

spite of these effects, it was one of the least heralded⁵ and least defined provisions of the GMA.

Under a concurrency requirement, known in other jurisdictions as an adequate public facilities (APF) requirement, proposed development may not be approved if it would cause the levels of service of public facilities and services to fall below some specified baseline. In other words, the public facilities and services needed to sustain an adequate level of service must be available concurrently with the impacts of the development or within a reasonable time thereafter.⁶

A concurrency requirement is different from a regulatory exaction (impact fee) requirement. Subject to certain limitations on its authority, a municipality may require a developer to pay impact fees to mitigate the impacts of a proposed project.⁷ If there is no concurrency requirement, the development may proceed once the developer pays the impact fees, regardless of whether or when the improvements to public facilities are implemented. For example, if the municipality concludes that a development would degrade the level of service at an intersection to an unacceptable level, the developer may be assessed a proportionate share of the costs of a new traffic signal, turning lane, or other improvement, before the development may proceed. If and when the municipality later raises sufficient funds from public and/or private sources to pay for the improvement, the improvement will be installed. However, if there is a concurrency requirement, the development may not proceed until the necessary funds are raised and the improvement is installed or until commitments are in place to ensure that the improvement will be installed within a reasonable period of time.⁸

A concurrency requirement significantly changes the real estate development process by adding a temporal element. The developer must contribute the "up front" capital to fund the total cost of a required improvement or else the developer's

(West 1991); WASH. ADMIN. CODE 365-195-325(c) (1992). This may require budgeting significant expenditures by local jurisdictions in order to remedy past capital deficits, which have resulted in current level of service shortfalls.

5. For example, between January 1990 and December 1992, there were 563 articles in the SEATTLE TIMES and the SEATTLE POST-INTELLIGENCER mentioning the GMA. Only 15 of these articles mentioned concurrency.

6. See WASH. ADMIN. CODE § 365-195-210(2), (3), & (4) (1992).

7. See, e.g., WASH. REV. CODE ANN. §§ 82.02.050-.090 (West Supp. 1993).

8. See *id.* § 36.70A.070(6)(e) (West 1991).