

COUNTY COUNCIL
Snohomish County, Washington



CO00026208

EMERGENCY ORDINANCE NO. 89-003
ADOPTING A ROAD MITIGATION POLICY FOR THE STATE ROUTE 527
CORRIDOR, AMENDING SNOHOMISH COUNTY CODE
SECTION 23.36.030, "ENVIRONMENTAL POLICIES", TO INCORPORATE
SAID POLICY, AND DECLARING AN EMERGENCY

BE IT ORDAINED:

Section 1. The Snohomish County Council makes the following Findings of Fact:

(a) More than 2,400 multiple family residential dwelling units and 19 commercial projects have been constructed during the last 2 to 3 years, or are currently awaiting rezone or a building permit approval, in the SR-527 Corridor between the city limits of Mill Creek and the I-405/SR-527 interchange (see Exhibit A).

(b) Additional growth can be expected during the next decade in those areas which contribute traffic to the SR-527 Corridor (see Exhibit B). It is projected that by the year 2000, the growth rate in this traffic shed will be 1.5 times higher than it is today for population and 2.3 times higher for employment.

(c) The Washington State Department of Transportation has plans to improve SR-527 to a five-lane roadway (i.e., two lanes in each direction with a two-way left-turn lane)

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from I-405 to 164th Street S.E. (see Exhibit C for the limits of the proposed project). However, delays in funding and construction have been experienced because the state has only limited funding, and the project has continually ranked low on the state's list of funding priorities.

(d) The North Creek Area Comprehensive Plan's implicit assumptions regarding transportation improvements in the SR-527 Corridor have not become reality because such planned improvements to the state highway have not been funded.

(e) Levels of service on this segment of the highway have deteriorated to a point below the thresholds which would need to be maintained under the county's traffic mitigation ordinance, SCC Title 26B. Levels of service are described in Exhibit D. As of 1987, most SR-527 intersections from I-405 to 164th Street S.E. were operating at a low level of service, either at or below level of service D (Exhibit E).

(f) Accidents and safety problems have been shown to be directly related to traffic volumes. As volumes of traffic increase, the frequency of accidents along a stretch of roadway also increases. When a roadway experiences increases in traffic with no corresponding increase in capacity, congestion results (i.e., level of service declines). Congestion, or poor levels of service, has been shown to increase the potential for accidents.

(g) SR-527 traffic volumes have shown a steady increase over the last five years. As might be expected, SR-527 has exhibited a high rate of accidents, particularly when compared to the state-wide average. Ninety accidents

occurred in the 2.88 mile section of SR-527 between 164th Street S.E. and 208th Street S.E. during that five year period. This translates into an accident rate of 4.3 accidents per million miles traveled, which is about 30% higher than the state-wide rate.

(h) SCC Title 26B requires developer mitigation to that part of the road system which is affected by ten percent or more of a development's traffic and has a level of service of D or below following completion of the development. However, Title 26B does not apply to state highways. Therefore, developments on, or near SR-527 have not been required to mitigate their impacts on the highway to the extent required by Title 26B. The state has requested mitigation beyond frontage and access improvements on a case-by-case basis, but has not always been consistent in such requests. Even when mitigation offers by developers are requested and made as fair share contributions to highway improvements, actual construction of needed road improvements is not likely to happen because the state cannot provide its share due to lack of state funding.

(i) The section of SR-527 from I-405 to 164th Street S.E. is impacted by a large traffic shed. Exhibit F generally illustrates the geographic area of the traffic shed where ten percent or more of vehicle trips generated can be expected to use SR-527. This means that at least one out of every ten trips from this area will likely use SR-527 between I-405 and 164th Street S.E. during the average day.

(j) The Washington State Department of Transportation has sent a letter to the Snohomish County Executive stating that it is without funds to improve SR-527 and requesting

that no more development-generated traffic be added to SR-527 until a comprehensive improvement program can be developed, funded and constructed (Exhibit G).

Section 2. Based on the foregoing Findings of Fact, the Snohomish County Council makes the following Conclusions:

(a) The public health, safety and welfare of the highway users and residents in the SR-527 Corridor are in jeopardy due to the increased traffic contributed to SR-527 by development.

(b) The short and long-term mitigation and funding measures which must be developed and implemented by the state, the county and developers cannot be accomplished immediately.

(c) The potential traffic impacts of new developments on SR-527 must be reduced immediately, but there are no funds available to do so.

(d) The county has an obligation to consider the state's letter (Exhibit G) in its review of proposed developments under the Snohomish County Environmental Policy Ordinance, SCC Title 23, and the State Environmental Policy Act, RCW 43.21(c), and immediately implement, in a reasonable and consistent manner, the state's request to prevent increased traffic on SR-527. Therefore, the county must immediately develop a policy for environmental review and mitigation of the traffic impacts of developments which contribute traffic to SR-527 between 164th Street S.E. and I-405.

(e) This ordinance is necessary for the immediate preservation of public peace, health and safety, and the public welfare.

Section 3: Based on the foregoing Findings and Conclusions, the Snohomish County Council hereby adopts the following policy:

SR-527 TRAFFIC IMPACT MITIGATION POLICY

Snohomish County will review the traffic impacts of developments, as defined in SCC Title 26B, located in the SR-527 Corridor between 164th Street S.E. and I-405, as generally depicted on Exhibit F, for mitigation. Pursuant to SEPA and SCEPO, the county will require mitigation of development traffic impacts on SR-527 equal to that which would be required under SCC Title 26B if it applied to state highways. This means that developments which add 10% or more of their traffic to SR-527 will be allowed to proceed only after the identification, funding and construction of a comprehensive road improvement program that will mitigate the individual and cumulative traffic impacts of development in the area of the Corridor.

This policy does not apply to the following:

1) All building permit applications which have been submitted prior to the effective date of this ordinance, and for which there has been issued a determination of nonsignificance or a mitigated determination of nonsignificance pursuant to SEPA;

2) Developments that are subject to existing road improvement agreements which: a) Address all anticipated

impacts from full development of the entire site; b) require mitigation of impacts on SR-527; and c) have resulted in safety or capacity improvements to that section of SR-527 covered by the agreement; or

3) Developments whose traffic study shows that less than ten per cent of their generated traffic will utilize SR-527 between 164th Street SE and I-405. Exhibit F shows the generalized boundary of areas which contribute ten per cent or more of their generated traffic to this section of SR-527.

This policy shall remain in effect until January 31, 1990.

Section 4. The executive is directed to develop a comprehensive road improvement and funding mechanism such as a Road Improvement District, Master Road Improvement Program or Transportation Benefit District which would permit joint public-private improvement of SR-527 within the shortest time possible. If such a program or district is established and funded prior to the expiration date for this policy, this policy shall be resubmitted to the council for review. At that time, the Council may determine whether development approvals between funding and construction of road improvements to SR-527 would be consistent with the health, safety and welfare of area residents and highway users.

Section 5. Snohomish County Code Section 23.36.030, last amended by Ordinance 87-032 adopted May 20, 1987, is amended as follows:

23.36.030 Environmental policies. Snohomish County designates and adopts by reference the following policies as

the basis for the county's exercise of authority pursuant to this chapter:

(1) The county shall use all practicable means consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities, and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(2) The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(3) The county adopts by reference the policies contained in the following county ordinances, resolutions and plans as currently adopted or as hereafter amended:

- (1) Snohomish County Comprehensive Plan and Subarea Plans
- (2) Shoreline Management Master Program (Title 21)
- (3) Agricultural Preservation Plan
- (4) Zoning Code (Title 18)
- (5) Drainage Ordinance (Title 24)
- (6) Road Ordinance (Title 26B)
- (7) Flood Hazard Ordinance (Title 27)
- (8) Noise Ordinance (Title 10.01)
- (9) Subdivision Ordinance (Title 19)
- (10) Short Subdivision Ordinance (Title 20)
- (11) SR-527 Traffic Impact Mitigation Policy
(Ordinance No. 89- 003)

Section 6. Based on the findings and conclusions contained herein, the council finds that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and for the immediate support of county government and its existing public institutions. This ordinance shall be effective immediately.

Section 7. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or its application to other persons or circumstances is not affected. Further, it is the express intent of the council that if any exemption from the Traffic Impact Mitigation Policy adopted in this ordinance is held to be invalid, the Policy and the remaining exemptions from it are not affected.

Dated this 18th day of January, 1989.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

William F. Terhune
Chairman

Julie Van Cleve
asst. Clerk of the Council

() APPROVED

() EMERGENCY

() VETOED

DATE Jan. 18, 1989

Willis D. Tucker
County Executive

PUBLISHED _____

Sue A. Tanner DPA
Approved as to form only on

(Date)

ORDINANCE (89-003) - 9

Exhibit A

S T A T U S R E P O R T

APARTMENT AND MOBILE HOME PARK PROJECTS
ON OR NEAR SR-527 BETWEEN 180TH ST. SE. AND MALTBY ROAD

Project Name/Owner	# of Units	Status
1. Crystal Creek	215	Built
2. Silver Creek Estates	520	Rezone pending
3. Erskin Corporation	60	Under construction
4. Mobile Home Park	118	Not built
5. Canyon Park Townhouses	81	Built
6. Brookside Village (MHP)	45	Built
7. Wenzl	114	Pre-rezone applic.
8. Northstream	235	Rezone pending
9. Kennard Mobile Estates	98	Built
10. Grannis Hills	144	Built
11. Trammell Crow Co.	214	Under construction
12. Greacen Construction	58	Built
13. Polygon	25	Rezone pending
14. North Creek Ranch	84	Built
15. Thrashers Meadow Apartments	128	Under construction
16. Nelson	120	Pre-rezone applic.
17. Chapel Hill Apartments	116	Buildg. perm. pendg
18. Mobile Home Park (Ryan)	47	Built
TOTAL NUMBER OF UNITS		2,422

STATUS REPORT ON
COMMERCIAL PROJECT ON OR NEAR
SR527 BETWEEN MILL CREEK AND I-405

<u>PROJECT NAME/OWNER</u>	<u>FILE NO.</u>	<u>USE</u>	<u>STATUS</u>
1. Harold Schlicker	C8809433	Retail	Building Permit Pending
2. L & M Partnership (North of 180th)	C8810459	Mini-storage	" " "
3. Alfred Adams	C8810475	Repair Shop	" " "
4. F & F Auto	C8812525	Repair Shop	" " "
5. Les Schwab	C8704163	Retail Tire Serv.	Under Construction
6. Martin Development (Canyon Park Bus. Cntr.)	C8808337	Office/Warehouse	Permit Issued/ Under Construction (?)
7. Martin Development (Canyon Park Bus. Cntr.)	C8809404	Light Manufac.	Building Permit Pending
8. Vincent Larson (No. of 180th)	C8804162	Shop & Office Building	Under Construction
9. Gary Kettle (No. of 180th)	C8701010	Car Wash	Built
10. Microsoft (Canyon Park Bus. Cntr.)	C8707342	Manufacturing/ Distribution	Built
11. Martin Development (Canyon Park Bus. Cntr.)	C8706305	"	"
12. Martin Development (Canyon Park Bus. Cntr.)	C8707332	"	"
13. Martin Development (Canyon Park Bus. Cntr.)	C8707348	"	"
14. Koll Company (Canyon Park Bus. Cntr.)	C8707369	Office/Warehouse/ Manufacturing	" (4 Bldgs.)
15. Canyon Park Bus. Cntr.	ZA8304085	Office/Wareh./ Distrib.	Rezone Approved
16. Canyon Park Bus. Cntr.	ZA8411270	"	Rezone Approved
17. Canyon Park Bus. Cntr.	ZA8611280	"	Rezone Approved
18. Canyon Park Bus. Cntr.	ZA8810418	"	Rezone Pending
19. Canyon Park Bus. Cntr.		"	Pre-Rezone Appl.
20. Crystal Creek (Parkshore)		Retail	Rezone Approved
21. Echelbarger (Market Place Shopping Cntr.)		Retail	Rezone Approved

SUMMARY OF STATUS REPORTS
SR527 CORRIDOR

NUMBER OF COMMERCIAL PROJECTS

Pre-rezone applications	1
Rezone pending	1
Rezone approved	3
Building permit pending	5
Building permit approved/under construction	3
Built	6

Total No. of Projects	19
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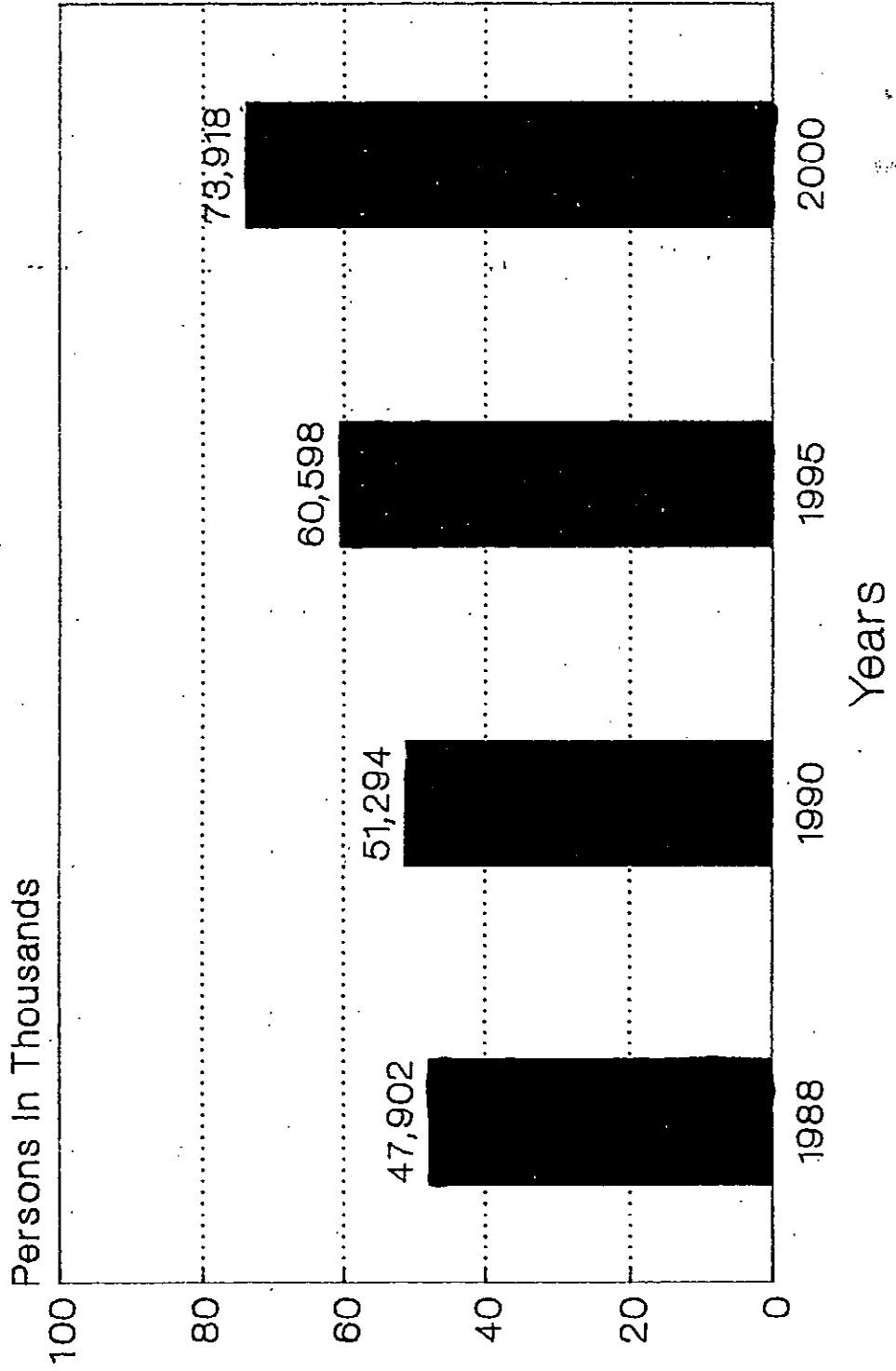
NUMBER OF DWELLING UNITS IN MULTIPLE FAMILY RESIDENTIAL PROJECTS

Pre-rezone applications	234
Rezone pending	780
Rezone approved	118
Building permit pending	116
Building permit approved/under construction	402
Built	772

Total No. of Dwelling Units	2,422
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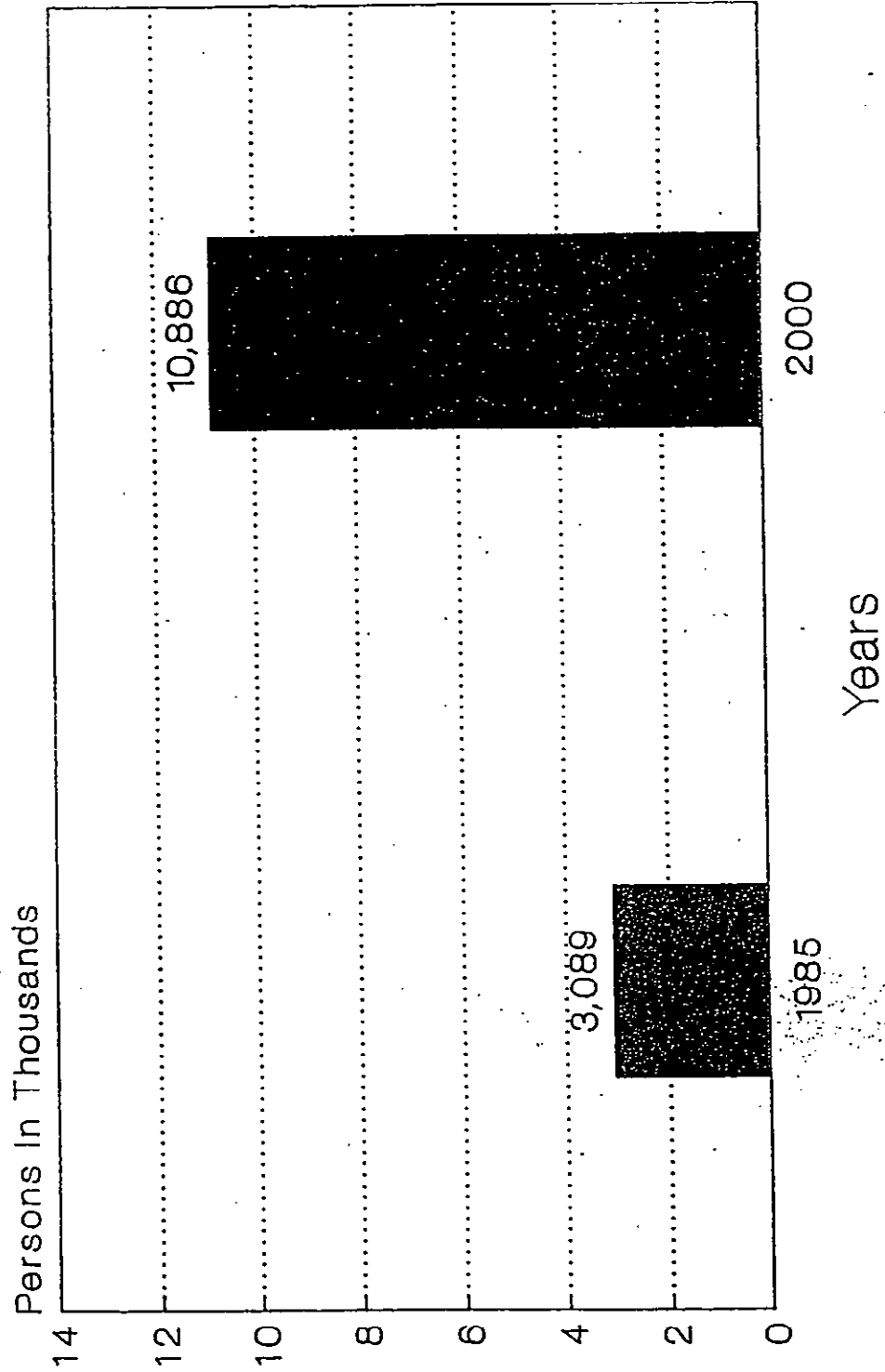
12/20/88

POPULATION LEVELS SR-527 TRAFFIC SHED

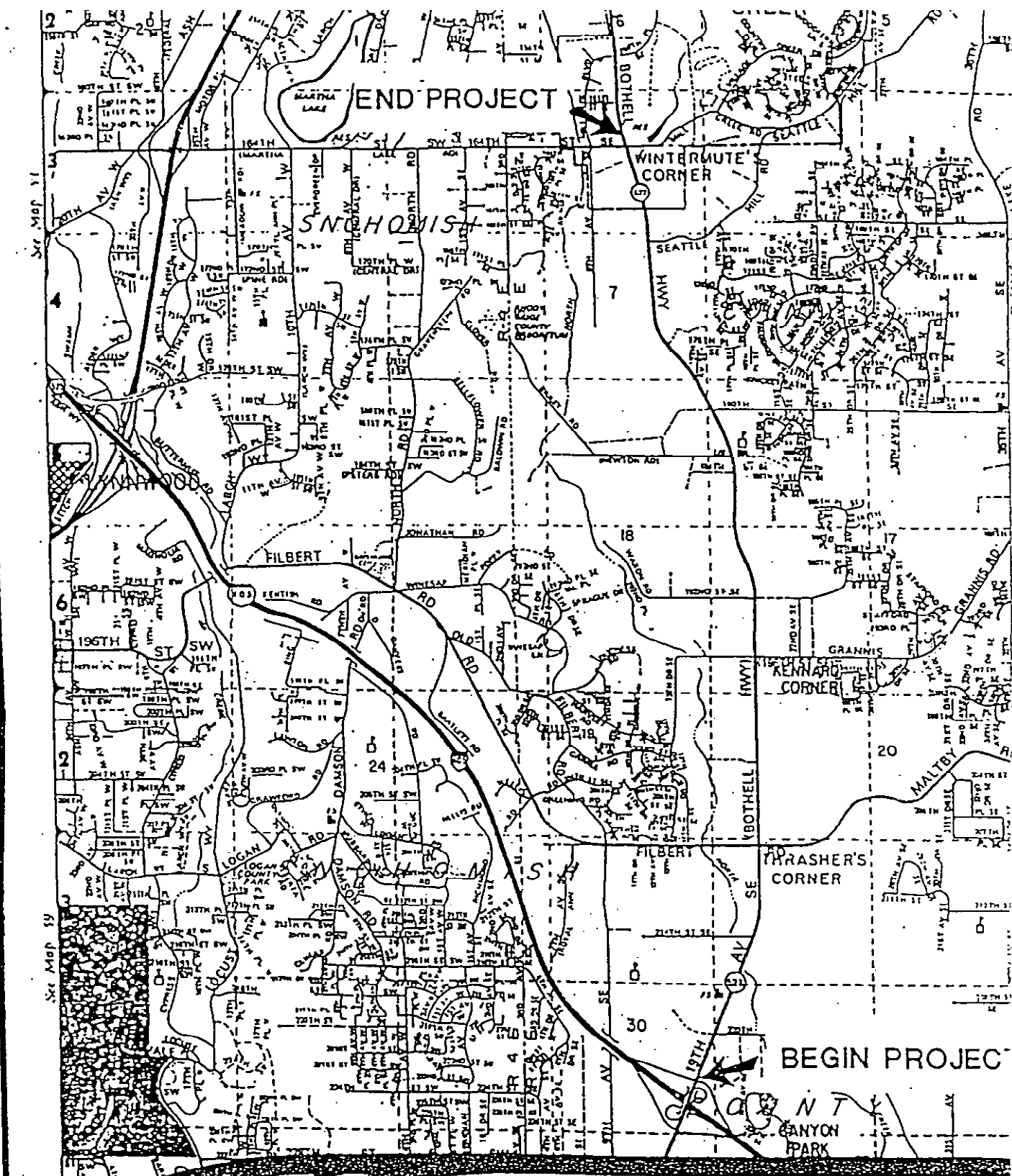


TRANSPORTATION PLANNING GROUP

EMPLOYMENT LEVELS SR-527 TRAFFIC SHED



TRANSPORTATION PLANNING GROUP



END PROJECT

WINTERMUTE CORNER

SN. HOVIS

SEATTLE

FILBERT

KENNARD CORNER

FILBERT

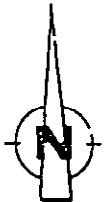
FRASHER'S CORNER

BEGIN PROJECT

CANYON PARK

SEE MAP 31

SEE MAP 33



SR 527
 SR 405 to 164th SE
 Widen to Five Lanes
 L-8613 PIN 152710A
 PROJECT VICINITY

EXHIBIT (

EXHIBIT D

LEVELS OF SERVICE

LEVEL	CHARACTERISTICS
A	Free flow with freedom to select speed and maneuver
B	Stable flow with freedom to select speed and some decline in maneuvering.
C	Stable flow with some inhibition to speed selection and maneuvering.
D	Stable high density flow, but severe inhibition to speed selection and maneuvering traffic delay is apparent with potential flow breakdowns.
E	Unstable flow with virtually no speed selection or maneuvering. Significant traffic delay and flow breakdowns occur.
F	Forced flow with lines forming due to stoppages. Long traffic delays and flow breakdowns occur

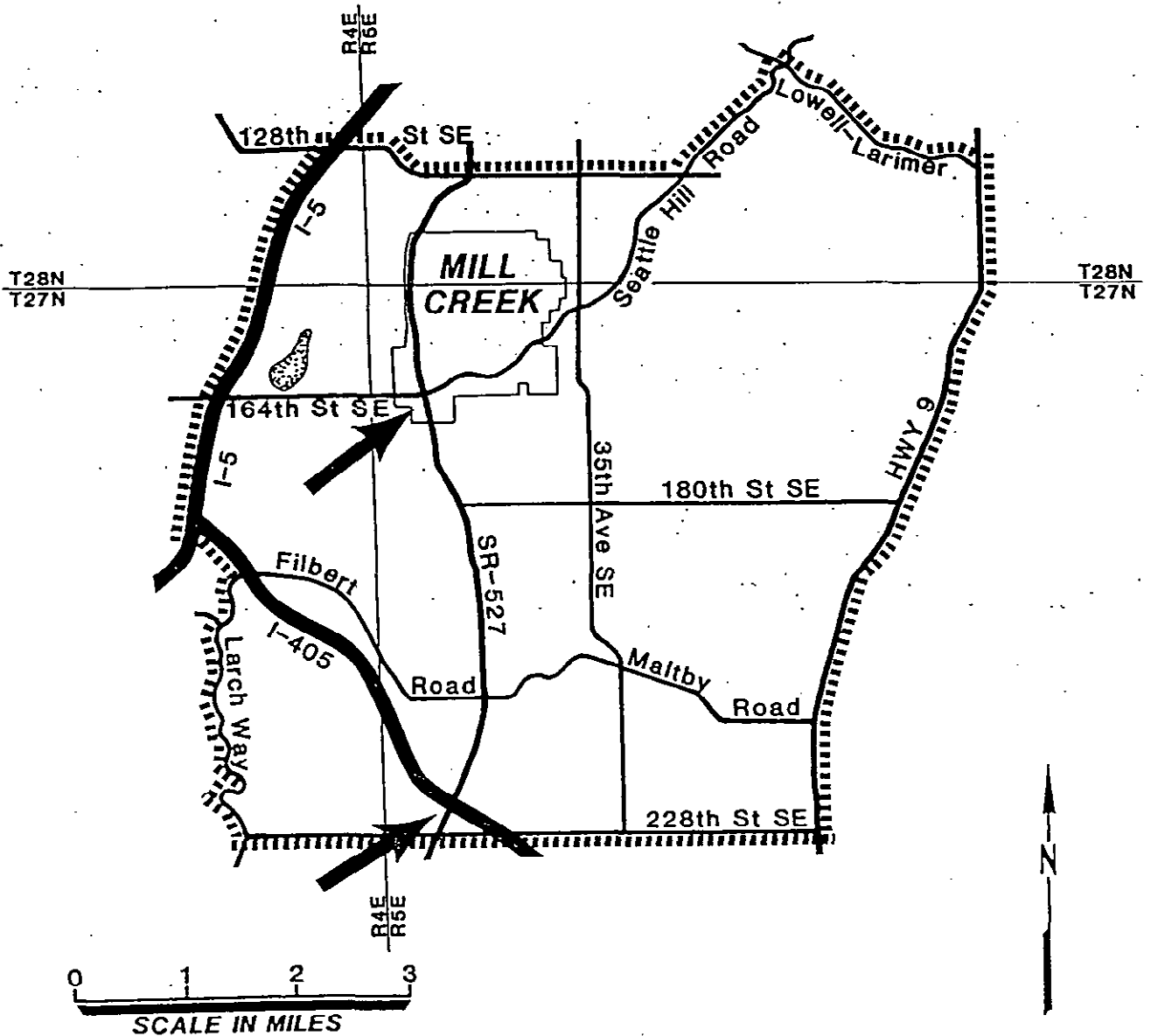
EXHIBIT E

1987 P.M. PEAK HOUR (4:30-5:30 P.M.)
 VOLUMES AT STATE ROUTE 527
 INTERSECTIONS

CROSS STREET	TOTAL VEHICLES THRU INTERSECTION DURING THE P.M. PEAK HOUR	P.M. PEAK HOUR LEVEL OF SERVICE	TRAFFIC CONTROL
164TH Street	2,709	E	Signal
Seattle Hill Road	1,870	D	Stop
180TH Street SE	2,696	D	Signal
186th Street SE	1,709	E	Stop
196th Street SE	1,847	E	Stop
208th Street SE	3,043	D	Signal
220th Street SE	2,908	D	Signal

Level of service is based on average stopped delay for signalized intersections and critical time gap for unsignalized intersections. Analysis methods are from the 1985 Highway Capacity Manual, Transportation Research Board, Washington DC.

EXHIBIT F



STATE ROUTE 527 TRAFFIC SHED

**AREAS CONTRIBUTING TEN PERCENT OR MORE
OF THEIR TRAFFIC TO SR-527 FROM I-405 TO 164th ST**

EXHIBIT "G"



**Washington State
Department of Transportation**

District 1
15325 S.E. 30th Place
Bellevue, Washington 98007-6568
(206) 562-4000

Duane Berentson
Secretary of Transportation

January 10, 1989

RECEIVED

Mr. Willis Tucker
Snohomish County Executive
3rd Floor, County Admin. Bldg.
Everett, WA 98201

BR 9:30a
SNOHOMISH CO. COUNCIL

SR-527 (MP 2.59-6.72)
Developer Mitigation

Dear Mr. Tucker:

Recent discussions between our agencies have brought to our attention the need for a reevaluation of our responses to development proposals that will impact SR 527. Our responses to these proposals have recommended two courses of action: 1) right-of-way donation and frontage improvements, including roadway widening, for developments adjacent to the state highway, or 2) pro rata share payments based on a proportionate share of the cost of our widening projects on SR 527 for developments remote from the highway. An adjacent development could also be required to make a pro rata share payment for an intersection improvement if the development's impact was large enough.

We are currently unable to program Category C projects due to funding shortages. Category C projects are those, such as the widening of SR 527, which add capacity to state highways. While development generated traffic has been increasing in the SR 527 area, it has become unlikely that we will be able to fund any increase in that roadway's capacity in the near future. As a result, the levels of service on sections of SR 527 and at many of the intersections along it have deteriorated causing significant adverse impacts to the travelling public in Snohomish County.


We think it is consistent with our obligation to provide safe and efficient transportation on state highways for us to request that Snohomish County not permit any increase in traffic using SR 527 due to development unless mitigation for that traffic increase is provided. Without mitigation, the continued cumulative impacts to the corridor should be considered significant under SEPA. (See Miller v. Port Angeles, 38 Wn. App. 904, 691 P.2d 229 (1984)). We recommend that the mitigation be in place prior to any development generated traffic using SR 527.

Mr. Willis Tucker
January 10, 1989
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We suggest that developers be encouraged to pool their efforts to mitigate the cumulative traffic impacts of their developments so that a comprehensive program of corridor improvements can be developed. A latecomers' fee program for this area may be in order. We are willing to work with the county and others to reach a satisfactory solution to this problem.

We recognize the impacts of this request; however, we feel our funding situation and our responsibility to state highway users leave us no alternative. We would appreciate your concurrence with this recommendation. Should you desire to discuss this, please contact me at SCAN 638-4020 or Ron Mattila, District Project Development Engineer, at SCAN 638-4090.

Sincerely,


R. E. BOCKSTRUCK, P.E.
District Administrator

PMB:dp
t15.wk2

cc: Duane Berentson, Secretary of Transportation
Mr. William Trimm, City of Mill Creek