for doing so.  
7

8 (d) Administrative Rules: The Administrative Official may, by administrative order, establish  
9 administrative rules to manage Concurrency Review.  
10

11 (e) General Procedures: The following general procedures shall apply to Concurrency Review.

12 (1) Applications for Concurrency Review shall be submitted on forms provided by the Department.

13 (2) The Administrative Official will provide the overall coordination of the Concurrency Review.  
14 The Administrative Official shall notify the:

15 (A) Facility and Service Providers of all applications requiring a Concurrency Review and  
16 provide appropriate development application materials for review, except where either of  
17 the following conditions hold:

18 (i) If a Facility and Service Provider has demonstrated that capacity will be adequate for a  
19 period of at least one year, pursuant to GCC § 25.20.070(b), then the Decision Maker  
20 shall use this determination in making a Final Concurrency Decision as part of the  
21 development permit decision(s);

22 (ii) If a Facility and Service Provider has not properly reported its available capacity  
23 pursuant to GCC § 25.20.080(a), then the Decision Maker shall consider there to be no  
24 available capacity, and make a Final Concurrency Decision of No Concurrency.

25 (B) Facility and Service Providers of all applications exempt from Concurrency Review which  
26 will use capacity;

27 (C) Applicant of the Concurrency Determination and Final Concurrency Decision;

28 (D) Facility and Service Providers of the Final Concurrency Decision; and

29 (E) Facility and Service Providers of any expired development permits.

30 (3) Upon receipt of a complete application for a development permit, the Department will notify the  
31 Concurrency Facility and Services Providers of all applications received requiring Concurrency  
32 Review and request a Concurrency Determination.

33 (4) Facility and Service Providers: A Concurrency Review will be performed by the Facility and  
34 Services Providers for their facilities and services. The Facility and Services Provider shall:

35 (A) Calculate the additional capacity needed for the development;

36 (B) Review any capital improvements or non-capital demand or load management or reduction  
37 strategies proposed by the applicant to reduce the demand for capacity, and make  
38 appropriate adjustments to the capacity needs of the proposal. The Facility and Services  
39 Provider may also include in this consideration any additional improvement or strategy  
40 proposed by the Facility and Services Provider and accepted by the applicant;

41 (C) Reduce the Available Capacity as defined in GCC § 25.20.080, below, by the additional  
42 capacity needed by the development as calculated above in subparagraphs (A) and (B);

43 (D) Compare the adjusted Available Capacity calculated in subparagraph (C), above, with the  
44 capacity required to maintain the LOS standards specified in Tables 1 and 2 above, and:

45 (i) If the adjusted Available Capacity is greater than or equal to the capacity required to  
46 maintain the specified LOS standard, the Facility and Services Provider shall issue a  
47 Concurrency Determination of “Concurrency,” or

48 (ii) If the adjusted Available Capacity is less than the capacity required to maintain the  
49 specified LOS standard, the Facility and Services Provider shall issue a Concurrency  
50 Determination of “No Concurrency;”

- 1 (E) Notify the applicant and the Administrative Official of the results of the Concurrency  
2 Determination within 30 days of receipt of the application;
- 3 (F) Maintain and monitor the available capacity for their facilities and services on a continual  
4 basis for the purpose of responding to requests for Concurrency Determinations; and
- 5 (G) Prepare and submit to the Administrative Official an Annual Report regarding available  
6 capacity and concurrency as set forth in GCC § 25.20.150.
- 7 (5) The Decision Maker for the project permit(s) shall make a Final Concurrency Decision as set  
8 forth in GCC § 25.20.090, below.
- 9
- 10 (f) To demonstrate concurrency with each of the Non-Transportation Facilities and Services the  
11 applicant may:
- 12 (1) demonstrate that the development will have a lower need for capacity than usual; or  
13 (2) modify the application to reduce the need for capacity; or  
14 (3) offer binding mitigation measures that will provide additional capacity necessary to maintain the  
15 level of service standard upon project occupancy.
- 16
- 17 (g) If a proposed development will make demands on more than one Concurrency Facility and Service, a  
18 separate Concurrency Review shall be conducted for each facility or service.
- 19
- 20 (h) Relation to Other Requirements: Compliance with or exemption from the requirements of this  
21 Chapter shall not exempt a development project from compliance with all other requirements of the  
22 Uniform Development Code including, but not limited to, compliance with GCC 24.04 (SEPA) and  
23 GCC 25.24 (Mitigation Requirements & Impact Fees).
- 24

#### 25 **25.20.060 Phased Development**

- 26
- 27 (a) When a development is proposed in phases or construction is expected to extend over some period of  
28 time, the applicant may offer a schedule of occupancy that limits the occupancy during any given  
29 period of time. When there is such an offer, the schedule of occupancy shall be used in identifying the  
30 improvements that will be required to be implemented with each phase or time period of the  
31 development to comply with Concurrency Review. All permits based upon a schedule of occupancy  
32 shall be conditioned so that the improvements identified as being necessary to comply with  
33 Concurrency Review are completed prior to each identified development phase (e.g. final plat  
34 approval, phased building permit). When an applicant is relying on Financially Constrained (funded)  
35 Projects to demonstrate Transportation Concurrency, the Financially Constrained Projects necessary  
36 for concurrency with the level of service standards must be identified at the time of the Final  
37 Concurrency Decision.
- 38

#### 39 **25.20.070 Concurrency Methodologies**

- 40
- 41 (a) General: The County Engineer and the Facility and Service Providers shall develop the  
42 methodologies that will be used to conduct Concurrency Reviews, and shall report them to the  
43 Administrative Official by a date to be arranged with the Administrative Official.
- 44
- 45 (b) Where Capacity is Adequate for a Future Period: If the County Engineer or a Facility and Service  
46 Provider can demonstrate that capacity will be adequate for a period of at least one (1) year, the  
47 Decision Maker shall use this determination in making a Final Concurrency Decision as part of the  
48 development permit decision(s).
- 49
- 50

- 1 (c) Alternative Methodology: An applicant may request an alternative calculation for a Concurrency  
2 Review, or the Administrative Official, County Engineer, or a Facility and Service Provider may  
3 determine that an alternative calculation is more appropriate due to the size, scale or other unusual  
4 characteristics of the proposed development. In such cases, an additional fee for the alternative  
5 calculation may be imposed in addition to any fees established under GCC § 25.20.130. Such fees  
6 shall be paid by the applicant prior to the initiation of Concurrency Review.  
7
- 8 (d) Transportation Concurrency Methodology: The County Engineer shall develop the methodology that  
9 will be used to conduct Transportation Concurrency Review. The methodology may include both a  
10 review of the overall County Road system and/or a review of County Road segments and  
11 intersections.  
12
- 13 (e) Non-Transportation Concurrency Methodology: The Concurrency Facility and Service Providers  
14 shall develop the methodology that will be used to conduct Non-Transportation Concurrency Review.  
15 Development projects required to obtain a Concurrency Determination for Non-Transportation  
16 Facilities and Services shall demonstrate that there is concurrency with each Non-Transportation  
17 Facilities and Services as follows:
- 18 (1) Community Water: If the project is within the service area for a public water system as  
19 identified in a Coordinated Water Services Plan (CWSP), the applicant has a letter of water  
20 availability from the applicable water system purveyor and the project is conditioned as  
21 appropriate to provide water system improvements necessary to meet the applicable urban or  
22 rural standards as set forth in the CWSP;
- 23 (2) Community Sewer: If the project is within an area approved for public sanitary sewer pursuant  
24 to the applicable sewer purveyor's Comprehensive Plan and complies with all requirements of  
25 that purveyor for obtaining sewer service, including any conditions as appropriate for  
26 improvements necessary to meet the applicable standards set forth in sewer requirements  
27 adopted by that purveyor;.
- 28 (3) Law Enforcement: equals or exceeds the LOS standard set forth in Table 2; and  
29 (4) Solid Waste Management: equals or exceeds the LOS standard set forth in Table 2.  
30

### 31 **25.20.080 Available Capacity**

32

- 33 (a) Calculation: The Available Capacity of Concurrency Facilities and Services include both the capacity  
34 that currently exists or is finished and in place, plus any "Planned Capacity," less the capacity that is  
35 already used or that is reserved or committed for use in the future. For Facility and Service Providers  
36 that require a membership or other commitment as a condition of service shall further reduce  
37 Available Capacity by deducting the capacity that potentially would be used by approved new  
38 development projects when they subsequently apply for membership and/or meet the conditions of  
39 service prior to the time of occupancy or use.  
40

41 Capacity that is already used or reserved shall include the capacity, if any, that is used by  
42 development that is exempt from Concurrency Review pursuant to GCC § 25.20.020(b), but which  
43 uses or will potentially use capacity.  
44

45 "Planned Capacity" consists of Financially Constrained (funded) Projects, which are those projects  
46 for which a financial commitment is in place to complete the improvements. For non-county, Non-  
47 Transportation Projects, such financial commitment shall be demonstrated by a financial guarantee in  
48 the form of a savings account assignment of no less than 100 percent of the cost of construction of  
49 necessary capital improvements prior to occupancy or use of the development. For County Road  
50 projects, such financial commitment shall be demonstrated by designation of the project as

1 'financially constrained' or 'funded' on a Six-Year Transportation Improvement Program (STIP)  
2 adopted by the Board of County Commissioners  
3

4 **25.20.090 Final Concurrency Decision**  
5

- 6 (a) The Decision Maker shall make a Final Concurrency Decision as part of the development permit  
7 decision(s) based on the Concurrency Determination(S) and all relevant evidence presented in the  
8 public record on the project permit. The development permit may be conditioned as necessary to  
9 ensure that an improvement relied upon to demonstrate concurrency will be completed or  
10 implemented in the required time frame.  
11
- 12 (b) A Finding of Concurrency shall only be made if:  
13 (1) the Facility and Service Providers for each and every Concurrency Facility and Service upon  
14 which the proposed development would have an impact have conducted Concurrency Review(s)  
15 pursuant to GCC § 25.20.050(e)(4) and have issued Concurrency Determination(s) to the  
16 Administrative Official;  
17 (2) any demand- or load-management or reduction strategies that are proposed by the applicant and  
18 accepted by the Facility and Service Providers, including the County Engineer, as part of their  
19 Concurrency Determination are included in the permit conditions; and  
20 (3) any measures, including the provision of new capacity, that are required by the Facility and  
21 Service Providers, including the County Engineer, to maintain adequate capacity and which are  
22 accepted by the applicant are included in the permit conditions.  
23
- 24 (c) If the Decision Maker concludes that there is no concurrency and the project permit cannot be  
25 conditioned to accomplish concurrency, the project permit(s) shall be denied.  
26
- 27 (d) If the Decision Maker concludes that there is concurrency and issues project permits, the Department shall  
28 issue a Certificate of Capacity pursuant to GCC § 25.20.100, below, to the applicant with a copy sent to  
29 each Concurrency Facility and Service Providers, the County Engineer, and the Department. The  
30 Certificate of Capacity shall be used to maintain an accounting of traffic impacts on County Roads and  
31 capacity for Non-Transportation Concurrency Facilities and Services that has been reserved.  
32

33 **25.20.100 Certificate of Capacity**  
34

- 35 (a) A Certificate of Capacity shall only be issued upon a finding of Concurrency in a Final Concurrency  
36 Determination issued by the Decision Maker as set forth in GCC § 25.20.090, above.  
37
- 38 (b) A Certificate of Capacity shall only be issued upon payment of any concurrency fee owing and  
39 performance of any precondition established in the permit decision as a prerequisite for obtaining  
40 such certificate.  
41
- 42 (c) A Certificate of Capacity shall apply only to the specific land uses, densities, intensities and  
43 development project described in the application and development permit.  
44
- 45 (d) A Certificate of Capacity is valid for any modification of the permits for which the certificate was issued  
46 so long as such modification does not require the applicant to obtain a new development permit.  
47
- 48 (e) If the development permit for a project is withdrawn, expires or is otherwise cancelled, the Certificate  
49 of Capacity for that development shall automatically be voided. The Department shall send notice of  
50 all voided Certificates of Capacity to each Concurrency Facility and Service Provider, including the

1 County Engineer. Any capacity that is not used because the full extent of the development is not built  
2 shall be returned to the pool of available capacity.  
3

4 **25.20.110 Term and Transferability**  
5

6 (a) A Certificate of Capacity shall remain valid so long as the underlying development permit has not  
7 expired or been revoked. If the accompanying development permit does not expire, capacity shall be  
8 deemed to exist for five years after the date the Certificate of Capacity is issued. If the development  
9 authorized by the accompanying development permit is not completed within five (5) years of the of  
10 the date the Certificate of Capacity is issued, the development permit shall automatically expire and  
11 the project shall be subject to new Concurrency Review. Development permits issued prior to the  
12 effective date of this UDC and which have not been subjected to Concurrency Review shall remain  
13 valid for five years following the effective date of this UDC. If the development authorized by the  
14 accompanying development permit is not completed within five (5) years of the effective date of this  
15 UDC, the development permit shall automatically expire and the project shall be subject to  
16 Concurrency Review;  
17

18 (b) A Certificate of Capacity is not transferable to other property, but may be transferred to new owners of the  
19 same property. The transferred Certificate of Capacity shall apply only to the specific land uses, densities,  
20 intensities and development project described in the application and development permit.  
21

22 **25.20.120 Appeals**  
23

24 (a) The Final Concurrency Decision shall be a part of the permit decision, and may be appealed only as  
25 part of an appeal of the underlying permit pursuant to GCC 25.04 Article X.  
26

27 **25.20.130 Facility Capacity and Review Fees**  
28

29 (a) Concurrency Facility and Service Providers may charge concurrency fees based upon an adopted fee  
30 schedule. Such fees shall be paid by the applicant prior to the initiation of Concurrency Review.  
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