



*Show Me the Money!*  
*Transportation Concurrency*  
*What Is It? How Does It Work?*

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*The County of Hawaii did **not** contribute funds toward the preparation of this material.*

# *Concurrency*

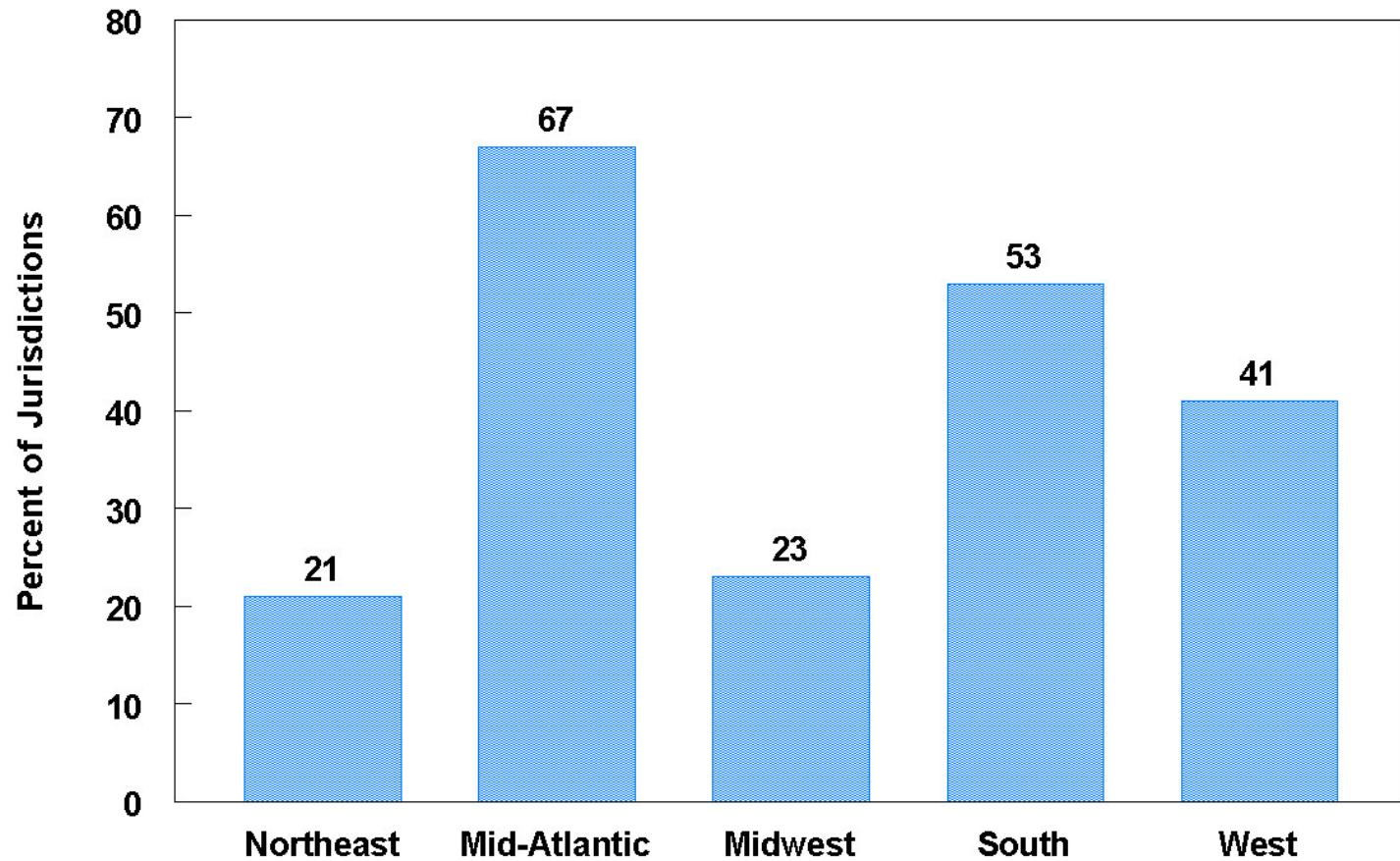
- Dictionary definitions:
  - Occurring at the same time
  - Coinciding in time
- Practical definitions:
  - A growth management approach that ties development approvals to the availability and adequacy of public facilities and services
  - Deferring approval of new development until public infrastructure systems can support it
- The terms “concurrency ordinance” and “adequate public facilities ordinance” or APFO mean the same thing

*Like zoning, the purpose of a concurrency requirement is to protect the health, safety and quality of life of residents and visitors.*

*While zoning regulations apply to the location, density, and form of development, concurrency relates to the timing of development.*

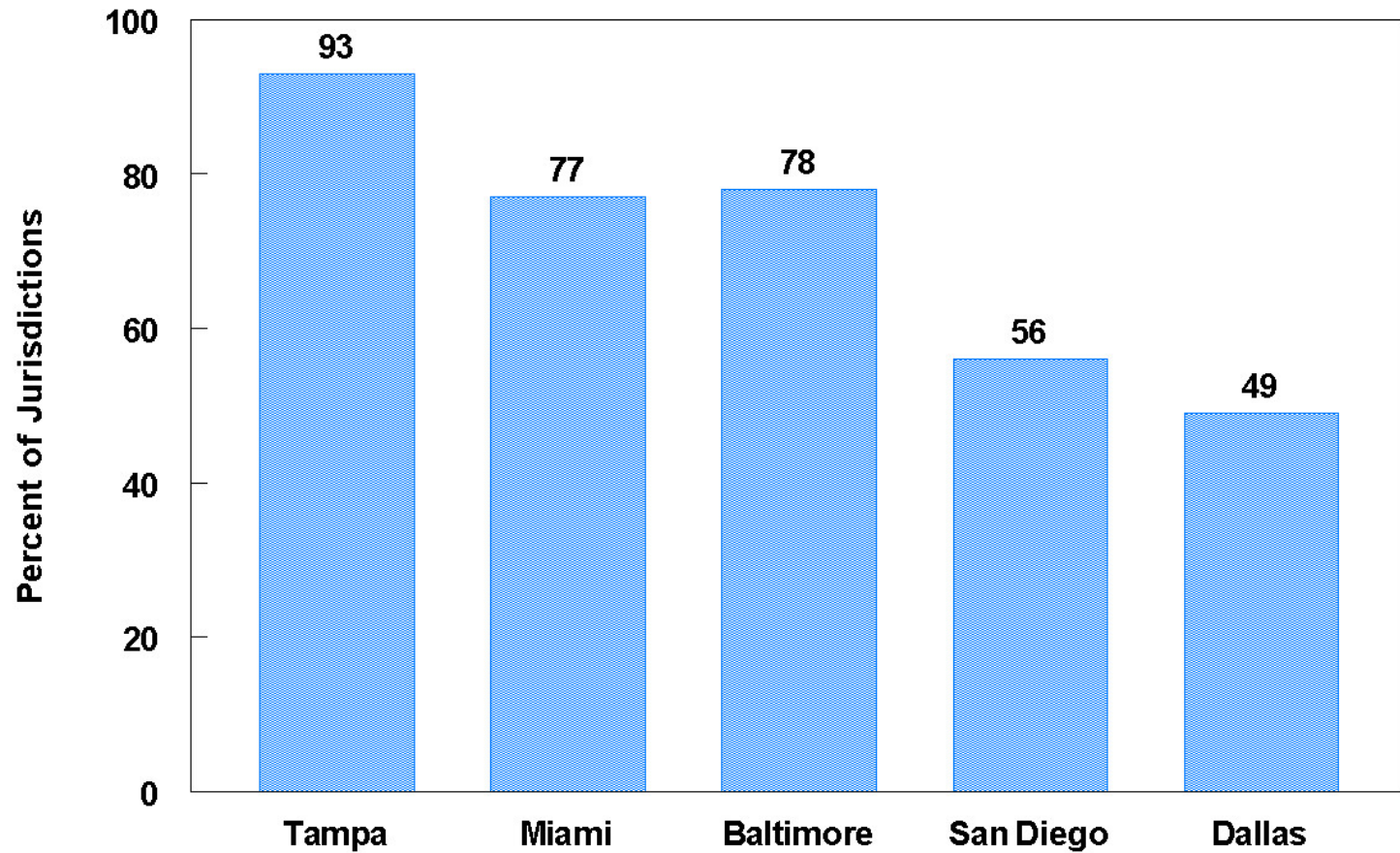
# *Percent with concurrency ordinances*

Results of 1994 survey of 1,157 jurisdictions by Cornell University



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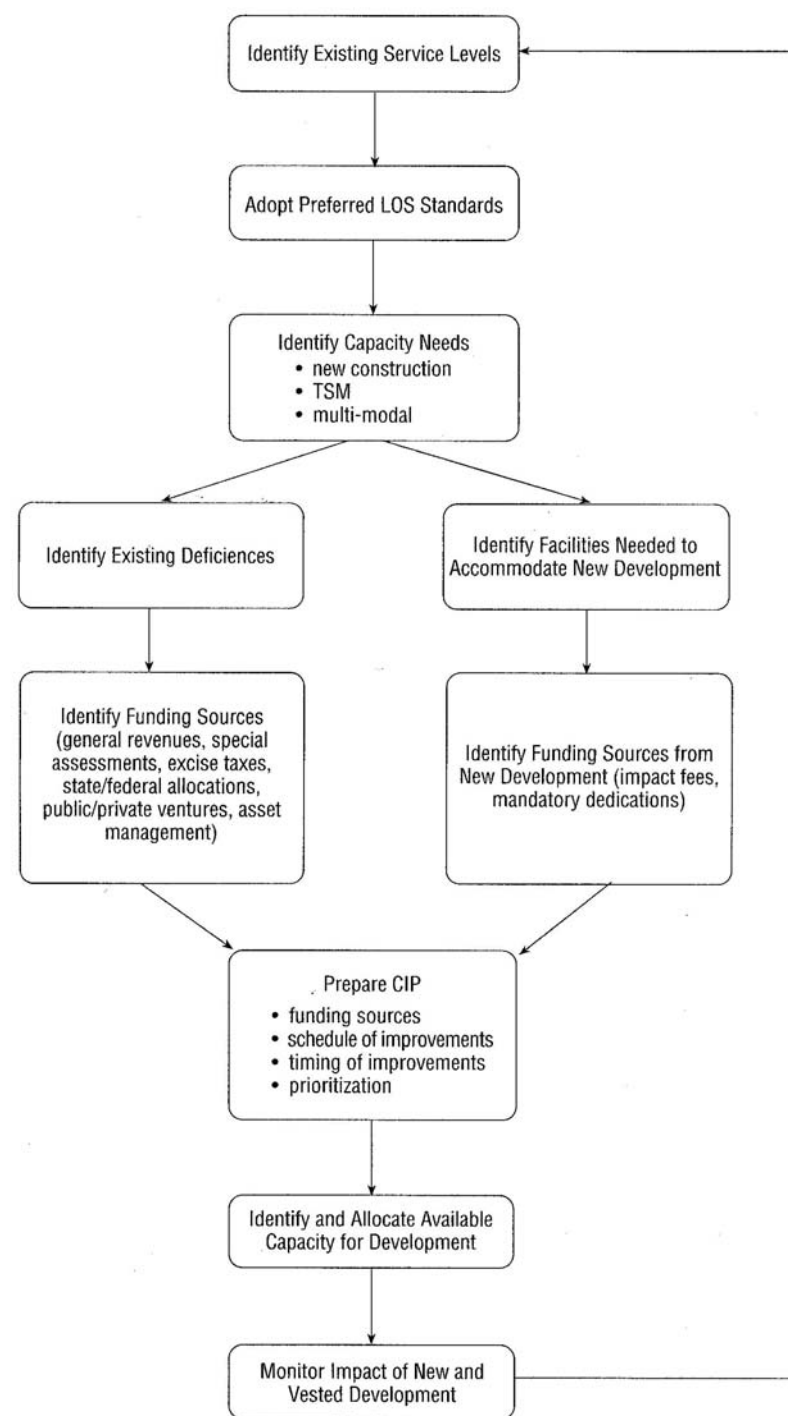
# *Scope of concurrency ordinances*

- Typical subject areas
  - Water/wastewater
  - Parks
  - Transportation
  - Schools
  - Public safety (police/fire)
- Most deal with only one or two types of facilities that have caused critical problems

# *Key concurrency concepts*

- Level of service (LOS)
  - ensures that operational conditions within an infrastructure system or public facility are not degraded by new development below acceptable levels
- Linkage of land use approvals to capital budget commitments
  - forces a community to link its land use plan with its capital improvement program, an often ignored principle of good planning

- Identify existing service levels
- Adopt LOS standards
- Identify capacity needs (modeling)
- Identify deficiencies and facilities needed to eliminate them
- Identify funding sources
- Prepare Capital Improvement Program (CIP)
- Allocate available capacity
- Monitor development impact



# *Urban street level of service (LOS)*

- LOS “A” – primarily free-flow operations; average speed is about 90% of free-flow speed
- LOS “B” – reasonably unimpeded operations; average speed about 70% of free-flow speed
- LOS “C” – stable operations, maneuvering restricted; average speed is about 50% of free-flow speed
- LOS “D” – borders on a range in which small increases in flow cause substantial increases in delay; average speed is about 40% of free-flow speed
- LOS “E” – significant delays; average speed is less than 33% of free-flow speed
- LOS “F” – extremely low speeds; intersection congestion; 25% to 33% of free-flow speed

- LOS "A"

- LOS "B"

- LOS "C"

- LOS "D"

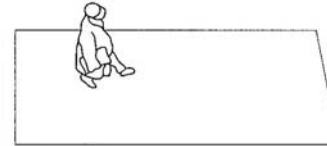
- LOS "E"

- LOS "F"

## LOS A

*Pedestrian Space* > 60 ft<sup>2</sup>/p *Flow Rate* ≤ 5 p/min/ft

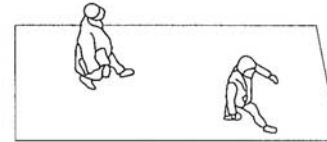
At a walkway LOS A, pedestrians move in desired paths without altering their movements in response to other pedestrians. Walking speeds are freely selected, and conflicts between pedestrians are unlikely.



## LOS B

*Pedestrian Space* > 40–60 ft<sup>2</sup>/p *Flow Rate* > 5–7 p/min/ft

At LOS B, there is sufficient area for pedestrians to select walking speeds freely, to bypass other pedestrians, and to avoid crossing conflicts. At this level, pedestrians begin to be aware of other pedestrians, and to respond to their presence when selecting a walking path.



## LOS C

*Pedestrian Space* > 24–40 ft<sup>2</sup>/p *Flow Rate* > 7–10 p/min/ft

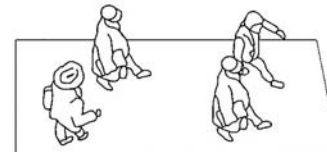
At LOS C, space is sufficient for normal walking speeds, and for bypassing other pedestrians in primarily unidirectional streams. Reverse-direction or crossing movements can cause minor conflicts, and speeds and flow rate are somewhat lower.



## LOS D

*Pedestrian Space* > 15–24 ft<sup>2</sup>/p *Flow Rate* > 10–15 p/min/ft

At LOS D, freedom to select individual walking speed and to bypass other pedestrians is restricted. Crossing or reverse-flow movements face a high probability of conflict, requiring frequent changes in speed and position. The LOS provides reasonably fluid flow, but friction and interaction between pedestrians is likely.



## LOS E

*Pedestrian Space* > 8–15 ft<sup>2</sup>/p *Flow Rate* > 15–23 p/min/ft

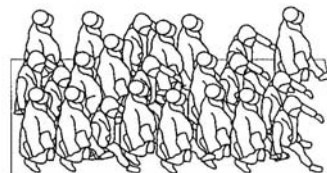
At LOS E, virtually all pedestrians restrict their normal walking speed, frequently adjusting their gait. At the lower range, forward movement is possible only by shuffling. Space is not sufficient for passing slower pedestrians. Cross- or reverse-flow movements are possible only with extreme difficulties. Design volumes approach the limit of walkway capacity, with stoppages and interruptions to flow.



## LOS F

*Pedestrian Space* ≤ 8 ft<sup>2</sup>/p *Flow Rate* varies p/min/ft

At LOS F, all walking speeds are severely restricted, and forward progress is made only by shuffling. There is frequent, unavoidable contact with other pedestrians. Cross- and reverse-flow movements are virtually impossible. Flow is sporadic and unstable. Space is more characteristic of queued pedestrians than of moving pedestrian streams.



*A concurrency ordinance is a citizenry's  
guarantee that government will  
“show them the money”  
before approval  
of new development is granted,*

*that is, government will explain to the  
taxpayers where the money will come  
from to build the infrastructure needed  
to support the new development.*

# *Sources of funding*

- County capital budget (Mayor must release \$)
  - County GO/revenue bonds/Com. Imp. Dist.
  - County special revenues (e.g., fuel taxes)
  - State funding released by Governor (e.g., STIP)
  - Federal funding (e.g., earmarks, pork)
- Developer
  - Dedications of land
  - Exactions
  - Fair share assessments (ours are unconstitutional)
  - Impact fees (but no County ordinance is in place)
  - Voluntary contributions (but not extortion)

*The council appropriates; the mayor allocates:  
you can lead a mayor to money. . .*

# COUNTY OF HAWAII



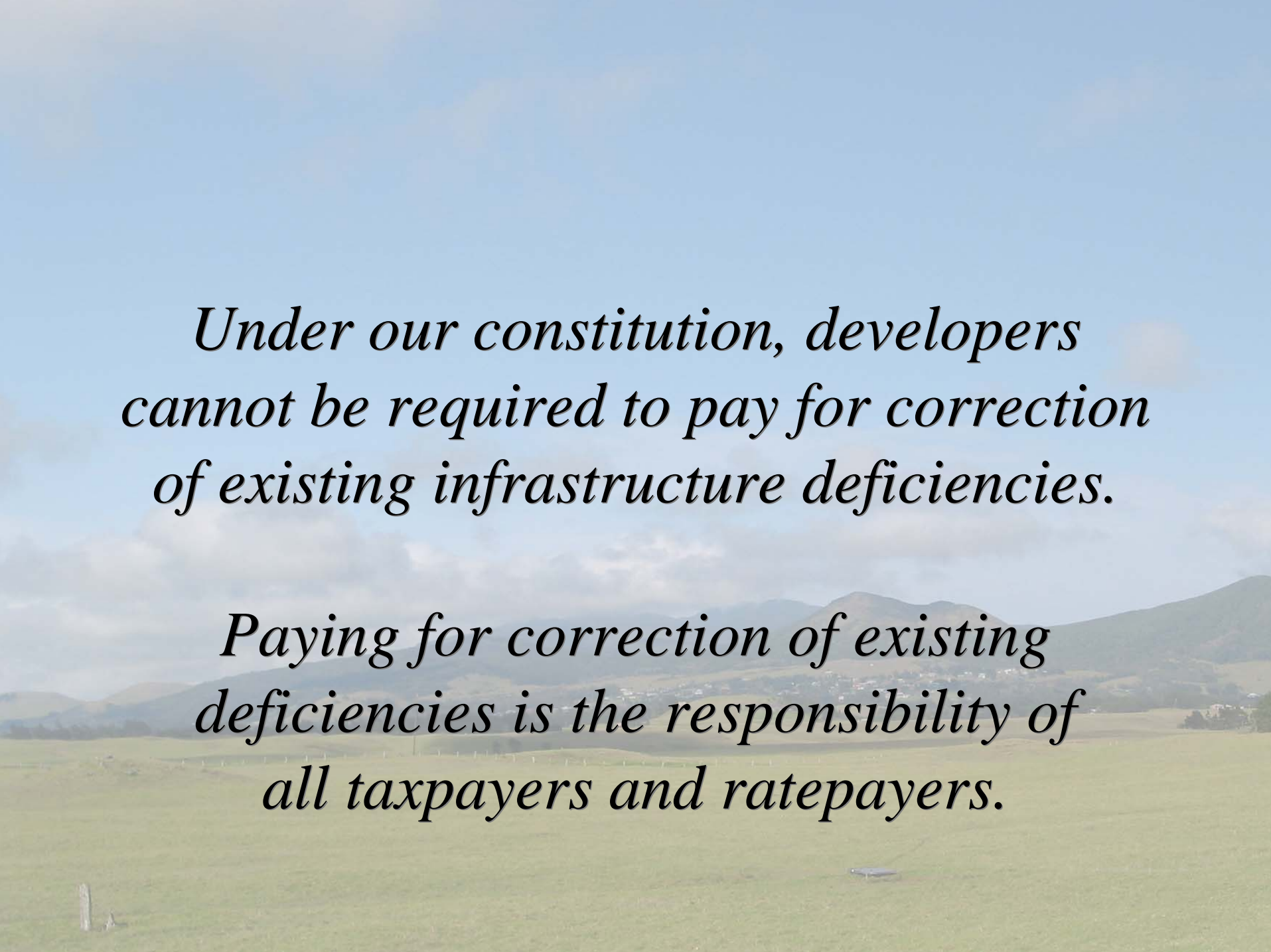
## PART II

The Amended Capital Budget and Six Year Capital Improvements  
Program

2007 – 2008

RECEIVED MAY - 4 2007

OFFICE OF THE MAYOR  
COUNTY OF HAWAII  
75-5706 Puuiki Highway  
Suite 103  
Honolulu, HI 96740



*Under our constitution, developers cannot be required to pay for correction of existing infrastructure deficiencies.*

*Paying for correction of existing deficiencies is the responsibility of all taxpayers and ratepayers.*

# *Development impact fees*

- A charge on new development to pay for the construction or expansion of off-site capital improvements that are necessitated by and benefit the new development
- In the absence of County impact fees:
  - It costs taxpayers **\$21,000** to replace the capacity in our island's **State and County major road system** that is consumed by the traffic generated by each new **single family dwelling**. It costs us \$4,800 to replace capacity in only major County roads.
  - It costs taxpayers **\$5,000,000** to replace the capacity in our island's **State and County major road system** that is consumed by the traffic generated by each new 140,000 square foot **Wal-Mart or Costco**. It costs us \$1,100,000 to replace capacity in only major County roads.

# *Development approval stages*

- Automatic under Federal and State constitutions
  - Exactions must have a rational relationship with and be roughly proportional to impacts
  - Native Hawaiian customary and traditional rights
- State land use district boundary changes
  - State Land Use Commission or County Council
- County Council zoning district changes
  - DHHL residential land uses exempt
- County Planning Director ministerial approvals
  - Subdivision/PUD preliminary and final approvals
- County Public Works ministerial approvals
  - Building permit or certificate of occupancy

# *Concurrency ordinance effects*

- Requires monitoring, accounting system for tracking commitments to provide capacity
- Where it is now practiced, it appears to increase development density because it is less costly to provide new development with public services at higher densities
- Can stimulate construction in areas with excess infrastructure capacity
- Not a panacea - must be considered just one tool in the growth management toolbox

# *What a concurrency ordinance does not do*

- Stop growth
- Violate constitutionally-guaranteed property rights
- Excuse government from its obligations
- Impose unfair costs on developers
- Downzone property



# *County Bill 318*

- **Applicability**
  - Any application for change in county zoning
  - Any application for an extension of time to perform a condition of county zoning
  - Received by the county after June 1, 2007
- **Infrastructure systems addressed**
  - Transportation (roads and public transit)
  - Water supply

# *Traffic Impact Analysis Report* *(TIAR)*

- Prepared or updated no more than six months before zoning application
- Change of zone can generate 50 or more peak hour trips
- Certified by a licensed professional engineer
- Impacts in immediate vicinity and in general area affected by project
- At 5, 10 and 20 years, including other approved and expected development
- Impacts of project on level of service and plans for mitigation, to include costs

# Trip Generation Handbook

Second Edition

An ITE Recommended Practice

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June 2004

Institute of Transportation Engineers

# HIGHWAY CAPACITY MANUAL

**TRANSPORTATION  
RESEARCH  
BOARD**

National Research Council

**TRB**

**HCM2**

*Example triggers for a TIAR  
(per the planning director)*

Land use	Basis	Trigger
Single family	Dwelling units	75
Apartment	Dwelling units	113
Shopping center	Square feet of leasable space	7,800

# *Mitigation required*

- If LOS for **any** transportation facility is
  - Currently worse than LOS “D” or
  - Projected to become worse than LOS “D” during the first five years of the TIAR
- Then rezoning must require **mitigation before occupancy** of the project, or
- Occupancy must be delayed until LOS has reached LOS “D” and is no longer projected to be worse than LOS “D”

# *Types of mitigation*

- Local mitigation
  - Roads and intersections in immediate vicinity of project
- Area mitigation
  - Increase capacity of State or County road system, e.g., additional lanes or new roads in area
  - Improvements to public transportation, e.g., additional buses, park and ride facilities
- Must be sufficient to offset **project** traffic demand

# *Mitigation requirement is satisfied when*

- Public agency has committed funds
  - Governor has **released** State funds, or
  - County council has **appropriated** funds or
- Developer has committed funds
  - Secured by bond, or
  - Agreed to participate in an improvement district or communities facilities district

# *Area mitigation is not required*

- If applicant commits to provide at least two times the number of otherwise required affordable housing credits, or
- If rezoning is to certain industrial or neighborhood center commercial land uses and the council determines that the project will reduce regional traffic congestion

# *Net residential units and lots added by rezonings during 2001 - 2004*

- North Kona – 890
- South Kohala – net decrease of 200
- North Kohala – 7
- Hamakua – 0
- North Hilo – 1
- South Hilo – 370
- Puna – 1
- Ka'u – 9
- South Kona - 12

# *Major rezonings in 2005-2006*

- Suffolk and Pua'a – 350 units near intersection of Kuakini Hwy and Queen Kaahumanu Hwy
- Lava Kuakini – 212 units on Kuakini Hwy near Pottery Terrace
- SCD 108 – 56 lots plus 56 units just above Lowe's
- Palamanui – 1,116 units just north of Kona Palisades
- North Kohala self-help housing – 60 lots

# *Remaining challenges*

- There are 64,000+ undeveloped lots on our island with zoning and subdivision approvals, mostly in Puna (40,000) and Ka'u (13,000)
- Subdivision of zoned land often occurs decades after zoning approvals are granted. There are 12,000+ undeveloped lots with zoning but without subdivision approval on our island, 8,200 in South Kohala and 1,490 in North Kohala
- Of 15,000 new residential units authorized by building permits issued since 2000, few than 300 units are on land rezoned during that time.
- Development of DHHL land for residential use by Native Hawaiians does not require county zoning approvals
- Conditions imposed by State LUC land use approvals are often not incorporated by reference into county zoning ordinances, so the county does not approve changes

# *For more information*

- Public facilities funding options
  - [www.WaimeaPlan.org/issues/funding/](http://www.WaimeaPlan.org/issues/funding/)
- American Planning Association
  - [www.planning.org/policyguides/](http://www.planning.org/policyguides/)
- County impact fee study
  - [www.hawaii-county.com/planning/ipfna.htm](http://www.hawaii-county.com/planning/ipfna.htm)
- County impact fee consultant's website
  - [www.impactfees.com](http://www.impactfees.com)