



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 10-103

ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT WITHIN
UNINCORPORATED SNOHOMISH COUNTY, PROVIDING FOR
TRANSPORTATION IMPROVEMENTS WITHIN THE DISTRICT, AND
ADDING A NEW CHAPTER TO TITLE 2 SCC

WHEREAS, funding for improvements to the transportation infrastructure in Snohomish County has been reduced in recent years due to statewide initiatives, declining revenues from the state motor fuel tax, and decreases in available state and federal funding. However, transportation safety, preservation, and other transportation needs are increasing due to aging infrastructure, population growth, development, and other causes; and

WHEREAS, RCW 36.73.020 authorizes the legislative authority of a county to establish a transportation benefit district within the county for the purpose of acquiring, constructing, improving, providing, or funding transportation improvements within the district consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, a transportation benefit district is a quasi-municipal corporation, an independent taxing authority within the meaning of Article VII, Section 1 of the Washington Constitution and taxing district within the meaning of Article VII, Section 2 of the Washington Constitution; and

WHEREAS, RCW 82.80.140 authorizes a transportation benefit district established by a county to impose by a majority vote of the governing board of the district an annual vehicle fee of up to twenty dollars if the district includes all the territory within the county and the county enters into an interlocal agreement that distributes revenues of the fee to each city within the county, which agreement must be approved by 60 percent of the cities within the county representing 75 percent of the population of the cities within the county; and

WHEREAS, RCW 36.73.065 provides that if the interlocal agreement in RCW 82.80.140 cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district an annual vehicle fee of up to twenty dollars; and

WHEREAS, the County Council is informed that two cities within Snohomish County, the City of Edmonds and the City of Lynnwood, have established transportation benefit districts within their boundaries pursuant to Chapter 36.73 RCW; and

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1
2 WHEREAS, by letter from the Chairperson of the County Council to the mayor of
3 each city and town within the County dated April 21, 2010, the County informed those
4 cities and towns of the County's intent to form a transportation benefit district within the
5 County; and
6

7 WHEREAS, the Chairperson's letter requested that each city and town within the
8 County respond by May 14, 2010, and inform the County if the city or town would be
9 interested in or willing to enter into interlocal agreement negotiations as required by
10 RCW 82.80.140; and
11

12 WHEREAS, as of June 1, 2010, the County had received responses from only
13 four cities of the 17 cities and three towns within the County indicating that they had an
14 interest in entering into interlocal agreement negotiations for the creation of a
15 transportation benefit district; and
16

17 WHEREAS, as of June 1, 2010, the County had received negative responses
18 from seven cities representing over 45 percent of the population of the cities and towns
19 within the County indicating that they had no interest in entering into negotiations for the
20 creation of a transportation benefit district; and
21

22 WHEREAS, the County Council therefore concludes that it would be futile to
23 pursue negotiation of the interlocal agreement required by RCW 82.80.140, and that
24 such an agreement cannot be reached within the meaning of RCW 36.73.065; and
25

26 WHEREAS, the County is responsible for creating and maintaining an integrated
27 transportation network that provides for safe travel and predictable travel times in and
28 around the County; and
29

30 WHEREAS, in order to reduce the risk of transportation facility failure, improve
31 safety, improve travel time, promote optimal performance of the infrastructure over time,
32 avoid more expensive infrastructure replacements in the future, and provide other
33 benefits within the purview of Chapter 36.73 RCW, the County needs to supplement
34 current revenues with alternative revenue sources; and
35

36 WHEREAS, the best interests of the County and its residents would be served by
37 establishment of a transportation benefit district that includes only the unincorporated
38 territory of Snohomish County as it currently exists; and
39

40 WHEREAS, the list of transportation improvements to be funded by the
41 transportation benefit district are attached to this ordinance as Exhibit A; and
42

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1 WHEREAS, the transportation improvements are consistent with the County's
2 long-range transportation plan as contained in the transportation element of the
3 County's Growth Management Act Comprehensive Plan ("GMACP"); and
4

5 WHEREAS, the County's designated State Environmental Policy Act ("SEPA")
6 official issued a notice and statement of adoption on October 20, 2010, adopting the
7 final environmental impact statement ("FEIS") for the County's 10-Year update to the
8 GMACP and the 2007 addendum to the FEIS relating to the transportation element of
9 the GMACP; and
10

11 WHEREAS, the County has committed, as stated in the notice and statement of
12 adoption, that appropriate project-level review under SEPA will be conducted by
13 Snohomish County for the transportation improvements identified in Exhibit A; and
14

15 WHEREAS, the County Council encourages the governing board of the
16 transportation benefit district to review periodically the list of transportation
17 improvements to ensure continuing compatibility with the County's transportation
18 improvement program and state and regional transportation plans; and
19

20 WHEREAS, additional transportation improvements should be funded only after
21 compliance with the provisions of RCW 36.73.050, including additional notices, further
22 hearings, and future determinations that the additional improvements are in the public
23 interest; and
24

25 WHEREAS, pursuant to RCW 36.73.050, having provided proper notice, held a
26 public hearing on November 17, 2010, continued to December 1, 2010 and July 13,
27 2011, heard public comments including any objections regarding the formation of a
28 transportation benefit district as provided herein, the County Council finds this action to
29 be in the public interest;
30

31 NOW, THEREFORE, BE IT ORDAINED:
32

33 Section 1. The County Council hereby adopts the foregoing recitals as findings
34 of fact and conclusions as if set forth in full herein.
35

1
2 Section 2. A new chapter is added to Title 2 of the Snohomish County Code to
3 read:

4
5 **Chapter 2.85**

6
7 **SNOHOMISH COUNTY TRANSPORTATION BENEFIT DISTRICT**

8
9 **Sections:**

- 10 2.85.010 District established.
11 2.85.020 Governing board.
12 2.85.030 Powers of the district.
13 2.85.040 Use of funds.
14 2.85.050 Dissolution of the district.

15
16 **2.85.010 District established.**

17 There is hereby established the Snohomish county transportation benefit
18 district with geographical boundaries comprised of the unincorporated limits of
19 the county.

20
21 **2.85.020 Governing board.**

22 The governing board of the transportation benefit district shall be the
23 Snohomish county council acting in an ex officio and independent capacity.

24
25 **2.85.030 Powers of the district.**

26 The transportation benefit district shall have the powers set out in chapter
27 36.73 RCW and this chapter, and shall carry out the transportation improvements
28 described in SCC 2.85.040.

29
30 **2.85.040 Use of funds.**

31 The funds generated by the transportation benefit district shall be used to
32 operate the district and to acquire, construct, improve, provide, or fund the
33 transportation improvements within the meaning of RCW 36.73.015 that are
34 listed in Exhibit A to this ordinance.

35
36 **2.85.050 Dissolution of the district.**

37 The district shall be dissolved when all indebtedness of the district is
38 retired and when all of the district's anticipated responsibilities have been
39 satisfied.


40
41 Section 3. **Code revision.** The Code Reviser shall in compiling the county code
42 substitute for "this ordinance" in SCC 2.85.040 the phrase "Ordinance No." followed by
43 the number assigned to this ordinance under SCC 2.48.122(2).
44

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PASSED this 13th day of July, 2011.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Asst. Clerk of the Council

APPROVED

EMERGENCY

VETOED

DATE: 7-15-11


for: County Executive

GARY HAAKENSON
Deputy County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-10

Exhibit A
Snohomish County Transportation Benefit District Projects

| # | Project Title | From | To | Improvements |
|----|---|---------------|---------------------------------|---|
| 1 | 35 Avenue SE & 180 Street SE Intersection Improvements | | | Widen existing intersection and upgrade signal. |
| 2 | 35 Avenue SE | 180 Street SE | 152 Street SE (Seattle Hill Rd) | Widen to 3 lane urban standards with bike lanes and sidewalks. |
| 3 | 52 Avenue W (Bev-Ed Road) | Lynnwood C/L | 148 Street SW | Widen to 3 lane urban standards with bike lanes and sidewalks. |
| 4 | 140 Street NE | 23 Avenue NE | 34 Avenue NE | Widen to 4 lane rural standards. |
| 5 | 180 Street SE - Phase 1 | SR 527 | Brook Blvd | Widen to 5 lane urban section with auxiliary lanes at SR 527. |
| 6 | 180 Street SE: Sunset Road & 51 Avenue SE Intersection Improvements | | | Install traffic signals and widen intersections to include additional turn lanes. |
| 7 | Arlington Heights Road & Jordan Road Intersection Improvements | | | Add left turn lane on Arlington Heights Road at Jordan Road. |
| 8 | BNSF Corridor/East Side Rail | | | Station area road improvements. |
| 9 | Bridge Projects | | | Bridge construction projects throughout the district. |
| 10 | Broadway Avenue Realignment @ SR 522 | SR 524 | Yew Way | Realign Broadway Avenue near SR 522 to accommodate future interchange. |
| 11 | Broadway Avenue / 164 Street SE / Elliott Road Intersection Improvement | | | Improve alignment of 3 intersecting roadways. |
| 12 | Countywide Resurfacing: Contract Overlays | | | Paving of arterials. |
| 13 | E Gibson Road Intersection Improvements: Ash Way & 128 Street SW | | | Major intersection improvement at E Gibson Road and Ash Way. Minor improvements at E Gibson Road and 128 Street SW. |
| 14 | Howard Creek Bridge 496 Replacement | | | Replace existing concrete deck with timber piles bridge with new single-span pre-cast concrete structure. |

Exhibit A
Snohomish County Transportation Benefit District Projects

| # | Project Title | From | To | Improvements |
|----|--|---------------|-----------------|---|
| 15 | Manor Way: 148 Street SW & Jefferson Way Intersection Improvements | | | Major intersection improvements at Jefferson Way and at 148 Street SW. |
| 16 | Manor Way: Jefferson Way & SR 99 Intersection Improvements | | | Minor intersection improvements at Admiralty Way. |
| 17 | Meadow Road Pedestrian Facility | 164 Street SW | Meridian Avenue | Provide interim pedestrian improvements on one side of roadway. |
| 18 | Menzel Lake Road & Waite Mill Road Intersection Improvement | | | Adjust vertical alignment on Menzel Lake Road at Waite Mill Road. |
| 19 | North Road | SR 524 | 164 Street SW | Widen to 3 lane urban standards with bike lanes and sidewalks. |
| 20 | Pilchuck River Bridge 581 Replacement | | | Replace existing multi-span bridge with partial timber components with new single-span pre-cast concrete girder bridge. |
| 21 | S.F. Sauk River Bridge 540 Replacement | | | Replace existing 203' timber/steel bridge with new 210' pre-cast concrete girder bridge. |
| 22 | School/Neighborhood Pedestrian Improvements | | | Provide pedestrian improvements as needed throughout the district. |
| 23 | Seattle Hill Road | 35 Avenue SE | 132 Street SE | Widen to 3 lane urban standards with bike lanes and sidewalks. |
| 24 | Springhetti Road & Broadway Avenue Intersection Improvement | | | Improve intersection by reducing skew angle and providing turn pockets as needed. |
| 25 | Swamp Creek Bridge 504 (Locust Way) Replacement | | | Replace existing bridge with single-span pre-cast concrete structure. |
| 26 | Three Lakes Road & 131 Avenue SE Intersection Improvements | | | Install signal on Three Lakes Road at 131 Avenue SE and improve sight distance. |
| 27 | Transportation Demand Management | | | Implement strategy to decrease traffic congestion, increase travel speed, and provide greater mode choice on various corridors throughout the district. |