



INFORMATIONAL MEMORANDUM

To: Transportation and Infrastructure Committee
From: Hari Ponnekanti, Interim Public Works Director
By: Cyndy Knighton, Senior Program Manager
CC: Mayor Ekberg
Date: August 14, 2020, *UPDATED September 18, 2020*
Subject: Concurrency Updates: Public Works Fee Resolution for Water, Sewer, and Surface Water Rates and Ordinance Modifying TMC 9.50 – Concurrency Management

ISSUE

Adopt updates to the City’s Concurrency Management system via a resolution establishing a new Public Works Fee Schedule for 2020 and an ordinance amending certain sections of the Tukwila Municipal Code (TMC) Chapter 9.50 – Concurrency Management. Concurrency Management is the method used to ensure that necessary facilities are available concurrent with new development within the City.

BACKGROUND

In December 2005, the City established a concurrency management system, adopted via ordinance 2110 and codified in TMC Chapter 9.50, and implemented a concurrency test fee adopted via resolution as part of the Public Works Fee Schedule. Passing a concurrency test and obtaining a concurrency certificate are required of all new development and redevelopment. This test and certificate both verify that the necessary concurrency capacity is available and reserves it for the proposed development.

The Public Works Fee Schedule has been updated on a routine basis to establish the amounts for certain fees and charges incurred during the development review and permit approval process. The Public Works Fee Schedule was last updated in 2018 with Resolution 1945. Fees were updated for water, sewer and surface water fees for 2019 and 2020 rates. Transportation Concurrency Test Fees were not updated at that time. The concurrency test fee is charged to offset the costs incurred by Tukwila for maintaining the City’s traffic model, periodic short-term updates to the model, and major model updates required for the Transportation Element updates.

DISCUSSION

The City has been administering the Concurrency Management system since January 2006 and daily practices of implementation have been well established. Upon reviewing the code language in TMC 9.50 and comparing it to actual implementation, it was found that the best practice for Tukwila was not reflected in the codified language. The original language was modeled after a much larger city’s program and included more steps than have been found to be necessary for Tukwila’s permit process. The proposed changes simplify Tukwila’s Concurrency Management system to better reflect the current practice.

As part of the effort updating the Traffic Impact Fees and verification that the City’s street network remains in compliance with the established Level of Service Standards in 2019 (often referred to as “concurrency”), Transportation Concurrency Test Fees were analyzed. The fees were established in 2007 and have not been updated since. Revisions to the fees were recommended to ensure adequate funding is maintained. Additionally, clarification to the fees to include more land use types was included as well as addressing instances where the fees were not reflective of the general impacts to the roadway infrastructure. The new fees more equitably charge developments based on their impacts to the

transportation network and are based on a median trip generation rate for each land use group, adjusted for size of development, multiplied by \$250 per generated trip (rounded).

Councilmembers discussed this topic at the August 17, 2020 Transportation and Infrastructure Committee (TIC). Comments were received prior to the TIC meeting from Segale Properties, LLC, asking for additional explanation on how the fees were developed and if they were being applied equitably. Staff presented background on the proposed change to a \$250 per trip, regardless of development type, at the TIC meeting. A separate discussion was held between City and Segale Properties staff after the committee meeting. The attached charts visually show the changes between the current and proposed fees.

Research was done regarding how (or if) other jurisdictions charge for Concurrency tests or certificates. Some cities do charge a separate fee for transportation concurrency approval, but it is more common that an administrative fee is added as a percentage of the Traffic Impact Fee (TIF). A typical surcharge fee ranges from 1% to 3% of the TIF. This could be problematic for Tukwila as the City has four TIF zones with different rates for each zone. Some other jurisdictions include a charge for the concurrency approvals but are included as part of the larger permit fees instead of being a stand-alone fee. Staff is still researching how many of these jurisdictions still require a Traffic Impact Analysis (TIA) to be prepared by an engineering firm as part of the submittal process. Research is proving more challenging during COVID. Tukwila rarely requires TIAs to be prepared, which is a cost and time savings for the developer. TIAs are only required of proposed developments that would be of such a nature that the City's most recent model update, whether done for a 20-year horizon window or a mid-term six-year horizon, did not account for such an impact. Concurrency reports, studying the mid-term horizon, can be conducted as frequently as once a year, depending on City-wide development trends.

RECOMMENDATION

Council is being asked to consider the City's 2020 concurrency test fee increases in accordance with the Public Works Fee Schedule Resolution and proposed modifications to TMC 9.50 in accordance with the attached Ordinance at a public hearing on the *October 12, 2020 Committee of the Whole and the October 19, 2020 Regular Meeting Consent Agenda.*

ATTACHMENTS

- Draft Ordinance
- Draft Public Works Fee Schedule Resolution
- *Concurrency Comparison Charts*

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REPEALING ORDINANCE NOS. 2110 AND 2155, AS CODIFIED AS CHAPTER 9.50, "CONCURRENCY MANAGEMENT;" REENACTING TMC CHAPTER 9.50 TO AMEND REGULATIONS RELATING TO CONCURRENCY TESTING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City established concurrency management in 2005 to ensure that concurrency infrastructure was in place prior to approval of new development permits; and

WHEREAS, the City Council desires to amend information relating to concurrency testing to better reflect actual processes used;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Repealer. Ordinance Nos. 2155 and 2110, as codified as Tukwila Municipal Code (TMC) Chapter 9.50, "Concurrency Management," are hereby repealed.

Section 2. TMC Chapter 9.50 Reenacted. TMC Chapter 9.50 is hereby re-enacted to read as follows:

CHAPTER 9.50 CONCURRENCY MANAGEMENT

Sections:

9.50.010	Purpose
9.50.020	Definitions
9.50.030	Concurrency Test
9.50.040	Test Criteria
9.50.050	Concurrency for Phased Development
9.50.060	Public Notice of Concurrency Test
9.50.070060	Exemptions

9.50. 080070	Vesting
9.50. 090080	Improvements to Concurrency Facilities
9.50. 100090	Capital Facilities Plan and Capital Improvement Program
9.50. 110100	Intergovernmental Coordination
9.50. 120110	Administrative Rules and Procedures
9.50. 130120	Appeals
9.50. 140130	SEPA Exemption

Section 3. TMC Section 9.50.010 is hereby reenacted to read as follows:

9.50.010 Purpose

A. Pursuant to the State Growth Management Act, RCW 36.70A, after the adoption of its Comprehensive Plan, the City of Tukwila is required by RCW 36.70A.070(6)~~(b)~~ to ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with the development. Further, the City is bound by the planning goals of RCW 36.70A.020 to ensure that public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards, hereinafter “concurrency.”

B. The intent of this chapter is to establish a concurrency management system to ensure that concurrency facilities and services needed to maintain minimum level of service standards can be provided simultaneous to, or within a reasonable time after, development occupancy or use. Concurrency facilities adopted by the City’s Comprehensive Plan are roads, potable water, sanitary sewer, and storm water management. This chapter furthers the goals, policies and implementation strategies and objectives of the Comprehensive Plan.

C. The concurrency management system provides the necessary regulatory mechanism for evaluating requests for development to ensure that adequate concurrency facilities can be provided within a reasonable time of the development impact. The concurrency management system also provides a framework for determining facilities and services needs and provides a basis for meeting those needs through capital facilities planning.

D. For water, sewer, and surface water, the facilities must be in place at the time of development ~~impact approval~~; and for roads, the facilities must be in place within six years of the time of the development ~~impact approval~~. Applicants with developments that would cause the level of service on concurrency facilities to decline below City standards can have their developments approved by implementing measures that offset their impacts and would maintain the City’s standard for level of service.

Section 4. TMC Section 9.50.020 is hereby reenacted to read as follows:

9.50.020 Definitions.

The definitions contained in TMC 9.50.020 apply throughout this chapter unless, from the context, another meaning is clearly intended.

1. *"Adequate"* means equal to or better than the level of service standards specified in the current adopted capital facilities element.

2. *"Applicant"* means a person who applies for any certificate of concurrency under this chapter and who is the owner of the subject property or the authorized agent of the property.

3. *"Available water, sewer, and surface water capacity"* means there is adequate capacity, based on adopted level of service standards, for water, sewer, and surface water facilities currently existing without requiring facility construction, expansion, or modification.

4. *"Building permit"* refers to any permit issued under the Uniform Building Code.

5. *"Certificate of concurrency"* means the statement accompanying the Public Works Department's development standards that are issued with an approved development permit or the Public Works Department's conditions of approval that are issued with an approved building permit. The statement shall state that a certificate of concurrency is issued and indicate:

a. For water, sewer, and surface water, the capacity of the concurrency facilities that are available and reserved for the specific uses, densities and intensities as described in the development permit or building permit; and

b. For road facilities assigned to the development for the specific uses, densities and intensities as described in the development permit or building permit; and

c. Conditions of approval, if applicable; and

d. An effective date; and

e. An expiration date.

6. *"Concurrency"* means facilities or strategies that achieve the City's level of service standards and that:

a. For water, sewer, surface water, and roads: facilities that exist at the time development is approved by the Public Works Department; or

b. For roads:

(1) Are included in the City's Capital Improvement Plan at the time development is approved by the Public Works Department; or

(2) Will be available and complete no later than six years after completion of the development, and the applicant and/or the City provides a financial commitment which is in place at the time the development is approved by the Public Works Department.

7. *"Concurrency facilities"* means facilities for which concurrency is required in accordance with the provision of this chapter. They are roads, water, sanitary sewer, and surface water facilities.

8. *"Concurrency test"* means:

a. For water, sewer, and surface water, the comparison of a development's demand to the available capacity of each concurrency facility; and

b. For roads, the comparison of the development's impact on the level of service standards of each effected subarea.

A concurrency test must be passed for ~~water, sewer, surface water, and~~ roads, and a notice issued by the Public Works Department in order to obtain a certificate of concurrency. ~~The concurrency test notice shall be valid for one year.~~

9. "*Development permit*" means a land use permit and includes short plat, preliminary or final rezone/reclassification, zoning permit, master plan, shoreline substantial development permit/conditional use permit, planned unit development, or any other permit or approval under the Zoning Code or Subdivision Code or Shoreline Master Program.

10. "*Financial commitment*" means:

a. Revenue sources anticipated to be available and designated for facilities in the Comprehensive Plan;

b. Unanticipated revenue from federal and state grants for which the City has received notice of approval;

c. Funding that is assured by the applicant in a form approved by the Public Works Department.

11. "*Level of service standard*" means those standards specified in the adopted transportation element of the Comprehensive Plan. For water, sewer, and surface water, "level of service standard" also means those standards defined in TMC Title 14.

12. "*Non-City managed facilities*" include any non-city provider of water or sewer.

13. "*Planned capacity*" means road facilities that do not exist but for which the necessary facility construction, expansion, or modification project is contained in the current capital facilities element of the Comprehensive Plan. The improvements must be scheduled to be completed within six years and the financial commitment must be in place at the time of approval of the certificate of concurrency to complete the improvements within six years.

14. "*Public Works Department*" means the Public Works Director or ~~his/her~~ designee ~~will perform the concurrency test.~~

15. "*Transportation strategies*" means transportation demand management strategies and other techniques or programs that reduce single occupant vehicle travel.

16. "*Vested*" means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time the building permit application is deemed complete.

Section 5. TMC Section 9.50.030 is hereby reenacted to read as follows:

9.50.030 Concurrency Test

A. **Timing.** All applicants must apply for the transportation concurrency test and receive notice of passing the test before the City will ~~consider approve~~ an application for any development permit or building permit ~~to be complete~~. An application for a concurrency test may be submitted with other development submittals.

B. Procedures.

1. Applications for a concurrency test shall be submitted on forms provided by the Public Works Department. The concurrency test shall be done in order of “first in, first out,” once the Public Works Department determines the application is complete.

2. The applicant shall ~~be responsible to~~ provide to the Public Works Department a certificate of availability for water and sewer with the ~~concurrency~~ application submittal if the property is serviced by a non-City managed utility. For City managed utilities, a determination will be made on availability and a certificate of availability shall be issued. This certificate of availability shall suffice as meeting the concurrency test for water and sewer utilities.

3. The applicant shall submit a detailed project description of the development, including location, vehicular circulation, and gross floor area by use, as part of the concurrency application and shall pay the concurrency test fee as adopted by motion or resolution of the Tukwila City Council.

4. A concurrency test shall be performed only for specific property, uses, densities and intensities based on the information provided by the applicant. The applicant shall specify densities and intensities that are consistent with the uses allowed for the property. If the concurrency test is being requested in conjunction with an application for rezone, the applicant shall specify densities and intensities that are consistent with the proposed zoning for the property. Changes to the uses, densities and intensities that create additional impacts on concurrency facilities shall be subject to an additional concurrency test.

5. The Public Works Director or designee shall perform the concurrency test. The project must ~~receive a passing grade~~ pass the concurrency test prior to approval of the development permit or building permit.

6. The Public Works Director or ~~his~~ designees shall notify the applicant of the test results in writing ~~and shall notify other City departments of the test results~~. The date of written notification to the applicant shall be the date of issuance of the concurrency ~~test notice certificate~~.

7. The concurrency ~~test notice certificate~~ shall expire within ~~90 calendar days~~ one year of its issuance unless the applicant submits a building permit application, a SEPA environmental checklist and all required documentation pursuant to TMC Chapter 21.04, or an extension is granted within one year from the date of issuance of the concurrency certificate, together with the site plan, the traffic impact analysis prepared in accordance with the City's traffic impact analysis guidelines and containing the traffic information derived from the concurrency test outcome, and the SEPA review fee. ~~No extensions may be granted for submittal of a complete SEPA environmental checklist and all required documentation.~~

8. If the deadline for submittal of a complete building permit application, SEPA environmental checklist and all required documentation is met as described in TMC Section 9.50.030.B.7, or other submittal as determined by the Public Works Director or designee, the concurrency ~~test notice certificate~~ shall be valid for ~~one two years~~ from the date of issuance of the ~~concurrency test notice~~ building permit, SEPA Determination, or

other City-issued approval. If the building permit, SEPA environmental checklist, or other submittal is withdrawn by the applicant prior to approval by the City or expires, the concurrency certificate shall expire one year after the date of issuance.

~~9. The concurrency test notice shall expire unless a certificate of concurrency is issued or an extension of the notice is granted within one year from the date of issuance of the concurrency test notice.~~

~~409.~~ An applicant must apply for a new concurrency test if the ~~notice certificate~~ expires or an extension is not granted.

~~4410.~~ The Public Works Director may approve an extension of up to one year if:

a. The applicant submits a letter in writing requesting the extension before the expiration date. The applicant must show that ~~he/she is~~they are not responsible for the delay in ~~issuing the certificate of concurrency~~ obtaining a building permit, SEPA approval, or other City-issued approval, and has acted in good faith to obtain ~~a certificate the permit or approval~~; and

b. If the property is serviced by a non-City managed utility, then the applicant must submit a letter from the utility approving the extension before the expiration date.

~~12. Once the associated development permit or building permit is approved, the Public Works Department shall issue a final certificate of concurrency. The concurrency certificate is valid for a period of 2 years or as long as the developer possesses a valid building permit for the development.~~

~~4311.~~ The Public Works Department shall be responsible for accumulating the impacts created by each application and removing any impacts from the City's concurrency records for an expired concurrency ~~test notice certificate~~, an expired development permit or building permit, ~~a discontinued certificate~~ or other action resulting in an applicant no longer causing impacts ~~which that~~ have been accounted for in the City records.

~~4412.~~ The Public Works Department shall be responsible to coordinate with applicable non-City managed utility operators for maintenance and monitoring of available and planned capacity for these utilities.

~~4513.~~ A certificate of concurrency shall apply only to the specific land use, density and intensity described in the application for a development permit or building permit. No development shall be required to obtain more than one certificate of concurrency for each building, unless the applicant or subsequent owner proposes changes or modifications to the property location, density, intensity, or land use that creates additional impacts on concurrency facilities.

14. A certificate of concurrency is not transferable to other land but may be transferred to new owners of the original land.

Section 6. TMC Section 9.50.040 is hereby reenacted to read as follows:

9.50.040 Test Criteria

Development applications that would result in a level of service reduction below the ~~established~~ adopted standard shall not be approved. ~~For potable water and sanitary sewer, available system capacity will be used in conducting the concurrency test. For surface water, the water quality, amount of detention needed, and the system's conveyance capacity will be used in conducting the concurrency test.~~

1. For water, and sanitary sewer, ~~and the surface water~~ conveyance systems, a certificate of availability must be issued to pass the concurrency test. if the capacity of the concurrency facilities with the development application added is equal to or better than the capacity required to maintain the established level of service standard, then the concurrency test is passed. In addition, for For surface water conveyance systems, the water quality and detention standards described in the ~~1998~~ currently-adopted King County Surface Water Design Manual must be met to pass the concurrency test.

2. For roads, the concurrency test compares level of service at intersections or corridors, as defined in the transportation element, both with and without the development at a time 6 years after the estimated occupancy of the development. If the level of service is equal to or better than the level of service standard, the concurrency test is passed.

3. If the concurrency test is not passed for water, sewer, surface water, or roads, then the applicant may retest for concurrency after doing one or both of the following:

a. Modifying the application to reduce the need for the non-existent concurrency facilities. Reduction of need can be through the reduction of the size of the development, reduction of trips generated by original proposed development, or phasing of the development to match future concurrency facility construction; or

b. Arranging to fund the improvements for the additional capacity required for the concurrency facilities, as approved by the Public Works Director.

Section 7. TMC Section 9.50.050 is hereby reenacted to read as follows:

9.50.050 Concurrency for Phased Development

A. An applicant may request concurrency for a phased development if the Public Works Director determines that the two criteria described in TMC Section 9.50.050.B are met. The application for concurrency must be accompanied by a schedule for construction of the buildings, parking and other improvements and by a written request for the development to be considered in phases.

B. The Public Works Director or ~~his~~ designee may approve concurrency for phased development if both of the following criteria are met:

1. No associated development permit is required before building permit applications can be submitted; and

2. The application is for an integrated development site plan with multiple buildings that are interdependent for vehicular and pedestrian access and parking.

C. A concurrency application for phased development shall follow the same timing and procedure as set forth in this chapter, except that:

1. Only one concurrency ~~test notice certificate~~ shall be issued for all buildings proposed for phased development;

2. ~~Each building approved for phased development shall be issued a certificate of concurrency at the same time as the building permit;~~

~~3.~~ The concurrency ~~test notice certificate~~ for an approved phased development shall be valid for five years from the date of its issuance; provided that a ~~certificate of concurrency building permit~~ is issued for a building within one year of the date of issuance of the concurrency ~~test notice certificate~~ or within two years if an extension is timely requested and the request is granted.

D. The Public Works Director or ~~his~~ designee may approve an extension of up to one year ~~for obtaining of the first concurrency certificate and the final certificate of concurrency~~ for the phased development, consistent with the terms of this chapter.

E. In no case shall the concurrency ~~test notice certificate~~ be valid for more than six years from the date of issuance of the ~~notice certificate~~. The applicant must apply for a new concurrency test for any building approved for phased development that has not been issued a building permit within six years from the date of issuance of the concurrency ~~test notice certificate~~.

Section 8. The Tukwila Municipal Code section entitled, "Public Notice of Concurrency Test," as codified at TMC Section 9.50.060, is hereby deleted in its entirety.

~~Public Notice of Concurrency Test~~

~~A. The Public Works Director or his designee shall cause notice of issuance of the concurrency test notice to be given in the same manner and at the same time as the SEPA public notice of TMC 21.04.~~

~~B. The notice shall include the name of the applicant, the City file number, the address and description of the development and the procedures for filing an appeal.~~

Section 9. TMC Section 9.50.060 is hereby reenacted to read as follows:

9.50.070060 Exemptions

~~The requirement for a concurrency test shall not apply to Applications for single-family dwelling unit building permits, multi-family building permits for projects containing four or fewer units, short plats, or any non-residential project that is categorically exempt from SEPA pursuant to TMC Section 21.04.080, .100, or .110, or any other project that will generate less than 30 net new P.M. peak hour trips shall be considered as exempt from meeting concurrency requirements and shall be automatically granted a concurrency certificate. The applicant is required to submit for a concurrency certificate, along with the associated fee, but is not subject to receiving a passing grade in order to obtain other development approvals. The Public Works Department shall also waive compliance for a traffic~~

~~concurrency test for other projects which will not generate more than 30 net new "p.m. peak hour" traffic trips.~~

Section 10. TMC Section 9.50.070 is hereby reenacted to read as follows:

9.50.080070 Vesting

Applicants shall be vested under the laws, rules and other regulations in effect prior to the effective date of this chapter if they have, prior to the effective date of the ordinance codified in this chapter:

1. Submitted a building permit application that the City has deemed complete; or
2. Entered into formal negotiations with the City for a development agreement in accordance with RCW 36.70B.170 through 36.70B.210; or
3. Have a signed agreement with the City that is still in effect.

Section 11. TMC Section 9.50.080 is hereby reenacted to read as follows:

9.50.090080 Improvements to Concurrency Facilities

A. The City shall provide, or arrange for others to provide, adequate facilities through construction of needed capital improvements in implementing strategies which do the following:

1. Achieve level of service standards for anticipated future development and redevelopment caused by previously issued and new development and building permits; and
2. Repair or replace obsolete or deteriorating facilities.

B. Improvements to the facilities shall be consistent with the Transportation Element, Utilities Element and Capital Improvement Program of the Comprehensive Plan.

Section 12. TMC Section 9.50.090 is hereby reenacted to read as follows:

9.50.100090 Capital Facilities Plan and Capital Improvement Program

The City shall include in the capital appropriations of its budget for expenditure during the appropriate fiscal year financial commitments for all capital improvement projects required for adopted level of service standards, except the City may omit from its budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year.

Section 13. TMC Section 9.50.100 is hereby reenacted to read as follows:

9.50.140100 Intergovernmental Coordination

A. The City may enter into agreements with other local governments, applicable non-City managed utilities, King County, the state of Washington, and other facility providers to coordinate the imposition of level of service standards and other mitigations for concurrency.

B. The City may apply standards and mitigations to development in the City that impacts other local jurisdictions. The City may agree to accept and implement conditions and mitigations that are imposed by other jurisdictions on development in their jurisdiction that impact the City.

Section 14. TMC Section 9.50.110 is hereby reenacted to read as follows:

9.50.120110 Administrative Rules and Procedures

The Public Works Department shall be authorized to establish administrative rules and procedures for administering the concurrency test system. The administrative rules and procedures shall include but not be limited to application forms, necessary submittal information, processing times, and issuance of the concurrency ~~test notice and the~~ certificate of concurrency.

Section 15. TMC Section 9.50.120 is hereby reenacted to read as follows:

9.50.130120 Appeals

A. **Procedures.** The applicant may appeal the results of the concurrency test based on three grounds:

1. A technical error;
2. The applicant provided alternative data or a traffic mitigation plan that was rejected by the City; or
3. Delay in review and approval caused solely by the City that allowed capacity to be given to another applicant. The applicant must file a notice of appeal with the Public Works Department within 15 days of the notification of the test results. The notice of appeal must specify the grounds thereof, and must be submitted on the form authorized by the Public Works Department. Each appeal must be submitted with the appeal fee set forth in TMC ~~Section 18.108.020~~18.90.010.

B. **Hearing Schedule and Notification.** When the appeal has been filed within the time prescribed, in proper form, with the appropriate data and payment of the required fee, the Public Works Department shall transmit the appeal to the hearing examiner for scheduling. Notice of the public hearing shall be given to the applicant at least 15 days prior to the hearing date.

C. **Record.** The Public Works Department shall transmit to the Hearing Examiner all papers, calculations, plans and other materials constituting the record of the concurrency test, at least 7 days prior to the scheduled hearing date. The Examiner shall consider the appeal upon the record transmitted, supplemented by any additional competent evidence, which the parties in interest may desire to submit.

D. **Burden of Proof.** The burden of proof shall be on the appellant to show by a preponderance of the evidence that the Public Works Director was in error.

Section 16. TMC Section 9.50.130 is hereby reenacted to read as follows:

9.50.140130 SEPA Exemption

A determination of concurrency shall be an administrative action of the City of Tukwila that is categorically exempt from the State Environmental Policy Act.

Section 17. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 18. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 19. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this _____ day of _____, 2020.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney

DRAFT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, TO UPDATE THE TRANSPORTATION CONCURRENCY TEST FEE SCHEDULE AND CLARIFY THE APPLICATION OF CERTAIN FEES; AND REPEALING RESOLUTION NO. 1945.

WHEREAS, the City may update its traffic model and analyze the transportation network on an annual basis to ensure continued compliance with the Growth Management Act and the City’s adopted Comprehensive Plan; and

WHEREAS, during the 2019 update to the traffic model, the City evaluated the Concurrency Test Fees charged to developers as part of the permitting process; and

WHEREAS, during said evaluation, the City determined the Concurrency Test Fee Schedule required modification in order to collect the necessary funds for the City to maintain and update the traffic model; and

WHEREAS, the City is authorized to impose fees to recoup the costs of services rendered;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Public Works fees will be charged according to the following schedule, which shall supersede any previously adopted Public Works Fee Schedule and take effect as of October 1, 2020:

PUBLIC WORKS FEE SCHEDULE

WATER RATES	FEE
Water Meter Installation	
.75 inch	\$ 600.00
1 inch	\$ 1,100.00
1.5 inch	\$ 2,400.00
2 inch	\$ 2,800.00
3 inch	\$ 4,400.00
4 inch	\$ 7,800.00
6 inch	\$12,500.00

Water Meter Deduct	\$25.00
WATER RATES (CONT.)	FEE
Water Base Charge (Monthly)	In addition to the monthly water base charge, each 100 cubic feet of water used will be charged as shown in "Water Rates (Monthly)."
Single Family (one dwelling unit)	\$ 19.00
Multi-Family (more than one dwelling unit, each dwelling is charged the base charge)	\$ 19.00
Commercial/Industrial Customers:	2019 2020
3/4 inch Service	\$ 47.00 \$ 49.00
1 inch Service	\$ 58.00 \$ 61.00
1-1/2 inch Service	\$ 84.00 \$ 88.00
2 inch Service	\$110.00 \$115.00
3 inch Service	\$157.00 \$165.00
4 inch Service	\$210.00 \$220.00
6 inch Service	\$315.00 \$331.00
8 inch Service	\$420.00 \$441.00
10 inch Service	\$525.00 \$551.00
12 inch Service	\$630.00 \$661.00
Water Rates (Monthly)	In addition to the monthly water base charge listed above, each 100 cubic feet of water will be charged at the following rates:
Single Family Residence (Oct-May)	\$2.80
Single Family Residence (Jun-Sept)	\$3.90
Multi-Family (Oct-May)	\$3.40
Multi-Family (Jun-Sept)	\$4.70
Commercial/Industrial (Oct-May)	\$5.10
Commercial/Industrial (Jun-Sept)	\$6.90
Fire Protection Service Charges (Monthly)	Per month based on size of service.
2 inch Service	\$ 10.00
3 inch Service	\$ 22.00
4 inch Service	\$ 39.00
6 inch Service	\$ 88.00
8 inch Service	\$132.00
10 inch Service	\$220.00
12 inch Service	\$287.00
WATER SERVICES	FEE
Water Turn On	\$ 50.00
After-Hour Water Turn On – additional fee for customer requested after-hours water turn on	\$100.00
Unauthorized Water Usage – after shut-off for non-payment	\$100.00
Special Meter Read – customer requested meter read outside normal read schedule	\$ 30.00

WATER SERVICES (CONT.)	FEE
Shut-off notice	\$ 30.00
Change in owner, tenant, and/or third party paying agent	\$ 20.00
Emergency Conservation Sanction	\$100.00
Temporary Water Meter Deposit .75" and 1" water meter	\$ 300.00
2.5" water meter	\$1,500.00
Temporary Water Meter Rental per minimum 60 days expiration .75" and 1" water meter	\$ 75.00
2.5" water meter	\$ 150.00
WATER INTEREST CHARGE	RATE
On all water accounts 30 days in arrears from the date of delinquency until paid	8% per annum computed on a monthly basis

SEWER RATES	FEES
Residential Sewer Service (single dwelling unit)	Flat rate of \$30.00 per month [TMC 14.16.030 (1)]
Residential Sewer Service (multiple dwelling unit, permanent type)	Flat rate of \$30.00 per month for each dwelling unit [TMC 14.16.030 (2)].
Commercial and Industrial Sewage Service	Flat rate of \$55.36 per month and, in addition, any usage over 750 cubic feet of water per month shall be at the rate of \$55.36 per 750 cubic feet [TMC 14.16.030 (4)].
SEWER INTEREST CHARGE	RATE
On all sewer accounts 30 days in arrears from the date of delinquency until paid	8% per annum computed on a monthly basis

SURFACE WATER RATES	FEE PER YEAR	
Surface Water Utility Rates Per Year	Service Charge <u>Per Acre</u>	
<u>Category:</u>	<u>2019</u>	<u>2020</u>
1. Natural	\$ 222.86	\$ 229.54
2. 0 - 20% Developed Surface	\$ 484.62	\$ 499.16
3. 21 - 50% Developed Surface	\$ 888.24	\$ 914.88
4. 51 - 70% Developed Surface	\$1,325.42	\$1,365.18
5. 71 - 85% Developed Surface	\$1,596.74	\$1,644.64
6. 86 - 100% Developed Surface	\$1,862.62	\$1,918.50
7. Single-Family Residential Parcels (flat rate per residential parcel)	\$ 185.00	\$ 190.00
SURFACE WATER INTEREST CHARGE	RATE	
On all surface water accounts 30 days in arrears from the date of delinquency until paid	8% per annum computed on a monthly basis	

TRANSPORTATION CONCURRENCY TEST FEE SCHEDULE

Fees for Residential and Lodging Use

UNIT	ALL TYPES OF RESIDENTIAL¹	<u>ROOMS</u>²	<u>HOTEL/MOTEL</u>
Between 1 and 3	\$300.00 <u>\$400</u>	<u>40 and under</u>	<u>\$3,000</u>
Between 4 and 5	\$600.00 <u>\$500</u>	<u>Between 41 and 60</u>	<u>\$4,800</u>
Between 6 and 10	\$1,200.00 <u>\$900</u>	<u>Between 61 and 80</u>	<u>\$6,800</u>
Between 11 and 15	\$2,000.00 <u>\$1,500</u>	<u>Between 81 and 100</u>	<u>\$8,500</u>
Between 16 and 20	\$3,500.00 <u>\$2,100</u>	<u>Between 101 and 120</u>	<u>\$10,500</u>
Between 21 and 25	\$5,000.00 <u>\$2,600</u>	<u>Between 121 and 150</u>	<u>\$12,800</u>
Between 26 and 30	\$6,500.00 <u>\$3,200</u>	<u>Between 151 and 180</u>	<u>\$24,800</u>
Between 31 and 40	\$8,000.00 <u>\$4,000</u>	<u>Between 181 and 220</u>	<u>\$30,000</u>
Between 41 and 60	\$10,000.00 <u>\$5,700</u>	<u>Between 220 and 260</u>	<u>\$36,000</u>
Greater than 60	\$12,000.00 <u>\$6,800</u>	<u>Between 261 and 300</u>	<u>\$46,000</u>
		<u>Greater than 300</u>	<u>\$49,800</u>

¹ All residential uses defined by the ITE Trip Generation Manual Land Use Codes 200-299, including single family, multi-family, mobile home parks, and shared housing.

² All lodging uses defined by the ITE Trip Generation Manual Land Use Codes 300-399, including all hotels and motels.

Fees for Non-Residential Use

GROSS FLOOR AREA	INDUSTRIAL³	OFFICE⁴	RETAIL⁵	EATERY⁶	INSTITUTIONAL & PORT⁷	ALL OTHER USES
Less than 5,000	\$ 1,000	\$ 1,800	\$ 2,700	\$ 5,400	\$ _500	\$1,500
	<u>\$ 800</u>	<u>\$ 800</u>	<u>\$ 4,500</u>	<u>\$ 3,500</u>	<u>\$ 300</u>	
Between 5,001 and 10,000	<u>\$ 1,500</u>	<u>\$ 2,700</u>	<u>\$ 4,050</u>	<u>\$ 8,100</u>	<u>\$ 1,000</u>	<u>\$2,000</u>
		<u>\$ 2,200</u>	<u>\$10,000</u>	<u>\$10,500</u>	<u>\$ 800</u>	
Between 10,001 and 20,000	<u>\$ 2,000</u>	<u>\$ 3,600</u>	<u>\$ 5,400</u>	<u>\$10,800</u>	<u>\$ 1,500</u>	<u>\$2,500</u>
	<u>\$ 2,500</u>	<u>\$ 4,300</u>	<u>\$16,700</u>	<u>\$20,900</u>	<u>\$ 1,600</u>	
Between 20,001 and 30,000	<u>\$ 3,000</u>	<u>\$ 5,400</u>	<u>\$ 8,100</u>	<u>\$10,800</u>	<u>\$ 2,000</u>	<u>\$2,500</u>
	<u>\$ 3,500</u>	<u>\$ 6,900</u>	<u>\$24,400</u>	<u>\$21,000</u>	<u>\$ 2,600</u>	
Between 30,001 and 40,000	<u>\$ 4,000</u>	<u>\$ 7,200</u>	<u>\$10,800</u>	<u>\$10,800</u>	<u>\$ 2,500</u>	<u>\$2,500</u>
	<u>\$ 8,300</u>	<u>\$ 9,500</u>	<u>\$31,300</u>	<u>\$21,000</u>	<u>\$ 3,600</u>	
Between 40,001 and 50,000	<u>\$ 5,000</u>	<u>\$ 9,000</u>	<u>\$13,500</u>	<u>\$10,800</u>	<u>\$ 3,000</u>	<u>\$2,500</u>
	<u>\$ 7,000</u>	<u>\$12,000</u>	<u>\$37,700</u>	<u>\$21,000</u>	<u>\$ 4,700</u>	
Between 50,001 and 70,000	<u>\$ 6,000</u>	<u>\$10,800</u>	<u>\$16,200</u>	<u>\$10,800</u>	<u>\$ 4,000</u>	<u>\$2,500</u>
	<u>\$ 9,500</u>	<u>\$15,800</u>	<u>\$46,600</u>	<u>\$21,000</u>	<u>\$ 6,200</u>	
Between 70,001 and 90,000	<u>\$ 7,000</u>	<u>\$12,600</u>	<u>\$18,900</u>	<u>\$10,800</u>	<u>\$ 5,000</u>	<u>\$2,500</u>
	<u>\$12,500</u>	<u>\$20,800</u>	<u>\$57,600</u>	<u>\$21,000</u>	<u>\$ 8,200</u>	
Between 90,001 and 150,000	<u>\$8,000</u>	<u>\$14,400</u>	<u>\$21,600</u>	<u>\$10,800</u>	<u>\$ 6,000</u>	<u>\$2,500</u>
	<u>\$19,000</u>	<u>\$32,900</u>	<u>\$77,800</u>	<u>\$21,000</u>	<u>\$13,400</u>	

Between 150,001 and 200,000	\$ 9,000	\$16,200	\$24,300	\$10,800	\$ 7,000	\$2,500
	<u>\$27,500</u>	<u>\$43,600</u>	<u>\$85,000</u>	<u>\$21,000</u>	<u>\$18,000</u>	
Greater than 200,000	\$10,000	\$18,000	\$24,300	\$10,800	\$ 8,000	\$2,500
	<u>\$31,500</u>	<u>\$49,500</u>	<u>\$95,000</u>	<u>\$21,000</u>	<u>\$20,500</u>	

All other uses are charged a \$250 per PM peak hour trip.

- ³ All industrial/agricultural uses defined by the ITE Trip Generation Manual Land Use Codes 100-199, including light and heavy industrial, manufacturing, and warehousing
- ⁴ All office, medical, and service-related uses defined by the ITE Trip Generation Manual Land Use Codes 600-699, 700-799, and 900-999, including general office, medical facilities, and banks
- ⁵ All retail and recreation uses defined by the ITE Trip Generation Manual Land Use Codes 400-499, 800-830 and 837-899, including retail sales, rental sales, athletic clubs, and theaters
- ⁶ All food service uses defined by the ITE Trip Generation Manual Land Use Codes ~~831-836~~ 930-940, excluding accessory (stand-alone) drive-through espresso stands (or similar) under 250 sq. ft., which are assessed ~~\$300~~ \$400
- ⁷ All institutional and transportation uses defined by the ITE Trip Generation Manual Land Use Codes 000-099 and 500-599, including schools, places of worship, day care, terminals, and transit

POLE ATTACHMENT FEES	FEE PER YEAR
Pole Attachment (per pole) Natural.....	\$100.00 per year
Pole revisions to allow for attachments.....	Actual costs (engineering, labor, inspections, etc.)
Conduit Rental.....	\$1.00 per foot per year
City Dark Fiber Rental.....	+\$200.00 per strand per mile per year
Installation fees	Actual costs (engineering, labor, inspections, etc.)

Section 2. Repealer. Resolution No. 1945 is hereby repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this _____ day of _____, 2020.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

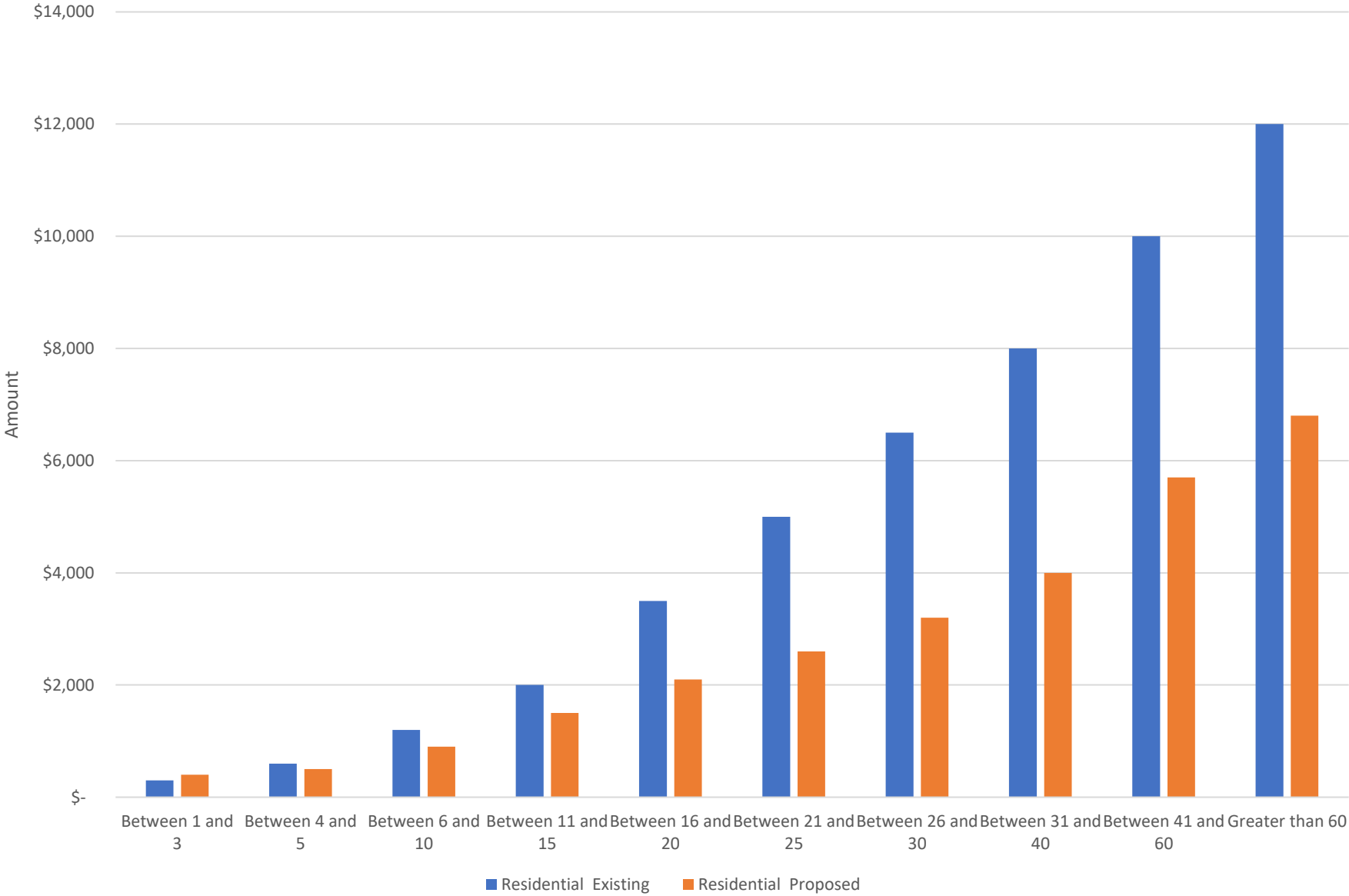
De'Sean Quinn, Council President

APPROVED AS TO FORM BY:

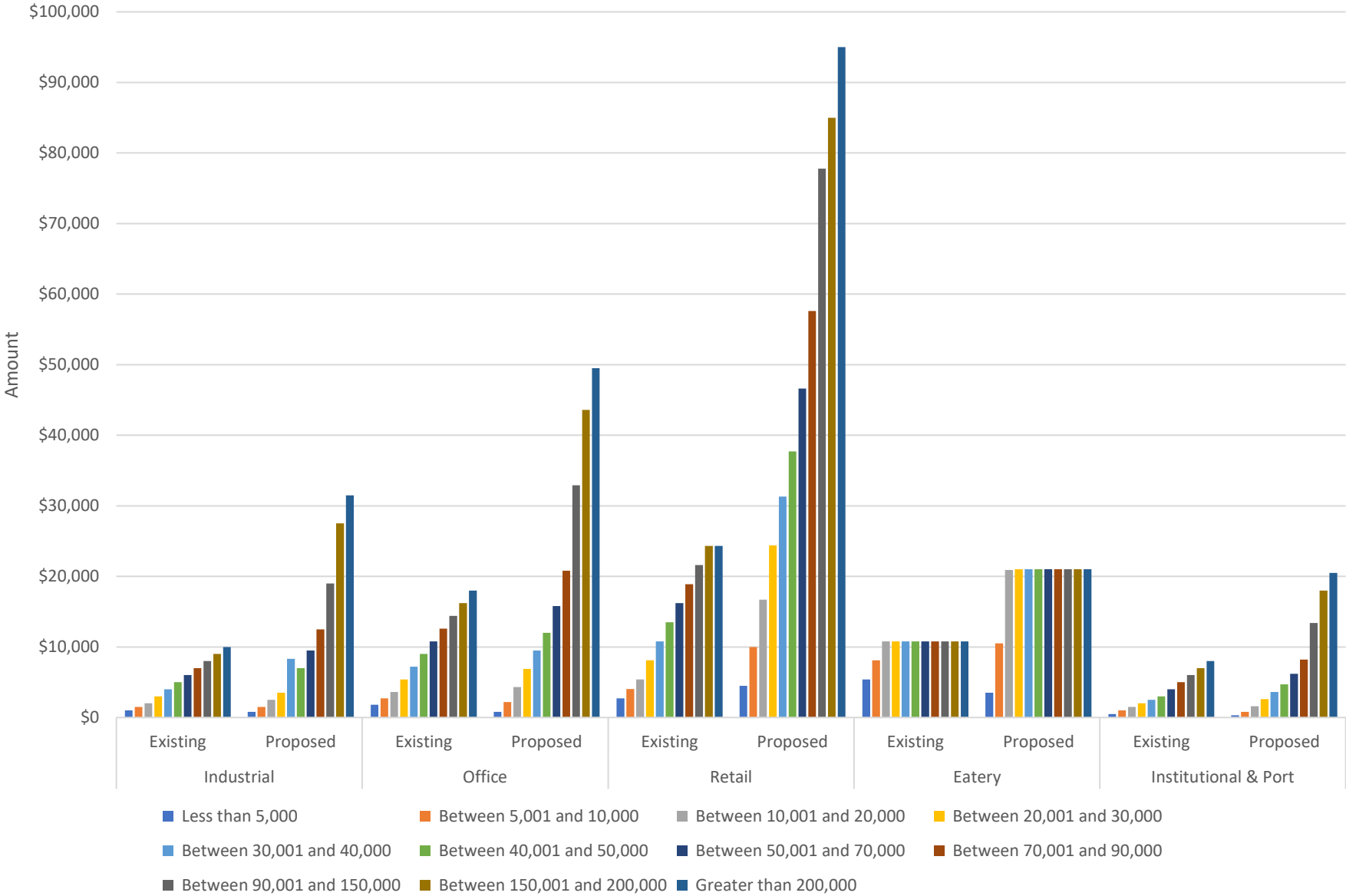
Filed with the City Clerk: _____
Passed by the City Council: _____
Resolution Number: _____

Office of the City Attorney

Concurrency Test Fees Residential



Concurrency Test Fees Commercial



Concurrency Test Fees Lodging

