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Approved:
Effective:

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 01-014

**RELATING TO GROWTH MANAGEMENT, IMPLEMENTATION OF
TRANSPORTATION DEMAND MANAGEMENT (TDM) REQUIREMENTS FOR
LAND DEVELOPMENT, AND AMENDING TITLE 26B SCC**

WHEREAS, by Ordinance No. 90-186 on November 14, 1990, Snohomish County adopted amendments to Title 26B SCC to provide monetary incentives for development to implement Transportation Demand Management (TDM) measures; and

WHEREAS, in Amended Ordinance No. 95-039, June 28, 1995, Snohomish County adopted amendments to Title 26B SCC to require all development inside urban growth areas to provide some TDM measures; and

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

WHEREAS, county experience to date has suggested that most of the implementing provisions related to TDM do not need to be adopted by ordinance, but are appropriately included in the internal policies and procedures of the Department of Public Works; and

WHEREAS, other minor revisions are desired to update the TDM requirements of the County 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 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 Department of Public Works 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 a public hearing on the proposed revisions on October 24, 2000, and the Planning Commission recommended approval, as amended.

THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 26B.52.130, 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.52.130 Director authorization for administrative policies and technical procedures.

The director is hereby authorized to produce and maintain administrative policies and technical procedures in order to administer this title. The policies and procedures shall cover the various aspects of processing land use applications and shall set forth any necessary procedural requirements for developers to follow in order for their applications to be processed by the staff in an efficient manner. The director shall produce administrative policies and technical procedures on at least the following topics:

- Traffic studies: scoping, elements, processing;
- Level-of-service determination: methodology, data collection;
- Transit compatibility: transit supportive criteria for arterials, compatibility of development;
- Inadequate road conditions: criteria for identification;
- Frontage improvements: standards, variables;
- Mitigation measures: extent, timing, agreements;
- Master road improvement programs: processing; and
- Transportation demand management (TDM) for developments.

The decisions of the director on matters relating to the administration of the adopted administrative policies and procedures shall be final.

Section 2. Snohomish County Code Section 26B.55.130, 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.55.130 Transportation demand management (TDM).

(1) Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. This is a particularly important strategy in cases where road facilities have already reached the practical limit for physical expansion, congestion is severe, and projections for future traffic indicate continued growth.

(2) TDM employs a wide range of measures to increase the use of ridesharing, carpools, vanpools, transit and non-motorized transportation such as bicycling and walking. Transportation coordinators, ridematch assistance, preferential parking, flextime, transit subsidies, increased parking fees, reduced parking supply, and provision of shuttle services in areas lacking transit service are examples of TDM measures. TDM measures can be characterized as site-design features facilitating TDM compatibility which consist of fixed physical features in site design or capital facilities, and programmatic measures specific to users of the sites (e.g., employers, customers, clients).

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(3) ~~((Trip Reduction Credits Procedures.))~~ Developers are encouraged to provide TDM measures to mitigate their traffic impacts and may be eligible for trip reduction credits.

~~((~~ ~~(a) Developers will be informed of TDM options at the presubmittal conference.~~

~~(b) The department will help developers apply the on-site design principles of Sno Trans' "A Guide to Land Use and Public Transportation" (document available for reference at the department) to facilitate compatibility with TDM.~~

~~(c))~~(a) TDM measures eligible for trip reduction credits may include:

(i) construction of on-site design features for TDM compatibility, ~~((and/or))~~

(ii) implementation of voluntary trip reduction programs, and

(iii) ~~((A))~~ additional TDM measures with an area-wide impact may be eligible for trip reduction credits on a case-by-case basis.

~~((d))~~(b) Developers wishing to receive credits by providing TDM measures must provide TDM plans with their initial development application. Such TDM plans will describe the TDM measures proposed for the development. ~~((e))~~ Based upon adopted departmental policies and/or procedures, ~~((F))~~ the department ~~((will determine if a development application's TDM plan meets the requirements for on-site TDM compatibility and/or voluntary trip reduction programs and/or measures with an area-wide impact and))~~ will determine the amount, if any, of trip reduction credits allowed.

~~((~~ ~~(f) A development proposing TDM measures shall include the TDM plan as part of a mitigation proposal under SCC 26B.55.010.~~

~~(g) The written submittal of voluntary trip reduction programs shall be provided in the TDM plan in a form acceptable to the department. When a traffic study is required the submittal will be part of that study.~~

~~(h))~~(c) On-site features accepted for TDM compatibility in a mitigation proposal and/or measures with area-wide impacts allowed credits under this section must be constructed before any certificate of occupancy or final inspection will be issued.

~~((~~ ~~(i) Special access easements accepted for TDM compatibility in a mitigation proposal must be recorded as restrictive covenants on the appropriate property title(s) before any certificate of occupancy or final inspection will be issued.~~

~~(j) Voluntary trip reduction programs accepted for TDM compatibility in a mitigation proposal must be recorded as restrictive covenants on the appropriate property title(s) before any certificate of occupancy or final inspection will be issued. Such restriction shall state that the owner agrees to the implementation and ongoing operation of a voluntary trip reduction program as per Title 32 SCC by the proposed occupant(s) of the site and by all subsequent occupants as a condition of use for that property.~~

~~(i) The department will release the owner from title restrictions after a six-year time period during which the owner of the development demonstrates satisfactory fulfillment of the terms of the voluntary trip reduction program as agreed upon in the TDM plan.~~

~~(ii) The department will determine fulfillment of the terms of the voluntary trip reduction program through the development's annual report and through verification by the department's monitoring program under SCC 26B.55.130(9)(d).~~

~~(iii) If the department determines that the terms of the voluntary trip reduction program are not being fulfilled the department will notify the developer or owner in writing.~~

~~(iv) After the determination of program fulfillment has been made for the sixth year of the voluntary trip reduction program, the department shall, within 90 days provide appropriate documentation enabling the owner to remove the voluntary trip reduction program title encumbrance.~~

~~(k) Voluntary trip reduction programs accepted for any development occupied by an affected, major employer subject to the provisions of the commute trip reduction ordinance, chapter 32.40 SCC, shall, in any cases of conflicting requirements, meet the requirements of chapter 32.40 SCC.))~~

(4) ~~((Application of Trip Reduction Credits.))~~ Trip reduction credits allowed to developers will be used in determining the development's traffic impacts subject to mitigation.

(a) Approved trip reduction credits will be applied against a development's calculated vehicle trip generation including p.m. peak-hour trips and ADT. The adjusted vehicle trip generation number reflecting approved trip reduction credits may be used in one or more of the following ways:

(i) In determining any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads; ~~((and/or))~~

(ii) In determining impacts for concurrency determinations as per SCC 26B.55.030; ~~((and/or))~~

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(iii) In determining peak-hour trips impacting inadequate road conditions as per SCC 26B.55.040(1); ~~((and))~~or

(iv) To determine a development's impacts on other jurisdiction's transportation facilities.

(b) Developers required to provide TDM in accordance with this title may use trip reduction credits approved under this section to satisfy those requirements as follows:

(i) Developers may use trip reduction credits approved under this section, equal to or greater than the minimum required trip reduction percentage to completely satisfy a requirement to provide TDM.

(ii) Developers may use trip reduction credits approved under this section, less than the minimum required trip reduction percentage, to partially satisfy a requirement to provide TDM. In this case, the amount of the developer's TDM obligation under SCC 26B.55.140(3) shall be reduced by a factor equal to the development's approved percent trip reduction credits divided by the minimum required trip reduction percentage.

~~((c) The department will encourage other jurisdictions to allow trip reduction credits granted to a development to apply against its calculated trip generation including p.m. peak-hour trips and ADT for use in determining impacts on state facilities as per SCC 26B.55.070 or other jurisdiction's facilities as per SCC 26B.55.080.))~~

(5) ~~((Modification of TDM Plans.))~~ After occupancy or upon resale, a development and/or owner which decides to not implement or discontinue a trip reduction program contrary to the title covenant or to remove or cease maintaining site-design features contrary to the developer's TDM plan may do so by making a payment to the department equal to the amount of the discount(s) resulting from the initial credit to any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, mitigation requirement and/or any TDM payment under SCC 26B.55.140(1) with adjustments for inflation.

~~((a) The county shall, upon receipt of such payment release the developer and/or owner from any further trip reduction program obligation and allow the developer and/or owner to remove the restrictive covenant and/or release the developer and/or owner from obligations of the TDM plan. Upon failure by a developer and/or owner to make such payment in full to the department, the director, after notice to the developer and/or owner, may place a lien upon the property for an amount equal to the required payment and/or withhold further certificates of occupancy or occupancy approval.~~

~~((b) Upon failure by a developer and/or owner to maintain on-site features approved as part of a TDM plan or to continue an approved trip reduction program contrary to a restrictive covenant, the director, after notice to the developer and/or owner, may place a lien upon the property for an amount equal to the discount(s) resulting from the initial credit to any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, mitigation requirement and/or any TDM payment under SCC 26B.55.140(1) with adjustments for inflation.))~~

(6) ~~((Trip Reduction Credits for TDM Compatible On-Site Design Features for Commercial Developments.))~~ The department will allow a five percent trip reduction credit to any commercial development including multi-family residential deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network; ~~((and))~~

(b) A safe, convenient pedestrian facility that meets the department's engineering design and development standards (EDDS) that joins the front building entrance(s) directly with frontage improvements; ~~((and))~~

(c) A safe, convenient pedestrian facility that meets EDDS that joins the front building entrance(s) with all other on-site front building(s) entrances; ~~((and))~~

(d) A safe, convenient pedestrian facility that meets EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development; ~~((and))~~

(e) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers; ~~((and))~~

(f) Where practicable and desirable the use of minimum setbacks to reduce walking distances; ~~((and))~~

(g) Where practicable and desirable the placement of vehicle parking to the sides and the rear of the buildings; ~~((and))~~

(h) Where practicable and desirable lighting and weather protection for pedestrian facilities; ~~((and))~~

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- (i) For nonresidential developments, secure bicycle parking (preferably covered) spaces located near the front entrance(s) that number at least two percent of the development's calculated p.m. peak-hour trips; and
- (j) For employment sites, signed preferential parking spaces for carpools or vanpools that number at least six percent of any employee parking spaces.

(7) ~~((Additional Trip Reduction Credits for TDM Compatible On-Site Design Features for Commercial Developments.))~~ The department will allow up to two percent additional trip reduction credits ~~((as indicated below))~~ to any commercial development, including multi-family residential, voluntarily agreeing to implement a voluntary trip reduction program under this section and deemed "TDM compatible" for on-site design under this section which constructs or incorporates ~~((certain additional on-site features))~~ bicycle facilities and reduced automobile parking spaces to the satisfaction of the department.

~~((~~ ~~(a) For employment sites an additional one percent trip reduction credit for on-site bicycle facilities including bicycle parking lockers or secure/covered racks and bicyclist/pedestrian shower and locker facilities sufficient to meet the needs of one percent of the development's peak hour trips; and/or~~

~~(b) An additional one percent trip reduction credit for a reduction of required parking spaces under SCC 18.45.055 resulting in provision of parking spaces less than the amounts specified as minimum requirements under SCC 18.45.040.))~~

(8) ~~((Trip Reduction Credits for TDM Compatible On-Site Design Features for Residential Developments.))~~ The department will allow a five percent trip reduction credit to any subdivision or short subdivision for single-family and/or duplex residential units deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network; ~~((and))~~

(b) A safe, convenient pedestrian facility that meets EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development; ~~((and))~~

(c) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers; ~~((and))~~

(d) Where practicable and desirable, lighting and weather protection for pedestrian facilities; and

(e) An overall density of at least four dwelling units per gross acre.

(9) ~~((Trip Reduction Credits for Voluntary Trip Reduction Programs for Commercial Development.))~~ The department will allow a five percent trip reduction credit to a commercial development including multi-family residential which voluntarily agrees to implement a trip reduction program as per SCC 32.40.040(6) through (9) and ~~((under this section))~~ to the satisfaction of the department.

~~((~~ ~~(a) Voluntary trip reduction programs under this section will meet the same basic requirements as those required of affected employers choosing option 1 under SCC 32.40.060 with the following exceptions and/or modifications:~~

~~(i) use of concepts applying to "employer(s)" and "employee(s)" will be applied to "developer(s)", "owners", "managers", or "occupants" and to any persons making trips to and from the development site; and~~

~~(ii) use of concepts applying to "Commute Trip Reduction" or "CTR" will be applied to "Trip Reduction" in general and include trips outside the peak hours; and~~

~~(iii) the term "Transportation Coordinator" will be used instead of "Employee Transportation Coordinator"; and~~

~~(iv) the CTR zones, CTR performance targets, and surveys as per SCC 32.40.060(5)(c) will not apply to voluntary trip reduction programs under this section.~~

~~(b) Voluntary trip reduction programs under this section will include the "basic measures" of designation of a transportation coordinator, distribution of information, annual report, and ridematching program.~~

~~(i) The transportation coordinator must at minimum: be regularly available to answer questions on how to access the site using alternative transportation modes, be able to provide information about the nearest transit stops and routes, provide employees or residents with ridematch applications for the regional ridematch program and provide personalized ridematching assistance, and be available to the department to coordinate the monitoring of the development's trip reduction program.~~

~~(ii) The annual report shall be on a form available from the department. The annual report shall be submitted to the department each year prior to the anniversary date of the issuance of the development's initial occupancy permit. The annual report will provide information to the department indicating the status of the trip~~

reduction program including at minimum: confirmation of continuing operation of the program, any changes in the program, results from any formal or informal surveys, and a general assessment of the effectiveness of the program.

~~(c) Voluntary trip reduction programs under this section will include an additional minimum number of trip reduction measures from the "Selection Menu", chapter 32.40 SCC Table 1, to meet the following requirements:~~

- ~~(i) developments with 200 or less ADT: no additional selectable measures; and~~
- ~~(ii) developments with 201 — 800 ADT: one additional measure; and~~
- ~~(iii) developments with 801 — 2,000 ADT: two additional measures; and~~
- ~~(iv) developments with 2,001 — 10,000 ADT: three additional measures at least one of which must be from category two or area-wide enhancements; and~~
- ~~(v) developments with 10,000 or more ADT: four additional measures at least two of which must be from category two or area-wide enhancements.~~

~~(d) The department shall have the right to monitor voluntary trip reduction programs under this section including:~~

- ~~(i) semi-annual telephone calls to the transportation coordinator to confirm the program's status; and~~
- ~~(ii) annual site visits, by appointment, to confirm the program's status and maintenance of TDM-compatible site features.)~~

(10) ~~((Additional Trip Reduction Credits for Trip Reduction Measures with Area-Wide Impact.))~~ The department may allow to a development on a case-by-case basis up to five percent additional trip reduction credits for on-site measures with an area-wide impact not used to satisfy requirements under SCC 26B.55.130(9).

~~((~~ (a) The department may allow up to a five percent trip reduction credit for one or a combination of more than one of the following:

- ~~(i) mixed use site design; and/or~~
- ~~(ii) construction of designated, signed commuter parking spaces for commuters accessing transit, carpools, or vanpools (i.e. park-and-pool or park-and-ride spaces) PROVIDED, That the total number of parking spaces constructed by any non-residential development is less than or equal to the minimum specified under SCC 18.45.040; and/or~~
- ~~(iii) other innovative projects with area wide impacts approved by the department.~~

~~(b) Such credits may only be allowed based upon analysis in a traffic study by the developer which substantiates that the measure(s) are likely to achieve the requested trip reduction or achieve a commensurate reduction in vehicle trips from traffic in the area (existing traffic or traffic not generated by the development). Such substantiation must include detailed data on the travel characteristics of the affected trip-makers, identification of the selected trip reduction measures and their relationship to the travel characteristics of the affected trip-makers, specification of the percent reduction likely for each of the selected trip reduction measures, and supporting documentation which may include case studies, available research, or other data and information showing that the selected measures are likely to meet the indicated reductions.)~~

Section 3. Severability. If any portion of this ordinance or its application to any person or circumstance is held invalid, such decision shall have no effect upon the validity of the remaining portions of this ordinance and the application of this ordinance to other persons or circumstances shall not be affected.

PASSED this 19th day of Sept., 2001.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Dave Sam
Chair

ATTEST:

Shela McCallister
Clerk of the Council, *asst.*

- APPROVED
- VETOED
- EMERGENCY

DATE: 10/04/01

Robert Drewel
Robert Drewel
County Executive

Attest:

Pamela S. Sandoy

Approved as to form only:

Barbara Dykes
Barbara Dykes
Deputy Prosecuting Attorney