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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 07-116

AN ORDINANCE RELATING TO TRANSPORTATION MITIGATION REQUIREMENTS; MAINTAINING CONSISTENCY WITH THE COUNTY'S GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TRANSPORTATION ELEMENT; REVISING DEVELOPMENT TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS; AMENDING SECTIONS 30.66B.615 AND 30.66B.650 OF THE SNOHOMISH COUNTY CODE (SCC)

WHEREAS, Washington's Growth Management Act (GMA) requires Snohomish County to adopt regulations related to the concurrency of transportation improvements with land development; and

WHEREAS, the GMA recognizes transportation demand management (TDM) as one of the strategies that jurisdictions can use to achieve concurrency; and

WHEREAS, since 1991, the county has utilized TDM requirements on development as a strategy to reduce vehicular travel demand, particularly in the peak hour; and

WHEREAS, Amended Ordinance 90-186, adopted by the county council on November 14, 1990, provided that any development required to implement TDM strategies would be reviewed by the Department of Public Works (DPW) on a case-by-case basis to "determine the most appropriate TDM measures for the particular development;" and

WHEREAS, Amended Ordinance 90-186 adopted a level of service (LOS) standard of LOS "E" for county intersections within the urban area and required development adding more than three peak hour trips to intersections operating at LOS D or LOS E to implement TDM strategies acceptable to the county; and

WHEREAS, Amended Ordinance 90-186 required development adding more than three peak hour trips to intersections operating at LOS F to improve such intersections to at least LOS E, unless the intersection had previously been constructed to ultimate standards, in which case, the development could proceed based on a TDM strategy acceptable to the county; and

WHEREAS, Amended Ordinance 91-025, adopted by the county council on February 20, 1991, provided standards and options for development required to provide TDM and required that development implement TDM strategies that would "indicate the potential" for removing twenty (20) percent of the development's peak hour trips from the road system; and

WHEREAS, Amended Ordinance 91-025 established a formula for determining the amount of a development's TDM "obligation" based on the estimated cost of removing one peak hour trip from the road system; and

WHEREAS, Amended Ordinance 91-025 provided that in 1991 the average cost of removing one peak hour trip from the road system was \$1,500 based on the cost of one space in a park-and-ride lot or one seat in a 15-passenger van; and

WHEREAS, Amended Ordinance 91-025 provided that any development required to provide TDM could meet its obligation by purchasing or constructing specific capital improvements from a list of TDM-supportive capital improvements maintained by the DPW, or by making a voluntarily offered payment in lieu of construction in the amount of the development's TDM obligation; and

WHEREAS, Amended Ordinance 91-025 also allowed development to utilize "programmatic" TDM strategies on a case-by-case basis if approved by the DPW; and

WHEREAS, Amended Ordinance 91-025 provided that TDM construction or payments would be credited against a development's road system capacity obligations (i.e., impact fee payment for impacts on the capacity of the road system); and

WHEREAS, Amended Ordinance 92-090, adopted by the county council on August 17, 1992, directed the DPW to expand the coverage of TDM measures to include programmatic measures; and

WHEREAS, Amended Ordinance 93-145, adopted by the county council on December 20, 1993, modified and expanded the TDM requirements and options of Snohomish County Code; and

WHEREAS, Amended Ordinance 93-145 reduced from 20 percent to ten percent the developer TDM obligation for impacts on LOS deficient intersections, and removed the credit against impact fee obligations; and

WHEREAS, Amended Ordinance 93-145 provided that development could indicate the potential to remove five percent of its peak hour trips from the road system by meeting criteria for "TDM-compatible" site design; and

WHEREAS, Amended Ordinance 93-145 provided that commercial and multi-family residential development could indicate the potential to remove an additional five percent of its peak hour trips from the road system by meeting criteria for "voluntary trip reduction programs," and

WHEREAS, Amended Ordinance 93-145 did not amend the estimated \$1,500 cost of removing one peak hour trip from the road system; and

WHEREAS, Amended Ordinance 95-039, adopted by the county council on June 28, 1995, provided for concurrency requirements for all development consistent with the Growth Management Act (GMA); and

WHEREAS, Amended Ordinance 95-039 required all development located inside the urban growth area (UGA) to provide TDM to indicate the potential for removing a minimum of five percent of its peak hour trips from the road system; and

WHEREAS, Amended Ordinance 95-039 required all development adding three or more peak hour trips to an arterial unit designated as at ultimate capacity to provide TDM to indicate the potential for removing a minimum of ten percent of its peak hour trips from the road system; and

WHEREAS, the DPW adopted Policy 4219 on September 27, 2001, which put into policy instead of code, the detailed criteria for development TDM plans and programs; and

WHEREAS, Ordinance 01-014, adopted by the county council on October 4, 2001, amended former SCC 26B.55.130 related to TDM, taking detail out of code to be placed in DPW Rules, but did not change the substantive requirements for development; and

WHEREAS, Amended Ordinance 02-064, adopted by the county council on December 9, 2002, repealed former Title 26B SCC, replacing it with chapter 30.66B SCC (part of the Unified Development Code), reorganized code provisions related to TDM, but did not make substantive changes to the TDM requirements for development; and

WHEREAS, on October 11, 2004, the DPW "repromulgated" Policy 4219 as Rule 4228 pursuant to the rulemaking requirements of chapter 30.82 SCC, but did not change the TDM requirements for development; and

WHEREAS, in conjunction with the ten year update process in 2005, the county updated the Transportation Element of the Growth Management Act Comprehensive Plan (GMACP) to maintain consistency between the Transportation Element and the revised urban growth areas and related GMACP amendments; and

WHEREAS, the 2005 updates to the GMACP Transportation Element (TE) included revisions to the county's regulations designating arterials at ultimate capacity; and

WHEREAS, the 2005 GMACP Transportation Element includes, as one of the implementation measures for the concurrency management system, more intensive TDM requirements for development impacting roads at ultimate capacity; and

WHEREAS, Amended Ordinance 05-092, adopted by the county council on December 21, 2005, provided that designation of ultimate capacity by the county council shall include a commitment by the county for specific TDM actions for the purpose of improving efficiency, preserving roadway capacity, and improving operations, but did not otherwise change the TDM requirements for development; and

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

WHEREAS, the DPW briefed the county council on the proposed revisions to chapter 30.66B SCC at the Administrative Sessions on August 21, 2007 and September 24, 2007; and

WHEREAS, the DPW briefed the planning commission on the proposed revisions to chapter 30.66B SCC on September 25, 2007; and

WHEREAS, through meetings, regular e-mail communications, and direct mailing, the DPW has engaged several primary stakeholder groups concerning proposed revisions to chapter 30.66B SCC including representatives from developers or business interests, representatives from community or environmental interest groups, local, regional, and state agencies, and transportation and planning consultants; and

WHEREAS, on September 17, 2007, DPW sent an e-mail to approximately 100 external stakeholders alerting them to the possible revisions to chapter 30.66B SCC, and encouraging participation in the process; and

WHEREAS, DPW has held seven meetings with external stakeholders; and

WHEREAS, on September 12, 2007, DPW met with several developers active in Snohomish County and the Snohomish County representative of the Master Builders Association; on September 12, 2007, DPW met with a representative of the Transportation Choices Coalition; on September 17, 2007, DPW met with the City Administrator and Acting Public Works Director of the City of Mill Creek; on September 20, 2007, DPW met with the City Engineer and a Project Manager from the City of Lynnwood; on September 21, 2007, DPW met with a representative from Futurewise and a representative from Citizens for Responsible Growth of Greater Lake Stevens; and on October 3, 2007 DPW met with staff from the development company of Barclay's North, Inc., and on October 8, 2007 DPW met again with several developers active in Snohomish County and the Snohomish County representative of the Master Builders Association; and

WHEREAS, DPW has continued to provide regular updates to stakeholders via e-mail and has maintained a site on the internet with information on the proposed TDM code revisions, including the most current versions of project documents; and

WHEREAS, on September 28, 2007, DPW issued a SEPA threshold determination of nonsignificance for the proposed code amendments; and

WHEREAS, on October 23, 2007, the Snohomish County Planning Commission held a public hearing to receive public testimony concerning the proposed amendments to SCC 30.66B.615 and 30.66B.650; and

WHEREAS, on October 23, 2007, the Snohomish County Planning Commission deliberated on the PDS recommended amendments to SCC 30.66B.615 and 30.66B.650; and

WHEREAS, at the conclusion of the public hearing the planning commission voted to adopt the proposed code amendments; and

WHEREAS, the executive has reviewed the planning commission proposed revisions and is forwarding them to the county council; and

WHEREAS, on November 28, 2007, the county council held a public hearing to consider the entire record, including the planning commission's recommendation on the code amendments, and to hear public testimony on this Amended Ordinance No. 07-116; and

WHEREAS, on November 28, 2007 and continued to December 17, 2007 the county council deliberated on the planning commission recommendation and public testimony; and

WHEREAS, having considered the recommendations of the planning commission, the county executive, and the evidence offered at hearing before the county council, the county council finds that it is appropriate to amend chapter 30.66B SCC to revise TDM regulations in accordance with state law and consistent with the GMACP and Transportation Element.

THEREFORE, BE IT ORDAINED:

Section 1. The county council makes the following findings:

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. The county council makes and adopts the following additional findings of fact:
 - 1. The State of Washington, in the Growth Management Act (GMA), adopted planning goals in RCW 36.70A.020 to guide the development and adoption of comprehensive plans and development regulations. Among other things, the goals provide guidance related to reducing sprawl, encouraging efficient multimodal transportation systems, encouraging economic development, processing permits in a timely and fair manner to ensure predictability, protecting the environment, encouraging the involvement of citizens in the planning process, and ensuring that public facilities necessary to support development are adequate.
 - 2. The amendments to chapter 30.66B SCC adopted in this ordinance are consistent with the planning goals adopted in the Growth Management Act (GMA):
 - a. The amendments, which help to support the maintenance of level-of-service for arterials, particularly those designated as ultimate capacity, will help to reduce sprawl, encourage efficient multimodal transportation systems, and encourage economic development, which further the goals of RCW 36.70A.020(2), (3), (5), and (12).
 - b. The outreach to stakeholders throughout the process of developing the amendments has helped to encourage the involvement of citizens in the planning process, thereby advancing RCW 36.70A.020(11).
 - c. Overall, the amendments will help to protect the environment, while helping to ensure predictability for development in furtherance of RCW 36.70A.020(1), (2), (3), (7), (10), and (12).
 - d. The provisions of this ordinance will help the county achieve GMA planning goal (1) in RCW 36.70A.020 by helping to increase the efficiency of the urban road system by increasing the use of transit, vanpools, and carpools. The effect of this is to increase vehicle occupancy, thus moving more people within the same limited road space.
 - e. The provisions of this ordinance will help the county achieve GMA planning goal (2) in RCW 36.70A.020 by improving the efficiency of urban roads, which helps to maintain mobility and provide transportation choices. The effect is to enable more growth to occur inside the urban growth area and to reduce sprawl.

- f. The provisions of this ordinance will help the county achieve GMA planning goal (3) in RCW 36.70A.020 by supporting multimodal transportation systems. In particular, this ordinance will direct additional resources into higher-occupancy modes like transit, vanpools, and carpools.
 - g. The provisions of this ordinance will help the county achieve GMA planning goal (7) in RCW 36.70A.020 by helping development applications to be processed in a timely and fair manner. Specifically, this ordinance does not change the way in which developers are allowed to meet their TDM requirements, including voluntarily offered payments.
 - h. The provisions of this ordinance will help the county achieve GMA planning goal (10) in RCW 36.70A.020 by helping to protect the environment and quality of life, including air quality. Specifically, improved mobility options for citizens improve quality of life in urban areas. Increased vehicle occupancies helps to decrease total vehicle emissions.
 - i. The provisions of this ordinance will help the county achieve GMA planning goal (11) in RCW 36.70A.020 by encouraging the involvement of citizens in the process and coordinating with other jurisdictions. In addition to all required public notices and formal opportunities for public input, the county sought informal public input early in the process and throughout the process.
 - j. The provisions of this ordinance will help the county achieve GMA planning goal (12) in RCW 36.70A.020 by helping to ensure that capacity on county arterials necessary to support development will be adequate to serve development without causing level of service to drop below the county's adopted minimum standards. Specifically, when arterial capacity is limited, congestion management strategies like TDM help to preserve that capacity, increase average vehicle occupancies, provide mobility options, and keep traffic moving. RCW 36.70A.070(6)(b) provides that jurisdictions must adopt and enforce ordinances that prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development and identifies "demand management" as one of the strategies that may be used.
3. The proposed revisions are internally consistent with the county's existing GMA development regulations. Chapter 30.66B SCC is the portion of county code which provides for the regulation of development with respect to concurrency. This ordinance maintains the existing way in which concurrency determinations are integrated into the overall development review process. The ordinance consists of changes in the level of TDM obligations on development, but does not change the way chapter 30.66B SCC functions within title 30 SCC, the Unified Development Code.
 4. The amendments to chapter 30.66B SCC adopted in this ordinance are consistent with the General Policy Plan (GPP) policies that are an element of the

Snohomish County GMA Comprehensive Plan, adopted by the county council, specifically:

TR 5.B.5 Developments shall be required to provide, or contribute to, reasonable transportation demand management measures that improve roadway efficiency and operations.

5. The amendments to chapter 30.66B SCC adopted in this ordinance are consistent with the Snohomish County GMA Comprehensive Plan Transportation Element adopted by the county council on December 21, 2005, which includes as one of the implementation measures for the concurrency management system, more intensive TDM requirements for development impacting roads at ultimate capacity.
6. In 1991 the two measures used to estimate the cost of removing one peak-hour trip from the road system were the cost of one seat in a fifteen-passenger van and the cost of one space in a park-and-ride lot. The costs of both of those measures were the same in 1991, approximately \$1,500.
7. The DPW has conducted research (documented in a draft white paper dated November 1, 2007) to determine current costs associated with removing one peak hour trip from the road system. Using the same measures as were used in 1991, DPW has determined that the average cost of a seat in a vanpool has doubled, while the cost of a space in a park-and-ride lot has increased by a factor of at least eight.
 - a. Based on recent experience, Community Transit (CT) found that the cost of providing one space in a park and ride lot in Snohomish County is currently at minimum \$12,000 for spaces in surface lots under ideal situations, and up to \$30,000 for spaces in parking structures. Thus, since 1991, the cost of a space in a park-and-ride lot has increased from \$1,500 to at least \$12,000. This represents a minimum of an eight-fold increase in the cost.
 - b. CT now uses the seven-passenger van as the vanpool vehicle of choice. In 2007, CT paid \$19,975 each for purchases of seven-passenger Chevy Uplander vans, which is approximately \$2,850 per seat. Thus, since 1991, the cost of a seat in a van has increased from \$1,500 to approximately \$3,000, which is a doubling of the cost.
8. Trip reduction programs, consisting primarily of the marketing of incentives to induce commuters to switch from driving alone to other modes including transit and vanpools, can be effective at reducing up to 10% of the peak hour vehicle trips on the road system. These programs, though initially used primarily at employment sites and occasionally at multi-family residential sites are used effectively in single-family residential neighborhoods. For example, the City of Bellingham marketed TDM incentives to residences and succeeded in achieving a 10% reduction in vehicle trips.
9. The amendments to chapter 30.66B SCC in this ordinance help the county allocate its limited public resources efficiently by using TDM to increase the

efficiency of the road system by essentially increasing average vehicle occupancy, primarily through transit and vanpools.

10. Increased revenues received from development choosing to make TDM payments to meet TDM obligations will enable the county to implement targeted marketing of monetary incentives for transit and vanpools in key corridors, particularly those designated as ultimate capacity. The increased revenues will also enable the county to complete more pedestrian infrastructure to support transit, and will also help to identify and secure park-and-pool lots to support vanpools.
11. Climate change has been linked to the increase of carbon dioxide and other "greenhouse gases" in the atmosphere. By reducing vehicle miles traveled the amendments to chapter 30.66B SCC in this ordinance will help to reduce the use of fossil fuels and thus reduce the amount of carbon released into the atmosphere.

Section 2. The county council makes the following conclusions regarding the amendments adopted by this ordinance:

- A. The amendments to chapter 30.66B SCC adopted in this ordinance comply with the planning goals adopted in the Growth Management Act (GMA).
 - B. The amendments to chapter 30.66B SCC adopted in this ordinance comply with RCW 36.70A.070(6)(b) by utilizing TDM strategies as one of the tools for achieving concurrency.
 - C. The TDM amendments to chapter 30.66B SCC adopted in this ordinance comply with the Snohomish County General Policy Plan (GPP) policies that relate to level of service and concurrency.
 - D. The provisions in this ordinance comply with the implementation measures for the concurrency management system adopted in chapter III.A. of the Snohomish County GMA Comprehensive Plan Transportation Element.
 - E. The provisions in this ordinance will help the county achieve its trip reduction targets of 5% everywhere in the urban growth area and 10% in corridors designated as at ultimate capacity.
1. Since 1991, the cost of park-and-ride spaces has increased at least eight-fold, from \$1,500 to over \$12,000 per space. During the same time interval, seats in vanpools have - doubled, from \$1,500 to approximately \$3,000. In addition, the 1991 figure did not include the costs of marketing and monetary incentives, which are typically needed to achieve trip reductions. Thus, the \$1,500 amount is no longer representative nor is it sufficient to achieve the county's trip reduction targets.

2. Increasing the assumed cost of reducing one peak hour trip from the current amount in code of \$1,500 to a figure of \$6,500, will increase developers' TDM obligation and at the same time increase the revenues received by the county to implement corridor-level TDM plans and achieve the county's trip reduction targets.
 3. Allowing residential developments to utilize trip reduction programs to meet their TDM obligations will also help the county achieve its trip reduction targets.
- F. The State Environmental Policy Act (SEPA) requirements with respect to this proposed action have been satisfied. A SEPA threshold determination of nonsignificance was issued on September 28, 2007.
- G. The county has complied with the requirements of RCW 36.70A.140 to ensure public participation in the adoption of this ordinance.

Section 3.

- A. The county council bases its findings and conclusions on the entire record of the planning commission and council.
- B. Any finding that should be deemed a conclusion, and any conclusion that should be deemed a finding, is adopted as such.

Section 4. Snohomish County Code Section 30.66B.615, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.615 Transportation demand management- calculation of TDM obligations.

In calculating the amount of a development's TDM obligation under this chapter, the cost of removing one peak hour trip from the road system is approximately ~~(((\$1,500))~~\$6,500. ~~((This is based on the average cost of one stall in a park and ride lot and the average cost for one "seat" in a 15-passenger van.))~~ For a development required to provide TDM pursuant to SCC 30.66B.160 or SCC 30.66B.630, the development's TDM obligation will equal ~~(((\$1,500))~~\$6,500 times the required trip reduction percentage times the development's peak-hour trip generation.

Section 5. Snohomish County Code Section 30.66B.650, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.650 Transportation demand management- eligibility for additional trip reduction credits.

- (1) The department of public works will allow up to two percent additional trip reduction credits to any commercial development, including multi-family residential, for which the developer agrees to implement a voluntary trip reduction program, has deemed "TDM compatible" for on-site design pursuant to SCC 30.66B.630, and which constructs or incorporates bicycle facilities and reduced automobile parking spaces to the satisfaction of the department of public works.
- (2) The department of public works will allow an additional 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) to)) and department of public works rules to the satisfaction of the department.

- (3) The department of public works 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 30.66B.650(2).

Section 6. 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 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.

PASSED this 17th day of December, 2007.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Dave Gosset
Chairperson

ATTEST:



Sheila McCallister
Asst. Clerk of the Council

- APPROVED
 EMERGENCY
 VETOED

DATE: 12/18/07

ATTEST:




Aaron Reardon
County Executive

MARK SOINE
Deputy Executive

Approved as to form only:

Deputy Prosecuting Attorney