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COUNTY COUNCIL
Snohomish County, Washington
AMENDED ORDINANCE NO. 90-186



CO00026113

RELATING TO THE IMPACTS OF LAND USE
DEVELOPMENTS UPON PUBLIC ROADS

Section 1. The following sections of the Snohomish County Code (SCC) as adopted in Ordinance 80-007 (part) on May 5, 1980, and by Ordinance 82-029 on April 26, 1982 are repealed:

Ch. 26B.11, including SCC 26B.11.010 through 26B.11.110

SCC 26B.51.010 and 26B.51.060.

Ch. 26B.52, including SCC 26B.52.010 through 26B.52.030.

SCC 26B.53.030.

Ch. 26B.54, including SCC 26B.54.010 through 26B.54.030.

SCC 26B.55, including SCC 26B.55.010 through 26B.55.100.

SCC 26B.56, including SCC 26B.56.010.

SCC 26B.58.010.

Section 2. Snohomish County Code section 26B.50.010, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.50.010 Findings. It is hereby found that the acquisition, construction, and improvement of roads to serve new developments in Snohomish county is a major burden upon county government; that the county is experiencing a rapid, large-scale increase in intensity of land use and in population growth; that rapid growth creates large "front-end" demands for county services, including roads, and causes increased road usage; that existing and projected County funds are not adequate to meet the public's projected road needs; that failure to insure that road improvements are made as traffic increases causes severe safety problems, impedes commerce and interferes with the comfort and repose of the public; and that the ((regulations contained in)) provisions of this title ((chapter through 26B-58)) are necessary to preserve the legislature's intent that the county, in the exercise of reasonable discretion, retain ultimate responsibility for its financial integrity.

It is further found that the county has the power under existing law to condition development ((upon the establishment of improvements to road systems impacted by such)) and require road improvements as reasonably necessary as the result of the direct traffic impact of a proposed development, ((but)) and that it is appropriate and desir-

able to set out in ((by)) this title ((chapter through 26B-50 see)) what will be required of developments, and to establish hereby a uniform method of treatment for like classes of development impact on road systems.

It is further found and declared that the regulations contained in this title ((chapter through 26B-50 see)) are necessary for the protection and preservation of the public health, safety and general welfare.

Section 3. Snohomish County Code section 26B.50.020, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.50.020 Declaration of purpose. ((It is hereby declared to be)) ((t)) The purpose of this title ((chapter through 26B-50 see)) is to ensure that public health, safety and welfare will be preserved by having adequate roads ((to)) servng new and existing developments by requiring all ((land)) development ((projects)) as defined in SCC 26B.51.040 in unincorporated Snohomish C((e))ounty, ((including but not limited to subdivisions, short subdivisions, large lot subdivisions, multiple residential structures, planned residential developments, campgrounds, industrial parks, planned community businesses, planned neighborhood shopping centers, mobile home parks, and industrial or commercial buildings)) to ((pay for)) mitigate traffic impacts which may include contributing a proportionate share of the cost of or constructing road improvements ((due to such land)) reasonably necessary as a result of the direct traffic impact of proposed developments.

((This chapter through 26B--50)) Title 26B SCC ((are)) is intended to ensure that county policy is fairly and consistently applied to all developments ((in)) for the provision of safe and adequate access and the allocation of responsibility for immediate or future road improvements necessitated by these and other developments.

The requirements of this title apply to all developments and road systems meeting the definitions of SCC 26B.51.040 and 26B.51.100. Mitigation of impacts on city streets or other counties' roads will be required under this title when; 1) the other affected jurisdiction has reviewed the development's impact under its adopted mitigation policy and recommended to Snohomish County that there be a requirement to mitigate the impact, 2) Snohomish County has adopted by reference the other affected jurisdiction's mitigation policy as a basis for the county's exercise of authority pursuant to Title 23 SCC, and 3) there is an interlocal agreement between Snohomish County and the appropriate jurisdiction referenced in SCC 23.36.030(3) specifically addressing such traffic impact identification and mitigation.

This title requires the analysis and mitigation of a development's direct traffic impact on the county road system. In order to quantify the continuing need for road improvements on the county road system anticipated by the projected growth through 2020, the public works department is authorized to develop and annually update a Road Needs

Report. The report and its annual updates shall be adopted by motion of the Snohomish County Council. The Road Needs Report shall be used in evaluating the traffic impact of developments and determining necessary mitigation of such impacts.

New Section. Section 4. A new section 26B.51.005 is added to chapter 26B.51 of the Snohomish County Code:

26B.51.005 Approving authority. "Approving authority" means the county employee, agency, or official having authority to issue the approval or permit for the development involved.

Section 5. Snohomish County Code section 26B.51.040, last amended by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((040)) 010 Dedication. "Dedication" means conveyance of land to the county for road purposes by deed ((7 by clause)) or ((~~covenant of~~)) some other instrument of conveyance ((7)) or by dedication on a duly filed and recorded plat or short plat.

New Section. Section 6. A new section is added to Snohomish County Code chapter 26B.51 as follows:

26B.51.020 Department. "Department" means the Snohomish County Department of Public Works.

Section 7. Snohomish County Code section 26B.51.030, last amended by Ordinance 86-035 on April 16, 1986, is amended to read:

26B.51.030 Developer. "Developer" means the person applying for or receiving a permit or approval for a development as defined ((above)) in SCC 26B.51.((020)) 040.

Section 8. Snohomish County Code section 26B.51.020, last amended by Ordinance 87-034 on June 10, 1987, is amended to read:

26B.51.((020)) 040 Development. "Development" means all subdivisions, short subdivisions ((as defined herein 7 large lot subdivisions under county authority 7 multiple residential structures, planned residential developments, planned community businesses, planned neighborhood shopping centers, business parks, industrial parks, campgrounds 7 mobile home parks,)) industrial or commercial building((s)) permits ((requiring land use approvals)), conditional or special use permits, or building permits (((except)) including building permits((of)) for ((single-family residences and duplexes)) multifamily and duplex residential structures, and all similar uses in unincorporated Snohomish County, and other similar projects requiring land use permits or approval by Snohomish County, except single family residential building permits on existing tax lots.

New Section. Section 9. A new section 26B.51.050 is added to Chapter 26B.51 of the Snohomish County Code:

26B.51.050 Direct traffic impact. "Direct traffic impact" means any new vehicular trip added by new development to its road system, as defined in 26B.51.100.

Section 10. Snohomish County Code section 26B.51.050, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((050)) 060 Director. "Director" means the director of Snohomish County Department of Public Works or an authorized designee.

New Section. Section 11. A new section 26B.51.070 is added to Chapter 26B.51 of the Snohomish County Code:

26B.51.070 Frontage improvements. "Frontage improvements" means improvements to roadways abutting a development and tapers thereto required as a result of a development. Generally, frontage improvements in the urban area shall consist of appropriate base materials, curb, gutter, sidewalk, storm drainage improvements, and one lane of paved roadway section (up to twelve feet) from the edge of the gutter. Frontage improvements in the rural area shall consist of appropriate base materials, one lane of paved roadway section (up to twelve feet), up to an eight foot paved shoulder and required storm drainage improvements. The required improvement must be constructed in accordance with county design standards and specifications, as defined in Ch. 13.05 SCC and must correct vertical and/or horizontal alignments, if applicable.

New Section. Section 12. A new section 26B.51.075 is added to Chapter 26B.51 of the Snohomish County Code:

26B.51.075 Highway Capacity Manual. "Highway Capacity Manual" means the HIGHWAY CAPACITY MANUAL, Special Report 209, Transportation Research Board, National Research Council, 1985, 2101 Constitution Avenue, Washington, D.C., amendments thereto, and any supplemental editions or documents published by the Transportation Research Board adopted by the U.S. Department of Transportation, Federal Highway Administration.

New Section. Section 13. A new section 26B.51.080 is added to Chapter 26B.51 of the Snohomish County Code:

26B.51.080 Inadequate road condition. "Inadequate road condition" means any road condition, whether existing on the road system or created by a new development's access, which jeopardizes the safety of road users, including non-automotive users, due to substandard sight distance, substandard geometric alignment, substandard roadway prism or insufficient traffic control as determined by applicable county design standards and specifications as defined in Ch. 13.05 SCC.

New Section. Section 14. A new section 26B.51.085 is added to chapter 26B.51 of the Snohomish County Code:

26B.51.085 Level-of-service. "Level of service" means a qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers. The Highway Capacity Manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations, from A to F, with level of service A representing the best operating condition and level-of-service F the worst. For the purposes of this title, level-of-service will be measured only at arterial/arterial intersections.

Section 15. Snohomish County Code section 26B.51.070, last amended by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((070))090 Offsite ((R)) road improvement. ((A))
"Offsite road improvement" ((is)) means any improvement, except a frontage improvement, to an existing or proposed county road outside the boundaries of a development which improvement is required or recommended in accordance with ((chapters 26B-50 through 26B-50 see)) this title.

Section 16. Snohomish County Code section 26B.51.080, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((080))100 Road system. "Road system" means those existing or proposed public roads (({if any} which are located in the development site and/or between the development site and the nearest state highway or highways projected to be utilized by ten percent or more of the traffic generated by the development)) whether state, county or city (including freeway interchanges with county roads or city streets and the ramps for those interchanges but excluding freeway mainlines), within a Transportation Service Area, as defined by the annually adopted Snohomish County Road Needs Report, in which a development is located.

New Section. Section 17. A new section 26B.51.110 is added to Chapter 26B.51 of the Snohomish County Code:

26B.51.110 Public agency. "Public agency" means any school district, public water, sewer or utility district; fire district; airport district; port authority; or local government agency seeking a land use permit or approval reviewed under this title.

Section 18. Snohomish County Code section 26B.51.090, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((090))120 Short subdivision. ((For purposes of))
this title ((chapters 26B-50 through 26B-50 see , a s))"Short subdivision" ((is)) means any division of land ((into three or four lots, parcels, tracts, sites, or divisions for the purpose of sale, lease or development, pursuant to)) in accordance with Title 20 SCC.

((Where a an approved two-lot short subdivision is approved after enactment of chapters 26B-50 through 26B-50 SCC and one of the lots is resubdivided within five years after approval of the first short subdivision as provided for in Title 20 SCC, such subdivision shall constitute a development for purposes of this title chapter 26B-50 through 26B-50 SCC . In computing impact and required improvements, the scope of the development shall include both the resubdivision and the original short subdivision.))

Section 19. Snohomish County Code section 26B.51.100, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((100))130 Subdivision. "Subdivision" means a piece of land divided or intended to be divided into lots or parcels in accordance with Title 19 SCC.

Section 20. Snohomish County Code section 26B.51.110, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.51.((110))140 Unit. A "unit" is a dwelling unit as defined in SCC 18.90.310.

New Section. Section 21. A new section 26B.51.150 is added to Chapter 26B.51 of the Snohomish County Code:

26B.51.150 Urban area. "Urban area" means those areas which are designated by the county's various comprehensive area plans as Suburban or other residential plan designations which allow higher land use densities together with any areas designated commercial or industrial within or adjacent to urban areas.

26B.52.040 Development mitigation obligations. Any application for approval of or a permit for a development shall be reviewed to determine for the following reasonable mitigation obligations for direct traffic impact:

- (1) Mitigation of impact on road system capacity
- (2) Mitigation of impact on specific level-of-service D, E & F locations
- (3) Mitigation of impact on specific inadequate road condition locations
- (4) Construction of frontage improvements
- (5) Dedication or deeding of right-of-way

Offsite improvements include construction of improvements to mitigate the development's impact on road system capacity, specific level-of-service D, E & F locations and/or specific inadequate road condition locations. The total amount of offsite improvement cost for which a development is responsible is limited to the development's proportionate share amount for mitigation of impact on the road system capacity. If a development chooses to construct improvements to mitigate a level-of-service D, E or F problem or inadequate road condition problem, the cost of these improvements will be credited against the proportionate share amount for mitigation of impact on road system capacity. A developer who volunteers to pay and/or construct more than their share of the cost of road system capacity mitigation may apply for a reimbursement contract under the provisions of SCC 13.95.

26B.52.050 Road system capacity requirements. The direct traffic impact of any development on the capacity of all arterials and non-arterials in the road system identified as needing future capacity improvements in the currently adopted Road Needs Report will be mitigated either by constructing road improvements which offset the traffic impact of the development or by paying the development's share of the cost of the future capacity improvements.

Any comprehensive plan amendment proposed in conjunction with a development proposal will include in its environmental impact analysis the change brought on by the amendment in capacity needs of the roads impacted by three or more peak hour trips generated by the development irrespective of the boundaries of the Transportation Service Area wherein the plan amendment is located. Any increases in the capacity needs of the roads analyzed will be deemed as impact caused by the plan amendment and will be mitigated as a requirement of development approvals if the plan amendment is allowed.

26B.52.060 Level-of-service requirements. Mitigation of impacts on level of service D, E or F conditions is required. If such conditions are found to be existing in the development's road system at the time of development application review, and the development will put three or more peak hour trips through the identified locations, at the time of full occupancy of the development, the development will only be approved if provisions are made in accordance with chapter 26B.55 of this title for improving the level-of-service deficiencies.

26B.52.070 Inadequate road conditions. Mitigation of impacts on inadequate road conditions is required. If such conditions are found to be existing in the development's road system at the time of development application review, and the development will put three or more peak hour trips through the identified locations, at the time of full occupancy of the development, the development will only be approved if provisions are made in accordance with chapter 26B.55 of this title for improving the inadequate road conditions.

26B.52.080 Frontage improvements. All developments will be required to make frontage improvements on the parcel's frontage along any opened, constructed, maintained public road. The improvement standard will be established by the director as outlined in the department's policy and procedure on frontage improvements.

26B.52.090 Right-of-way requirements. All developments will be required to deed or dedicate property, as appropriate pursuant to section 26B.55.060 of this title, to the county for road purposes as a condition of approval, when to do so is found to be necessary by the director or a county hearing body, for improvement, use or maintenance of the road system serving the proposed development to mitigate an impact which is the direct consequence of the proposed development. Amounts of right-of-way needed are established in section 26B.55.060 of this title.

26B.52.100 Extent of improvements.

(1) The extent of offsite road improvement and frontage improvement needed to mitigate the development's direct traffic impact will be established by the director where improvements are required by this title. The developer may be responsible for preparing any aspect of engineering design or investigation necessary to establish the extent of improvements where the director does not have such design or investigation programmed or under way in a time frame consistent with the development's time frame. The traffic study performed under chapter 26B.53 SCC shall contain any investigation of the extent of improvements as deemed necessary by the director.

(2) Design of improvements shall be based on the road standard adopted by the director for the particular road being improved. Where an interim or partial improvement is implemented through chapter 26B.55 SCC, the improvement design shall be compatible with the adopted standard.

(3) In determining improvements required, the director will consider, with other relevant factors, the following:

- (a) Extent of the development proposed;
- (b) Priority of rankings of involved county roads in the county's six-year Transportation Improvement Plan;
- (c) Condition of existing transportation facilities in comparison to adopted standards;
- (d) Existing and projected land uses and development densities;

of the adopted administrative policies and procedures shall be final.

26B.52.140 Transportation impact mitigation programs. In the event that transportation impact fee programs are adopted by the county council under the authorization and requirements of chapter 39.92 RCW or under RCW 82.02.050 through 82.02.090, mitigation of all traffic and transportation impacts within the service areas defined by those programs will be required under those programs and not under Title 26B SCC. Transportation Benefit Districts (TBD) formed under chapter 36.73 RCW will supersede the requirements of Title 26B SCC where the ordinance forming the district specifically determines and states that the improvements made by the district mitigate the traffic impact of new development on the portion of the road system to be improved by the TBD. Transportation impacts on the remainder of the development's road system beyond the roads covered by any special district will be mitigated under the requirements of this title.

26B.52.150 Pre-submittal conference. All developers, except those submitting applications for a duplex residential permit on a single lot, or for a two lot short subdivision, or for any other development which will generate only one or two peak hour vehicle trips, are required to hold a conference with the director before submitting the development application. The pre-submittal conference is required in order to review the traffic related aspects of the development proposal and determine if a traffic study of any magnitude is needed and to ensure that the application is submitted with adequate information for the review process.

The determinations made by the director at the pre-submittal conference shall be shown on a scoping sheet which will be signed by the director and the applicant or their representatives. Information on the operating conditions of the road system given to the developer at the pre-submittal conference shall remain valid for ninety days after the scoping sheet is signed. A valid scoping sheet must accompany any land use application for a development generating three or more peak hour trips.

Section 23. Snohomish County Code section 26B.53.010, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.53.010 When required. In order to provide sufficient information to assess a development's impact on the ((transportation systems and level of traffic service, the director or following hearing, the hearing examiner, planning commission, county legislative authority, or other county hearing body, may require a traffic study. This decision will be based upon the size of the development proposal, availability of previous studies in the same area, existing roadway condition, traffic volumes, accident history, expressed community concern and other factors relating to transportation.)) road system, developments adding three or more peak hour trips will be required to provide a traffic study when it has been determined at the pre-submittal conference that there is not sufficient information existing in the department's database to adequately assess the traffic

impacts of the development. The traffic study will consist of at least a traffic distribution analysis but may need to be as extensive as analyzing all locations on the road system wherever three or more peak hour trips from the development are added. A traffic study may also be required of a developer in conjunction with the provisions of 26B.55.040 in order to analyze a potential inadequate road condition.

A developer shall provide a traffic study for developments which add three or more peak hour trips when there is, in the opinion of the director at the time of the pre-submittal conference, or at the request of a county hearing body under SCC 26B.55.040 relative to inadequate road conditions, a need for additional information on:

- level of service
- a development's traffic distribution
- a possible inadequate road condition
- adequacy of the proportionate share calculations under the currently adopted Road Needs Report in representing reasonable and/or adequate mitigation for that particular development
- a suspected traffic impact to see if mitigation beyond that provided through the proportionate share mitigation payment system is warranted

If, in the opinion of the director, there is sufficient information known about a development's road system from previous traffic studies, the director may waive the requirement for a traffic study and so state the finding in the pre-submittal conference scoping sheet signed by the director and the developer. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

New Section 24. A new section 26B.53.030 is added to chapter 26B.53 of the Snohomish County Code:

26B.53.030 Department policy on conducting traffic studies. Any traffic study performed in compliance with this title, shall be conducted as outlined in the department's policy and procedure on traffic studies. The policy and procedure on traffic studies shall address at least the following topics: scope, format, required elements, regional traffic studies, and processing and review in accordance with sound transportation engineering and planning principles. The director shall determine at the pre-submittal conference the need for a study and the scope of analysis of any needed study.

New Section. Section 25. A new section 26B.53.040 is added to chapter 26B.53 of the Snohomish County Code:

26B.53.040 Review of traffic study. The director shall review any required traffic study for accuracy and proper methodology and may use the study's conclusions in arriving at the department's recommendation under SCC 26B.55.010.

New section. Section 26. A new section 26B.53.050 is added to chap-

provide the County with a security in conformance with a right-of-way permit issued pursuant to Title 13 SCC.

(b) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(c) Any developer who volunteers to construct more than the development's share of the cost of offsite improvements may apply for a reimbursement contract under the provisions of chapter 13.95 SCC.

(3) Payment option - requirements

(a) If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the development's share of the cost of future capacity improvements will be equal to the development's average daily traffic (ADT) times the per trip amount for the specific Transportation Service Area as identified in the annually updated Snohomish County Road Needs Report.

(b) If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the payment is required prior to building permit issuance unless the development is a subdivision or short-subdivision, wherein the payment is required prior to the recording of the subdivision or short-subdivision.

(c) Any developer who volunteers to pay more than the development's share of the cost of offsite improvements may apply for a reimbursement contract under the provisions of chapter 13.95 SCC.

26B.55.030 Level-of-service requirements.

(1) Urban area

(a) If a development adds three or more peak hour trips and is served by a road system which includes any roads which are within the urban area, the development is subject to the following obligations for arterial/arterial intersections within the urban area which have level-of-service deficiencies at the time of determination, in accordance with 26B.55.010 SCC:

(i) Levels-of-service A, B and C: No obligations relative to level-of-service deficiencies.

(ii) Levels-of-service D and E: Provide TDM measures in accordance with 26B.55.130 SCC.

(iii) Level-of-service F (non-ultimate-standard intersections except as provided in 26B.55.090): Building permits will only be issued when the subject intersection(s) is/are improved or under contract for improvement so that the subject intersection(s) will operate at level-of-service E or better at the projected time of occupancy or fi-

nal inspection of the development.

(iv) Level-of-service F (ultimate-standard intersections except as provided in 26B.55.090): If a development adds three or more peak hour trips through an arterial/arterial intersection operating at level-of-service F in accordance with this section, yet the intersection has previously been improved to ultimate standards, the development must provide TDM measures in accordance with 26B.55.130 SCC, but will be allowed to proceed with no further obligations due to the level-of-service deficiency at the subject intersection.

(b) If a developer believes that the development does not add three or more peak hour trips through any arterial/arterial intersection operating at levels-of-service D, E or F, the developer may submit a traffic distribution analysis in accordance with Section 26B.53 SCC to prove the developer's belief. If the traffic distribution analysis shows that the development does not place three or more peak hour trips through any arterial/arterial intersection(s) operating at levels-of-service D, E or F, the development will be allowed to proceed with no further obligations due to level-of-service deficiencies in the urban area.

(2) Rural area

(a) If a development adds three or more peak hour trips and is served by a road system which includes any roads which are within the rural area, the development is subject to the following obligations for arterial/arterial intersections within the rural area which have level-of-service deficiencies at the time of determination, in accordance with 26B.55.010 SCC:

(i) Levels-of-service A, B and C: No obligations relative to level-of-service deficiencies.

(ii) Levels-of-service D, E and F (non-ultimate-standard intersections except as provided in 26B.55.090): Building permits will only be issued when the subject intersection(s) is/are improved or under contract for improvement so that the intersection(s) will operate at level-of-service C or better at the projected time of occupancy or final inspection of the development.

(iii) Levels-of-service D, E and F (ultimate-standard intersections except as provided in 26B.55.090): If a development adds three or more peak hour trips through an arterial/arterial intersection operating at level-of-service D, E or F in accordance with this section, yet the intersection has previously been improved to ultimate standards, the development must provide TDM measures in accordance with 26B.55.130 SCC, but will be allowed to proceed with no further obligations due to the level-of-service deficiency at the subject intersection.

(b) If a developer believes that the development does not add three or more peak hour trips through any arterial/arterial intersec-

tion(s) operating at levels-of-service D, E or F, the developer may submit a traffic distribution analysis in accordance with chapter 26B.53 SCC to prove the developer's belief. If the traffic distribution analysis shows that the development does not add three or more peak hour trips through any arterial/arterial intersection(s) operating at levels-of-service D, E or F, the development will be allowed to proceed with no further obligations due to level-of-service deficiencies in the rural area.

(3) Construction option - requirements

(a) If a developer chooses to correct a level-of-service deficiency by constructing offsite road improvements, the developer must investigate the deficiency, identify improvements, and offer a construction plan to the director for construction of the improvements. Upon approval of the construction plan, the developer must provide the County with a security in conformance with a right-of-way permit issued pursuant to Title 13 SCC.

(i) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(ii) Any developer who volunteers to construct more than the development's share of the cost of offsite improvements may apply for a reimbursement contract under the provisions of chapter 13.95 SCC.

26B.55.040 Inadequate road condition requirements.

(1) Regardless of the existing level-of-service, development which adds three or more peak hour trips to an inadequate road condition on the road system, at the time of determination in accordance with 26B.55.010 SCC, will only be approved for occupancy or final inspection when provisions are made in accordance with this chapter for elimination of the inadequate road condition. The improvements removing the inadequate road condition must be complete or under contract before a building permit on the development will be issued and the road improvement must be complete before any certificate of occupancy or final inspection will be issued.

(2) The director shall determine whether or not a location constitutes an inadequate road condition. If a location uninvestigated by the department is brought to the attention of the hearing body at public hearing as a potential inadequate road condition, the hearing body shall determine if investigation is warranted and if so, the hearing body shall not conclude the case hearing until the location has been investigated and a determination of its status made by the director.

(3) A development's access onto a public road shall be designed so as not to create an inadequate road condition. Developments shall be designed so that inadequate road conditions are not created.

(4) If a developer believes that the development does not add three or more peak hour trips through any inadequate road condition location on the road system, the developer may submit a traffic distribution analysis in accordance with Section 26B.53 SCC to prove the developer's belief. If the traffic distribution analysis shows that the development does not add three or more peak hour trips through the inadequate road condition location in question, the development will be allowed to proceed with no further obligations to eliminate the subject inadequate road condition.

(5) Construction option - requirements

(a) If a developer chooses to eliminate an inadequate road condition by constructing offsite road improvements, the developer must investigate the inadequate road condition, identify improvements, and offer a construction plan to the director for construction of the improvements. Upon approval of the construction plan, the developer must provide the County with a security in conformance with a right-of-way permit issued pursuant to Title 13 SCC.

(b) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(c) Any developer who volunteers to construct more than the development's share of the cost of offsite improvements may apply for a reimbursement contract under the provisions of chapter 13.95 SCC.

26B.55.050 Frontage improvement requirements. All developments will be required to make frontage improvements on the parcel's frontage along any opened, constructed, maintained public road. The improvement standard will be established by the director as outlined in the department's policy and procedure on frontage improvements.

26B.55.060 Right-of-way requirements.

(1) Developers shall be required to dedicate right-of-way to the county for road purposes as a condition of approval of a development, when to do so is found to be reasonably necessary by the director or a county hearing body, to mitigate an impact which is a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

(a) In cases where the dedication of additional right-of-way can not be reasonably required as a mitigation of direct impact but any right-of-way abutting the development does not have the proper width from centerline as indicated in subsection (2) below, the developer shall reserve the area needed for right-of-way for future deeding to the county. Building setback and all other zoning

code requirements will be established with respect to the reservation line rather than the deeded or dedicated right-of-way line. The area reserved for right-of-way will be purchased by the county through a county road project.

(2) Right-of-way dedications shall be made to provide sufficient right-of-way widths to accommodate road improvement needs. The minimum right-of-way widths based on road classification are:

Local Service Streets	50 feet
Local Access Streets	60 feet
Neighborhood Collectors	60 feet
Collector Arterials-Urban Area	70 feet
Minor Collector - Rural Area	70 feet
Minor Arterials-Urban Area	80 feet
Major Collector - Rural Area	80 feet
Principal Arterials-Urban Area	100 feet
Principal or minor arterial-Rural Area	100 feet

(3) Wider or narrower right-of-way widths than the minimums established above may be required as determined by the director. The determination shall be based on the following factors:

(a) Contents of the transportation elements of the current adopted comprehensive plan;

(b) An adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation.

(c) Nature of the roadway and road involved, including width, slopes, cuts, fills, and vertical and horizontal curvature, the development and the land upon which it is situated; access existing or to be provided thereto; traffic and design standards applicable thereto; and

(d) Any other factors affecting the health, safety, property, and general welfare of the public, including users of the roads and the development.

If it can be demonstrated that the long range traffic conditions can be accommodated within a cross-section requiring less right-of-way than the minimum widths established above, a reduction to the following right-of-way widths can be approved by the director:

Collector Arterials	60 feet
Minor Arterials	70 feet
Principal Arterials	80 feet

26B.55.070 State highways. When a development's road system includes a state highway:

(1) Mitigation requirements for impacts on state highways and at intersections of county roads with state highways will be established by the Washington State Department of Transportation (WSDOT) rather than by the provisions of 26B.52 and 26B.55.010 - 26B.55.060 SCC. The requirements will be imposed by the county as a condition of approval of the development.

(2) The director will submit to the WSDOT the traffic study and any other information relating to the direct traffic impact of the development, and request a review under the WSDOT's mitigation policy.

(3) The director will submit the WSDOT determined mitigation measures to the approving authority and the approving authority will impose such mitigation measures as a condition of approval of the development. A tri-party agreement between the developer, the county, and the WSDOT addressing the mitigation measures must be executed prior to the issuance of a building permit or the recordation of a subdivision, or short subdivision, whichever is appropriate.

(4) A development which takes access solely from a state highway will be required to meet the WSDOT requirements for additional right-of-way and frontage improvements, traffic control at the site entrance, and mitigation of offsite direct traffic impacts on the state highway as deemed necessary by the WSDOT. Such development must also comply with this title with respect to county roads in its road system.

26B.55.080 Other streets and roads. When a development's road system includes city streets or other counties' roads:

(1) The director shall forward to the appropriate representative of any city, town or other county, for review under its mitigation policy, the traffic study or any other information on traffic impact for any developments whose road system includes such city's, town's or other county's roads. Such city, town or other county may determine the threshold at which a developer must mitigate direct traffic impact and what mitigation measures are needed on such streets or roads and assign all or part of such mitigation to the developer.

(2) The director will submit the city's, towns's or other county's recommended mitigating measures to the approving authority, and the approving authority will impose such measures as a condition of approval of the development in conformance with the terms of the interlocal agreement listed in SCC 23.36.030(3) between the county and the other agency.

26B.55.090 Special circumstances. Where the only solution to a level-of-service F or below problem in the urban area or D or below problem in the rural area is the installation of a traffic signal, but signalization warrants contained in the current edition of the Manual on Uniform Traffic Control Devices are not met at present, the development will be allowed to proceed without correction of the subject level-of-service problem, although the development will still be subject to all other obligations as specified in this title.

26B.55.100 Authority of the Community Development Department and the Planning Department.

(1) The director of the Community Development Department shall have discretion under this title to refuse to issue a building permit; or, shall condition issuance of a building permit and/or any certificate of occupancy or final inspection approval for a development upon compliance of conditions imposed by the director or other county authority. The director of the Community Development Department in so acting shall proceed in conformity with this title.

(2) The director of the Planning Department shall have discretion under this title to refuse the approval of a short subdivision; or, shall condition issuance of approval of a short subdivision upon compliance of conditions imposed by the director or other county authority. The director of the Planning Department in so acting shall proceed in conformity with this title.

26B.55.110 Administration of road system capacity payments.

(1) Payments made pursuant to SCC 26B.55.020 shall be subject to the following provisions:

(a) The payment is required prior to building permit issuance unless the development is a subdivision or short-subdivision, wherein the payment is required prior to the recording of the subdivision or short-subdivision.

(b) The payment shall be held in a reserve account and shall be expended to fund improvements on the road system as specified in a written agreement between the developer and the county.

(c) An appropriate and reasonable portion of payments collected may be used for administration of this title.

(d) The payment shall be expended for a permissible use within five years of receipt in accordance with RCW 82.02.020.

(e) Any payment not so expended shall be refunded in accordance with RCW 82.02.020.

(2) Offsite improvements include construction of improvements to mitigate the development's impact on road system capacity, specific level-of-service D, E & F locations and/or specific inadequate road condition locations. The total amount of offsite improvement cost for which a development is responsible is limited to the development's proportionate share mitigating payment amount for mitigation of impact on the road system capacity. If a developer chooses to construct improvements to mitigate a level-of-service D, E or F problem or inadequate road condition problem, the cost of these improvements will be credited against the proportionate share mitigating payment amount for mitigation of impact on road system capacity. Any developer who volunteers to pay and/or construct more than the development's share of the cost of offsite improvements may apply for a reimbursement contract under

the provisions of chapter 13.95 SCC.

26B.55.120 Relationship between payments made under 26B.55.020 and special district fees.

(1) This title does not preclude the establishment of Road Improvement Districts (RIDs), Local Improvement Districts (LIDs), Transportation Benefit Districts (TBDs), or similar governmental funding mechanisms for the construction of specific transportation improvements. If the special district is formed to provide for the construction of an improvement as identified in the annually updated Snohomish County Road Needs Report, the assessment or fee required by the special district for the specific improvement will be compared to the Proportionate Share Mitigating Payment that would normally be used to mitigate the traffic impacts of the proposed development under 26B.55.020. If the special district fee is the same or greater than the amount of the Proportionate Share Mitigating Payment, the Proportionate Share Mitigating Payment will be deemed as paid through the special district fee. If the special district fee is less than the amount of the Proportionate Share Mitigating Payment, then the affected properties will pay to the county the difference between the special district fee and the Proportionate Share Mitigating Payment, in addition to the special district fee that will be required by the special district for the specified improvements.

(2) If the special district is formed for improvements that are not identified as part of the annually updated Snohomish County Road Needs Report, then the affected properties will be required to pay the special district fee in addition to construction of a mitigating improvement or voluntary payment of all of the Proportionate Share Mitigating Payment that would be used to satisfy the mitigation requirement for the traffic impacts of a specific development upon its road system.

(3) If the improvement to be built by the special district is completely or partially out of the development's road system, the special district fee that is to be compared against the Proportionate Share Mitigating Payment shall be prorated to include the cost of only that portion of the special district improvement that is located upon the development's road system.

(4) Proportionate Share Mitigating Payments for those properties affected by special districts, as described above, established prior to the effective date of this title, shall be administered in the same manner as described in this section. If properties are subdivided, Proportionate Share Mitigating Payments shall be compared against the applicable, corresponding, proportionate special district fees.

26B.55.130 Transportation Demand Management (TDM).

(1) Transportation Demand Management (TDM) is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. This is a particularly important strategy in cases where road facilities have al-

ready reached the practical limit for physical expansion, congestion is severe, and projections for future traffic indicate continued growth.

(2) TDM employs a wide range of measures to increase the use of ridesharing, carpools, vanpools, transit and non-motorized transportation such as bicycling and walking. Transportation coordinators, ridematch assistance, preferential parking, flextime, transit subsidies, increased parking fees, reduced parking supply, and provision of shuttle services in areas lacking transit service are examples of TDM measures.

(3) Developments which are required by this title to provide TDM measures will be reviewed on a case by case basis to determine the most appropriate TDM measures for the particular development.

Section 28. Snohomish County Code section 26B.57.010, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.57.010 Appeals to be conducted as appeals of any other county land use decision.

Any developer or other person who wishes to appeal any administrative decision ((taken)) made by the Planning Division on short subdivision applications or by the Community Development Division on commercial or residential building permit applications under this title may seek review by ((of such county land-use decision; provided, however, that appeals of decisions by the department of community affairs planning and community development regarding the application of this title to building permits shall be made to)) the hearing examiner. Appeals shall be filed with the community development division ((department of community affairs)) within fifteen calendar days of the date of the written administrative decision being appealed and shall be in writing and contain a brief statement of the reason why error is assigned to the director's decision, and shall be accompanied by a fee of fifty dollars: PROVIDED, That such appeal fee shall not be charged to a department of the county or to other than the first appellant. The appeal shall be processed in the manner prescribed for hearing administrative appeals under chapters 2.02 and 18.((88)) 72, SCC.

Appeals of decisions reached by the hearing examiner on land use cases fully considered by the examiner shall be conducted as stated in the appeals process under chapter 2.02 SCC.

Section 29. Snohomish County Code section 26B.58.020, adopted by Ordinance 82-029 on April 26, 1982, is amended to read:

26B.58.020 Severability. If any portion of ((chapters 26B-50 see through this chapter)) this title or its application to any person or circumstance is held invalid, such decision shall have no effect upon the validity of the remaining portions of ((chapters 26B-50 see through this chapter)) this title and the application of this title to other persons or circumstances shall not be affected. The county council hereby declares that it would have adopted ((chapters 26B-50 see through this chapter)) this title and each part or portions


thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 30. This ordinance applies to all developments for which complete applications are filed on or after its effective date. All applications for development filed prior to the effective date of this ordinance shall be controlled by the prior provisions of title 26B SCC unless the developer consents in writing to the application of the provisions of this ordinance thereto.

Section 31. This ordinance shall be effective on February 9, 1991.

PASSED this 14th day of November 1990

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

Approved as to form:

Deputy Prosecuting Attorney

ATTEST:


Clerk of Council, asst.

- APPROVED
- VETOED
- EMERGENCY

DATE: _____

County Executive

PUBLISHED _____ and _____

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