



# Transportation Concurrency

Concurrency refers to the timely provision of public facilities and services relative to the demand for them. The Washington State Growth Management Act requires that concurrent with development, “improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.” RCW 36.70A.070(6)(b).

In a nutshell, concurrency says that jurisdictions must ensure that public infrastructure (like water, sewer, streets, schools, etc.) are built or planned at the same time as (concurrent with) development. That means that fully-planning jurisdictions like Woodland and Clark County, have to make sure that there is capacity for development before it occurs, OR, that the jurisdiction has plans to provide the capacity before the demand occurs. (To complete the improvement or strategy within 6 years.)

We will look at transportation concurrency because traffic is cited as the most visible challenge to our community.

## **Transportation - Level of Service (LOS)**

Transportation infrastructure, like streets and intersections, has its performance measured by the Level of Service, or LOS, it provides to its users. (See our Transportation LOS handout for more info.)

The City of Woodland has adopted a LOS of “D” as its passing standard. (Transportation Policy T-1.2 in the Comprehensive Plan) This means that any intersection, or even a turning movement at that intersection, which falls to a LOS E, is considered to be failing.

## **What happens if LOS falls below service level E?**

Transportation is the only area of concurrency that specifies denial of a proposed development if its impacts on the local transportation system would result in LOS dropping below D; even then, the developer must be given a chance to mitigate for the impacts of their development before it can be denied.

To receive approval, new developments must provide improvements or strategies to handle the new demand concurrent with the development (or provide a financial commitment to complete them within six years).

The most common way for new development to mitigate for impacts is by constructing or reconstructing the street frontage for the development. Developers also pay Transportation Impact Fees for the impacts the development causes to the existing system. In some cases, developers may also be asked to pay for improvements in the area around the development.

In this way, new development builds and rebuilds new streets on site, while also contributing money through impact fees to fix the existing street system.

(See our impact fee handout for more information.)

## **What happens to the Impact Fees paid by a developer?**

Impact fees are collected by the city and help fund street system projects or are used as leverage to get grants for larger projects. For example, \$10,000 in impact fees could be used to build sidewalks, or they could be used at a 10% match to get a \$100,000 grant.

However, the city is limited in what it can use impact fees for. Since impact fees are triggered by new development adding new trips to our transportation system, impact fees have to be spent on projects that “add capacity” to that system.

For example, if a housing development adds 30 houses, the project will generally add 30 trips during the evening rush hour. The \$24,840 impact fees collected from that development can't rebuild Exit 21...but it could build a two blocks worth of sidewalks so the kids that live there can get to school safely. (Or, the city could save the money for Exit 21. Or build a new bike path. Or use it help pay for a new traffic light. Etc.)

## **What are you doing to fix our existing traffic problems?**

Under the Growth Management Act, the city has a program to fix existing deficiencies. Woodland has a Transportation Improvement Plan (TIP) that is reviewed and updated annually. It includes a list of the projects expected to be completed within the next six years, as well as a list of additional projects identified for the city's street system. Impact Fees can be used for any of these projects provided they are growth related projects. (Maintenance like pothole repair and repaving projects are not impact fee eligible. Maintenance work must be paid for by tax dollars from the road fund.)

## **Why does the city approve development projects when traffic is already bad?**

Good question. Property rights are protected by both the Growth Management Act and the state constitution. The city has the right to regulate the use of property, but it doesn't have the right to take property rights without just compensation. Expecting developers to fix pre-existing problems, or denying development applications because of problems that existed before the development, is not the responsibility of a developer. A developer can offer to help, but a developer may not be required to pay for improvements to fix existing deficiencies.

Unfortunately, this means that the city needs to use funds from our existing tax base, to make repairs to, and perform maintenance on our existing street system.

Under concurrency, the developer who pays system impact fees, and who rebuilds the streets along the frontage of their development, is already mitigating for the impacts of their development.

Unless the city can show they are pushing a specific street section or intersection into complete failure (LOS E or worse) the city cannot deny a property owner/developer their right to develop their property.

The city thanks MRSC.org for the technical information contained herein. For more info, go to:

<https://mrsc.org/explore-topics/planning/general-planning-and-growth-management/concurrency>