

Approved:
Effective:



CO00002558

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 01-015

**RELATING TO GROWTH MANAGEMENT, MAKING TECHNICAL CORRECTIONS
RELATED TO THE MITIGATION OF TRAFFIC IMPACTS OF LAND
DEVELOPMENT, AND AMENDING TITLE 26B SCC**

WHEREAS, by Amended Ordinance No. 95-039, June 28, 1995, Snohomish County adopted amendments to Title 26B SCC to implement the provisions of the state Growth Management Act (GMA) and the County's GMA Comprehensive Plan, and

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

WHEREAS, county experience to date has suggested the need for technical corrections in regulations governing the mitigation of traffic impacts 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.

THEREFORE, BE IT ORDAINED:

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Section 1. Snohomish County Code Section 26B.50.020, adopted by Ordinance No. 82-029, on May 11, 1982, and last amended by Amended Ordinance No. 95-039 on June 28, 1995, is amended to read:

26B.50.020 Declaration of purpose.

The purpose of this title is to ensure that public health, safety and welfare will be preserved by having safe and efficient roads serving new and existing developments by requiring all development, as defined in SCC 26B.51.040, to mitigate traffic impacts, which may include a proportionate share payment reasonably related to the traffic impact of the proposed development and construction of road improvements and dedication of right-of-way reasonably necessary as a result of the direct traffic impact of proposed developments.

Title 26B SCC is intended to ensure that county policy for the provision of safe and adequate access and the allocation of responsibility for immediate or future road improvements necessitated by new developments is fairly and consistently applied to all developments.

The requirements of this title apply to all developments and road systems meeting the definitions of SCC 26B.51.040 and 26B.51.100. Mitigation of impacts on state highways, city streets or other counties' roads will be required in accordance with the provisions of this title when the WSDOT, city, or county has reviewed the development's impact under its policies adopted pursuant to chapter 36.70A RCW or its formally designated environmental policies, as applicable, and has recommended to Snohomish county that there be a requirement to mitigate the impact; and there is an agreement between Snohomish county and the other affected agency or jurisdiction which specifically addresses impact identification, documentation, and mitigation, and which references the policies adopted pursuant to chapter 36.70A RCW and environmental policies formally designated by the agency or jurisdiction as possible bases for the exercise of authority under chapter 36.70A or state environmental policy act (SEPA).

This title requires the analysis and mitigation of a development's traffic impact on the public road system. In order to quantify the continuing need for road improvements on the public road system anticipated by projected growth, the public works department is authorized to develop and update a transportation needs report based on and consistent with the transportation element and capital facilities element of the comprehensive plan. The transportation needs report shall be used in evaluating the traffic impact of developments and determining ~~((necessary mitigation of such impacts))~~ the road system impact fee cost basis.

Section 2. Snohomish County Code Section 26B.50.030, adopted by Amended Ordinance No. 95-039 on June 28, 1995, and last amended by Amended Ordinance No. 95-070, on August 23, 1995, is amended to read:

26B.50.030 Relationship to environmental impacts.

The requirements of this title, together with the comprehensive plan adopted pursuant to RCW 36.70A, Title 13 SCC, and other development regulations and policies that may be adopted, constitute the policy of the county under the county's police power authority, the GMA and SEPA for the review of development and the determination of adverse or significant adverse environmental impacts and imposition of mitigation requirements due to the impacts of development on the transportation system.

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Measures required by this title shall constitute adequate mitigation of adverse or significant adverse environmental impacts on the road system for the purposes of Title 23 SCC to the extent that the director determines the specific impacts of the development are adequately addressed by this title in accordance with chapter 43.21C RCW as allowed by ESHB 1724, Section 202 of Chapter 347, Laws of 1995.

As a policy of the county, the provisions of this title do not limit the ability of the approving authority to impose mitigation requirements for the direct impacts of development on state highways, or city streets, where the other affected jurisdiction lies outside the road system of a development, as defined by this title, provided that there is an agreement between the county and another affected jurisdiction which specifically addresses level-of-service standards, impact identification, documentation, and mitigation, and which references the environmental policies formally designated by the agency or jurisdiction and it is determined that an adverse environmental impact would result from the approval of a development without the imposition of such additional mitigation measures.

In accordance with RCW 43.21C.065 and RCW 82.02.100, a person required to make a proportionate share mitigating payment under a SEPA payment program or pay an impact fee under a GMA mandatory impact fee program shall not be required to make a payment or pay a fee pursuant to the other authority for the same system improvements.

Section 3. Snohomish County Code Section 26B.52.070, 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.52.070 Inadequate road conditions.

(1) Mitigation of impacts on inadequate road conditions is required in order to improve inadequate roads in accordance with adopted standards, prior to the impacts of traffic from new development. If such conditions are found to be existing in the road system at the time of development application review and the development will put three or more p.m. peak-hour trips through the identified locations, or if the development's traffic will cause an inadequate road condition at the time of full occupancy of the development, the development will be approved only if provisions are made in accordance with chapter 26B.55 SCC for ~~((improving))~~ eliminating the inadequate road conditions. To "eliminate" an inadequate road condition means to make sufficient changes to the road system to allow the county road engineer to determine that the location no longer constitutes an inadequate road condition.

(2) Determinations of road inadequacy will be made by the county road engineer in accordance with the department policy and procedure for determination of inadequate road conditions. The county road engineer's determination as to whether or not a road is an inadequate road condition location will be final and will not be subject to appeal in accordance with chapter 26B.57 SCC. For land development review purposes, the effect of an inadequate road condition location determination on a particular development may be appealed in accordance with chapter 26B.57 SCC.

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Section 4. Snohomish County Code Section 26B.55.060, adopted by Ordinance No. 90-186, on November 14, 1990, and last amended by Amended Ordinance No. 95-063, on August 9, 1995, is amended to read:

26B.55.060 Right-of-way requirements.

(1) **Dedication or Deed Required.** Developers shall be required to dedicate or deed right-of-way to the county for road purposes as a condition of approval of a development, when to do so is found by the director or a county hearing body to be reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

(2) **Reservations of Right-of-Way.** In cases where the dedication or deeding of additional right-of-way cannot be reasonably required as a direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, the developer shall reserve the area needed for right-of-way for future deeding to the county. Building setback and all other zoning code requirements will be established with respect to the reservation line rather than the deeded or dedicated right-of-way line. The area reserved for right-of-way may be donated to the county or will be purchased by the county through a county road project.

(3) **Standard Right-of-Way Widths.** Right-of-way dedications shall be made to provide sufficient right-of-way widths to accommodate road improvement needs. The standard right-of-way widths based on road classification as defined in the Engineering Design and Development Standards adopted under chapter 13.05 SCC are:

Non-arterials	
Access Streets-Urban Area	50 feet
Access Roads-Rural Area	60 feet
Subcollector Streets-Urban Area	50 feet
Subcollector Roads-Rural Area	60 feet
Collector Streets-Urban Area	60 feet
Collector Roads-Rural Area	60 feet
Arterials	
Collector Arterials-Urban Area	70 feet
Minor Collector-Rural Area	70 feet
Minor Arterials-Urban Area	80 feet
Major Collector-Rural Area	80 feet
Principal Arterials-Urban Area	100 feet
Principal or Minor Arterial Rural Area	100 feet

(4) **Modifications to Standard Right-of-Way Width — Criteria.** Wider or narrower right-of-way widths than the standard may be required as determined by the county road engineer. The determination shall be based on meeting one or more of the following criteria:

(a) Contents of the transportation element of the currently adopted comprehensive plan including but not limited to the provision of safe and efficient movement of pedestrians, equestrians and bicyclists with emphasis on transit facilities, schools, parks and scenic areas;

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(b) Whether sidewalks, walkways, trails, bikeways or planters will be adequately maintained outside of public right-of-way;

(c) An adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation;

(d) Nature of the roadway and road involved, and its impact on neighboring properties including width, slopes, cuts, fills, vertical and horizontal curvature, sight distance at intersections, the development and the land upon which it is situated; access existing or to be provided thereto;

(e) Engineering design and development standards requirements including but not limited to land alteration, site access, road types and geometrics, road elements and roadside features, drainage and utilities;

(f) Any other factors affecting the health, safety, property and general welfare of the public, including users of the roads, sidewalks, walkways, trails or bikeways and the development;

(g) The provision of adequate public transit facilities.

Provided, in no instance shall right-of-way widths be reduced for arterials below the following minimums without express approval from the council:

Collector Arterials-Urban Area	60 feet
Minor Collector-Rural Area	60 feet
Minor Arterials-Urban Area	70 feet
Major Collector-Rural Area	70 feet
Principal Arterials-Urban Area	80 feet
Principal or Minor Arterial-Rural Area	80 feet

(5) The county road engineer is authorized to include in the engineering design and development standards, standard drawings depicting the standard right-of-way widths and modification criteria as contained within this title.

(6) Developers shall be compensated for right-of-way dedicated or deeded only when the right-of-way is required for the present or future construction of improvements that are not necessary for the use and convenience of the occupants or users of the development, or when the right-of-way is necessary for the construction of improvements that are identified in the transportation needs report and included as part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads.

Compensation shall not include the value of the portion of any right-of-way dedicated or deeded that is required for improvements on any existing road necessary for the use and convenience of the occupants or users of the development, including but not limited to a two lane road for access to the development and/or frontage improvements, in accordance with the Engineering Design and Development Standards. Compensation shall also not include the value of any right-of-way dedicated or deeded (~~along a development's frontage~~) on any road that is less than thirty (30) feet from the centerline of right-of-way. Centerline location shall be determined by the director; PROVIDED, That where such right-of-way is identified in the transportation needs report and included as part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, compensation shall be provided.

(7) Compensation for right-of-way dedicated or deeded shall be provided as a credit against any proportionate share mitigating payment imposed under this title to mitigate the

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development's impact on the future capacity of county roads, except where the value of the dedicated right-of-way(~~(, based on the cost basis contained within the transportation needs report,)~~) is greater than any proportionate share payment imposed under this title to mitigate the development's impact on the future capacity of county roads, in which case compensation for the balance between the value of the dedicated right-of-way and the proportionate share mitigating payment shall be by payment. Nonmonetary compensation such as development alternatives may be provided in lieu of credit and/or payment where agreed to by the director and the developer.

(8) Right-of-way shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications accompanied by an official site plan; prior to issuance of a commercial or duplex residential building permit; or, if the development is a binding site plan approval, subdivision or short-subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the binding site plan, subdivision or short-subdivision; PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development, the right-of-way shall be dedicated or deeded at the earliest stage of development.

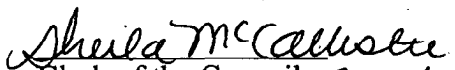
Section 5. Severability. If any portion of this ordinance or its application to any person or circumstance is held invalid, such decision shall have no effect upon the validity of the remaining portions of this ordinance and the application of this ordinance to other persons or circumstances shall not be affected.

PASSED this 14th day of Sept., 2001.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chair

ATTEST:


Clerk of the Council, *asst.*

- () APPROVED
() VETOED
() EMERGENCY

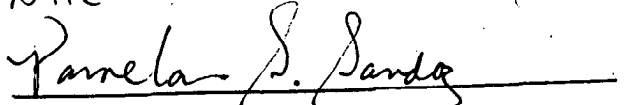
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Robert Drewel
County Executive

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ATTEST:



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Approved as to form only:


Barbara Dykes
Deputy Prosecuting Attorney

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