

1 ADOPTED: 12/16/2020
2 EFFECTIVE: 02/01/2021

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 20-087

8
9 RELATING TO GROWTH MANAGEMENT;
10 REVISING REGULATIONS FOR ROAD SYSTEM IMPACT FEES;
11 AMENDING SECTIONS 30.66B.310 AND 30.66B.330 OF THE
12 SNOHOMISH COUNTY CODE
13

14 WHEREAS, counties that are required to plan under the Growth Management
15 Act (GMA), chapter 36.70A RCW, are authorized to impose impact fees on
16 development activity as part of the financing for public facilities; and
17

18 WHEREAS, the establishment and amendment of road system impact fees is
19 governed by RCW 82.02.050 through RCW 82.02.100; and
20

21 WHEREAS, the road system impact mitigation fees needed to support the Future
22 Land Use Map in the County's adopted Growth Management Act Comprehensive Plan
23 – General Policy Plan (GMACP-GPP) are based on the county transportation
24 improvements identified in the Transportation Element (TE); and
25

26 WHEREAS, the mitigation fees supporting the GMACP-GPP are based on the
27 cost of the county transportation improvements identified in the TE and are established
28 in chapter 30.66B of the Snohomish County Code (SCC); and
29

30 WHEREAS, the County last updated the county transportation improvements in
31 the GMACP-GPP and TE in June of 2015 (effective July 2, 2015); and
32

33 WHEREAS, chapter 30.66B SCC contains regulations for the implementation of
34 road system impact fees including the road system impact fee schedule in SCC
35 30.66B.330; and
36

37 WHEREAS, advancements in traffic modeling software allow the County to
38 reliably and accurately model impacts of new development across the County, and not
39 just within the Transportation Service Areas (TSA) in which new development is located;
40 and
41

42 WHEREAS, the Department of Public Works (DPW) is proposing amendments to
43 the road system impact fees in SCC 30.66B.330 to have the fees reflect the
44 proportionate share cost of the transportation improvements listed in the TE that are
45 reasonably related to new development; and

1
2 WHEREAS, DPW has conducted early and continuous public participation in
3 developing the proposed amendments to Title 30 SCC that are proposed by this
4 ordinance; and

5
6 WHEREAS, the Snohomish County Council (the "County Council") recognizes
7 the importance of having the road system impact fees amended so they more
8 accurately reflect the proportionate share cost of the transportation improvements
9 identified in the TE that should be paid by new development; and

10
11 WHEREAS, the Snohomish County Planning Commission ("Planning
12 Commission") held a briefing on August 25, 2020, concerning the code amendments
13 related to road system impact fees; and

14
15 WHEREAS, the Planning Commission held a public hearing on September 22,
16 2020, to receive public testimony concerning the code amendments related to road
17 system impact fees; and

18
19 WHEREAS, at the conclusion of the public hearing, the Planning Commission
20 deliberated and voted to recommend approval of the proposed code amendments as
21 shown in its recommendation letter dated September 24, 2020; and

22
23 WHEREAS, after proper notice, the County Council held a public hearing on
24 December 16, 2020, and considered public comment and the entire record related to
25 the code amendments contained in this ordinance; and

26
27 WHEREAS, following the public hearing, the County Council deliberated on the
28 code amendments contained in this ordinance.

29
30 NOW, THEREFORE, BE IT ORDAINED:

31
32 Section 1. The County Council adopts the following findings:

- 33
34 A. The foregoing recitals are adopted as findings as if set forth in full herein.
35
36 B. This ordinance will amend chapter 30.66B SCC to update regulations related to road
37 system impact fees. The proposed amendments seek to:
38
39 1. Amend the language in SCC 30.66B.310 to reflect that road system impact fees
40 are based on the proportionate share cost of the transportation improvements
41 listed in the TE that are reasonably related to transportation impacts from new
42 development on the county's entire arterial road system. A development's trip
43 generation will be determined using rules promulgated by DPW rather than the
44 ITE Trip Generation report published by the Institute of Transportation

1 Engineers. Such rules were promulgated effective August 6, 2018, and are
2 designated DPW Rule 4200.

- 3
4 2. Amend the road system impact fees in SCC 30.66B.330 to reflect the
5 proportionate share cost of the transportation improvements listed in the TE
6 that should be allocated to new development and to eliminate the rural
7 residential and commercial fee for TSA F as there is no rural area in TSA F.
8

- 9 C. The proposed amendments are reasonably related to and necessary for the
10 advancement of the following GMA planning goals listed in RCW 36.70A.020:
11

- 12 (12) Public facilities and services. Ensure that those public facilities and services
13 necessary to support development shall be adequate to serve the
14 development at the time the development is available for occupancy and use
15 without decreasing current service levels below locally established minimum
16 standards.
17

- 18 D. The code amendments are consistent with and supportive of the region's Vision
19 2050 Multicounty Planning Policies (adopted October 2020). Specific goals and
20 policies relevant to and supported by this ordinance include the following:
21

- 22 MPP-T-1. Maintain and operate transportation systems to provide safe, efficient,
23 and reliable movement of people, goods, and services.
24

- 25 E. The code amendments are consistent with and supportive of the Countywide
26 Planning Policies for Snohomish County. Specific goals and policies relevant to and
27 supported by this ordinance include the following:
28

- 29 HO-13. Jurisdictions should ensure that their impact fee programs add no more to
30 the cost of each housing unit produced than a fairly-derived proportionate
31 share of the cost of new public facilities necessary to accommodate the
32 housing unit as determined by the impact fee provisions of the Growth
33 Management Act cited in chapter 82.02 RCW.
34

- 35 TR-3. In support of VISION 2040, the County and cities should establish
36 agreements and procedures for setting priorities, programming, and
37 financing for countywide, regional and state transportation facilities and
38 services consistent with the Growth Management Act and federal
39 transportation legislation.

- 40 d. The financing of transportation systems and improvements should reflect
41 the true costs of providing service, reflecting the costs and benefits
42 attributable to those who use the system as well as those who benefit
43 from it. Revenues to finance transportation should come from traditional
44 measures (e.g., fuel taxes, property taxes, and impact mitigation fees),

1 but also from other innovative measures (e.g., user fees, high occupancy
2 tolls, Vehicle Miles Travelled assessments, and private-sector
3 contributions). Importantly, impacts of transportation system choices and
4 funding decisions on climate change should be considered as part of this
5 process.
6

7 F. The code amendments are consistent with, supportive of, and implement the
8 GMACP-GPP. Specific GPP goals and policies relevant to and supported by this
9 ordinance include the following:

10
11 GOAL TR 7 Prioritize and finance transportation improvements for the
12 greatest public benefit.

13
14 Objective TR 7.B Coordinate transportation improvement programming to
15 equitably assign the costs of transportation system
16 improvements associated with new development to
17 developers, the county, and cities.

18
19 TR Policies 7.B.6 The county shall monitor and adjust, when appropriate, its
20 transportation impact fee program as authorized under the
21 GMA to help fund the cost of road system capacity
22 improvements required to serve new development.
23

24 G. The methodology for determining the new fee schedule set forth in amended SCC
25 30.66B.330 is detailed in the November 18, 2020, staff report from the Department of
26 Public Works to the Snohomish County Council.
27

28 H. Procedural requirements.

- 29
- 30 1. The proposal is exempt from SEPA requirements.
 - 31
 - 32 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010(3).
 - 33
 - 34 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
35 transmitted to the Washington State Department of Commerce for distribution
36 to state agencies on November 9, 2020.
 - 37
 - 38 4. The public participation process used in the adoption of the proposed
39 amendments has complied with all applicable requirements of the GMA and the
40 SCC.
 - 41
 - 42 5. As required by RCW 36.70A.370, the Washington State Attorney General last
43 issued an advisory memorandum in September of 2018 entitled "Advisory
44 Memorandum and Recommended Process for Evaluating Proposed Regulatory
45 or Administrative Actions to Avoid Unconstitutional Takings of Private Property"

1 to help local governments avoid the unconstitutional taking of private property.
2 The process outlined in the State Attorney General's 2018 advisory
3 memorandum was used by the County in objectively evaluating the regulatory
4 changes proposed in this ordinance.
5

- 6 6. The Snohomish County Planning Commission held a briefing on August 25,
7 2020, and public hearing on September 22, 2020, concerning the code
8 amendments related to road system impact fees. Following the hearing on
9 September 22, 2020, the Planning Commission voted 11 to 0 to approve the
10 proposed amendments.
11

12 Section 2. The County Council makes the following conclusions:
13

- 14 A. The proposal complies with all requirements of Washington State law and the
15 County Code.
16
17 B. The proposal is consistent with the MPPs.
18
19 C. The proposal is consistent with the CPPs.
20
21 D. The proposal is consistent with the goals, objectives, and policies of the GPP and
22 TE.
23
24 E. The County complied with all SEPA requirements in respect to this non-project
25 action.
26
27 F. The regulations proposed by this ordinance do not result in an unconstitutional
28 taking of private property for public purposes.
29
30 G. The County complied with state and local public participation requirements under the
31 GMA and chapter 30.73 SCC.
32

33 Section 3. The County Council bases its findings and conclusions on the entire
34 record of the County Council, including all testimony and exhibits. Any finding which
35 should be deemed a conclusion, and any conclusion which should be deemed a finding,
36 is hereby adopted as such.
37

38 Section 4. Snohomish County Code Section 30.66B.310, added by Amended
39 Ordinance No. 02-064 on Dec. 9, 2002, is amended to read:
40

41 **30.66B.310 Road system impact fee.**
42

43 (1) A development shall mitigate its impact upon the future capacity of the road system
44 by paying a road system impact fee reasonably related to the impacts of the
45 development on arterial roads located in the ((same)) transportation service ((area as))

1 areas impacted by the development, at the rate identified in SCC 30.66B.330 for the
 2 type and location of the proposed development. A development's road system impact
 3 fee will be equal to the development's new average daily traffic (ADT), (~~based on the~~
 4 ~~latest edition of the ITE Trip Generation report published by the Institute of~~
 5 ~~Transportation Engineers~~) as determined by the department of public works'
 6 administrative rules, times the per trip amount for the specific transportation service
 7 area identified in SCC 30.66B.330, except that the following adjustments may be made:

8 (a) In accordance with RCW 82.02.060(4), the director of public works shall have
 9 the authority to adjust the amount of the impact fee to consider unusual circumstances
 10 in specific cases to ensure that impact fees are fairly imposed;

11 (b) In accordance with RCW 82.02.060(5), the director of public works shall have
 12 the authority to adjust the amount of the impact fee to be imposed on a particular
 13 development to reflect local information when available, including studies and data
 14 submitted by the developer; and

15 (c) Adjustments will be made for trip reduction credits approved under SCC
 16 30.66B.640 - .650.

17 (2) As required by RCW 82.02.060(3), credit against a development's road system
 18 impact fee shall be provided for dedication of land for, improvement to, or construction
 19 of any capacity improvements that are identified in the transportation needs report as
 20 part of the road system impact fee cost basis and are imposed by the county as a
 21 condition of approval.

22 (3) As provided for by RCW 82.02.060(2), exemption from road system impact fees
 23 may be provided for low income housing and other development with a broad public
 24 purpose, provided that the road system impact fee for such development is paid from
 25 public funds other than impact fee accounts. The developer requesting the exemption
 26 shall be responsible for identifying the source of and securing the availability of such
 27 public funds.

28 (4) Developments which are determined to cause a greater reduction in ADT on the
 29 road system than the number of new ADT generated by the development, by promoting
 30 the use of transit or other means, will be determined to generate no new ADT for the
 31 purpose of determining the developments road system impact fee.

32
 33 Section 5. Snohomish County Code Section 30.66B.330, last amended by
 34 Amended Ordinance No. 05-092 on December 21, 2005, is amended to read:

35
 36 **30.66B.330 Fee Schedule.**

37

| Table 30.66B.330 Fee schedule | | | |
|---|------------------------------------|---|--|
| LOCATION Transportation Service Area (TSA) | TYPE Residential/ Commercial | NEW TRIP AMOUNT | |
| | | Developments Inside the Urban Growth Area (UGA) | Developments Outside the Urban Growth Area (UGA) |

| | | <u>Effective from 02/01/2021 to 01/31/2022</u> | <u>Effective from 02/01/2022</u> | <u>Effective from 02/01/2021 To 01/31/2022</u> | <u>Effective from 02/01/2022</u> |
|---|-------------|--|----------------------------------|--|----------------------------------|
| A | RESIDENTIAL | ((\$242)) <u>\$185</u> | <u>\$185</u> | ((\$264)) <u>\$201</u> | <u>\$201</u> |
| A | COMMERCIAL | ((\$206)) <u>\$157</u> | <u>\$157</u> | ((\$227)) <u>\$173</u> | <u>\$173</u> |
| B | RESIDENTIAL | ((\$364)) <u>\$297</u> | <u>\$297</u> | ((\$397)) <u>\$323</u> | <u>\$323</u> |
| B | COMMERCIAL | ((\$309)) <u>\$252</u> | <u>\$252</u> | ((\$343)) <u>\$278</u> | <u>\$278</u> |
| C | RESIDENTIAL | ((\$152)) <u>\$338</u> | <u>\$523</u> | ((\$166)) <u>\$367</u> | <u>\$568</u> |
| C | COMMERCIAL | ((\$129)) <u>\$286</u> | <u>\$443</u> | ((\$142)) <u>\$315</u> | <u>\$488</u> |
| D | RESIDENTIAL | ((\$267)) <u>\$502</u> | <u>\$736</u> | ((\$294)) <u>\$546</u> | <u>\$800</u> |
| D | COMMERCIAL | ((\$227)) <u>\$426</u> | <u>\$624</u> | ((\$252)) <u>\$470</u> | <u>\$688</u> |
| E | RESIDENTIAL | ((\$230)) <u>\$460</u> | <u>\$690</u> | ((\$252)) <u>\$501</u> | <u>\$750</u> |
| E | COMMERCIAL | ((\$196)) <u>\$391</u> | <u>\$585</u> | ((\$216)) <u>\$431</u> | <u>\$645</u> |
| F | RESIDENTIAL | ((\$230)) <u>\$483</u> | <u>\$736</u> | ((\$252)) <u>N/A¹</u> | <u>N/A¹</u> |
| F | COMMERCIAL | ((\$196)) <u>\$410</u> | <u>\$624</u> | ((\$216)) <u>N/A¹</u> | <u>N/A¹</u> |

¹ There are no areas outside the UGA in TSA F so fees for these categories are not applicable.”


Section 6. Effective Date. This ordinance shall take effect on the first day of the second month following the month the ordinance is adopted.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid by the Growth Management Hearings Board (the “Board”), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section,

1 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
2 sentence, clause or phrase of this ordinance is held to be invalid by the Board or a court
3 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
4 the effective date of this ordinance shall be in full force and effect for that individual
5 section, sentence, clause or phrase as if this ordinance had never been adopted.
6
7

8 PASSED this 16th day of December, 2020.
9

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington
12
13


14 
15 _____
16 Council Chair
17

18 ATTEST:

19
20 
21 _____
22 Asst. Clerk of the Council
23

- 24 () APPROVED
25 () EMERGENCY
26 () VETOED
27

28 DATE: 12/16/2020
29

30 
31 _____
32 County Executive
33

34 ATTEST:

35
36 
37 _____
38
39
40

D-38