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SNOHOMISH COUNTY
EXECUTIVE OFFICE

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WDT. GW. PCK
JAM KLB WBD

COUNTY COUNCIL
Snohomish County, Washington



ORDINANCE NO. 89-164

AMENDING EMERGENCY ORDINANCE NO. 89-003 TO EXTEND FOR
A LIMITED TIME THE TRAFFIC IMPACT MITIGATION POLICY FOR
THE STATE ROUTE 527 CORRIDOR ADOPTED BY SAID ORDINANCE

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 4 years, or are currently awaiting rezone or 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 by the Puget
Sound Council of Governments, based on regional growth
trends and the accessibility of the Corridor from
residential areas and employment centers outside the
Corridor, 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.

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(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) from I-405 to 164th Street SE (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 Washington State Transportation Commission recently acted to raise the ranking of the Department of Transportation's improvement program for the SR-527 Corridor on the state's list of funding priorities to a "High Priority Category C Project". This means that the project is funded for preliminary engineering and design activities and will be constructed when Category C money is made available by the state legislature. The Department of Transportation is acquiring right of way for, and is completing the detailed design portion of Phase I of the project.

(e) Much of the growth in the SR-527 Corridor has required, or will require, a change in existing zoning to conform with the North Creek Area Comprehensive Plan's map designations for the property. However, the North Creek Area Comprehensive Plan, like all comprehensive plans, is a guideline, based on long-range expectations, to be implemented gradually, in conjunction with the provision of necessary public services and utilities, including streets and highways.

(f) The North Creek Area Comprehensive Plan makes certain assumptions regarding transportation improvements in the SR-527 Corridor. See Plan at pp. 17, 19, 21-23, 25-26, 28, and 53-54. These assumptions have not become reality because the planned improvements to the state highway have not been funded.

(g) 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 1988/89, most SR-527 intersections from I-405 to 164th Street SE were operating at a low level of service, either at or below level of service D (Exhibit E). The Washington State Department of Transportation has found that Level of Service E is unacceptable on SR-527.

(h) 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.

(i) SR-527 traffic volumes have shown a steady increase over the last few years. As might be expected, the Washington State Department of Transportation has reported a high rate of accidents for the Corridor, particularly when compared to the state-wide average. One hundred and nineteen accidents occurred in the 2.88 mile section of

SR-527 between 164th Street SE and 208th Street SE during 1987. This translates into an accident rate of 4.3 accidents per million miles traveled, which is about thirty percent higher than the state-wide rate.

(j) 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. Under Title 26B, if a county road reaches the levels of service that presently exist in the SR-527 Corridor, development cannot proceed without funding, or a plan for funding the improvements necessary to raise the levels of service on the road. The county has adopted Master Road Improvement Programs, one of the funding mechanisms allowed under Title 26B, to provide a coordinated response to road deficiencies at the 164th Street SE/SW Corridor, 4th Avenue West/112th Street SE/SW, 228th Street SE/SR-527 (Canyon Park), Smokey Point Boulevard/172nd Street NE and Airport Road. 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.

(k) The section of SR-527 from I-405 to 164th Street SE 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. The boundaries of the traffic shed were determined using the county's traffic forecasting model, EMME/2. At least one out of every ten trips from this area will likely use SR-527 between I-405 and 164th Street SE during the average day.

(l) In January of 1989, the Washington State Department of Transportation sent a letter to the Snohomish County Executive stating that it was without funds to improve SR-527 and requesting that no more development-generated traffic be added to SR-527 until a comprehensive improvement program could be developed, funded, and constructed (Exhibit G).

(m) The Snohomish County Council responded to the Washington State Department of Transportation's letter by adopting Emergency Ordinances No. 89-003 and 89-006 which had the effect of restricting further development-generated traffic in the Corridor for a period of one year. The list of exemptions contained in the SR-527 Traffic Impact Mitigation Policy adopted by Emergency Ordinance No. 89-003 did not include those exemptions that arise by operation of law.

(n) The Washington State Department of Transportation has recently expressed a desire that the restrictions on development imposed by Emergency Ordinances 89-003 and

89-006 be continued if the Department's improvement program for the SR-527 Corridor is not funded in 1989.

(o) The funding options for the Department of Transportation's improvement program for the SR-527 Corridor for the year 1989 have been effectively exhausted. It is unlikely that the state legislature will be called into special session during the last months of the year to consider an increase in the gas tax. However, the Governor has proposed a gas tax increase that will probably be acted on by the legislature during the regular 1990 legislative session. The revenues from the increase are proposed to be split equally between the state and county and city governments.

(p) The Washington State Department of Transportation and the Snohomish County Department of Public Works began work on a Master Road Improvement Program for the SR-527 Corridor shortly after Emergency Ordinances 89-003 and 89-006 were adopted in January of 1989. The Department of Public Works has worked out a framework for such an MRIP. The Department of Transportation provided technical support for work on the MRIP until May of 1989, when the Department's funds for the project were exhausted. The development community has indicated that they cannot fund the entire cost of the Department of Transportation's improvement program for the SR-527 Corridor. Therefore, the Snohomish County Council cannot act to create an MRIP for the Corridor until the state funds a major portion of the costs of the improvements.

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

(a) The North Creek Area Comprehensive Plan continues to project a desirable long-range land use scenario for the SR-527 Corridor. There is a long-term need to balance the area's recently expanded employment opportunities with available housing. Short-term delays in the funding of improvements to SR-527, however, make it necessary to delay full implementation of the North Creek Area Comprehensive Plan in the short run. The Plan text itself, which controls over the map designations, provides for coordinating Plan implementation with the provision of public services.

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

(c) The short- and long-term mitigation and funding measures which must be developed and implemented by the state, the county, and developers have not yet been accomplished. There has been progress in this regard, however, in that the Department of Transportation's improvement program for the SR-527 Corridor has been raised on the Department's priority list for funding to a "High Priority Category C" project, the Department is doing detailed design and right of way acquisition work for the project, the Snohomish County Department of Public Works has worked out a framework for an MRIP for the Corridor, and the Governor has proposed a gas tax increase which would fund

"Category C" projects and will probably be acted on by the state legislature during its next regular session.

(d) The traffic impacts of new development on SR-527 must be reduced immediately, but there are not yet funds available to do so. It is reasonable to expect that they will be made available within the next seven months.

(e) The county has an obligation, in its review of proposed developments under the Snohomish County Environmental Policy Ordinance, SCC Title 23, and the State Environmental Policy Act, RCW 43.21C, to consider the state's position concerning the cumulative impacts of development in the SR-527 Corridor and to continue to implement for a limited time, and in a reasonable and consistent manner, the state's request to prevent increased traffic on SR-527. Therefore, the county must continue the policy adopted in Emergency Ordinances 89-003 and 89-006 for environmental review and mitigation of the traffic impacts of developments which contribute traffic to SR-527 between 164th Street SE and I-405.

(f) Such an adopted policy gives notice to the public that, irrespective of the property's current zoning status or designation on the comprehensive plan map, there exists a significant environmental problem affecting property located in the SR-527 traffic shed. Such notice is preferable to requiring unsuspecting property owners to proceed on a case-by-case basis all the way through the environmental review process before discovering that their projects cannot be approved due to a significant adverse environmental impact, identified by the Washington State Department of

Transportation, that cannot be mitigated by reasonable measures (WAC 197-11-660).

(g) The public would be better served if the SR-527 Traffic Impact Mitigation Policy included a compilation of all exemptions from its requirements, including those that arise by operation of law.

Section 3. Based on the foregoing Findings and Conclusions, the Snohomish County Council hereby amends Emergency Ordinance 89-003, Section 3, adopted January 18, 1989 as amended by Emergency Ordinance 89-006 on January 26, 1989, as follows:

SR-527 TRAFFIC IMPACT MITIGATION POLICY. Snohomish County will review the traffic impacts of development, as defined in SCC Title 26B, located in the SR-527 Corridor between 164th Street SE and I-405, as generally depicted on Exhibit F, for mitigation. Pursuant to SEPA and SCEPO, Title 23 SCC, the county will require mitigation of development traffic impacts on SR-527 in accordance with the Washington State Department of Transportation improvement program for the highway. This means that developments which add ten percent 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 to 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 permit applications for projects which do not meet the definition of "development" contained in SCC 26B.51.020;

~~(1)~~ (2) All building permits which, according to law, vest to SEPA policies and for which a complete application has been submitted prior to the effective date of this ordinance;

(3) All permit applications which are categorically exempt from SEPA, RCW 43.21C, pursuant to WAC 197-11.;

(4) ~~(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

(5) ~~(3)~~ Developments whose traffic study shows that less than ten percent 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 percent or more of their generated traffic to this section of SR-527.

This policy shall remain in effect until ~~January-31~~ July 31, 1990. If the legislature fails to provide by that date funding for the Washington State Department of Transportation's improvement program for the SR-527 Corridor, the county will

consider more permanent measures to address the lack of highway improvements in the SR-527 Corridor. Such measures could include an interim downzone of the property included within the SR-527 traffic shed or an amendment to the North Creek Area Comprehensive Plan map designations for, and an area-wide rezone of the property.

Section 4. Emergency Ordinance No. 89-003, Section 5, adopted January 18, 1989, as amended by Emergency Ordinance 89-006, adopted January 26, 1989, 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 as amended by Emergency Ordinance 89-006 and Ordinance 89-)

PASSED this 18th day of December 1989.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

William H. Brubaker
Chairperson

Approved as to Form:

Gordon V. S. B.
Deputy Prosecuting Attorney

ATTEST:

Sheila McAllister
Clerk of Council, asst.

- APPROVED
- VETOED
- EMERGENCY

DATE: Dec-21, 1989

John Martinis
County Executive
JOHN MARTINIS
Deputy Executive

PUBLISHED _____ and _____

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SUMMARY OF STATUS REPORTS

SR527 CORRIDOR

NUMBER OF COMMERCIAL PROJECTS

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

Total No. of Projects	21
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NUMBER OF DWELLING UNITS IN MULTIPLE FAMILY RESIDENTIAL PROJECTS

Pre-rezone applications	234
Rezone pending	755
Rezone approved	118
Grading permit pending	116
Building permit pending	25
Building permit approved/under construction	402
Built	772

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

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

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	No. 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. Trammel Crow Co.	214	Under construction
12. Greacen Construction	58	Built
13. Polygon	25	Building permit 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	Grading permit pending
18. Mobile Home Park (Ryan)	47	Built
TOTAL NUMBER OF UNITS		2,422

POPULATION LEVELS SR-527 TRAFFIC SHED

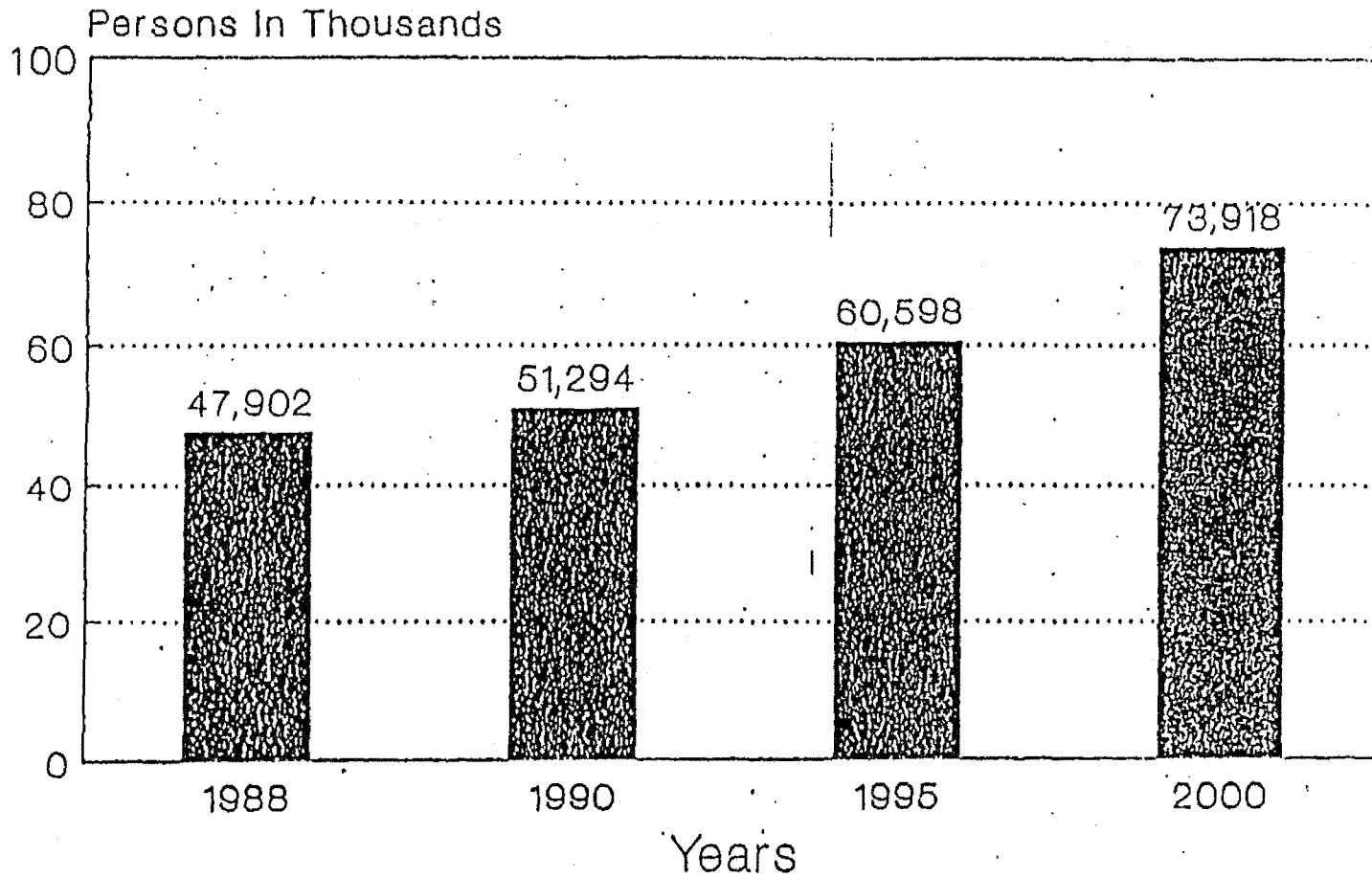


EXHIBIT B

TRANSPORTATION PLANNING GROUP

EMPLOYMENT LEVELS SR-527 TRAFFIC SHED

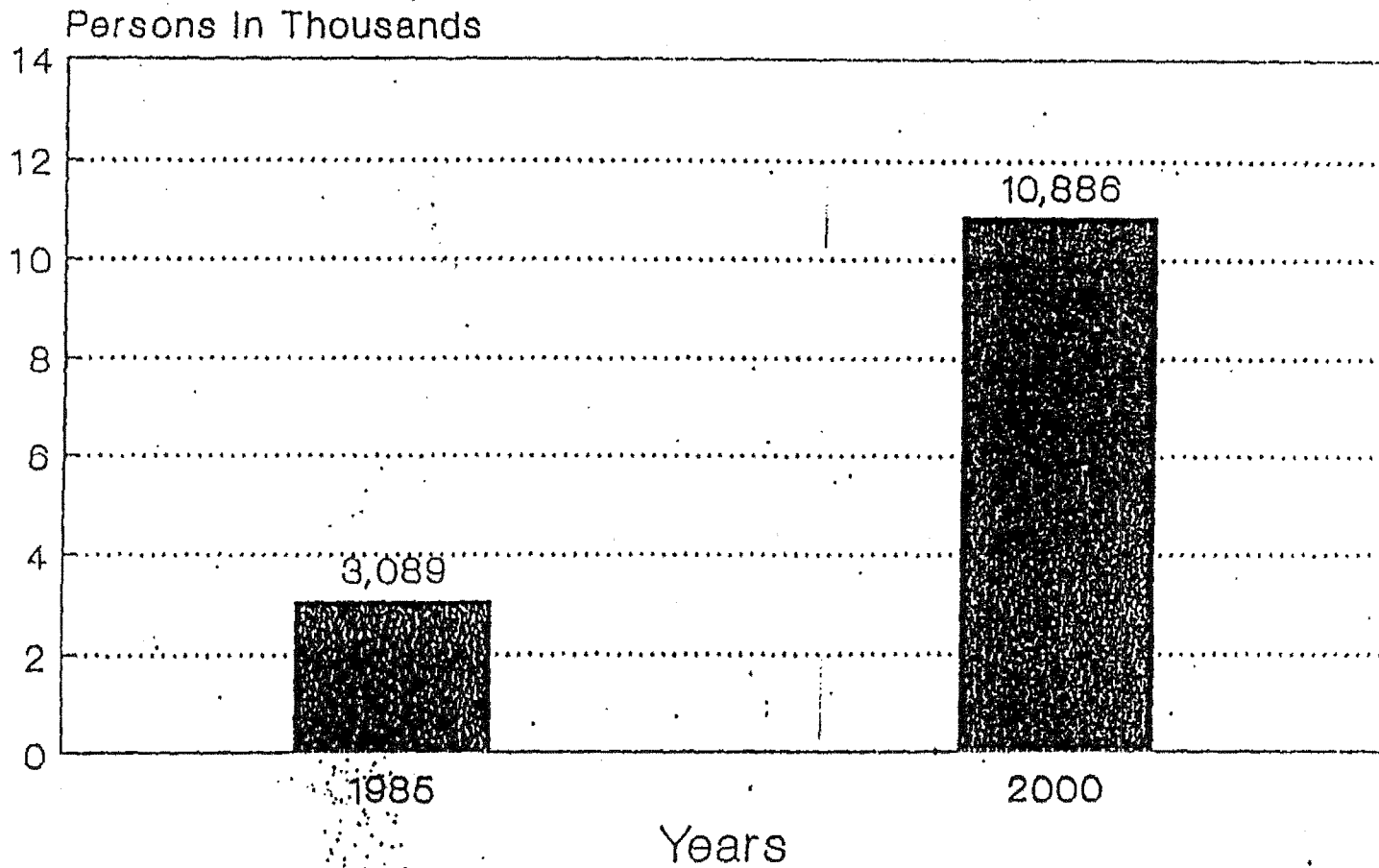
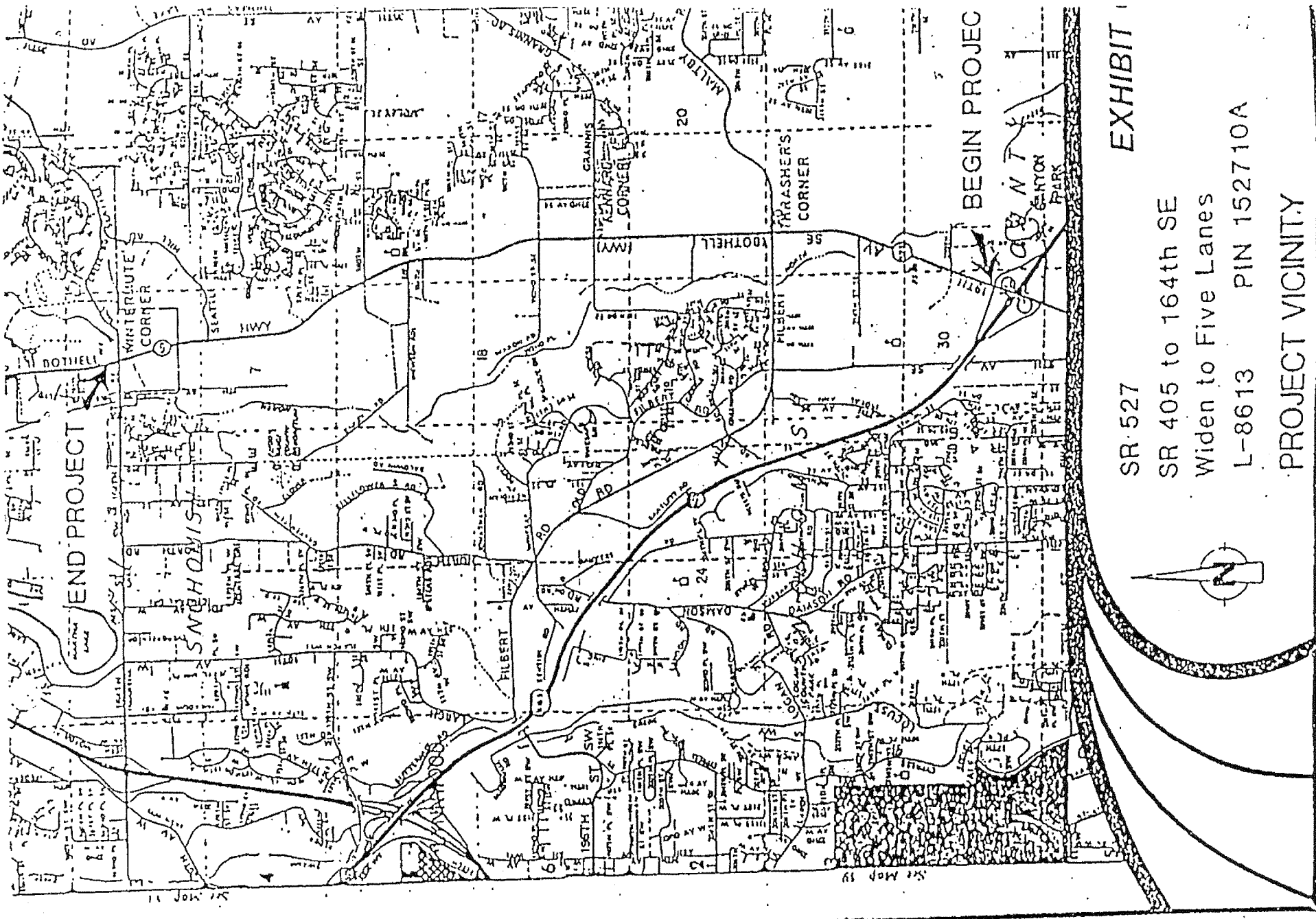


EXHIBIT B

TRANSPORTATION PLANNING GROUP



END PROJECT

HAWTHORN

SR MAP 11

BEGIN PROJEC

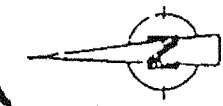


EXHIBIT
 SR 527
 SR 405 to 164th SE
 Widen to Five Lanes
 L-8613 PIN 152710A
 PROJECT VICINITY

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

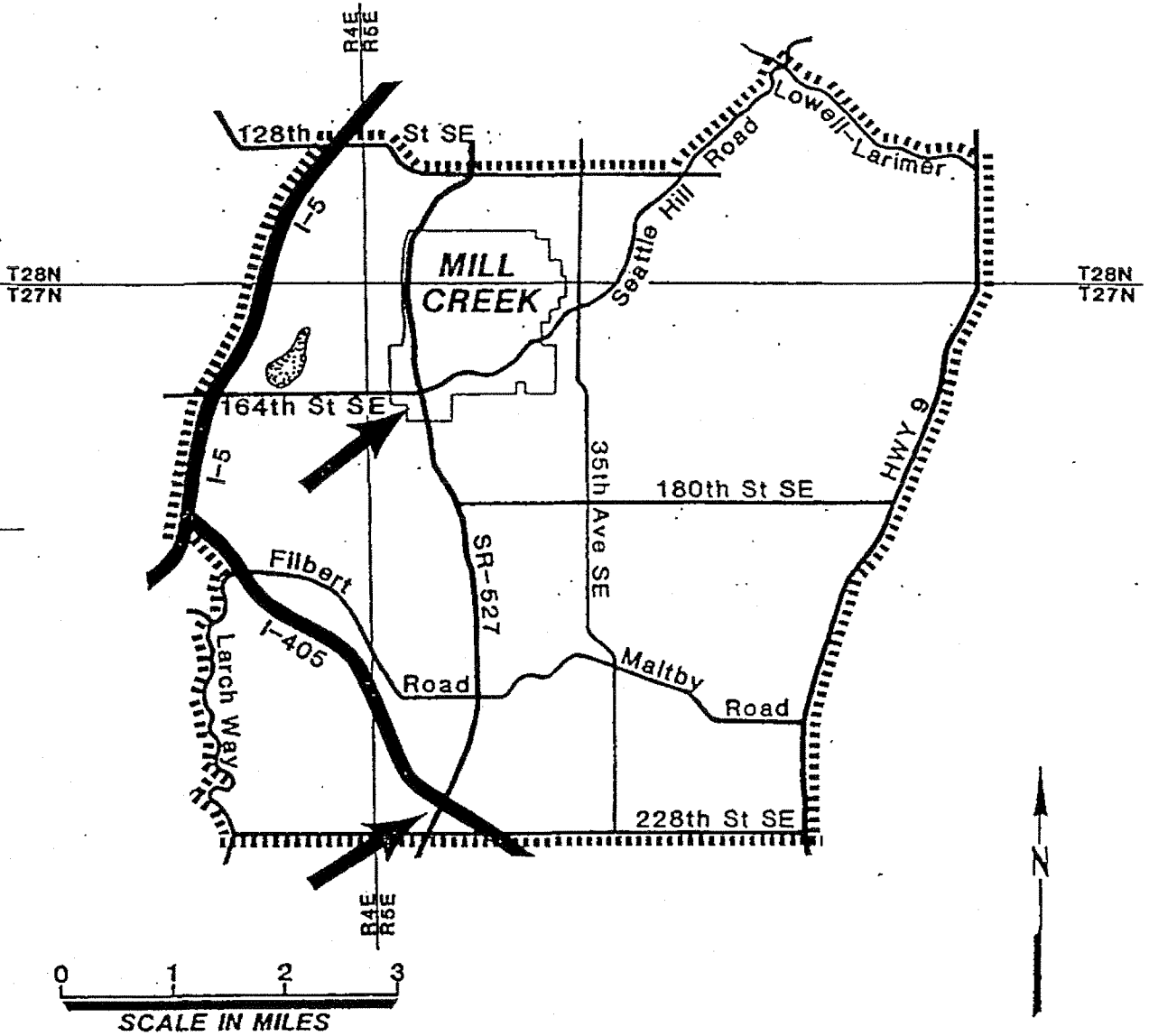
EXHIBIT E

1988/1989 P.M. PEAK HOUR (4:30-5:30 P.M.)
 TRAFFIC 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	YEAR
164TH STREET S.E.	3,249	E	Signal	1989
SEATTLE HILL ROAD	2,165	D	Stop	1989
180TH STREET S.E.	2,600	D	Signal	1989
186TH STREET S.E.	1,577	E	Stop	1989
196TH STREET S.E.	1,798	E	Stop	1989
208TH STREET S.E.	3,366	D	Signal	1988
220TH STREET S.E.	3,106	E	Signal	1988

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 D.C.

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*

*the boundary line is a generalized boundary. It generally illustrates the geographic area of the traffic shed where 10% or more of vehicle trips generated can be expected to use SR-527. The actual extent of the boundary area will depend upon an actual showing of where specific trips go on a project by project basis through specific traffic studies.

EXHIBIT G

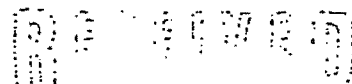


Washington State
Department of Transportation

District 1
15325 S.E. 20th Place
Bellevue, Washington 98007-6568
(206) 562-4000

Duane Correntson
Secretary of Transportation

January 10, 1989



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

Bh 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