

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
AMENDED ORDINANCE NO. 93-145



AMENDING TITLES 26B AND 32 OF THE SNOHOMISH COUNTY CODE RELATING TO
PROVISION OF TRANSPORTATION DEMAND MANAGEMENT MEASURES BY DEVELOPMENT

WHEREAS, the planning commission's recommendation is advisory only and the County Council has final authority over the language in County Code. Certain revisions to the planning commission's recommendations have been incorporated into Ordinance no. 93-145. Certain procedural requirements must be followed if the Council determines to change the planning commission's recommendations and adopt Ordinance 93-145. The following findings of fact address the revisions to the planning commissions recommendations in Ordinance 93-145; and

WHEREAS, the development process frequently follows this pattern: A developer buys raw land; invests in improvements including such things as subdivision, zoning changes, infrastructure, buildings, etcetera; and sells the developed land and buildings to a long-term owner. Thus, in many (if not most) cases, the developer and the long-term owner are not the same; and

WHEREAS, in the case of voluntary trip reduction programs, some mechanism is needed to ensure that any agreements made by the developer will be carried out by the long-term owner; and

WHEREAS, the use of real property encumbrance is an economical, effective, and fair mechanism for ensuring that long-term owners carry out agreements made by developers; and

WHEREAS, under the County's Commute Trip Reduction Ordinance (SCC 32.40) affected employers are required to implement a certain number of "selectable" measures depending on their size and location; and

WHEREAS, some of these selectable measures include TDM-compatible site-design features; and

WHEREAS, some affected employers may have already been required by SEPA mitigation or other agreements to construct TDM-compatible site-design features. In some cases affected employers have been allowed to use these site-design features as one of their selectable measures; and

WHEREAS, money collected for capacity obligations should be spent in accordance with RCW 82.02.020 on projects identified in the adopted County Transportation Needs Report for direct impacts identified as resulting from specific developments; and

WHEREAS, the list of TDM projects as described in SCC 26B.55.140 is not included in the adopted County Transportation Needs Report.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 26B.55.020, last amended by Ordinance No. 93-075 on August 25, 1993 is amended to read:

26B.55.020 Road system capacity requirements.

(1) All developments must mitigate their impact upon the future capacity of the road system either by constructing offsite road improvements which offset the traffic impact of the development or by paying the development's proportionate share of the cost of future capacity improvements.

(2) Construction option - requirements.

(a) If a developer chooses to mitigate the development's impact to the road system capacity by constructing offsite road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the offsite 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. (~~Capital expenditures for transportation demand management measures will be credited against the development's road system capacity obligation.~~)

(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.

(~~Payments made pursuant to SCC 26B.55.140(5) for transportation demand management measures will be credited against the development's road system capacity obligation.~~)

(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.

Section 2. Snohomish County Code Section 26B.55.030, adopted by Amended Ordinance No. 90-186 on November 14, 1990 is amended to read:

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 SCC 26B.55.010:

(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 (~~SCC 26B.55.130~~) SCC 26B.55.140.

(iii) Level-of-service F (non-ultimate-standard intersections except as provided in SCC 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 final inspection of the development.

(iv) Level-of-service F (ultimate-standard intersections except as provided in SCC 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 (~~SCC 26B.55.130~~) SCC 26B.55.140, 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 chapter 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 SCC 26B.55.010:

(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 intersectionsexcept as provided in SCC 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 SCC 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 SCC (~~SCC 26B.55.130~~) SCC 26B.55.140, 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(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.

Section 3. Snohomish County Code Section 26B.55.130, adopted by Amended Ordinance No. 90-186 on November 14, 1990 is amended to read:

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 already 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. TDM measures can be characterized as site-design features facilitating TDM compatibility which consist of fixed physical features in site design or capital facilities, and programmatic measures specific to users of the sites (e.g. employers, customers, clients).

~~((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.))~~

(3) Trip Reduction Credits Procedures. Developers are encouraged to provide TDM measures to mitigate their traffic impacts and may be eligible for trip reduction credits.

(a) Developers will be informed of TDM options at the presubmittal conference.

(b) The department will help developers apply the on-site design principles of Sno-Trans' "A Guide to Land Use and Public Transportation" (document available for reference at the department) to facilitate compatibility with TDM.

(c) TDM measures eligible for trip reduction credits may include construction of on-site design features for TDM compatibility and/or implementation of voluntary trip reduction programs. Additional TDM measures with an area-wide impact may be eligible for trip reduction credits on a case-by-case basis.

(d) Developers wishing to receive credits by providing TDM measures must provide TDM plans with their initial development application. Such TDM plans will describe the TDM measures proposed for the development.

(e) The department will determine if a development application's TDM plan meets the requirements for on-site TDM compatibility and/or and/or voluntary trip reduction programs and/or measures with an area-wide impact and will determine the amount of trip reduction credits allowed.

(f) A development proposing TDM measures shall include the TDM plan as part of its mitigation proposal under SCC 26B.55.010(3), SCC 26B.55.010(4), or SCC 26B.55.010(5).

(g) The written submittal of voluntary trip reduction programs shall be provided in the TDM plan in a form acceptable to the department. When a traffic study is required the submittal will be part of that study.

(h) On-site features accepted for TDM compatibility in a mitigation proposal and/or measures with area-wide impacts allowed credits under this section must be constructed before any certificate of occupancy or final inspection will be issued.

(i) Special access easements accepted for TDM compatibility in a mitigation proposal must be recorded as restrictive covenants on

the appropriate property title(s) before any certificate of occupancy or final inspection will be issued.

(j) Voluntary trip reduction programs accepted for TDM compatibility in a mitigation proposal must be recorded as restrictive covenants on the appropriate property title(s) before any certificate of occupancy or final inspection will be issued. Such restriction shall state that the owner agrees to the implementation and ongoing operation of a voluntary trip reduction program as per Title 32 SCC by the proposed occupant(s) of the site and by all subsequent occupants as a condition of use for that property.

(i) The department will release the owner from title restrictions after a six-year time period during which the owner of the development demonstrates satisfactory fulfillment of the terms of the voluntary trip reduction program as agreed upon in the TDM plan.

(ii) The department will determine fulfillment of the terms of the voluntary trip reduction program through the development's annual report and through verification by the department's monitoring program under SCC 26B.55.130(9)(d).

(iii) If the department determines that the terms of the voluntary trip reduction program are not being fulfilled the department will notify the developer or owner in writing.

(iv) After the determinations of program fulfillment has been made for the sixth year of the voluntary trip reduction program, the department shall, within 90 days provide appropriate documentation enabling the owner to remove the voluntary trip reduction program title encumbrance.

(k) Voluntary trip reduction programs accepted for any development occupied by an affected, major employer subject to the provisions of the commute trip reduction ordinance, SCC 32.40, shall, in any cases of conflicting requirements, meet the requirements of SCC 32.40.

(4) Application of Trip Reduction Credits. Trip reduction credits allowed to developers will be used in determining the development's traffic impacts subject to mitigation.

(a) Approved trip reduction credits will be applied against a development's calculated vehicle trip generation including peak hour trips and ADT. The adjusted vehicle trip generation number reflecting approved trip reduction credits may be used in one or more of the following ways:

(i) In determining a development's future capacity obligation as per SCC 26B.55.020(3)(a); and/or

(ii) In determining peak-hour trips impacting intersections as per SCC 26B.55.030(1)(a) or SCC 26B.55.030(2)(a); and/or

(iii) In determining peak-hour trips impacting inadequate road conditions as per SCC 26B.55.040(1); and/or

(iv) In level of service (LOS) calculations to determine a development's impacts.

(b) Developers required to provide TDM under SCC 26B.55.030 for traffic impacts at intersections with level-of-service deficiencies may use trip reduction credits approved under this section to satisfy those requirements as follows:

(i) Developers may use trip reduction credits approved under this section, equal to or greater than the minimum required trip reduction percentage indicated in SCC 26B.55.140(1), to completely satisfy a requirement to provide TDM under SCC 26B.55.030.

(ii) Developers may use trip reduction credits approved under this section, less than the minimum required trip reduction percentage indicated in SCC 26B.55.140(1), to partially satisfy a requirement to provide TDM under SCC 26B.55.030 as follows:

(A) The amount of TDM obligation will initially be determined by the formula in SCC 26B.55.140(4).

(B) Such TDM obligation shall be reduced by a factor equal to the development's approved percent trip reduction credits divided by the minimum required trip reduction percentage indicated in SCC 26B.55.140(1).

(c) The department will encourage other jurisdictions to allow trip reduction credits granted to a development to apply against its calculated trip generation including peak hour trips and ADT for use in determining impacts on state facilities as per 26B.55.070 or other jurisdiction's facilities as per SCC 26B.55.080.

(5) Modification of TDM Plans. After occupancy or upon resale, a development and or owner which decides to not implement or discontinue a trip reduction program contrary to the title covenant or to remove or cease maintaining site-design features contrary to the developer's TDM Plan may do so by making a payment to the department equal to the amount of the discount(s) resulting from the initial credit to the capacity and/or TDM payment with adjustments for inflation.

(a) The county shall, upon receipt of such payment release the developer and/or owner from any further trip reduction program obligation and allow the developer and/or owner to remove the restrictive covenant and/or release the developer and/or owner from obligations of the TDM plan. Upon failure by a developer and or owner to make such payment in full to the department, the director, after notice to the developer and/or owner, may place a lien upon the property for amount equal to the required payment and/or withhold further certificates of occupancy or occupancy approval.

(b) Upon failure by a developer and/or owner to maintain on-site features approved as part of a TDM plan or to continue an approved trip reduction program contrary to a restrictive covenant, the director, after notice to the developer and/or owner, may place a lien upon the property for an amount equal to the discount(s) resulting from the initial credit to the capacity and/or TDM payment with adjustments for inflation.

(6) Trip Reduction Credits for TDM Compatible On-Site Design Features for Commercial Developments. The department will allow a five percent trip reduction credit to any commercial development including multi-family residential deemed "TDM compatible" by

incorporating all of the following on-site design features to the satisfaction of the department:

- (a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network; and
- (b) A safe, convenient pedestrian facility that meets the department's Engineering Design and Development Standards (EDDS) and, except for changes of level, American Disabilities Act (ADA) standards (documents available for reference at the department) that joins the front building entrance(s) directly with frontage improvements; and
- (c) A safe, convenient pedestrian facility that meets EDDS and, except for changes of level, ADA standards that joins the front building entrance(s) with all other on-site front building(s) entrances; and
- (d) A safe, convenient pedestrian facility that meets EDDS and, except for changes of level, ADA standards that joins building entrance(s) with any bus stop or pedestrian facility (e.g. commuter trail) located adjacent to the development; and
- (e) Where desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers; and
- (f) Where reasonable the use of minimum setbacks to reduce walking distances; and
- (g) Where reasonable the placement of vehicle parking to the sides and the rear of buildings; and
- (h) Where reasonable lighting and weather protection for pedestrian facilities; and
- (i) For non-residential developments, secure bicycle parking (preferably covered) spaces located near the front entrance(s) that number at least two percent of the development's calculated peak hour trips; and
- (j) For employment sites, signed preferential parking spaces for carpools or vanpools that number at least six percent of any employee parking spaces.

(7) Additional Trip Reduction Credits for TDM Compatible On-Site Design Features for Commercial Developments. The department will allow additional trip reduction credits as indicated below to any commercial development including multi-family residential voluntarily agreeing to implement a voluntary trip reduction program under this section and deemed "TDM compatible" for on-site design under this section which constructs or incorporates certain additional on-site features to the satisfaction of the department.

- (a) for employment sites an additional one percent trip reduction credit for on-site bicycle facilities including bicycle parking lockers or secure/covered racks and bicyclist/pedestrian shower and locker facilities sufficient to meet the needs of one percent of the development's peak hour trips; and/or
- (b) an additional one percent trip reduction credit for a reduction of required parking spaces under SCC 18.45.055 resulting in provision of parking spaces less than the amounts specified as minimum requirements under SCC 18.45.040.

(8) Trip Reduction Credits for TDM Compatible On-Site Design Features for Residential Developments. The department will allow a five percent trip reduction credit to any subdivision for single-family and/or duplex residential units deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

- (a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network; and
- (b) A safe, convenient pedestrian facility that meets EDDS and, except for changes of level, ADA standards that joins building entrance(s) with any bus stop or pedestrian facility (e.g. commuter trail) located adjacent to the development; and
- (c) Where desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers; and
- (d) Where reasonable, lighting and weather protection for pedestrian facilities; and
- (e) An overall density of at least 6 4 dwelling units per gross acre.

(9) Trip Reduction Credits for Voluntary Trip Reduction Programs for Commercial Development. The department will allow a five percent trip reduction credit to a commercial development including multi-family residential which voluntarily agrees to implement a trip reduction program as per SCC 32.40.040(6-9) and under this section.

- (a) Voluntary trip reduction programs under this section will meet the same basic requirements as those required of affected employers choosing option 1 under SCC 32.40.060 with the following exceptions and/or modifications:
 - (i) Use of concepts applying to "employer(s)" and "employee(s)" will be applied to "developer(s)", "owners", "managers", or "occupants" and to any persons making trips to and from the development site; and
 - (ii) Use of concepts applying to "Commute Trip Reduction" or "CTR" will be applied to "Trip Reduction" in general and include trips outside the peak hours; and
 - (iii) The term "Transportation Coordinator" will be used instead of "Employee Transportation Coordinator"; and
 - (iv) The CTR zones, CTR performance targets, and surveys as per SCC 32.40.060(5)(c) will not apply to voluntary trip reduction programs under this section.

(b) Voluntary trip reduction programs under this section will include the "basic measures" of designation of a transportation coordinator, distribution of information, annual report, and ridematching program.

- (i) The transportation coordinator must at minimum: be regularly available to answer questions on how to access the site using alternative transportation modes, be able to provide information about the nearest transit stops and routes, provide employees or residents with ridematch

applications for the regional ridematch program and provide personalized ridematching assistance, and be available to the department to coordinate the monitoring of the development's trip reduction program.

(ii) The annual report shall be on a form available from the department. The annual report shall be submitted to the department each year prior to the anniversary date of the issuance of the development's initial occupancy permit. The annual report will provide information to the department indicating the status of the trip reduction program including at minimum; confirmation of continuing operation of the program, any changes in the program, results from any formal or informal surveys, and a general assessment of the effectiveness of the program.

(c) Voluntary trip reduction programs under this section will include an additional minimum number of trip reduction measures from the "Selection Menu", SCC 32.40 Table 1, to meet the following requirements:

(i) Developments with 200 or less ADT: no additional selectable measures; and

(ii) Developments with 201 - 800 ADT: one additional measure; and

(iii) Developments with 801 - 2,000 ADT: two additional measures; and

(iv) Developments with 2,001 - 10,000 ADT: three additional measures at least one of which must be from category two or area-wide enhancements; and

(v) Developments with 10,000 or more ADT: four additional measures at least two of which must be from category two or area-wide enhancements.

(d) The department shall have the right to monitor voluntary trip reduction programs under this section including:

(i) Semi-annual telephone calls to the transportation coordinator to confirm the program's status; and

(ii) Annual site visits, by appointment, to confirm the program's status and maintenance of TDM-compatible site features.

(10) Additional Trip Reduction Credits for Trip Reduction Measures with Area-Wide Impact. The department may allow to a development on a case-by-case basis additional trip reduction credits for on-site measures with an area-wide impact not used to satisfy requirements under SCC 26B.55.130(9).

(a) The department may allow up to a five percent trip reduction credit for one or a combination of more than one of the following:

(i) Mixed-use site design; and/or

(ii) Construction of designated, signed commuter parking spaces for commuters accessing transit, carpools, or vanpools (i.e. park-and-pool or park-and-ride spaces) provided that the total number of parking spaces constructed by any non-residential development is less than or equal to the minimum specified under SCC 18.45.040; and/or

(iii) Other innovative projects with area-wide impacts approved by the department.

(b) Such credits may only be allowed based upon analysis in a traffic study by the developer which substantiates that the measure(s) is likely to achieve the requested trip reduction credit or achieve a commensurate reduction in vehicle trips from traffic in the area (existing traffic or traffic not generated by the development). Such substantiation must include detailed data on the travel characteristics of the affected trip-makers, identification of the selected trip reduction measures and their relationship to the travel characteristics of the affected trip-makers, specification of the percent reduction likely for each of the selected trip reduction measures, and supporting documentation which may include case studies, available research, or other data and information showing that the selected measures are likely to meet the indicated reductions.

(c) In cases where a residential development cannot qualify for site-design-related trip reduction credits the department will allow to the development on a case-by-case basis additional trip reduction credits for on-site measures with an area-wide impact under this section.

Section 4. Snohomish County Code Section 26B.55.140, last amended by Ordinance No. 93-075 on August 25, 1993 is amended to read:

26B.55.140 Transportation demand management requirements.

(1) When a development is required under SCC 26B.55.030 to mitigate its traffic impact at intersections with level-of-service deficiencies through the implementation provision of TDM measures, it must provide sufficient TDM measures to indicate the potential for removing a minimum of ~~((twenty))~~ ten percent of the development's peak hour trips from the road system. ~~((Only capital improvements intended to enhance HOV operation will be recognized as TDM measures appropriate under Title 26B SCC, PROVIDED, That programmatic TDM measures may be utilized in lieu of or in addition to capital improvements when it can be demonstrated that such programmatic measures will provide equivalent, quantifiable reductions in SOV dependence.))~~

~~((2) Public works and community development staff will ensure that the principles and goals of Sno Trans A Guide to Land Use and Public Transportation are followed in onsite design so as to make new developments as compatible with transit service as possible.))~~

~~((3))~~ (2) A development required to provide TDM measures as per SCC 26B.55.030(1) or SCC 26B.55.030(2) may mitigate its traffic impact through trip reduction credits as per SCC 26B.55.130(4)(b), or through the construction or purchase of specific TDM measures as indicated under this section, or by making a voluntary payment into an account established for the purpose of contributing to the construction or purchase of specific TDM measures.

~~((4))~~ (3) A list of capital improvements for each TSA shall be continuously developed by the department of public works in

conjunction with the transit agencies. It is from this list that developers may choose specific TDM measures for purchase or construction. Specific choices will be subject to review and approval by the county. The capital improvements may include projects such as:

- (a) Construction of new park and ride lots or expansion of existing park and ride lots.
- (b) Construction of miscellaneous HOV facilities such as HOV lanes, bus pullouts, bus-stop shelters, queue bypasses, etc.
- (c) Purchase of high occupancy vehicles (HOVs) such as vans or buses for transit companies.
- (d) Construction of pedestrian facilities connecting development with major activity centers and/or transit facilities.

~~((5))~~ (4) It has been determined that the cost of removing one peak hour trip from the road system is approximately \$1,500. This is based on the average cost of one stall in a park and ride lot and the average cost of one "seat" in a 15-passenger van. Since a development must reduce its peak hour trip generation by a factor of ~~((twenty))~~ ten percent, it may construct an approved HOV project which costs a minimum of \$1,500 times ~~((twenty))~~ ten percent of its peak hour trip generation or it may pay to the county a sum equal to \$1,500 times ~~((twenty))~~ ten percent of its peak hour trip generation.

~~((6))~~ (5) Funds received by the county for TDM measures will be placed in special accounts with the transportation mitigation fund to be used exclusively for ~~((specific))~~ identified TDM measures. The county may construct and/or purchase such TDM measures or, upon establishment of appropriate interlocal agreements, it may transfer the monies to transit agencies for construction and/or purchase of specific TDM measures. The collection and administration of any funds will be made in accordance with SCC 26B.55.110. (Added Ord 91-025, February 20, 1991).

Section 5. Snohomish County Code Section 32.40.040, adopted by Amended Ordinance No. 92-163 on February 24, 1993 is amended to read:

32.40.040 Applicability

(1) The provisions of this chapter shall apply to all affected employers within unincorporated Snohomish County.

(2)(a) If an affected employer reduces the number of affected employees to below 100 and expects not to employ 100 or more affected employees for the next 12 months following such reduction of employees, that employer is no longer an affected employer. (b) If the same employer returns to the level of 100 or more affected employees within the same 12 month period, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers. (c) If the same employer returns to the level of 100 or more affected employees but not within the same 12 month period, that employer shall be treated as a new affected employer and will be subject to the same program requirements as other new affected employers.

(3) It is the responsibility of an affected employer to notify the department in writing within 30 days of reducing its number of affected employees to less than 100.

(4) The date upon which an employer is considered a new affected employer is the due date for the next quarterly submittal of the Washington Department of Employment Security's "Employer's Quarterly Report of Employee's Wages" after having achieved affected employer status.

(5) New affected employers shall identify themselves to the department within six months of the date they become a new affected employer.

(6) Employers not subject to this chapter may implement a CTR program on a voluntary basis. The county will provide such employers with limited technical assistance and advice. Employers who are no longer affected employers may continue their CTR programs on a voluntary basis and continue to receive limited technical assistance and information from the county.

(7) Any other entities not subject to this chapter including, but not limited to commercial businesses, residential developments, institutions, or other organized sites of activity may voluntarily implement CTR programs under this chapter. Such entities may apply the general concepts and procedures established in this chapter to any persons making trips to or from the sites.

(a) Entities choosing to voluntarily implement CTR programs will not be subject to the enforcement provisions of this chapter. Developers proposing trip reduction programs based upon the concepts and procedures established in this chapter or CTR programs under this chapter for purposes of trip reduction credit against Title 26B SCC traffic impact mitigation obligations shall be subject to the enforcement provisions of Title 26B SCC for purposes of trip reduction credits.

(b) The county will provide such entities with limited technical assistance and advice.

Section 6 repealed. Sections (1-4) of this ordinance are repealed upon the revision of SCC 26B.55 which occurs for the purposes of enactment of or replacement of development regulations that are consistent with and implement the County's comprehensive plan adopted pursuant to RCW 36.70A.

PASSED this 20th day of December, 1993.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Les McLaughlin
Chairperson

ATTEST:

Shirley McCallister
Clerk of the Council, asst.

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: 12-21-93

John M. Earl
County Executive, Deputy

ATTEST:

Hinda McCrea