

RECEIVED
SNOHOMISH COUNTY
EXECUTIVE OFFICE

County Council

SNOHOMISH COUNTY, WASHINGTON



JUN 22 1983 505

ORDINANCE NO. 83-067

W.T. _____ K.B. _____
D.F. _____ S.W. _____
G.L. _____ D.J. _____

RELATING TO COUNTY ROADS; AMENDING ORDINANCE 82-029
PASSED APRIL 26, 1982, AND SNOHOMISH COUNTY CODE
SECTIONS 26B.55.070 and 26B.55.080

BE IT ORDAINED:

Section 1. Snohomish County Code Section 26B.55.070,
last amended on April 26, 1982 by Ordinance 82-029 is
amended to read as follows:

26B.55.070 Negotiated Agreement Procedure.

(1) Whenever the negotiated agreement option of Section 26B.55.040(1)(c) has been chosen, the developer and the Director may enter into negotiations for the purpose of arriving at a determination of the developer's fair share in accordance with SCC 26B.54.030. This negotiation process should take into consideration such things as the individual locational and developmental circumstances and the immediate impact of the (~~immediate~~) development in question on the specific problems identified in the traffic analysis. The Director shall identify the problem areas specifically attributable to the development in question and shall assign priorities to the need for correction of the problems and shall use this priority assignment as a basis for negotiating which projects are to be done and in what order they are to be done.

(2) Whenever the developer and the Director fail to agree on a negotiated agreement to alleviate (~~the-portion-of-the-problem~~) direct impacts caused by a particular development, the recommendation of the Director and the offer of the developer shall be brought to the Hearing Examiner, or other relevant approving authority as a part of the overall testimony and/or evidence presented at the approval stage. It shall be the responsibility of the Hearing Examiner and/or responsible approving authority to decide on the (~~reasonable-agreement-to-which-the-developer~~) impact mitigation measures which must be undertaken (~~bound~~) as a condition of the (~~his~~) development approval. The developer has the option of agreeing to the necessary impact mitigation measures determined by the Hearing Examiner, appealing the determination of mitigation measures, resubmitting a revised proposal or withdrawing his development proposal.

(3) Whenever the Director and the developer are able to arrive at a negotiated agreement which alleviates (~~some-of-the-problems~~) direct impacts caused by the development as indicated by the traffic analysis submitted pursuant to the development proposal, the agreement shall be reduced to written form and submitted as an exhibit before the Hearing Examiner or other approving authority for his or its consideration. The Hearing Examiner and/or responsible approving authority shall determine whether the impact mitigation

RELATING TO COUNTY ROADS; AMENDING ORDINANCE 82-029
PASSED APRIL 26, 1982, AND SNOHOMISH COUNTY CODE
SECTIONS 26B.55.070 and 26B.55.080

measures voluntarily submitted by the developer are adequate to mitigate the direct impacts of the subject development. If they are not adequate then, pursuant to 26B.55.070(2), the Hearing Examiner and/or responsible approving authority shall decide upon the impact mitigation measures which must be undertaken as a condition of development approval.

Section 2. Snohomish County Code Section 26B.55.080, passed on April 26, 1982, by Ordinance 82-029, is amended to read as follows:

26B.55.080 Voluntary Payments ((Fees)) -- How Used. Voluntary Payments ((Fees)) collected pursuant to this chapter shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact; the payment shall be expended in all cases within five years of collection; and any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

Dated June 20, 1983

Cliff Bailey
Chairman

ATTEST:

Carol Holman
Clerk of the Council

ATTEST:

Barbara Leigh Johnson

Willis D. Tucker
County Executive

APPROVED VETOED

EMERGENCY Date 6.23.83

PUBLISHED _____ and _____

ORDINANCE RE COUNTY ROADS, etc. - 1