

Approved:  
Effective:



CO00002555

**SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON**

AMENDED ORDINANCE NO. 01-011

**RELATING TO GROWTH MANAGEMENT, REVISING AND CLARIFYING  
REQUIREMENTS FOR CONCURRENCY OF LAND DEVELOPMENT WITH ROAD  
IMPROVEMENTS, AND AMENDING TITLE 26B SCC**

WHEREAS, the state Growth Management Act (GMA) requires Snohomish County to adopt regulations related to the concurrency of transportation improvements or strategies with land developments; and

WHEREAS, by Amended Ordinance No. 95-039 Snohomish County adopted amendments to Title 26B SCC establishing concurrency requirements for developments in unincorporated areas of the County consistent with the GMA and the county comprehensive plan; and

WHEREAS, Snohomish County has been implementing these concurrency provisions since July of 1995; and

WHEREAS, county experience to date has suggested the need for revisions and clarifications to the County's concurrency regulations as set forth in this ordinance; and

WHEREAS, the proposed revisions are consistent with and implement the County's County Wide Planning Policies and GMA Comprehensive Plan, as amended; and

WHEREAS, the proposed revisions are consistent with and implement the County Growth Management Act Comprehensive Plan (GMACP) Transportation Element and facilitate implementation of the concurrency management system for transportation as required by the GMA; and

WHEREAS, the proposed revisions are internally consistent with the County's existing GMA development regulations and have been reviewed for consistency and coordination with pending code revision projects; and

WHEREAS, the County has provided for public participation in developing the proposed revisions in accordance with the state law and county codes; and

WHEREAS, the Department of Public Works has provided for environmental review of the proposed revisions in accordance with the state law and county codes; and

WHEREAS, the Snohomish County Planning Commission held public hearings on the proposed revisions on October 24 and November 14, 2000 and recommended that the County Council amend Title 26B SCC to revise and clarify its concurrency regulations; and

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WHEREAS, the County Executive proposed legislation to implement the Planning Commission's recommendation as well as additional Executive-recommended revisions; and

WHEREAS, the Council held public hearings on April 18, April 30, May 14, June 11 and June 25, 2001 to consider the Planning Commission's and Executive's recommendations in which additional public testimony expressed the need to further revise and clarify the concurrency regulations of Title 26B; and

WHEREAS, staff prepared proposals for revised language for consideration by Council at public hearing and Council has provided additional opportunity for public review and comment on all of the proposed language changes; and

WHEREAS, having considered the recommendations of the Planning Commission and County Executive and the additional public review and comment, the County Council finds that amendment of Title 26B SCC is appropriate to revise and clarify concurrency and other regulations consistent with state laws.

THEREFORE, BE IT ORDAINED:

Section 1. The County Council hereby adopts the foregoing recitals as findings of fact and conclusions.

Section 2. Snohomish County Code Section 26B.51.005, adopted by Ordinance No. 90-186 on November 14, 1990, amended by Amended Ordinance No. 95-039 on June 28, 1995, and last amended by Emergency Ordinance No. 95-065 on July 24, 1995 is amended to read:

26B.51.005 Arterial unit in arrears.

"Arterial unit in arrears" means any arterial unit operating, or forecast to operate within six years, below the adopted level-of-service standard contained in SCC 26B.52.060, ~~((except where improvements to such a unit have been programmed in the county six-year transportation improvement program adopted pursuant to RCW 36.81.121, and funding identified))~~ unless a financial commitment is in place to complete improvements or implement strategies that ((would)) are forecast to remedy the deficiency within six years. Determinations that arterial units are in arrears will specify one or more weekday peak hours (a.m. peak and/or p.m. peak) and travel directions of level-of-service deficiency.

Section 3. Snohomish County Code Section 26B.52.060, adopted by Ordinance No. 90-186 on November 14, 1990, amended by Amended Ordinance No. 95-039 on June 28, 1995, and further amended by Emergency Ordinance No. 95-065 on July 24, 1995 is amended to read:

26B.52.060 Level-of-service standards.

(1) As required by ~~((RCW 36.70A.070(6)(b)))~~ RCW 36.70A.070(6)(a)(iii)(B), standards for levels of service on county arterials have been adopted by the county in its comprehensive plan adopted pursuant to the state growth management act. The department will plan, program, and construct transportation system capacity improvements for the purpose of maintaining these

adopted level-of-service standards in order to facilitate new development that is consistent with the county's comprehensive plan.

(2) ~~((Level-of-service))~~ The minimum level-of-service standards ~~((shall be as follows))~~ are:

	Urban Area —	Rural Area —
Transit Compatibility (*)	Tolerable Roadway Level of Service	Tolerable Roadway Level of Service
Compatible <del>((**))</del>	Below LOS E for Peak Hour <del>((**))</del>	LOS D for Peak Hour
Not Compatible	LOS E for Peak Hour	LOS C for Peak Hour

(\*) Transit compatibility minimum criteria are set out in the directors policy and procedure for transit compatibility under SCC 26B.52.130.

(\*\*) Not below LOS E for two hours during the 6:00 to 9:00 a.m. or 3:30 to 6:30 p.m. peak travel periods. A development may create or impact a traffic peak on a particular roadway outside these time periods. In such cases, the director may determine that the concurrency determination for the development will consider the other peak.

~~(((3) In accordance with RCW 36.70A.070(6)(e), no development will be approved which would cause the level of service on any arterial unit to fall below the adopted level of service in SCC 26B.52.060(2) standards unless improvements are programmed and funding identified which would remedy the deficiency within six years.))~~

~~(((4)))~~ (3) When the county council determines that excessive expenditure of public funds is not warranted for the purpose of maintaining adopted level-of-service standards on an arterial unit, the county council may designate, by motion, such arterial unit as being at ultimate capacity. Improvements needed to address operational and safety issues ~~((may))~~ must be identified in conjunction with such ultimate capacity designation.

~~(((5)))~~ (4) Level-of-service standards for arterial units which have been designated by the county council as ultimate capacity arterial units, and that directly connect state routes with a city, may be determined jointly by the county and the city through an interlocal agreement.

~~(((6)))~~ (5) In order to promote efficiency in the transportation system and to maximize the benefits received from public investment through increased use of transit, ridesharing, and nonmotorized transportation, all new developments in the urban area shall provide sufficient transportation demand management measures to indicate the potential for removing a minimum of five (5) percent of a development's p.m. peak-hour trips from the road system.

Section 4. Snohomish County Code Section 26B.52.150, adopted by Ordinance No. 90-186 on November 14, 1990 and last amended by Amended Ordinance No. 95-039 on June 28, 1995 is amended to read:

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26B.52.150 Pre-submittal conference.

(1) All developers, except those submitting applications for a duplex residential permit on a single lot, or for any other development which will generate less than three peak hour vehicle trips, are required to hold a pre-submittal conference with the director before submitting the development application; PROVIDED, That a pre-submittal conference will be required for all subdivisions and short subdivisions. The pre-submittal conference is required in order to review the traffic related aspects of the development proposal and determine if a traffic study of any magnitude is needed and to ensure that the application is submitted with adequate information for the review process.

(2) The determinations made by the director at the pre-submittal conference shall be shown on a scoping sheet which will be signed by the director and the applicant or their representatives(~~(- Information on the operating conditions of the road system given to the developer at the pre-submittal conference))~~ and shall remain valid for 90 days after the scoping sheet is signed. A valid scoping sheet must accompany any land use application for a development generating three or more (~~(p.m.)~~) peak-hour trips.

(3) A developer may choose to provide only trip generation and/or trip distribution with the initial application and leave the full scope of additional required traffic impact analysis to be determined by the department during its preliminary review of the application. In such cases, the department will recommend in its first written traffic-related comments to the department of planning and development services, a requirement for additional traffic analysis to be provided by a traffic consultant approved by the department and paid for by the developer.

Section 5. Snohomish County Code Section 26B.53.010, adopted by Ordinance No. 90-186 on November 14, 1990 and last amended by Amended Ordinance No. 95-039 on June 28, 1995 is amended to read:

26B.53.010 Traffic Study: When required.

(1) In order to provide sufficient information to assess a development's impact on the road system, developments adding three or more (~~(p.m.)~~) peak-hour trips will be required to provide a traffic study when it ((has been)) is determined ((at the pre-submittal conference)) by the director that there is not sufficient information existing in the department's ((database)) files to adequately assess the traffic impacts of the development. The traffic study will consist of at least a traffic generation and distribution analysis but may need to be as extensive as analyzing all arterial units on the road system wherever three or more (~~(p.m.)~~) peak-hour trips from the development are added. In accordance with SCC 26B.55.030(5), a development((s)) adding more than 50 ((p.m.)) peak-hour trips ((may)) shall be required to provide a traffic study to enable the department to make a concurrency determination. A traffic study may also be required of a developer in conjunction with the provisions of SCC 26B.55.040 in order to analyze a potential inadequate road condition. Changes in the development proposal may result in the director determining that a traffic study is required or that additional information is required.

(2) A developer shall provide a traffic study for developments which add three or more (~~(p.m.)~~) peak-hour trips when there is, in the opinion of the director ~~((at the time of the pre-submittal conference))~~, or at the request of a county hearing body under SCC 26B.55.040 relative to inadequate road conditions, a need for additional information on:

- (a) impacts of the development on any arterial units in arrears and/or designated ultimate capacity arterial units;  
(~~(— any arterial unit that the development may cause to fall into arrears)~~)
- (b) a development's traffic distribution;
- (c) a possible inadequate road condition;
- (d) adequacy of the proportionate share calculations of any voluntary payments that may be required under this title, in representing reasonable and/or adequate mitigation for that particular development; or
- (e) a suspected traffic impact that may warrant mitigation beyond that provided through the proportionate share mitigation payment system.

(3) If, in the opinion of the director, there is sufficient information known about a development's road system from previous traffic studies, the director may waive the requirement for a traffic study and so state the finding in the pre-submittal conference scoping sheet signed by the director and the developer. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

(4) Developments impacting roads under the jurisdiction of the WSDOT, cities or other counties, will be required to provide a traffic study to address impacts of the development on the WSDOT's, cities' or other counties' roads, when the development meets the thresholds established in an interlocal agreement with the WSDOT, city or other county for when a traffic study will be required.

Section 6. Snohomish County Code Section 26B.55.030, adopted by Ordinance No. 90-186 on November 14, 1990, amended by Amended Ordinance No. 95-039 on June 28, 1995, and last amended by Emergency Ordinance No. 95-065 on July 24, 1995 is amended to read:

26B.55.030 Level-of-service requirements, concurrency determinations.

(1) The department shall make a concurrency determination for each development application to ensure that the development will not impact ~~((an))~~ a county arterial unit ~~((where the level-of-service is below the adopted level-of-service standard, or cause the level-of-service on an arterial unit to fall below the adopted level-of-service standard, unless improvements are programmed and funding identified which would remedy the deficiency within six (6) years))~~ in arrears. The approving authority shall not approve any development that is not deemed concurrent under this section (SCC 26B.55.030). Building permit applications for development within an approved binding site plan, rezone accompanied by an official site plan, nonresidential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section shall be deemed concurrent; PROVIDED, That the certificate of con-currency for the binding site plan approval, rezone accompanied by an official site plan, nonresidential subdivision or short subdivision has not expired, the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the binding site plan approval, rezone accompanied by an official site plan, subdivision or short subdivision approval is performed as a condition of building permit issuance.

(a) A concurrency determination which verifies that a development has been deemed concurrent shall be documented by a "certificate of concurrency" which shall be included as part of the director's recommendation under SCC 26B.55.010. Such certificate shall

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state when the concurrency determination was made and whether the concurrency certificate is conditioned upon satisfaction of conditions to enable the development to be deemed concurrent and shall indicate the expiration date of the certificate of concurrency.

(b) The department shall make a concurrency determination (~~upon~~) following receipt of a ((development's)) development ((initial)) application and review of appropriate traffic data. Forecasts used in making concurrency determinations shall be in accordance with SCC 26B.55.032. In its concurrency determination, the department shall find that, at the time of the determination, the development is concurrent, the development is not concurrent, or that additional information is needed to determine whether or not the development is concurrent. The department will include a concurrency determination in its first written traffic-related comments to the department of planning and development services following receipt of the application or receipt of other required information or analysis. The department will document in writing the methodology and information used in making the concurrency determination. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the director, and the development will be reevaluated for concurrency purposes. Concurrency determinations made subsequent to the initial concurrency determination for a development due to change in the development or at the request of the developer will be subject to an additional review fee at the rate identified as the base review fee under SCC 13.110.030.

(c) A determination that a development shall be deemed concurrent shall remain in effect until the certificate of concurrency is prepared as part of the director's recommendation under SCC 26B.55.010 and may only be changed if any of the following occur:

(i) The applicant proposes substantial transportation-related changes to the development proposal prior to the final approval that would cause the approved traffic generation of the prior approval to be exceeded, change points of access or circulation, change mitigation measures relating to the transportation system, or increase traffic volumes on any arterial units.

(ii) The determination was based on phasing and the applicant proposes changes to the development proposal prior to the final approval that would move up the occupancy dates for all or part of the development to earlier phases.

(iii) The concurrency determination was procured by misrepresentation or lack of material disclosure or the data and/or analysis upon which the concurrency determination was made are found to have gross material errors and/or misrepresent the existing or future road system or the development's impact on that road system.

(iv) More than one (1) year has elapsed since the concurrency determination and the SEPA threshold determination for the development has not been made.

~~((e))~~(d) The director shall determine the expiration date of the certificate of concurrency for a development based upon such factors as the size of the development and the level-of-service of impacted arterial units. The expiration date of the certificate of concurrency for a development shall be six (6) years after the date of the concurrency determination, except where it is determined by the director that an earlier expiration date should be established due to the impact of the development on level-of-service conditions. A later date of expiration may be established in accordance with SCC 26B.57.005. Factors to consider in determining whether a different expiration date should be established shall be consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan. The expiration date of the certificate of concurrency for a binding site plan that generates more than 50 ~~((p.m.))~~

peak-hour trips shall be the expiration date of the binding site plan for the purposes of concurrency as determined by the date of the latest certificate of occupancy for the development as proposed by the applicant and the date used in the traffic study for determining impacts on level-of-service in accordance with SCC 26B.55.030(5).

~~((d))~~(e) Building permits for a development must be issued prior to expiration of the certificate of concurrency for the development, except when the development is a residential subdivision or short-subdivision in which case the subdivision or short-subdivision must be recorded prior to expiration of the certificate of concurrency for the development, and, except where no building permit will be associated with a conditional or special use permit, in which case the conditional or special use permit must be issued prior to expiration of the certificate of concurrency for the development. No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.

~~((e))~~(f) If a certificate of concurrency expires prior to building permit issuance, except when the development is a residential subdivision or short-subdivision then prior to the recording of the subdivision or short-subdivision, and, except where no building permit will be associated with a conditional or special use permit, then prior to issuance of the conditional or special use permit, the director shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination and may establish a new expiration date in accordance with SCC 26B.55.030(1)(c).

(2) In determining whether or not to deem a proposed development as concurrent, the department shall analyze likely road system impacts on arterial units based on the size and location of the development. A development will be deemed concurrent for the period prior to the expiration date of the certificate of concurrency for the development.

(a) Concurrency determinations under this section (SCC 26B.55.030) will evaluate the road system impacts for any proposed development within the boundaries of the development's transportation service area. The transportation service area (TSA) in which a development is located will be determined at the pre-submittal conference. The director will determine the transportation service area of developments which straddle a boundary, are physically adjacent to another transportation service area or from which the traffic impacts are greatest in an adjacent TSA, and may change such determination upon review of the initial application.

(b) A development's forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road system. The county will accept valid data from a traffic study under SCC 26B.53 or will use the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers. Adjustments will be made for trip reduction credits approved under SCC 26B.55.130.

(3) A concurrency determination made for a proposed development under this section (SCC 26B.55.030) will evaluate the development's impacts on any arterial units in arrears, and/or designated ultimate capacity arterial units.

(a) If a development is proposed within a transportation service area which contains no arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent, except that if the development generates more than fifty (50) ~~((p.m.))~~ peak-hour trips, the requirements of SCC 26B.55.030(5) shall also apply.

(b) If a residential development which generates seven (7) or more ~~((p.m.))~~ peak-hour trips, or a nonresidential development which generates five (5) or more ~~((p.m.))~~ peak-hour

trips is proposed within a transportation service area which contains one or more arterial units in arrears and/or designated ultimate capacity arterial units, then the development may only be deemed concurrent, based on a trip distribution to determine the impacts of the development. If the development generates more than fifty (50) ((p.m.)) peak-hour trips the requirements of SCC 26B.55.030(5) shall also apply. Impacts shall be determined based on each of the following:

(i) If the trip distribution indicates that the development will not place three (3) or more ((p.m.)) peak-hour trips on any arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent.

(ii) If the trip distribution indicates that the development will place three (3) or more ((p.m.)) peak-hour trips on any arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under SCC 26B.55.030(6).

(iii) If the trip distribution indicates that the development will place three (3) or more ((p.m.)) peak-hour trips on any designated ultimate capacity arterial unit, then the development shall be deemed concurrent only if the development proposes to mitigate its road system impact by providing sufficient transportation demand management (TDM) measures under SCC 26B.55.140 to indicate the potential for removing a minimum of ten (10) percent of the development's ((p.m.)) peak-hour trips from the road system. If the impacted ultimate capacity arterial unit meets the criteria for transit supportive design and if the development meets the department's criteria for transit compatibility in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, then the existence of, or provision of, an offsite walkway connecting the development with a bus stop will count for one-half of the required ten (10) percent provision of TDM measures.

(iv) If the trip distribution indicates that the development will place three (3) or more ((p.m.)) peak-hour trips on any designated ultimate capacity arterial unit that directly connects a state highway with a city, and there is an interlocal agreement as specified in SCC 23.36.030(4) between the county and the city addressing the designated ultimate capacity arterial unit, then the development shall be deemed concurrent only if the impacted ultimate capacity arterial unit and the development are in accordance with the terms of the interlocal agreement. If there is no interlocal agreement between the county and the city addressing the designated ultimate capacity arterial unit, then this provision (SCC 26B.55.030 (3)(b)(iv)) shall not apply.

(4) The following developments shall be deemed concurrent:

(a) Any residential development that generates less than seven (7) ((p.m.)) peak-hour trips, or any nonresidential development that generates less than five (5) ((p.m.)) peak-hour trips shall be considered to have only minor impact on county arterials for purposes of a concurrency determination on impacts to level-of-service on arterial units and shall be deemed concurrent; and

(b) Any development that has a valid preapplication concurrency approval pursuant to SCC 26B.55.034.

(5) Any development that generates more than fifty (50) ((p.m.)) peak-hour trips must provide a traffic study so that the department can determine if the development will likely impact any arterial unit in arrears or likely cause any ((county)) arterial unit((s)) to fall into arrears, except when the director determines at the presubmittal conference that a traffic study is not required. In addition to the concurrency determination under SCC 26B.55.030 (3), the director shall not deem as concurrent any development generating more than fifty (50) ((p.m.)) peak-hour trips which would likely impact an arterial unit in arrears or likely cause any arterial unit to fall



into arrears, except where the development proposes to remedy any arterial unit in arrears in accordance with SCC 26B.55.030 (6)(c)(ii).

(6) Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:

(a) A development which meets the department's criteria for transit compatibility, in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, shall be deemed concurrent if the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, and if the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan, and provided that the development can be deemed concurrent in accordance with all other provisions of SCC 26B.55.030(3).

(b) A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the county to deem the development concurrent under this section.

(c) The county may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the director's recommendation under SCC 26B.52.020, and referenced in the concurrency determination, as a condition of approval.

(i) Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the county (~~has made or programmed~~) has a financial commitment for or has made capacity improvements which would remedy any arterial unit in arrears.

(ii) Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial unit in arrears.

(A) If a developer chooses to mitigate the development's impact by constructing offsite road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the offsite improvements. Construction of improvements shall be in accordance with the Engineering Design and Development Standards, as adopted under chapter 13.05 SCC and the procedures of Title 13 SCC.

(B) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(C) Any developer who volunteers to construct offsite improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, based on the cost basis contained within the transportation needs report, may apply for a reimbursement contract under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(D) Any developer who chooses to mitigate a development's impact by constructing offsite improvements may propose to the director that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director will determine whether or not such a partnership is to be established.

(E) Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; PROVIDED, That where no building permit will be associated with a conditional or special use permit, then construction of improvements is required as a precondition to approval.

(d) If such development is consistent with the county's comprehensive plan adopted pursuant to the state's growth management act, then the developer may request, and based on such request the county may consider, amendment to the comprehensive plan to provide for lower density development to allow such development to be deemed concurrent. In such cases the development may be required to develop and/or pay for the amendment proposal.

(7) All new developments in the urban area shall provide transportation demand management measures. Sufficient transportation demand management measures shall be provided to indicate the potential for removing a minimum of five (5) percent of a development's p.m. peak-hour trips from the road system. This requirement shall be met by the provision of site design requirements under SCC 26B.55.130(6) or SCC 26B.55.130(8), as applicable, except where the developer proposes construction or purchase of specific offsite TDM measures or voluntary payment in lieu of site design, in accordance with SCC 26B.55.140(1).

Section 7. A new section is added to Chapter 26B.55 of the Snohomish County Code to read:

26B.55.032 Forecasting level-of-service.

(1) An inventory of developments that have been deemed concurrent, also referred to as "developments in the pipeline," will be used to estimate future traffic volumes for forecasting future level-of-service conditions. This inventory will be established and maintained by the department of public works in accordance with the department's administrative policy and technical procedure on forecasting level-of-service. Developments in the pipeline will also include developments given preapplication concurrency approval pursuant to SCC 26B.55.034.

(a) The department shall use the inventory of developments in the pipeline when conducting analysis to determine whether an arterial unit is in arrears as defined in SCC 26B.51.005. Inventories or estimates shall be in accordance with the department's administrative policy and technical procedure on forecasting level-of-service.

(b) A developer shall use the inventory of developments in the pipeline (as established and maintained by the department) when providing a forecast of future level-of-service conditions to the department for purposes of making a concurrency determination on a proposed development pursuant to SCC 26B.55.030. The inventory of developments in the pipeline used for making a concurrency determination on a proposed development shall not include any development that has been deemed concurrent subsequent to the proposed development.

(2) Estimates of future traffic volumes used for purposes of making level-of-service forecasts for concurrency determinations shall consist of the sum of the following: the current traffic volumes, the additional traffic volume that will be generated by the proposed development, and the additional traffic volume that will be generated by other developments in the pipeline.

(a) Estimates of current traffic volumes will be based on recent counts acceptable to the department. The department will provide them when available. When acceptable counts are not available, the applicant must provide them. The department may specify by administrative rule the methodology for performing traffic counts of current traffic volumes.

(b) Additional traffic volume that will be generated by the proposed development will be based on the development's forecast trip generation at full occupancy, in accordance with SCC 26B.55.030(2)(b).

(c) The following shall apply to forecasting additional traffic volume that will be generated by the inventory of developments in the pipeline:

(i) the inventory of developments in the pipeline shall not include developments that have been deemed concurrent subsequent to the proposed development.

(ii) Estimates of additional traffic volume that will be generated by the inventory of developments in the pipeline will include, at minimum, residential developments generating seven (7) or more peak-hour trips and commercial developments generating five (5) or more peak-hour trips that have been deemed concurrent based on the department's concurrency determination.

(iii) The department may, in its discretion, determine that certain developments in the pipeline should not be included in the inventory. The department may exclude a development, or part of a development, in the pipeline based on a factual demonstration by the applicant that one or more of the following is applicable:

(A) a development is not going to be constructed;

(B) a development is not going to be approved; or

(C) a development was already occupied at the time the current traffic volumes were counted.

(iv) A threshold of three AM and/or PM peak-hour trips will be used for trip distributions.

(d) The department will provide the applicant with the information in the department's inventory of developments in the pipeline and the number of trips added to the individual traffic movements at the intersections on the identified arterial units.

(e) The department will identify the arterial unit(s) for which an applicant must make estimates of future traffic volumes and specify the methodology for level-of-service forecasts used by the applicant in forecasting level of service from the estimates of future traffic volumes. Estimates of future traffic volumes may be required of the applicant for weekday a.m. and p.m. peak hour vehicle trips for any traffic movements on any intersection located on the identified arterial unit(s) including termini.

(f) Forecasts will analyze traffic impacts for arterial units in the development's road system for the "forecast year" (i.e., the year of the proposed expiration date of the development's certificate of concurrency).

Section 8. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B 51.170 Trip distribution

“Trip distribution” is a type of traffic analysis that estimates the likely destinations of trips generated by a proposed development and the likely traffic routes to reach those destinations. The result of this analysis is a map or list indicating what number or percentage of trips from the proposed development are added to the development’s road system, including the number or percentage of trips added to individual traffic movements on arterial units and/or at intersections. The analysis provides a set threshold, consisting of a predefined number or percentage of trips below which no attempt is made to further distribute the trips onto the road system.

Section 9. A new section is added to Chapter 26B.55 of the Snohomish County Code to read:

26B.55.034 Optional Preapplication Concurrency Evaluation.

(1) Any developer may request a preapplication concurrency decision pursuant to SCC 26B.55.030 for a proposed development prior to submitting an application, in accordance with the requirements of this section. All requirements of this title applicable to presubmittal conferences shall apply to preapplication concurrency evaluations, unless expressly excepted in this section.

(2) A request for a preapplication concurrency evaluation must be made to the department in accordance with the following and in the form and manner prescribed by the department.

(a) The developer must provide the department with a detailed description of the proposed development's maximum possible impact on the level-of-service of the road system. The information provided must include projected trip generation and trip distribution, as well as site plan information indicating access points for the development.

(b) The developer must propose a year of expiration date for the requested certificate of concurrency, which shall be used as the forecast year for the evaluation of future level-of-service conditions on the road system. The expiration date for any certificate of concurrency issued pursuant to this section for a subsequent development application shall be in accordance with SCC 26B.55.030(1)(c) and the forecast year used for the preapplication concurrency evaluation.

(c) The developer shall provide a traffic study consistent with SCC 26B.53.020-.040. The department will meet with the developer to identify the scope of the traffic study required to make the preapplication concurrency decision.

(d) Application for a preapplication concurrency evaluation shall be accompanied by a fee payment in the amount specified in SCC 13.110.030. For purposes of SCC 13.110.030, a request for a preapplication concurrency evaluation shall be considered a development application.

(3) Following receipt of a traffic study that meets the requirements established in the preapplication concurrency scoping meeting, notice of the request for a preapplication concurrency evaluation shall be made in accordance with the procedures of SCC 32.50.060. The notice shall start a twenty-one (21) day public and agency comment period. The department

will have fourteen (14) days following the close of the public and agency comment period to make a preapplication concurrency decision.

(4) Concurrency evaluations under this subsection shall be consistent with the requirements of SCC 26B.55.030(3), except that the threshold for meeting the requirements of SCC 26B.55.030(5) shall be seven (7) peak-hour trips for residential developments and five (5) peak hour trips for commercial developments instead of fifty (50) peak-hour trips.

(5) A preapplication concurrency evaluation is an action subject to the requirements of SEPA and Title 23 SCC.

(6) If the department's preapplication concurrency decision is that the proposed development can be deemed concurrent, the department will issue a preapplication concurrency approval. If the preapplication concurrency decision is that the proposed development cannot be deemed concurrent, the department shall notify the developer in writing of the decision and the reasons therefore. The developer shall have 90 days from such notification to respond with revisions or alternative analyses or proposals. Responses may include revisions to the traffic study, alternative analysis of the conclusions drawn by the department, or utilization of options under SCC 26B.55.030(6). A response shall be treated like a new application for a preapplication concurrency decision.

(7) The department of planning and development services shall provide notice of the department's preapplication concurrency decision and the time period for filing an administrative appeal in accordance with SCC 32.50.130. The preapplication concurrency decision may be appealed pursuant to SCC 26B.55.035.

(8) A development with a preapplication concurrency approval that is valid at the time of application submittal will be deemed concurrent under SCC 26B.55.030(4) without further review, provided that the administrative appeal period for the concurrency approval has expired or the concurrency approval has been upheld on appeal and there is no further opportunity for administrative or judicial review.

(9) Concurrency determinations for developments which received a preapplication concurrency approval shall not be subject to further administrative review or appeal during project review, including review pursuant to the State Environmental Policy Act (SEPA).

(10) A preapplication concurrency approval shall be valid only for subsequent development applications for the same parcel of property and where the maximum possible impact on the level-of-service of the road system established in the preapplication concurrency approval is not exceeded by the proposed development. A preapplication concurrency approval cannot be transferred to a different parcel of property.

(11) Preapplication concurrency approvals under this subsection shall be valid for 180 days following the date of notice established in SCC 26B.55.034(6) unless an appeal is pending, in which case the approval shall be valid for 180 days following resolution of all appeals.

Section 10. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is

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held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

Section 11. Effective date. Section 9 of this ordinance shall become effective on January 1, 2002.

PASSED this 19th day of September, 2001.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ATTEST:

Sheila McCauley  
Asst. Clerk of the Council

Donna S...  
Chair

- APPROVED
- EMERGENCY
- VETOED

Date: 10/04/01  
Robert J. Drewel  
County Executive

ATTEST:

Patricia S. Sandoz

Approved as the form only:

Barbara Dykes  
Deputy Prosecuting Attorney

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