



City Council Agenda Bill

20093

Bill Number

Subject: Amendments to incorporate traffic study requirements into BMC 13.70 Multimodal Transportation Concurrency

Summary Statement: Public Works requests amendments to BMC 13.70 "Multimodal Transportation Concurrency" to incorporate code requirements for Transportation Impact Analysis (TIA - "traffic studies") at the pre-application stage of project review. This new section of code will improve current procedures for requiring TIAs and for requiring off-site mitigation for project impacts, where necessary, and will eliminate the possibility of projects not being reviewed for transportation impacts as a result of changes to SEPA thresholds for project review exemptions.

Previous Council Action: Council work sessions on changes to SEPA thresholds

Fiscal Impact: n/a

Funding Source:

- Attachments:**
- A. Adopting Ordinance with amendment to BMC 13.70
 - B. Staff Report including the following:
 - a. SEPA DNS issued May 16, 2013
 - b. Planning Commission Findings of Fact, Conclusions, and Recommendation
 - C. Public Hearing Notice - no written comment received by Council as of 09-11-13

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Public Hearing Council Vote Requested	16-Sep-2013	Pass Ordinance	Chris Comeau, Transportation Planner	15 mins

Council Committee:

Agenda Bill Contact:

Chris Comeau, Transportation Planner 778-7946

Committee Actions:

Reviewed By	Initials	Date
Ted Carlson, PW Director	<i>TC</i>	9/10/13
Legal Mayor	<i>AKM KL/BA</i>	9/10/13 9/10/13

Council Action:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 13.70.020, 13.70.030, AND 13.70.060 TO ADOPT STANDARDS FOR REQUIRING PROJECT-SPECIFIC TRANSPORTATION IMPACT ANALYSIS AT PRE-APPLICATION STAGE OF PROJECT REVIEW.

WHEREAS, the City has adopted Bellingham Municipal Code (BMC) Chapter 13.70 Multimodal Transportation Concurrency as a pre-application requirement for all new development in compliance with State law (RCW 36.70A.070 (6)(b)) to measure, monitor, and maintain locally adopted level of service (LOS) standards for the multimodal transportation network; and

WHEREAS, minor text amendments for requiring project-specific Transportation Impact Analysis (TIA - "traffic studies") at the pre-application stage are proposed (Exhibit C) to improve the current procedures that Public Works relies on and eliminate any unintended consequences of possible changes to State Environmental Policy Act (SEPA) project-review thresholds; and

WHEREAS, the City's SEPA Official has reviewed this Ordinance and related environmental checklist and has issued a Determination of Non-Significant (DNS) environmental impact (SEP2013-00018) under the State Environmental Policy Act; and

WHEREAS, as required by RCW 36.70.106, notice of the City's intent to amend BMC Chapter 13.70 was filed with the Department of Commerce on May 16, 2013, and sent to other reviewing agencies at least 60 days prior to the effective date of this ordinance; and

WHEREAS, after mailed and published notice of the proposed amendments to BMC Chapter 13.70 Multimodal Transportation Concurrency, the Planning Commission held a public hearing on the proposed text amendments on July 11, 2013; and

WHEREAS, the Planning Commission considered the staff report and associated exhibits, engaged in deliberation, and voted 7-0 to recommend that the City Council adopt the proposed text amendments to BMC Chapter 13.70; and

WHEREAS, after mailed and published notice, the City Council held a public hearing on the proposed text amendments to BMC Chapter 13.70 on September 16, 2013; and

WHEREAS, the City Council has considered the staff report and associated exhibits, public comment received, and the Planning Commission Findings of Fact and Conclusions; and

WHEREAS, the City Council agrees with the Findings of Fact, Conclusions and Recommendations of the Bellingham Planning Commission; and

WHEREAS, the proposed text amendments to BMC Chapter 13.70 Multimodal Transportation Concurrency are consistent with the goals and policies of the Bellingham Comprehensive Plan, the Countywide Planning Policies, and the GMA.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 13.70.020 is amended as follows:

13.70.020 Definitions Specific to Concurrency Management

Adequate Multimodal Transportation Facilities and Services means pedestrian, bicycle, transit, and arterial street facilities which have the capacity to serve development while meeting the City's adopted level of service (LOS) standards.

Arterial Street means any street that the Public Works Department has classified and adopted as a primary, secondary, or collector arterial in the Transportation Element of the Bellingham Comprehensive Plan.

Calculated Level of Service (LOS) means the assessment of the number of person trips available in the committed multimodal transportation system compared to the multimodal transportation demands of new development, measured in person trips available.

Committed Multimodal Transportation System means the entire system of multimodal transportation facilities and services used to calculate person trips available relative to a development proposal. It includes existing and proposed pedestrian, bicycle, transit, and arterial street facilities and services, which are adopted in the Transportation Element of the Bellingham Comprehensive Plan with a financial commitment for construction in the first, second, or third years of the most current adopted Six-Year Transportation Improvement Program, or for which other financial commitments have been secured. Related components of the committed multimodal transportation system include:

- 1) State highways and freeways within the City;
- 2) WTA transit routes and frequency, as identified in WTA Strategic Plans;
- 3) Park and ride lot locations;
- 4) High occupancy vehicle exclusive lanes; and
- 5) Projects to be provided by the State, cities or other jurisdictions may become part of the committed transportation system upon decision of the Director of Public Works. The Director of Public Works may make adjustments to the committed transportation system for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the adopted comprehensive plan; or the date of construction

(scheduled for completion within the six-year period) of any facility enumerated in the Six-Year Transportation Improvement Program.

- 6) Developer committed improvements for arterials, transit, pedestrian, and/or bicycle facilities.

Concurrency means that adequate transportation facilities are in place at the time of development approval or that a financial commitment is in place to complete the improvements or strategies needed for adequate transportation facilities within six years. Bellingham requires completion of adequate transportation facilities within three years. Concurrency, as required by the 1990 Growth Management Act (RCW 36.70A.070(6)), means that the City may only permit development approval if a development would not cause level of service to fall below the City's adopted LOS standard of Person Trips Available within Concurrency Service Areas (CSA). For purposes of meeting the Growth Management Act requirements, in addition to City multimodal transportation facilities, the City will incorporate State highways of regional significance within the calculation of Person Trips Available, but will not apply concurrency to Highways of Statewide Significance consistent with RCW 47.06.140. The City will only include Whatcom County or other transportation arterials outside of the City's jurisdiction in the calculation of Person Trips Available according to an executed interlocal agreement with the controlling jurisdiction or agency.

Concurrency Application means formal submittal of a Concurrency Application Form to the Public Works Department identifying the complete scope and information needed to calculate the associated person trip generation of a proposed development. The concurrency application is the applicant's written request seeking review and approval of transportation concurrency from the City.

Concurrency Approval means a determination by the Public Works Department that adequate person trips are available and the operational level of service (LOS) will not fall below the adopted level of service (LOS) standard due to transportation impacts created by the proposed development.

Concurrency Evaluation means the process, which may include a trip generation analysis by the applicant, to determine whether adequate person trips are available for a proposed development and whether a Transportation Impact Analysis (TIA) will be required for the proposed development.

Concurrency Management System means the procedures and processes used by the City Public Works Department to determine that development permit approvals will meet the City's transportation concurrency requirements.

Concurrency Measurement Point means a specific location on the multimodal transportation network used to measure vehicle traffic volume or transit service frequency (See Table 1).

Concurrency Mitigation means transportation demand management strategies and/or multimodal transportation facility improvements constructed or financed by a developer which provides additional person trips for the facility which are needed to provide adequate Person Trips Available to serve the development proposal. Concurrency Mitigation applies to pedestrian, bicycle, transit, and arterial street facilities. Concurrency mitigation can be identified through the same process as off-site mitigation recommended in a Traffic Impact Analysis (TIA).

Concurrency Service Area means a defined geographic area in which concurrency measurements points provide data used to calculate the number of Person Trips Available to new development on the transportation network serving the area (See Figure 2).

Development means specified improvements or changes in use of land, designed or intended to permit a use of land which will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings/improvements on the land in a manner that will increase the number of person trips generated by the existing use of the land, and that requires a development permit from the City. A phased development is any development involving multiple buildings where issuance of building permits could occur for individual buildings.

Final Certificate of Concurrency means the final certificate issued by the Public Works Department confirming the availability and reservation of a specified amount of capacity on the committed transportation system specific to the approved permit for development. A Final Certificate of Concurrency must be issued concurrently with development permit approval to account for any reduction in person trip reservation from Temporary Certificate of Concurrency.

Financial Commitment consists of the following:

- 1) Revenue designated in the most currently adopted Six-Year Transportation Improvement Program for multimodal transportation facilities or strategies comprising the committed multimodal transportation system. Projects to be used in defining the committed multimodal transportation system for the calculation of Person Trips Available shall represent those projects that are identified as fully funded for construction in the first, second, or third years of the adopted Six-Year Transportation Improvement Program; or
- 2) Revenue from federal or state grants for which the City has received notice of approval; or

- 3) Revenue or secure bond that is assured by an applicant in a form approved by the City in a voluntary agreement to complete adequate transportation facilities within three years; and/or
- 4) Budgeted WTA service expansions.

Growth Management Act (GMA) means the Washington State Growth Management Act enacted in 1990 and approved amendments.

Interlocal Agreement means an executed legal instrument structuring binding relationships between political entities as defined by RCW 39.34.

Level of Service (LOS) Standard means the Person Trips Available (PTA) within each Concurrency Service Area (CSA) to serve new development as adopted in the Transportation Element of the Comprehensive Plan.

Multi-Use Trails include:

- 1.) Off-street multiuse trails that are used for incidental alternative transportation purposes, in addition to the recreational purpose that they serve, that provide a safe alternative to unmarked bicycle routes on arterial streets;
- 2.) Paved or prepared crushed rock surface trails. Trails with adequate drainage, and smooth even surface facilitating safe travel by cyclists. Trails with stairs, large roots, rocky sections, off-camber cross-sections, or areas with persistent standing water/puddles are not included;
- 3.) Trails that are at least 6-feet, but preferably 8-feet or more, in width to facilitate safe bi-directional passage of cyclists and pedestrians;
- 4.) Trails with slopes/grades of generally less than 5% average with maximum grades of less than 12%.

Peak Hour Project Trips means the person trips estimated to be generated by a proposed development during the one-hour weekday afternoon period during which the greatest volume of users are on the multimodal transportation system. The peak hour project trips shall be estimated based on procedures identified in the City's Development Guidelines and Improvement Standards Manual, Section 11, "Traffic Studies." The peak hour project trips are used to determine the Transportation Concurrency evaluation fee, the requirement for a Transportation Impact Analysis (TIA), and the estimated transportation impact fee for development.

Peak Hour Vehicle Traffic means vehicle traffic volumes during the one-hour weekday afternoon period during which the greatest volume of vehicle traffic uses the arterial system, as identified separately at each appropriate Concurrency Measurement Point.

Person Trips Available (PTA) means the ability of the committed transportation system to accommodate the transportation impacts of new development within a Concurrency Service Area (CSA) and is expressed in terms of weekday PM peak hour person trips available. For purposes of the concurrency evaluation, the available person trips will be based on the total person trips calculated for each travel mode less the already used person trips for that mode. The sum of the available person trips for each mode will be the total available person trips for each concurrency evaluation area.

SEPA means the State Environmental Policy Act (RCW 43.21) as implemented by the City of Bellingham.

Six-Year Transportation Improvement Program means the expenditures programmed by the City for capital purposes over the next six-year period in the Six-Year Transportation Improvement Program pursuant to RCW 35.77.010. The financial plan underlying the adopted Six-Year Transportation Improvement Program identifies all applicable and available revenue sources, and the plan forecasts these revenues through the six-year period with reasonable assurance that such funds will be timely put to such ends.

Temporary Certificate of Concurrency means the initial certificate issued by the Public Works Department confirming the availability and reservation of a specified amount of capacity on the committed transportation system specific to the proposed development.

Transit-Oriented Development (TOD) means land use development that generally has the following characteristics:

- A local node containing a mixture of uses in close proximity including office, residential, retail, public and civic uses;
- High density, high-quality development within 10-minute walk ($\frac{1}{4}$ to $\frac{1}{2}$ mile radius) surrounding transit stop;
- Reduced and managed parking inside 10-minute walk ($\frac{1}{4}$ to $\frac{1}{2}$ mile radius) surrounding transit stop;
- Transit stop as prominent feature of development;
- Walkable design with pedestrian as the highest priority;
- Designed to include the easy use of bicycles, scooters, and other non-motorized transportation modes; and
- In some cases, supplemental transit systems including trolleys, streetcars, and, where feasible, regional light rail or heavy rail systems.

Transportation Mitigation includes all non-concurrency measures required by City development regulations, Transportation Impact Analysis (TIA) mitigation recommendations, State Environmental Policy Act (SEPA) requirements, and Traffic Impact Fee (TIF) assessment to mitigate the non-concurrency related transportation impacts from a proposed development.

Transportation Demand Management (TDM) Strategies means techniques or programs that reduce single-occupant vehicle commute travel or improve the capacity of a transportation facility and that are approved by the Public Works Department. TDM Strategies may include but are not limited to vanpooling, carpooling, and public transit, access management, signalization, and channelization.

Transportation Impact Analysis (TIA) is the documentation of both on-site and off-site impacts, as well as recommended mitigating measures, to maintain public safety and adopted level of service (LOS) standards on the Citywide multimodal transportation system. TIAs shall be performed by an engineer licensed in the State of Washington, according to procedures identified in the City's Development Guidelines and Improvement Standards Manual, Section 11, "Traffic Studies."

Travel Demand Forecast Model is the City's computerized transportation model, which is used to develop and analyze peak hour travel demands on the City's transportation facilities. This information is used as the basis for the Transportation Element of the Bellingham Comprehensive Plan and in other transportation planning and traffic engineering applications.

Section 2: Bellingham Municipal Code Section 13.70.030 is amended as follows:

13.70.030 Applicability

- A. A Temporary Certificate of Concurrency issued by the Public Works Department is required for a development permit application to be determined as complete for review by City staff.
- B. Per Public Works Development Guidelines and Improvement Standards Manual, Section 11, "Traffic Studies," a transportation impact analysis will be required for any development that:
 - 1.) Generates 50 or more pm peak hour project trips; or
 - 2.) Generates 40 or more pm peak hour project trips if the development
 - a.) Is near any intersection already experiencing higher levels of traffic congestion and is operating at LOS "E" or "F";
 - b.) Is near any intersection, arterial, or State highway with known safety or collision history; or
 - c.) Requires access or change to access from a State highway.

Section 3: Bellingham Municipal Code Section 13.70.060 is amended as follows:

13.70.060 Concurrency Approval

- A. The City shall not grant concurrency approval or issue a Temporary Certificate of Concurrency for a proposed development permit application unless there are adequate transportation facilities and person trips available on the existing or the committed transportation system to serve the new development.
- B. If the concurrency evaluation shows that adequate person trips are available, then the concurrency application shall be approved. The Public Works Director shall issue a finding of concurrency approval and a Temporary Certificate of Concurrency.
 - 1) A Temporary Certificate of Concurrency must be issued prior to determination of complete application for a development permit.
 - a. If a project-specific transportation impact analysis is required per 13.70.030 B., above, then a Temporary Certificate of Concurrency shall not be issued prior to completion and written acceptance of the TIA by Public Works.
 - 2) A Temporary Certificate of Concurrency shall expire exactly one (1) year after the date of issue by the Public Works Department.
- C. The determination of concurrency approval shall become final at the time of final development permit approval as per Section 13.70.070, below.
- D. The issue of concurrency approval may be raised as part of any appeal of the development permit for which the concurrency approval was granted.
- E. If a Temporary Certificate of Concurrency is issued for a proposed development, but the proposed development permit is denied, expires, or is voluntarily withdrawn, then the Temporary Certificate of Concurrency will be rescinded and transportation capacity will not be reserved for that development.

Section 4. The Findings of Fact, Conclusions and Recommendations of the Planning Commission as shown in **Attachment B - Staff Report** - are hereby adopted by the City Council.

Section 5: EFFECTIVE DATE.

This ordinance shall become effective on October 15, 2013.

PASSED by the Council this 16th day of September, 2013.

Council President

APPROVED by me this _____ day of September, 2013.

Mayor

ATTEST: _____

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney



1 **CITY OF BELLINGHAM STAFF REPORT FOR CITY COUNCIL**
2

3 **Agenda Topic:** Public Works proposed amendments to BMC 13.70 “Multimodal
4 Transportation Concurrency” to incorporate code requirements for Transportation Impact
5 Analysis (TIA - "traffic studies") at the pre-application stage of project review. This new
6 section of code will improve current procedures for requiring TIAs and for requiring off-site
7 mitigation for project impacts, where necessary, and will eliminate the possibility of projects
8 not being reviewed for transportation impacts as a result of changes to SEPA thresholds for
9 project review exemptions.

10
11 **For:** September 16, 2013 City Council Public Hearing

12
13 **Staff Contact:** Chris Comeau, AICP, Transportation Planner, Public Works
14

15 **I. SUMMARY OF PROPOSAL**
16

17 Bellingham Public Works proposes to amend BMC 13.70 Multimodal Transportation
18 Concurrency to incorporate a specific code section for Transportation Impact Analysis (TIA or
19 "traffic study") so that there is a clear legal mechanism in place for both requiring a traffic study
20 and, where necessary, requiring off-site mitigation recommended by the traffic study. This
21 action will consolidate all of the major transportation planning pre-application requirements on
22 one application form and will allow Public Works to discontinue reliance on the State
23 Environmental Policy Act (SEPA) to require traffic studies, which has become less reliable over
24 time.

25
26 **II. CITY COUNCIL ROLE**
27

28 The proposal before the City Council is a legislative development code amendment requiring a
29 Type VI process. The Planning Commission held a public hearing on July 11, 2013 and issued
30 findings of fact and conclusions along with a unanimous recommendation for approval to the
31 City Council. Signed findings and conclusions are included in the staff report, see Attachment B.
32 The Council should adopt or modify the Planning Commission findings as needed to support the
33 proposed code amendment. If adopted, the proposed amendments to BMC 13.70 would
34 become effective in October 2013.

1 **III. BACKGROUND**

2
3 Since Washington's Growth Management Act (GMA) was passed in 1990, Bellingham Public
4 Works has relied on the SEPA as the regulatory mechanism to require new projects to conduct
5 Transportation Impact Analysis (TIAs), when needed. Bellingham's TIA guidelines are included
6 in the Public Works Development Guidelines & Improvement Standards, Section 11. Traffic
7 Studies <http://www.cob.org/cob/dgi.nsf/Viewdgi?OpenForm>

8
9 TIAs document the specific traffic impacts expected from the new development and, where
10 necessary, prescribe adequate off-site mitigation to maintain arterial and intersection level of
11 service (LOS) standards adopted in the Bellingham Comprehensive Plan Transportation
12 Element. The general threshold to require a TIA is any project that is expected to generate 50
13 or more pm peak hour trips, or projects that are in close proximity to arterial segments or
14 intersections that are already performing at lower LOS standards.

15
16 Some projects are not subject to SEPA review, which currently leaves Public Works without a
17 legal mechanism to require a TIA or off-site mitigation, when necessary. While this had been a
18 problem only on occasion, in 2012 the State of Washington chose to change SEPA thresholds
19 for project review, which resulted in some types of new development not being subject to SEPA
20 review and thus TIA and mitigation requirements.

21
22 **IV. ISSUES**

23
24 Bellingham needs to ensure that there will be screening and regulatory mechanisms in place to
25 both require a TIA and to require that development is conditioned with off-site mitigation
26 appropriate to its impacts on the transportation system. The proposed solution is to amend
27 Bellingham Municipal Code (BMC) 13.70 Multimodal Transportation Concurrency to add a
28 section that codifies specific thresholds to require a TIA and that specifically references the
29 administrative procedures for conducting a TIA in the Public Works Development Guidelines &
30 Improvement Standards.

31
32 **V. COMPREHENSIVE PLAN GOALS AND POLICIES**

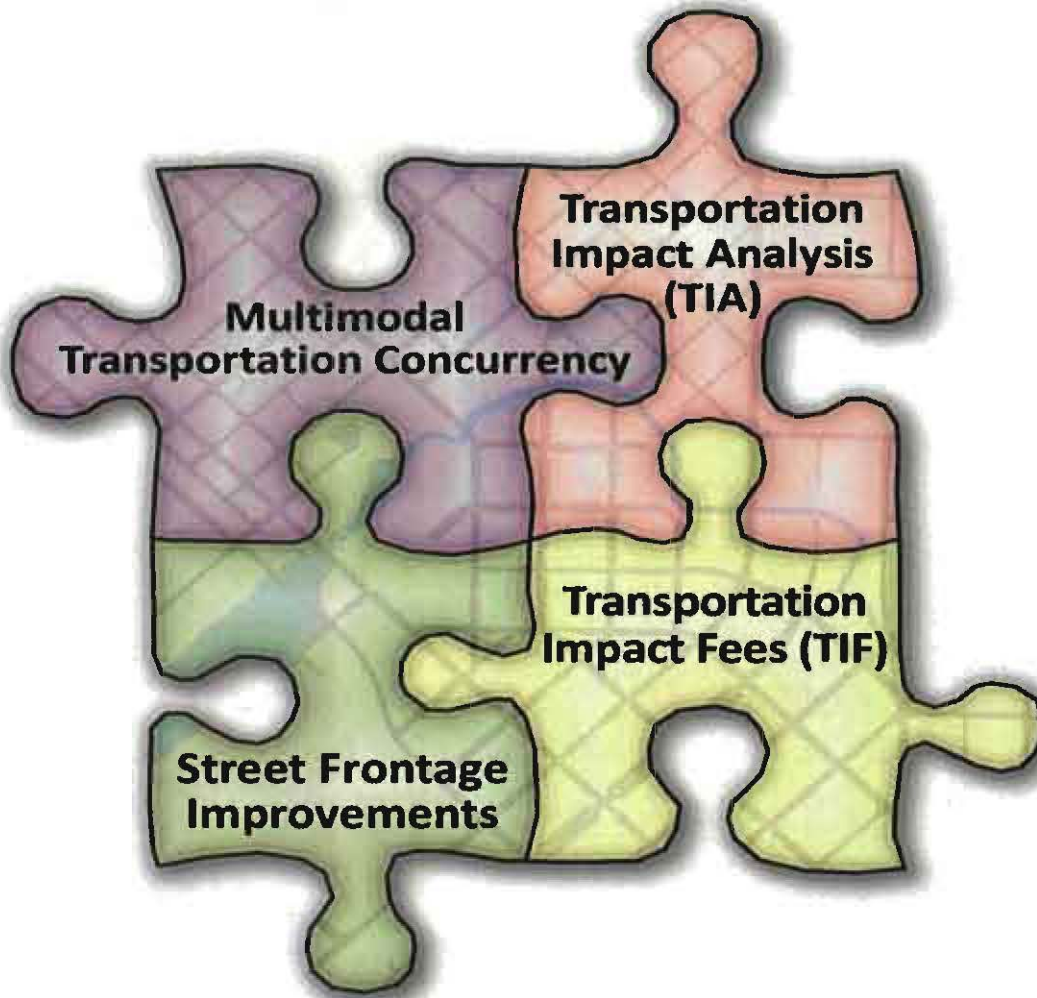
33
34 The proposed amendments to BMC 13.70 Multimodal Transportation Concurrency reflect the
35 essential basis and intent of many infill land use strategy and multimodal transportation goals
36 and policies in the Bellingham Comprehensive Plan and are consistent with the adopted goal
37 and policy direction of the Transportation Element.

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40 **VI. ANALYSIS**

41
42 Transportation Concurrency is a requirement of the Growth Management Act (GMA) and BMC
43 13.70 Multimodal Transportation Concurrency is a pre-application requirement of the City to
44 screen all new development proposals to ensure that the citywide transportation system can
45 accommodate the amount of urban growth that the City is planning for. BMC 13.70 Multimodal
46 Transportation Concurrency uses the same Institute of Transportation Engineers (ITE) vehicle
47 trip generation calculation rates as both the TIA guidelines and BMC 19.06.040 Table 1.
48 Transportation Impact Fees (TIF). Therefore, the new section with thresholds for TIA
49 requirements will always be consistent with BMC 13.70, BMC 19.06, and the current edition of
50 the ITE Trip Generation Manual.

1 **A. Recommendations for Change**

2
3 The Multimodal Transportation Concurrency application form (attached) is already set up to
4 establish whether a TIA will be required, as well as the resulting Transportation Impact Fees
5 (TIF) estimate if the development is permitted at the same scale as evaluated for Concurrency.
6 Therefore, any new development that triggers TIA thresholds will be required to analyze traffic
7 impacts and, where necessary, provide acceptable off-site mitigation. Smaller developments
8 that do not trigger TIA thresholds, will not be required to conduct TIAs. No application for
9 development requiring a TIA will be accepted as "complete" until a formal letter is issued by
10 Public Works listing specific off-site mitigation requirements for the development.
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15 **Figure 1. Development Review Requirements for Transportation**
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1 **B. Pre-Application Requirements for All New Development in Bellingham**

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3 Public Works proposes to formally add "Step 2" (underlined below), to the existing pre-
4 application procedures for BMC 13.70 Multimodal Transportation Concurrency, **which has**
5 ***been an informal practice of the Public Works Transportation Planner for several years.***
6

7 Step 1. BMC 13.70 Application for Multimodal Transportation Concurrency evaluation.

- 8 a. Determines location, scope, and number of vehicle trips expected to be generated by
9 the proposed development according to the most current edition of the Institute of
10 Transportation Engineers (ITE) Trip Generation Manual.
11

12 Step 2. Determination of whether a Transportation Impact Analysis (TIA) will be required.

- 13 a. If the number of vehicle trips exceeds the thresholds identified in the Public Works
14 Development Guidelines and Improvement Standards, Section 11, "Traffic Studies,"
15 then a TIA will be required before a Transportation Concurrency Certificate will be
16 issued and before an application can be considered complete by the City.
17 b. If a TIA is not required, then a Transportation Concurrency Certificate will be issued
18 within 24 hours of receipt of a complete and paid Transportation Concurrency
19 application.
20

21 Step 3. Identification of any public street frontage improvement requirements per code or plans.

- 22 a. In lieu of an official Pre-Application meeting, any street frontage improvement
23 requirements needed for the project will be identified and communicated to the
24 applicant, consistent with:
25 1.) Street Standards BMC 13.04;
26 2.) Urban Village and Neighborhood plans;
27 3.) Comprehensive Plan Transportation Element; and
28 4.) Pedestrian or Bicycle Master Plans.
29

30 Step 4. Calculation of Transportation Concurrency Evaluation Fee due upon application
31 submittal and estimated Transportation Impact Fees (TIF) that will be due at permit
32 issuance.

- 33 a. Based on the number of vehicle trips expected from the proposed development:
34 1.) 100% vehicle trip credit is given for any previous uses;
35 2.) If located in a designated "Urban Village," then per BMC 19.06.040, vehicle trip
36 reductions are provided for
37 a. Overall trip reduction of 15% for mixed use environment with established
38 pedestrian and bicycle networks;
39 b. Overall trip reduction of 7% for being within ¼-mile of a WTA high-frequency
40 transit route or 10% if the development abuts a WTA high-frequency transit route.
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C. Transportation Concurrency Application Already Set Up For TIA



DEPARTMENT OF PUBLIC WORKS
210 Lottie Street, Bellingham, WA 98225
Telephone (360) 778-7900 FAX (360) 778-7901

FOR OFFICE USE ONLY

Date Received: _____

2013 Application for Multimodal Transportation Concurrency*

*All Applicants Please Note:

- 1.) This is a Pre-Application Requirement with an evaluation fee of \$10/pm peak hour vehicle trip. Complete applications must be submitted to Permit Center with Concurrency Evaluation Fee (page 2)
2.) Projects affecting arterials or intersections with low level of service (LOS) or that produce 50+ peak hour trips will also be required to complete a full traffic study as per Section 11, Public Works Development Guidelines, available on the Public Works web site. 70.82 net new vehicle trips = TIA required
3.) Projects abutting public right-of-way will be required to construct standard urban street improvements.
4.) Projects will be required to pay 2013 Transportation Impact Fees (TIF) of \$1,925/pm peak vehicle trip in full at time of building permit issuance. A TIF estimate is provided at the bottom of page 2.

PROJECT INFORMATION

Project Name: __ Samish Mixed Use Center __
Project Address: __ 3500 Consolidation Avenue, Bellingham, WA 98225 __
Assessor's Parcel Number(s): __ 123456789100 __
Concurrency Service Area (CSA) Number (See Map on page 3): __ 7 - Samish Way Urban Village __

PROPOSED PROJECT DESCRIPTION

Office __X__ Retail __X__ Industrial/Manufacturing__ Institutional__ Mixed Use __X__ Other__
Gross square footage of non-residential building __25,000 Office and 25,000 Commercial Retail__
Single family residential __ Multi-family residential __X__ Total number of units __25__
Expected Date of Completion/Occupancy: __ 6/2015 __

APPLICANT INFORMATION

Name __ William Blazjowski, President __ Company __ Big Building Company __
Mailing Address __ 1234 NE Busy Street, Seattle, WA 98110 __
Phone __ (206) 123-4567 __ Email __ bilyblaze@bigbuildco.com __

As the project applicant listed below, I hereby acknowledge I have read this permit application and state that the information is correct, and agree to comply with all City ordinances and State laws regulating activities covered by this permit application.

Applicant Name: __ William Blazjowski __ Signature: _____ Date: __ April 1, 2013 __

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Land Use(s) and Trip Generation

[Call Transportation Planner for assistance (360) 778-7946]

Land Use Description	ITE Land Use Code ¹	ITE Trip Generation Rate ¹	Residential Units	Commercial or Industrial Gross Square Feet	Total New Trips
Proposed Land Uses	¹ Note: 9 th Edition of Institute of Transportation Engineers (ITE) Trip Generation Manual				
General Office	710	1.49		25,000 SF	37.25
Specialty Retail Center	814	2.03		25,000 SF	50.75
High Rise Condominiums	232	0.38	25		9.5
			Subtotal Net New Vehicle Trips =		97.5
Existing Land Uses	100% Credit for previous land use (unless in-active, vacant, or abandoned for 6+ years)				
Single Family Homes	210		3		(-3.0)
General Office	710			2,500 SF	(-3.73)
			Subtotal Net New Vehicle Trips =		90.77
Urban Village Trip Reduction Credits (BMC 19.06.040 E.)	<i>In 2013, available only for projects located within the following mixed use Urban Villages: Downtown, Old Town, Samish Way, Fountain District, Fairhaven, and Barkley Village (see associated Urban Village maps)</i>				
Urban Village location	<i>(see associated Urban Village maps)</i>			15%	(-13.6)
WTA Transit Proximity	Only One Transit Proximity Reduction Below May Be Used				
Fronts on a WTA GO line	15-minute frequency at doorstep			10%	
Within ¼-mile of a WTA GO line	5-minute walk of 15-min frequency			7%	(-6.35)
Fronts on a standard WTA line	30- to 60-minute frequency at doorstep			5%	
Within ¼-mile std WTA line	5-minute walk of 30- to 60-minute frequency			2%	
Commute Trip Reduction Must have 100+ Employees	State law requirement to employ various transportation demand management measures			10%	
Optional/Voluntary Performance Measures to Reduce Vehicle Trips (Requires 2-Year Contractual Agreement)					
WTA bus pass purchase 2 years/\$500 each	Only financially feasible for projects with 25+ total trips			1% per WTA bus pass	
Car Share memberships 2 years/\$500 each	Only financially feasible for projects with 13+ total trips (if Car Share Company exists)			2% per membership	
Car Share vehicle provided on site	Car Share Company or Property Owner			2% per vehicle	
			Grand Total Net New Vehicle Trips =		70.82
2013 Transportation Concurrency Evaluation = \$10 / pm peak vehicle trip. Evaluation Fee =					\$708.20
<i>TIF estimate below is provided out of courtesy and is only informational. TIF is not due until permit issuance.</i>					
2013 Transportation Impact Fee (TIF) = \$1,925 / pm peak vehicle trip. Project TIF Estimate =					\$136,328.50

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As stated above, the use of the Transportation Concurrency evaluation application to determine if a TIA is necessary has been going on informally for several years during the pre-application stages of development review. This proposal would simply formalize and codify this practice as a pre-application requirement.

1 **A. Specific Amendments**

2 Public Works proposes to amend the following specific sections of BMC 13.70 "Multimodal
3 Transportation Concurrency."

4

5 Amend **BMC 13.70.020** Definitions Specific to Concurrency Management, as follows:

6

7 **Concurrency Evaluation** means the process, which may include a trip generation analysis
8 by the applicant, to determine whether adequate person trips are available for a proposed
9 development and whether a Transportation Impact Analysis (TIA) will be required for the
10 proposed development.

11

12 **Concurrency Mitigation** means transportation demand management strategies and/or
13 multimodal transportation facility improvements constructed or financed by a developer
14 which provides additional person trips for the facility which are needed to provide adequate
15 Person Trips Available to serve the development proposal. Concurrency Mitigation applies
16 to pedestrian, bicycle, transit, and arterial street facilities. Concurrency mitigation can be
17 identified through the same process as off-site mitigation recommended in a Traffic Impact
18 Analysis (TIA).

19

20 **Peak Hour Project Trips** means the person trips estimated to be generated by a proposed
21 development during the one-hour weekday afternoon period during which the greatest
22 volume of users are on the multimodal transportation system. The peak hour project trips
23 shall be estimated based on procedures identified in the City's Development Guidelines and
24 Improvement Standards Manual, Section 11, "Traffic Studies." The peak hour project trips
25 are used to determine the Transportation Concurrency evaluation fee, the requirement for a
26 Transportation Impact Analysis (TIA), and the estimated transportation impact fee for
27 development.

28

29 **Transportation Mitigation** includes all non-concurrency measures required by City
30 development regulations, Transportation Impact Analysis (TIA) mitigation recommendations,
31 State Environmental Policy Act (SEPA) requirements, and Traffic Impact Fee (TIF)
32 assessment to mitigate the non-concurrency related transportation impacts from a proposed
33 development.

34

35 **Transportation Impact Analysis (TIA)** is the documentation of both on-site and off-site
36 impacts, as well as recommended mitigating measures, to maintain public safety and
37 adopted level of service (LOS) standards on the Citywide multimodal transportation system.
38 TIAs shall be performed by an engineer licensed in the State of Washington, according to
39 procedures identified in the City's Development Guidelines and Improvement Standards
40 Manual, Section 11. "Traffic Studies."

41

42

43

1 Amend **BMC 13.70.030 Applicability**, as follows:

2
3 **13.70.030 Applicability**

4
5 A. A Temporary Certificate of Concurrency issued by the Public Works Department is
6 required for a development permit application to be determined as complete for review by
7 City staff.

8
9 B. Per Public Works Development Guidelines and Improvement Standards Manual, Section
10 11, "Traffic Studies," a transportation impact analysis will be required for any development
11 that:

- 12
13 1.) Generates 50 or more pm peak hour project trips; or
14 2.) Generates 40 or more pm peak hour project trips if the development
15 a.) Is near any intersection already experiencing higher levels of traffic congestion
16 and is operating at LOS "E" or "F";
17 b.) Is near any intersection, arterial, or State highway with known safety or collision
18 history; or
19 c.) Requires access or change to access from a State highway.

20
21 Amend **BMC 13.70.060 Concurrency Approval**, as follows:

22
23 **13.70.060 Concurrency Approval**

24
25 A. The City shall not grant concurrency approval or issue a Temporary Certificate of
26 Concurrency for a proposed development permit application unless there are adequate
27 transportation facilities and person trips available on the existing or the committed
28 transportation system to serve the new development.

29
30 B. If the concurrency evaluation shows that adequate person trips are available, then the
31 concurrency application shall be approved. The Public Works Director shall issue a finding
32 of concurrency approval and a Temporary Certificate of Concurrency.

- 33
34 1) A Temporary Certificate of Concurrency must be issued prior to determination of
35 complete application for a development permit.
36
37 a. If a project-specific transportation impact analysis is required per 13.70.030 B.,
38 above, then a Temporary Certificate of Concurrency shall not be issued prior to
39 completion and written acceptance of the TIA by Public Works.

1
2 **VII. STATE NOTICE, SEPA DETERMINATION, AND PUBLIC COMMENT**
3

4 Public Works provided public notice and opportunities for comment on this proposal, as follows:
5

- 6 • May 16, 2013: Public Works provided 60-day notice of code amendment to Washington
- 7 State Department of Commerce, as per GMA requirements.
- 8 • May 16, 2013: Planning Director signed DNS for SEP2010-00018;
- 9 • May 16, 2013: SEPA DNS and Checklist mailed to State agencies, MNAC, and other
- 10 interested parties;
- 11 • May 17, 2013: Planning Department posted SEPA DNS Notice on City web site;
- 12 • May 20, 2013: Legal Notice of SEPA DNS published in Bellingham Herald;
- 13 • May 31, 2013: SEPA public comment period ended – no relevant comments received;
- 14 • June 27, 2013: Staff report was provided to Planning Commissioners and made
- 15 available to public;
- 16 • July 11, 2013: Public hearing held before Planning Commission. No public comments
- 17 heard or received. Planning Commission voted 7-0 to recommend approval of the
- 18 proposed amendments to the Bellingham City Council.

19
20 **VIII. STAFF RECOMMENDATION**
21

22 The proposed amendments to BMC 13.70 "Multimodal Transportation Concurrency" are
23 consistent with:
24

- 25 ✓ Accepted Transportation Impact Analysis (TIA) methodology within the field of
- 26 transportation planning;
- 27 ✓ Public Works Development Guidelines and Improvement Standards Manual, Section 11,
- 28 "Traffic Studies"
- 29 ✓ The purpose and intent of BMC 13.70 "Multimodal Transportation Concurrency";
- 30 ✓ Washington State law governing transportation concurrency (*RCW 36.70A.070 (6)(b)*);
- 31 ✓ The transportation goals and policies of the Bellingham Comprehensive Plan; and
- 32 ✓ The requirements of Washington's Growth Management Act (*RCW 36.70A.070*)

33
34
35 **Staff Recommendation: The City Council should vote to adopt the ordinance for**
36 **amendments to BMC 13.70 Multimodal Transportation Concurrency, as proposed by**
37 **Public Works staff and recommended for approval by the Bellingham Planning**
38 **Commission.**
39
40

41 **VI. LIST OF ATTACHMENTS**
42

- 43 A. SEPA DNS issued May 16, 2013
- 44 B. Signed Findings of Fact, Conclusions, and Recommendations by Planning Commission

1
2

Attachment A



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division
210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302 TTY: (360) 676-6883

SEP2013-00018

Determination of Non-Significance

Description of Proposal: Amend BMC 13.70 Multimodal Transportation Concurrency to incorporate code requirements for Transportation Impact Analysis (TIA - "traffic studies") at the pre-application stage of project review. This new section of code will improve current procedures for requiring TIAs and for requiring off-site mitigation for project impacts, where necessary, and will eliminate the possibility of projects not being reviewed for transportation impacts as a result of changes to SEPA thresholds for project review exemptions. **14-day public comment period ends May 31, 2013.**

Proponent: City of Bellingham, Public Works, 210 Lottie Street, Bellingham, WA, 98225

Location of Proposal: City limits of Bellingham.

Lead Agency: City of Bellingham Public Works Department.

Environmental Information Considered:

City of Bellingham Comprehensive Plan, 2006

SEPA Checklist, May 8, 2013

The lead agency for this proposal has determined that the non-project proposal will not have a probable adverse impact on the environment. An environmental impact statement is not required under RCW 43.21.C.030(2) c. This decision was made after review of a completed environmental checklist on file with the lead agency. This information is available to the public on request.

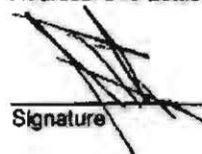
This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

Comments must be submitted by: May 31, 2013

Responsible Official: Jeff Thomas, SEPA Official

Position: Director of Planning and Community Development

Address: 210 Lottie Street, Bellingham, WA 98225

Signature  Date 5-16-2013

Project Contact: Chris Comeau, AICP, Transportation Planner, 360-778-7946 or email: ccomeau@cob.org

The City of Bellingham seeks to comply with the American Disabilities Act. If you have special needs, please contact the City Council Office at (360) 778-8200.

Appeal rights: This Determination of Non-Significance may be appealed to the Whatcom County Superior Court per RCW 43.21C.060. Please contact Whatcom County Superior Court @ 676-6777.

3
4

1 **Attachment B**

2
3 **BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT,**
4 **CONCLUSIONS, AND RECOMMENDATIONS**

5
6 **JULY 11, 2013**

7
8 **DRAFT FOR REVIEW**

9 *Note: the following Findings of Fact, Conclusions and Recommendations were prepared in draft*
10 *form to support the staff recommendation. The findings can be adopted as written, or modified*
11 *to support the final Planning Commission recommendation.*

12
13
14 **SUMMARY**

15 Following the public hearing and deliberation on the proposed text amendments to BMC 13.70
16 Multimodal Transportation Concurrency, the Bellingham Planning Commission has determined
17 that the proposed changes comply with, and will implement, the goals and policies of the
18 Bellingham Comprehensive Plan.

19
20 **I. FINDINGS OF FACT**

21
22 **1. Project or Proposal Description** - Bellingham Public Works proposes to amend BMC 13.70
23 Multimodal Transportation Concurrency to incorporate a specific code section for Transportation
24 Impact Analysis (TIA or "traffic study") so that there is a clear legal mechanism in place for both
25 requiring a traffic study and, where necessary, requiring off-site mitigation recommended by the
26 traffic study. This action will consolidate all of the major transportation planning pre-application
27 requirements on one application form and will allow Public Works to discontinue reliance on the
28 State Environmental Policy Act (SEPA) to require traffic studies, which has become less reliable
29 over time.

30
31
32 **2. Background Information/Procedural History** - Since Washington's Growth Management
33 Act (GMA) was passed in 1990, Bellingham Public Works has relied on the SEPA as the
34 regulatory mechanism to require new projects to conduct TIAs when needed. Bellingham's TIA
35 guidelines are included in the Public Works Development Guidelines & Improvement
36 Standards, Section 11. Traffic Studies <http://www.cob.org/cob/dgi.nsf/Viewdgi?OpenForm>

37
38 TIAs document the specific traffic impacts expected from the new development and, where
39 necessary, prescribe adequate off-site mitigation to maintain arterial and intersection level of
40 service (LOS) standards adopted in the Bellingham Comprehensive Plan Transportation
41 Element. The general threshold to require a TIA is any project that is expected to generate 50
42 or more pm peak hour trips, or projects that are in close proximity to arterial segments or
43 intersections that are already performing at lower LOS standards.

44
45 Some projects are not subject to SEPA review, which leaves Public Works without a legal
46 mechanism to require a TIA or off-site mitigation, when necessary. While this had been a
47 problem only on occasion, in 2012 the State of Washington chose to change SEPA thresholds
48 for project review, which resulted in some types of new development not being subject to SEPA
49 review and thus TIA and mitigation requirements.

1
2 **3. Public Comment** - Public Works provided public notice and opportunities for comment on
3 this proposal, as follows:
4

- 5 • May 16, 2013: Public Works provided 60-day notice of code amendment to Washington
6 State Department of Commerce, as per GMA requirements.
- 7 • June 27, 2013: Staff report was provided to Planning Commissioners and made
8 available to public;
- 9 • July 11, 2013: Public hearing before Planning Commission

10
11 **4. State Environmental Policy Act (SEPA) Determination if applicable -**
12

- 13 • May 16, 2013: Planning Director signed DNS for SEP2010-00018;
- 14 • May 16, 2013: SEPA DNS and Checklist mailed to State agencies, MNAC, and other
15 interested parties;
- 16 • May 17, 2013: Planning Department posted SEPA DNS Notice on City web site;
- 17 • May 20, 2013: Legal Notice of SEPA DNS published in Bellingham Herald;
- 18 • May 31, 2013: SEPA public comment period ended – no relevant comments received;

19
20 **5. Consistency with the Bellingham Comprehensive Plan, and/or Review Criteria**
21

22 The proposed amendments to BMC 13.70 "Multimodal Transportation Concurrency" are
23 consistent with:
24

- 25 ✓ Accepted Transportation Impact Analysis (TIA) methodology within the field of
26 transportation planning;
- 27 ✓ Public Works Development Guidelines and Improvement Standards Manual, Section 11,
28 "Traffic Studies"
- 29 ✓ The purpose and intent of BMC 13.70 "Multimodal Transportation Concurrency";
- 30 ✓ Washington State law governing transportation concurrency (*RCW 36.70A.070 (6)(b)*);
- 31 ✓ The transportation goals and policies of the Bellingham Comprehensive Plan; and
- 32 ✓ The requirements of Washington's Growth Management Act (*RCW 36.70A.070*)

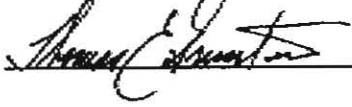
33 34 35 **II. CONCLUSIONS** 36

37 The Planning Commission is in agreement with Public Works that this new section of code will
38 improve current procedures for requiring TIAs and for requiring off-site mitigation for project
39 impacts, where necessary, and will eliminate the possibility of projects not being reviewed for
40 transportation impacts as a result of changes to SEPA thresholds for project review exemptions.
41

42 43 **III. RECOMMENDATIONS** 44

45 Based on the findings and conclusions, the Planning Commission recommends approval of the
46 proposed amendments to BMC 13.70 Multimodal Transportation Concurrency to the City
47 Council.
48
49
50

ADOPTED this 10th day of August, 2013.



1

Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:


City Attorney

2
3



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
Telephone (360) 778-8200 Fax (360)778-8101
Email: ccmail@cob.org Website: www.cob.org

BELLINGHAM CITY COUNCIL NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bellingham City Council will hold a public hearing on **Monday, September 16, 2013 @ 7:00 PM**, or as soon thereafter as possible, in the **City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington**, to take public comment on the following:

PROPOSED AMENDMENTS TO BMC 13.70 "MULTIMODAL TRANSPORTATION CONCURRENCY" TO INCORPORATE CODE REQUIREMENTS FOR TRANSPORTATION IMPACT ANALYSIS AT THE PRE-APPLICATION STAGE OF PROJECT REVIEW

Detailed information regarding the Planning Commission's review of this amendment can be found at: <http://www.cob.org/government/public/boards-commissions/planning-materials.aspx>

Staff Contact: Chris Comeau, AICP, Transportation Planner, Public Works, (360) 778-7946 or ccomeau@cob.org.

Anyone wishing to comment on this topic is invited to attend; or if unable to attend, to send your comments, in writing to the Council Office, 210 Lottie Street, or email to ccmail@cob.org, or fax to 778-8101, to be received prior to 10:00 a.m., Wednesday, September 11, to be included in the agenda packet. Comment received after that time will be distributed to Council but not included in the published meeting materials.

FOR OUR CITIZENS WITH SPECIAL NEEDS, the Council Chambers is fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, persons are asked to contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

Publication date: Friday, September 6, 2013

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