



CO00023058

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
AMENDED
ORDINANCE NO. 95-039

AMENDING SNOHOMISH COUNTY CODE TITLES 13 AND 26B

DEVELOPER CONTRIBUTIONS FOR ROAD PURPOSES AS A CONDITION OF
LAND USE APPROVALS

BE IT ORDAINED:

Section 1. Section 6 of Amended Ordinance No. 93-145, adopted on December 20, 1993, is repealed.

Section 2. The following ordinances or sections of ordinances are repealed: Snohomish County Code Section 26B.51.050, adopted by Amended Ordinance No. 90-186, section 9, on November 14, 1990, and Snohomish County Code Section 26B.53.050, adopted by Amended Ordinance No. 90-186, section 26, on November 14, 1990.

Section 3. Snohomish County Code Section 13.110.030 last amended by Ordinance No. 91-195, on January 27, 1992, is amended to read:

13.110.030 Development Application Review Fees.

(1) Upon submittal of any development application or other land use approval requiring approval of Snohomish county, the developer shall pay a \$200 base review fee plus \$5 per each new vehicle trip generated by the development. For purposes of setting the review fee only, vehicle trips generated will be determined by the following table:

(a) Single-family residential	10 trips/unit
(b) Multi-family residential	6 trips/unit
(c) Office/office park/business park	12 trips/1,000 s.f.
(d) Industrial/industrial park/warehouse manufacturing/other industrial type uses	6 trips/1,000 s.f.
(e) School	2 trips/employee
(f) Church/day care	7 trips/1,000 s.f.
(g) *Commercial-5,000 s.f. or less	20 trips/1,000 s.f.
(h) *Commercial-5,001 s.f. thru 25,000 s.f.	15 trips/1,000 s.f.
(i) *Commercial-25,000 s.f. or more	10 trips/1,000 s.f.

*Commercial use is any use not otherwise defined in this table.

(2) In any case, the maximum fee for any individual application shall not exceed \$5,000.

(3) The following development types are exempt from the development application review fee of 13.110.030(1).

- (a) Rezones not requiring binding site plans.
- (b) Lot width variances.
- (c) Commercial building permits for portable classrooms.
- (d) Commercial building permits for rockeries.
- (e) Building permits for single-family residences on existing tax lots.

(4) Commercial building permit applications that have undergone prior development review within twelve months of building permit application will pay only the \$200 base fee.

~~((5) At the time Title 23 and/or 26B SCC mitigation requirements are determined, provision will be made to credit 100% of the development application review fee against the Title 26B SCC future capacity mitigation obligation.))~~

Section 4. Snohomish County Code Section 26B.50.010, last amended by Amended Ordinance No. 90-186, on November 14, 1990, 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 ensure 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 provisions of this title 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 and require road improvements ~~((as))~~ reasonably ~~((necessary))~~ related to ~~((as the result of))~~ the ~~((direct))~~ traffic impact of a proposed development, and that it is appropriate and desirable to set out in this title what will be required of developments, and to establish hereby a uniform method of treatment for ~~((like-classes-of))~~ similar development impact on road systems.

It is further found that the State Growth Management Act (GMA) and RCW 36.70A.070(6)(e) requires that "local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level-of-service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development"; and that; "For the purposes of this subsection [RCW 36.70A.070(6)], concurrent with

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development' shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years."

It is further found that this title is consistent with and implements the comprehensive plan adopted pursuant to RCW 36.70A.

It is further found that the total benefits of certain transportation demand management measures in reducing marginal trips are projected to significantly outweigh the total costs.

It is further found and declared that the regulations contained in this title are necessary for the protection and preservation of the public health, safety and general welfare.

Section 5. Snohomish County Code Section 26B.50.020, last amended by Amended Ordinance No. 91-159, on November 6, 1991, is amended to read:

26B.50.020 Declaration of purpose. The purpose of this title is to ensure that public health, safety and welfare will be preserved by having ~~((adequate))~~ safe and efficient roads serving new and existing developments by requiring all development, as defined in SCC 26B.51.040, to mitigate traffic impacts, which may include ~~((contributing))~~ a proportionate share ~~((of the cost of or))~~ payment reasonably related to the traffic impact of the proposed development and ((constructing)) construction of road improvements and dedication of right-of-way reasonably necessary as a result of the direct traffic impact of proposed developments.

Title 26B SCC is intended to ensure that county policy ~~((is fairly and consistently applied to all developments))~~ for the provision of safe and adequate access and the allocation of responsibility for immediate or future road improvements necessitated by ~~((these and other))~~ new developments is fairly and consistently applied to all 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 state highways, city streets or other counties' roads will be required in accordance with the provisions of this title when(=

~~((1))~~ ~~((the other affected jurisdiction))~~ WSDOT, city, or county has reviewed the development's impact under its policies adopted pursuant to RCW 36.70A or its formally designated environmental policies, as applicable, has recommended to Snohomish county that there be a requirement to mitigate the impact; and there is an agreement between Snohomish county and the other affected agency or jurisdiction which specifically addresses impact identification, documentation, and mitigation, and which references the policies adopted pursuant to RCW 36.70A and environmental policies formally designated by the agency or jurisdiction as possible bases for the exercise of authority under RCW 36.70A or State Environmental Policy Act (SEPA)((-)).

This title requires the analysis and mitigation of a development's ~~((direct))~~ traffic impact on the public road system. In order to quantify the continuing need for road improvements on the public road system anticipated by ~~((the-))~~ projected growth ~~((through 2020))~~, the public works department is authorized to develop and ~~((annually-))~~ update a ~~((road))~~ transportation needs report based on and consistent with the transportation

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element and capital facilities element of the comprehensive plan. ~~((The report and its annual updates shall be adopted by motion of the Snohomish county council.))~~ The ~~((road))~~transportation needs report shall be used in evaluating the traffic impact of developments and determining necessary mitigation of such impacts.

NEW SECTION. Section 6. A new section is added to Chapter 26B.50 of the Snohomish County Code to read:

26B.50.030 Relationship to Environmental Impacts The requirements of this title, together with the comprehensive plan adopted pursuant to RCW 36.70A, Title 13 SCC, and other development regulations and policies that may be adopted, constitute the policy of the county under the county's police power authority, the GMA and SEPA for the review of development and the determination of significant adverse environmental impacts and imposition of mitigation requirements due to the impacts of development on the transportation system.

Measures required by this title shall constitute adequate mitigation of adverse or significant adverse environmental impacts on the road system for the purposes of Title 23 SCC to the extent that the director determines the specific impacts of the development are adequately addressed by this title in accordance with RCW 43.21C as allowed by ESHB 1724, Section 202 of Chapter 347, Laws of 1995. For purposes of environmental review pursuant to the state environmental policy act, Chapter 43.21C RCW, and the Snohomish county environmental policy ordinance, Title 23 SCC, the revisions to Title 26B SCC in Amended Ordinance No. 95-039 shall not apply to development permit applications submitted to the department prior to July 13, 1995.

As a policy of the county, the provisions of this title do not limit the ability of the approving authority to impose mitigation requirements for the direct impacts of development on state highways, or city streets, where the other affected jurisdiction lies outside the road system of a development, as defined by this title, provided that there is an agreement between the county and another affected jurisdiction which specifically addresses level-of-service standards, impact identification, documentation, and mitigation, and which references the environmental policies formally designated by the agency or jurisdiction and it is determined that an adverse environmental impact would result from the approval of a development without the imposition of such additional mitigation measures.

In accordance with RCW 43.21C.065 and RCW 82.02.100, a person required to make a proportionate share mitigating payment under a SEPA payment program or pay an impact fee under a GMA mandatory impact fee program shall not be required to make a payment or pay a fee pursuant to the other authority for the same system improvements.

NEW SECTION. Section 7. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.003 Approving authority. "Approving authority" means the county employee, agency, or official having authority to issue the approval or permit for the development involved.

NEW SECTION. Section 8. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.004 Arterial unit. "Arterial unit" means a road, segment of a road, or portion of a road or a system of roads, consistent with the level-of-service methodology adopted in the county comprehensive plan and consistent with the criteria established by the director, for the purpose of making level-of-service concurrency determinations.

Section 9. Snohomish County Code Section 26B.51.005, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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.~~) Arterial unit in arrears "Arterial unit in arrears" means any arterial unit operating below the adopted level-of-service standard adopted in the comprehensive plan, except where improvements to such a unit have been programmed in the county Six-Year Transportation Improvement Program adopted pursuant to RCW 36.81.121, and funding identified that would remedy the deficiency within six years.

NEW SECTION. Section 10. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.006 Capacity improvements "Capacity improvements" means any improvements that increase the vehicle and/or people moving capacity of the road system.

NEW SECTION. Section 11. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.007 Capital facilities plan. "Capital facilities plan" means all documents comprising the capital facilities element of the comprehensive plan that, for capital facilities, consists of an inventory of facilities owned by public entities, forecasts of future needs, new and expanded facilities and a multi-year financing plan, adopted pursuant to RCW 36.70A.

NEW SECTION. Section 12. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.008 Comprehensive plan. "Comprehensive plan" means the generalized, coordinated land use policy statement of the county council adopted pursuant to RCW 36.70A which may include a general policy plan, a capital facilities plan, a transportation element, detailed urban growth area plans, a rural/resource plan, and any such other documents or portions of documents identified as constituting part of the comprehensive plan under chapter 36.70A RCW.

NEW SECTION. Section 13. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.009 County road engineer. "County road engineer" means the county road engineer for Snohomish County with authority as designated in RCW 36.75.050 and RCW 36.80, or his authorized designee.

Section 14. Snohomish County Code Section 26B.51.040, last amended by Amended Ordinance No. 91-159, on November 6, 1991, is amended to read:

26B.51.040 Development. "Development" means all subdivisions, short subdivisions, industrial or commercial building permits, conditional or special use permits, binding site plans (including those associated with rezone applications), or building permits (including building permits for multi-family and duplex residential structures, and all similar uses) and other ~~((similar projects))~~ applications pertaining to land uses: (1) requiring land use permits or approval by Snohomish county; or (2) which are located in areas of other counties or incorporated areas and which will impact Snohomish county's public road system((,-except)); PROVIDED, that "development" does not include building permits for single-family residential ((building permits)) dwellings, attached or detached accessory apartments, or duplex conversions, on existing tax lots((-and permits for attached or detached accessory apartments)).

Section 15. Snohomish County Code Section 26B.51.070, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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, ultimate standard frontage ((improvement))improvements in the urban area shall consist of appropriate base materials, curb, gutter, sidewalk, storm drainage improvements, bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, and a maximum of one lane of paved road section (up to twelve feet)((-from the edge of the gutter)). Ultimate standard ((Frontage))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, bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where

~~applicable, and required storm drainage improvements. ((The required improvement must be constructed in accordance with county design standards and specifications, as defined in chapter 13.05 SCC and must correct vertical and/or horizontal alignments, if applicable.))~~

Section 16. Snohomish County Code Section 26B.51.080, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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 or impact on the road system, 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 chapter 13.05 SCC))~~ the county road engineer in accordance with the department policy and procedure for the determination of inadequate road conditions.

Section 17. Snohomish County Code Section 26B.51.085, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.51.085 Level-of-service. "Level-of-service" means a qualitative measure describing operational conditions within a traffic stream, and ~~((their))~~ the perception thereof by ((motorists and/or passengers.)) road users. Level-of-service standards may be evaluated in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. 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))~~ on arterial units.

NEW SECTION. Section 18. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.095 Public Agency. "Public agency" means any school district, public water, sewer or utility district; fire district; airport district; port authority; public transportation benefit area; or local government agency seeking a land use permit or approval reviewed under this title.

NEW SECTION. Section 19. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.098 Road. "Road" means an open, public way for the passage of vehicles, that where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, paths, walkways, or side ditches,

including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right-of-way.

Section 20. Snohomish County Code Section 26B.51.100, last amended by Amended Ordinance No. 91-159, on November 6, 1991, is amended to read:

26B.51.100 Road system. "Road system" means those existing or proposed public roads 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:

(1) the transportation service area, as defined by the ~~((annually-adopted))~~ Snohomish county ~~((road))~~ transportation needs report, in which a development is located, except that instead an adjacent transportation service area may apply if determined by the director to be more appropriate where a development has a greater impact on public roads in an adjacent transportation service area than in the transportation service area in which the development is located, or

2) the area of another county which is adjacent to the transportation service area in which the development is located.

Section 21. Snohomish County Code Section 26B.51.110, adopted by Amended Ordinance No. 91-159, on November 6, 1991, is amended to read:

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)).~~ Rural area. "Rural area" means all land in Snohomish county that is not included in the urban growth areas adopted by the county council under the requirements of RCW 36.70A.

Section 22. Snohomish County Code Section 26B.51.120, last amended by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.51.120 Short subdivision. "Short subdivision" means any division or redivision of land into lots, tracts, parcels, sites or divisions in accordance with title 20 SCC.

Section 23. Snohomish County Code Section 26B.51.130, last amended by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.51.130 Subdivision. "Subdivision" means ~~((a piece of land divided or intended to be divided))~~ any division or redivision of land into lots, tracts, ~~((or))~~ parcels, sites or divisions in accordance with Title 19 SCC.

NEW SECTION. Section 24. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.132 Transportation element. "Transportation element" means the element of the county comprehensive plan that for transportation consists of goals and policies, an inventory of facilities and services, adopted level of service standards, an analysis of deficiencies and needs, system improvements and management strategies and a multi-year financial plan, adopted pursuant to RCW 36.70A.

NEW SECTION. Section 25. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.133 Transportation needs report. "Transportation needs report" means the latest publication of the 1990 Road Needs Report or subsequent updates titled the Transportation Needs Report, as published by the Snohomish County Department of Public Works.

NEW SECTION. Section 26. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.135 Transportation service area. "Transportation service area" means a geographic area of the county, as defined in the transportation needs report, identified for the purpose of evaluating the transportation impacts of development, determining proportionate shares of needed transportation improvements and allocating revenue to transportation improvement projects.

Section 27. Snohomish County Code Section 26B.51.150, last amended by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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))~~ all areas designated by the county where urban growth will be encouraged and supported, and that include area and densities sufficient to permit the urban growth that is projected to occur in the county for a twenty year period, as included in the urban growth areas adopted by the county council under the requirements of RCW 36.70A.

NEW SECTION. Section 28. A new section is added to Chapter 26B.51 of the Snohomish County Code to read:

26B.51.160 WSDOT. "WSDOT" means the Washington State Department of Transportation.

Section 29. Snohomish County Code Section 26B.52.020, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.020 Director's recommendation, approval.

(1) In approving or permitting a development, the approving authority shall consider the director's recommendations and act in conformity with this title.

(2) The director shall only recommend approval of a development if, in the director's opinion, ~~((appropriate))~~ adequate provisions for public roads, access, and mitigation of ((direct traffic))the transportation impacts of the development ((is))are made as provided in the county's development regulations, SEPA, and this title.

(3) The director shall only recommend approval of a development if the development is deemed to be concurrent in accordance with SCC 26B.55.030.

Section 30. Snohomish County Code Section 26B.52.030, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.030 Excessive expenditure of public funds. If the location, nature, and/or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available for the necessary road improvement or inconsistent with priorities established to serve the general public benefit, and provision has not otherwise been made to meet the mitigation ~~((of direct traffic impact))~~ requirements as provided in this title, the county may refuse to approve or grant a permit for development. As an alternative, the county may allow the developer to alter the proposal so that the need for road improvement is lessened or may provide the developer with the option of bearing all or more than the development's proportionate share of the required road improvement costs.

Section 31. Snohomish County Code Section 26B.52.040, last amended by Amended Ordinance No. 91-022, February 20, 1991, is amended to read:

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))~~ any requirements or mitigation obligations ((for direct impact))that may be applicable for the following:

- (1) ~~((Mitigation of impact))~~ Impact on road system capacity;
- (2) ~~((Mitigation of impact))~~ Impact on specific level-of-service ~~deficiencies~~((D, E & F locations));
- (3) ~~((Mitigation of impact))~~ Impact on specific inadequate road condition locations;
- (4) ~~((Construction of frontage))~~ Frontage improvements requirements;
- (5) Access and transportation system circulation requirements;
- ~~((5))~~ (6) Dedication or deeding of right-of-way requirements;
- ~~((5))~~ (7) Impact on state highways, and other cities' and counties' roads;
- ~~((5))~~ (8) Transportation demand management measures.

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~~((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. Any construction of offsite road improvements, except for road system capacity improvements being made by the county, must be under contract or being performed before a building permit on the development will be issued and the road improvements must be complete before any certificate of occupancy or final inspection will be issued. 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 chapter 13.95 SCC.))~~

Section 32. Snohomish County Code Section 26B.52.060, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.060 Level-of-service ((requirements))standards. ((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.))

(1) As required by RCW 36.70A.070(6)(b), standards for levels of service on county arterials have been adopted by the county in its comprehensive plan adopted pursuant to the state growth management act. The department will plan, program, and construct transportation system capacity improvements for the purpose of maintaining these adopted level-of-service standards in order to facilitate new development that is consistent with the county's comprehensive plan.

(2) In accordance with RCW 36.70A.070(6)(e), no development will be approved which would cause the level of service on any arterial unit to fall below the adopted level-of-service standards unless improvements are programmed and funding identified which would remedy the deficiency within six years.

(3) When the county council determines that excessive expenditure of public funds is not warranted for the purpose of maintaining adopted level-of-service standards on an arterial unit, the county council may designate, by motion, such arterial unit as being at ultimate capacity. Improvements needed to address operational and safety issues may be identified in conjunction with such ultimate capacity designation.

(4) Level-of-service standards for arterial units which have been designated by the county council as ultimate capacity arterial units, and that directly connect state routes with a city, may be determined jointly by the county and the city through an interlocal agreement.

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(5) In order to promote efficiency in the transportation system and to maximize the benefits received from public investment through increased use of transit, ridesharing, and non-motorized transportation, all new developments in the urban area shall provide sufficient transportation demand management measures to indicate the potential for removing a minimum of five (5) percent of a development's P.M. peak hour trips from the road system.

Section 33. Snohomish County Code Section 26B.52.070, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.070 Inadequate road conditions.

(1) Mitigation of impacts on inadequate road conditions is required in order to improve inadequate roads in accordance with adopted standards, prior to the impacts of traffic from new development. 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 P.M. peak hour trips through the identified locations, or if the development's traffic will cause an inadequate road condition at the time of full occupancy of the development, the development will ~~((only))~~ be approved only if provisions are made in accordance with chapter 26B.55 of this title for improving the inadequate road conditions.

(2) Determinations of road inadequacy will be made by the county road engineer in accordance with the department policy and procedure for determination of inadequate road conditions. The county road engineer's determination as to whether or not a road is an inadequate road condition location will be final and will not be subject to appeal in accordance with SCC 26B.57. For land development review purposes, the effect of an inadequate road condition location determination on a particular development may be appealed in accordance with SCC 26B.57.

Section 34. Snohomish County Code Section 26B.52.080, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.080 Frontage improvements. All developments will be required to make frontage improvements on the parcel's frontage along any opened, constructed, and maintained public road in accordance with adopted engineering design and development standards and SCC 26B.55.050. ~~((The improvement standard will be established by the director as outlined in the department's policy and procedure on frontage improvements.))~~

NEW SECTION. Section 35. A new section is added to Chapter 26B.52 of the Snohomish County Code to read:

26B.52.085 Access and transportation circulation requirements. All developments will be required to provide for access and transportation circulation in accordance with the comprehensive plan and the development regulations applicable to the particular development, to design and construct such access in accordance with the adopted engineering design and development standards, and to improve existing roads that provide

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access to the development in order to comply with adopted design standards, in accordance with SCC 26B.55.055. Access to state highways and city streets shall be in accordance with the applicable state or city standards and requirements.

Section 36. Snohomish County Code Section 26B.52.090, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.090 Right-of-way requirements. As provided for by RCW 82.02.020 ((All))all developments, as a condition of approval, will be required to deed or dedicate property, as appropriate pursuant to ((section)) sections 26B.55.055 and 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, to be reasonably necessary as a direct result of the proposed development, 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))Standard right-of-way ((needed))widths and modification criteria are established in SCC 26B.55.060.

Section 37. Snohomish County Code Section 26B.52.100, last amended by Amended Ordinance No. 91-022, February 20, 1991, is amended to read:

26B.52.100 ((Extent of improvements:

~~————(1) The extent of offsite road improvement, and frontage improvement, including access requirements, needed to mitigate the development's direct traffic impact will be established by the director where improvements are required by this title and Title 13 SCC. 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;~~

~~————(e) Current and projected levels of service on the affected road system;~~

~~————(f) Availability of public transit;~~

~~————(g) Any traffic study submitted;~~

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- ~~_____ (h) Availability of a specific improvement program;~~
- ~~_____ (i) The number of dwelling units currently using the road system which must be improved;~~
- ~~_____ (j) The needs of low income persons for decent, affordable, low cost housing; and~~
- ~~_____ (k) Transportation system or demand management measures proposed by the developer.))~~

State highways, cities, and counties.

(1) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for state highways, will be addressed by a letter of understanding or an interlocal agreement as specified in SCC 23.36.030(3), between the county and the Washington State Department of Transportation (WSDOT). All developments will be required to mitigate impacts on roads under the jurisdiction of the WSDOT that are part of the road system as defined in SCC 26B.51.100, in accordance with SCC 26B.55.070. The mitigating measures recommended by WSDOT will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 23.36.030(4) between the county and the WSDOT.

(2) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for roads under the jurisdiction of cities or other counties, will be addressed by an interlocal agreement as specified in SCC 23.36.030(4), between the county and the other city or county. All developments will be required to mitigate impacts on roads under the jurisdiction of cities or other counties that are part of the road system as defined in SCC 26B.51.100, in accordance with section SCC 26B.55.080. The mitigating measures recommended by the city or other county will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 23.36.030(4) between the county and the other agency.

Section 38. Snohomish County Code Section 26B.52.110, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.110 Master road improvement program.

(1) In areas of high potential for residential, commercial, or industrial development and when the cumulative impact of several new developments could necessitate extensive and costly road improvements, the purposes of this title may be facilitated by establishment of a master road improvement program (MRIP).

(2) Where any county road or roads, or portions thereof, are subject to present or future uses, including those of developers of abutting and nearby properties, resulting in serious problems with respect to level of service ~~((at one or more locations))~~ and/or inadequate road conditions on one or more roads, the safety of persons and property, and the public welfare, the director may propose a MRIP designed to resolve the problems and bring about adequate levels of service and/or to remove the inadequate road condition.

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Such a program, in full or in part, may be considered in determining whether or how the requirements of this ((chapter))title may be complied with on the road system involved.

(3) A MRIP shall include:

- (a) A description of the road or roads, or portion there involved;
- (b) A description of the proposed improvements;
- (c) A financial system, including a plan for calculating the proportionate

shares of road costs to be contributed by owners, developers, the county, and other jurisdictions;

(d) A traffic study analyzing existing and future conditions anticipated on the road or roads involved;

(e) level-of-service thresholds and concurrency management systems which shall not be below the standards established in the comprehensive plan to be achieved during and after construction is finished and at which the council must be notified during the life of the MRIP;

(f) Options for the county council to pursue if the level-of-service thresholds are not maintained or achieved; and

(g) such other factors as deemed appropriate.

(4) If the council concludes that a MRIP adequately addresses the issues of public safety and amelioration of present and future level-of-service problems and/or inadequate road conditions, as required by chapters 26B.52 and 26B.55 SCC, it may adopt all or parts of such program in lieu of satisfaction of one or more of the requirements contained in said chapters. Once a MRIP has been adopted by the council, the provisions of the above-referenced chapters notwithstanding, the county shall issue a permit or approval for development provided the applicant complies with the provisions of other applicable local ordinances and agrees to comply with the developer obligations in the MRIP. Said agreement shall be in written form acceptable to the prosecuting attorney, and filed for record with the county auditor prior to subdivision, or short subdivision ((~~or large lot subdivision-recording~~)), or the effective date of any other development approval or permit.

(5) Any developer who chooses not to mitigate the development's traffic impact on roads covered by an MRIP by means of the MRIP, shall be subject to the normal requirements and restrictions of chapter 26B.55 SCC.

Section 39. Snohomish County Code Section 26B.52.120, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.120 Variations, public agencies. If the applicant for a development is a public agency, individual location and development circumstances will also be considered and may justify a variation of procedures contained herein, where to do so would further the purposes of this title. In reviewing an application for a development proposed by a public agency, the director shall consider the extent to which the proposed development improves services to the public or meets demands for public services due to growth in population and other requirements within the county. The county may enter into an interagency agreement with the public agency involved in order to document clearly the special conditions and considerations for development approval. It shall be the

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responsibility of the sponsoring public agency to offer adequate evidence to the county that the public interest would be better served under the terms of the special agreement between the parties. The agreement shall not diminish the mitigation requirements of this title, but may allow for the issuance of a building permit and certificate of occupancy on a time frame other than as specified in chapter 26B.55 SCC. In accordance with RCW 36.32.590, a performance security in the form of a bond shall not be required as a condition of development. However, all requirements shall be fully enforceable and all building permit and/or occupancy restrictions to ensure compliance shall remain in effect.

Section 40. Snohomish County Code Section 26B.52.130 adopted by Amended Ordinance No. 90-186 on November 14, 1990, is amended to read:

26B.52.130 Director authorization for administrative policies and technical procedures. The director is hereby authorized to produce and maintain administrative policies and technical procedures in order to administer this title. The policies and procedures shall cover the various aspects of processing land use applications and shall set forth any necessary procedural requirements for developers to follow in order for their applications to be processed by the staff in an efficient manner. The director shall produce administrative policies and technical procedures (~~and present them to the council for initial adoption by motion,~~) on at least the following topics:

Traffic studies: scoping, elements, processing

Level-of-service determination: methodology, data collection

Transit compatibility: transit supportive criteria for arterials, compatibility of development.

Inadequate road conditions: criteria for identification

Frontage improvements: standards, variables

~~((Sight distance: determination criteria))~~

Mitigation measures: extent, timing, agreements

Master road improvement programs: processing

~~((Modifications to policies originally adopted by motion of the county council shall be reviewed and approved by motion of the county council.))~~ The decisions of the director on matters relating to the administration of the adopted administrative policies and procedures shall be final.

Section 41. Snohomish County Code Section 26B.52.140 adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.52.140 Transportation ~~((impact mitigation programs))~~ benefit districts. ~~((In the event that transportation impact fee programs are adopted by the council 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 formed under chapter 36.73 RCW will supersede the requirements of Title 26B SCC where the ordinance forming the district specifically

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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.

Section 42. Snohomish County Code Section 26B.52.150 adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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~~) less than three (3) peak hour vehicle trips, are required to hold a pre-submittal conference with the director before submitting the development application: PROVIDED, That a pre-submittal conference will be required for all subdivisions and short subdivisions. 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 P.M. peak hour trips.

NEW SECTION. Section 43. A new section is added to Chapter 26B.52 of the Snohomish County Code to read:

26B.52.160 Development Permit Application Completeness Determinations and Review Periods. For purposes of this title, permit applications for development shall be determined to be complete in accordance with the complete application provisions for the SEPA process of SCC 23.16.163 and the complete application provisions for the specific development permit application as defined in the applicable development regulations in accordance with RCW 36.70A.065 and RCW 36.70A.440 as recodified by ESHB 1724, Chapter 347, Laws of 1995. The contents of a completed development permit application necessary for a completeness determination shall be specified in the development regulations for the specific development and shall include items necessary for a complete application under Title 26B SCC. Where items necessary for a complete application under Title 26B SCC are not specified in the development regulations for the specific development, a development permit application shall not be considered complete until all traffic studies or data required in accordance with chapter 26B.53 SCC and/or specified in the pre-submittal conference of SCC 26B.52.150 are received. Review periods and time limits shall be as established in SCC 23.16.161 and the applicable development regulations for the specific development and/or the provisions of Title 32 SCC in accordance with RCW 36.70A.065 and RCW 36.70A.440 as recodified by ESHB 1724, Chapter 347, Laws of 1995.

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NEW SECTION. Section 44. A new section is added to Chapter 26B.52 of the Snohomish County Code to read:

26B.52.170 Identification of Other Agencies with Jurisdiction Over Transportation Issues. To the extent known by the department, other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the development or permits necessary for development approval related to transportation will be identified at the pre-submittal conference and/or in the notification regarding application completeness in accordance with RCW 36.70A.440 as recodified by ESHB 1724, Chapter 347, Laws of 1995. Where there are changes in the development which result in the need for review by other jurisdictions and/or require additional permits or approvals regarding transportation, the department will, to the extent known by the department, identify those agencies that now have jurisdiction in a supplemental notification to the developer. The developer is also responsible for identifying all other agencies that may have jurisdiction over some aspect of the development or permits. The department will cooperate with the WSDOT, cities, and other agencies concerning identification of necessary access permits, approvals, developer agreements, or other conditions related to transportation. Transportation related permits and approvals may include, but are not limited to, WSDOT access permits, other city or county access permits, WSDOT public road/state route intersection approvals, railroad grade crossing or signalization approvals, or public utility easement crossing approvals. The developer is also responsible for identifying all other permits and approvals required for the proposed development.

Section 45. Snohomish County Code Section 26B.53.010, last amended by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.53.010 When required. In order to provide sufficient information to assess a development's impact on the road system, developments adding three or more P.M. 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 generation and distribution analysis but may need to be as extensive as analyzing all ((locations))arterial units on the road system wherever three or more P.M. peak hour trips from the development are added. In accordance with SCC 26B.55.030(5), developments adding fifty (50) P.M. peak-hour trips may be required to provide a traffic study. A traffic study may also be required of a developer in conjunction with the provisions of SCC 26B.55.040 in order to analyze a potential inadequate road condition. Changes in the development proposal may result in the director determining that a traffic study is required or that additional information is required.

A developer shall provide a traffic study for developments which add three or more P.M. 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:

- impacts of the development on any arterial units in arrears, and/or designated ultimate capacity arterial units.
- any arterial unit that the development may cause to fall into arrears
- a development's traffic distribution
- a possible inadequate road condition
- adequacy of the proportionate share calculations (~~((under the currently adopted road needs report))~~) of any voluntary payments that may be required under this title, in representing reasonable and/or adequate mitigation for that particular development
- a suspected traffic impact (~~((to see if))~~) that may warrant 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.

Developments impacting roads under the jurisdiction of the WSDOT, cities or other counties, will be required to provide a traffic study to address impacts of the development on the WSDOTs', cities' or other counties' roads, when the development meets the thresholds established in an interlocal agreement with the WSDOT, city or other county for when a traffic study will be required.

Section 46. Snohomish County Code Section 26B.53.030, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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.

Section 47. Snohomish County Code Section 26B.53.040, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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. Additional information or actual traffic counts may be requested to verify traffic study conclusions or traffic analysis.

Section 48. Snohomish County Code Section 26B.55.010 adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.55.010 (~~Time of determination~~)Determination of developer obligations.

(1) The time of determination of developer obligations (~~shall be made~~) by the county shall be before approval of all preliminary plats, short subdivisions, (large lot subdivisions,) conditional and special use permits, and binding site plans (including those associated with rezone applications), or before the issuance of a commercial, or duplex residential building permit, whichever occurs first.

(2) Mitigation measures imposed as conditions of approval of conditional or special use permits or binding site plans shall remain valid (~~for a period of one year from the date of approval~~) until the expiration date of the certificate of concurrency for a development. Any building permit application submitted after the (~~one year time period has expired~~) expiration date shall be subject to full reinvestigation of traffic impacts under this title before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with approval of the conditional or special use permit, the binding site plan, or prior building permits pursuant to a binding site plan only where those mitigation measures addressed impacts of the current building permit application.

(3) The director, following review of any required traffic study and any other pertinent data, shall inform the developer in writing what the development's impacts and mitigation obligations are under this title. The developer shall make a written proposal for mitigation of the development's (~~direct~~) traffic impact, except when such mitigation is by payment of any impact fee under the authority provided to the county under RCW 82.02.050(2). When the developer's written (~~offer of mitigation~~)proposal has been reviewed for accuracy and completeness by the director, the director shall make recommendation to the department of planning and development services, as to the concurrency determination and conditions of approval or reasons for recommending denial of the land use application, citing the requirements of this title.

(4) In cases which require a public hearing, a developer must submit a written proposal to the director, (~~which outlines how and when the developer offers to fulfill its obligations under this title~~)for mitigation of the development's traffic impact, except

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where such mitigation is by payment of any impact fee under the authority provided to the county under RCW 82.02.050(2). The written proposal must be submitted after any required traffic study has been reviewed and the director has stated the ((direct traffic impact)) mitigation requirements pursuant to chapter 26B.55 SCC or in any event sufficiently far enough in advance of a public hearing to allow review and recommendations by the director and hearing body. If ((an offer)) a proposal is not received by the time the department makes its written recommendation on the case to the department of planning and development ((division)) services, the director will recommend denial of the development for lack of compliance with this title.

(5) A duplex residential building permit for a lot for which capacity improvement payment or offsite road improvement obligations were not imposed when it was created, will be issued by the planning and ((community)) development services director only after the appropriate mitigation ((measure is taken)) measures are provided in conformance with this title. The director is not required to review duplex residential building applications. Application forms for all duplex residential building permits shall be accompanied by a statement that development of every lot in the county with a new duplex residence will have an impact on the road system that must be mitigated. The statement shall outline the options available to the developer for investigating the impact and proposing appropriate road improvements or making a payment as allowed by this title. The notice shall include all information necessary for the applicant to make an informed decision as to how to proceed. Applicants in such cases shall inform the county of their mitigation choice at the time of permit issuance and proceed accordingly.

(6) Developer mitigation measures shall be set out in a written document which is binding on the real property which is legally described in the development application or necessary to comply with development requirements or conditions, recorded with the county auditor, and administered in accordance with the provisions of SCC 26B.55.125.

(7) Any request to amend a proposed development, following the determination of developer obligations and approval of the development, which causes an increase in the traffic generated by the development, or a change in points of access, shall be processed in the same manner as an original application and determined to be a major revision under SCC 18.51.080, SCC 18.53.040 or SCC 18.72.192, a major modification under SCC 18.56.040 and determined to not meet the criteria for administrative approval under SCC 18.60.095 or SCC 19.20.020, except where written concurrence is provided by the director that such request may be administratively approved.

Section 49. Snohomish County Code Section 26B.55.020, last amended by Amended Ordinance 93-145, on December 20, 1993, is re-enacted.

Section 50. Snohomish County Code Section 26B.55.030, last amended by Amended Ordinance No. 93-145, on December 20, 1993, is re-enacted and amended to read:

26B.55.030 Level-of-service requirements, concurrency determinations.

~~((1)) Urban area~~

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~~_____ (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.55.140.~~

~~_____ (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.55.140, 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 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 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 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.)~~

(1) The department shall make a concurrency determination for each development application to ensure that the development will not impact an arterial unit where the level-of-service is below the adopted level-of-service standard, or cause the level-of-service on an arterial unit to fall below the adopted level-of-service standard, unless improvements are programmed and funding identified which would remedy the deficiency within 6 years. The approving authority shall not approve any development that is not deemed concurrent under this section [SCC 26B.55.030]. Building permit applications for development within an approved rezone with binding site plan, non-residential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section shall be deemed concurrent; PROVIDED, That: the certificate of concurrency for

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the rezone with binding site plan, non-residential subdivision or short subdivision has not expired, the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the rezone with binding site plan, subdivision or short subdivision approval is performed as a condition of building permit issuance.

(a) A concurrency determination which verifies that a development has been deemed concurrent shall be documented by a "certificate of concurrency" which shall be included as part of the director's recommendation under SCC 26B.55.010. Such certificate shall state when the concurrency determination was made and whether the concurrency certificate is conditioned upon satisfaction of conditions to enable the development to be deemed concurrent and shall indicate the expiration date of the certificate of concurrency.

(b) The department shall make a concurrency determination upon receipt of a development's initial application. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the director, and the development will be reevaluated for concurrency purposes. Concurrency determinations made subsequent to the initial concurrency determination for a development due to change in the development or at the request of the developer will be subject to an additional review fee at the rate identified as the base review fee under SCC 13.110.030.

(c) The director shall determine the expiration date of the certificate of concurrency for a development based upon such factors as the size of the development and the level-of-service of impacted arterial units. The expiration date of the certificate of concurrency for a development shall be six (6) years after the date of the concurrency determination, except where it is determined by the director that a earlier expiration date should be established due to the impact of the development on level-of-service conditions. A later date of expiration may be established in accordance with SCC 26B.57.005. Factors to consider in determining whether a different expiration date should be established shall be consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan. The expiration date of the certificate of concurrency for a binding site plan that generates more than 50 P.M. peak hour trips shall be the expiration date of the binding site plan for the purposes of concurrency as determined by the date of the latest certificate of occupancy for the development as proposed by the applicant and the date used in the traffic study for determining impacts on level-of-service in accordance with SCC 26B.55.030(5).

(d) Building permits for a development must be issued prior to expiration of the certificate of concurrency for the development, except when the development is a residential subdivision or short-subdivision in which case the subdivision or short-subdivision must be recorded prior to expiration of the certificate of concurrency for the development, and, except where no building permit will be associated with a conditional or special use permit, in which case the conditional or special use permit must be issued prior to expiration of the certificate of concurrency for the development. No additional concurrency determination shall apply to residential

dwellings within a subdivision or short subdivisions recorded in compliance with this section.

(e) If a certificate of concurrency expires prior to building permit issuance, except when the development is a residential subdivision or short-subdivision then prior to the recording of the subdivision or short-subdivision, and, except where no building permit will be associated with a conditional or special use permit, then prior to issuance of the conditional or special use permit, the director shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination and may establish a new expiration date in accordance with SCC 26B.55.030(1)(c).

(2) In determining whether or not to deem a proposed development as concurrent, the department shall analyze likely road system impacts on arterial units based on the size and location of the development. A development will be deemed concurrent for the period prior to the expiration date of the certificate of concurrency for the development.

(a) Concurrency determinations under this section [SCC 26B.55.030] will evaluate the road system impacts for any proposed development within the boundaries of the development's transportation service area. The transportation service area in which a development is located will be determined at the pre-submittal conference. The director will determine the transportation service area of developments which straddle a boundary, are physically adjacent to another transportation service area, or from which the traffic impacts are greatest in an adjacent TSA, and may change such determination upon review of the initial application.

(b) A development's forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road system. The county will accept valid data from a traffic study under SCC 26B.53 or will use the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers. Adjustments will be made for trip reduction credits approved under SCC 26B.55.130.

(3) A concurrency determination made for a proposed development under this section [SCC 26B.55.030] will evaluate the development's impacts on any arterial units in arrears, and/or designated ultimate capacity arterial units.

(a) If a development is proposed within a transportation service area which contains no arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent, except that if the development generates more than fifty (50) P.M. peak-hour trips, the requirements of SCC 26B.55.030(5) shall also apply.

(b) If a residential development which generates seven (7) or more P.M. peak hour trips, or a non-residential development which generates five (5) or more P.M. peak hour trips is proposed within a transportation service area which contains one or more arterial units in arrears and/or designated ultimate capacity arterial units, then the development may only be deemed concurrent, based on a trip distribution to determine the impacts of the development. If the development generates more than fifty (50) P.M. peak-hour trips the requirements of SCC 26B.55.030(5) shall also apply. Impacts shall be determined based on each of the following:

(i) If the trip distribution indicates that the development will not place three (3) or more P.M. peak hour trips on any arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent.

(ii) If the trip distribution indicates that the development will place three (3) or more P.M. peak hour trips on any arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under SCC 26B.55.030(6).

(iii) If the trip distribution indicates that the development will place three (3) or more P.M. peak hour trips on any designated ultimate capacity arterial unit, then the development shall be deemed concurrent only if the development proposes to mitigate its road system impact by providing sufficient transportation demand management (TDM) measures under SCC 26B.55.140 to indicate the potential for removing a minimum of ten (10) percent of the development's P.M. peak hour trips from the road system. If the impacted ultimate capacity arterial unit meets the criteria for transit supportive design and if the development meets the department's criteria for transit compatibility in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, then the existence of, or provision of, an offsite walkway connecting the development with a bus stop will count for one-half of the required ten (10) percent provision of TDM measures.

(iv) If the trip distribution indicates that the development will place three (3) or more P.M. peak hour trips on any designated ultimate capacity arterial unit that directly connects a state highway with a city, and there is an interlocal agreement as specified in SCC 23.36.030(4) between the county and the city addressing the designated ultimate capacity arterial unit, then the development shall be deemed concurrent only if the impacted ultimate capacity arterial unit and the development are in accordance with the terms of the interlocal agreement. If there is no interlocal agreement between the county and the city addressing the designated ultimate capacity arterial unit, then this provision [26B.55.030(3)(b)(iv)] shall not apply.

(4) Any residential development that generates less than seven (7) P.M. peak-hour trips, or any non-residential development that generates less than five (5) P.M. peak hour trips shall be considered to have only minor impact on county arterials for purposes of a concurrency determination on impacts to level-of-service on arterial units and shall be deemed concurrent.

(5) Any development that generates more than fifty (50) P.M. peak-hour trips must provide a traffic study so that the department can determine if the development will cause any county arterial units to fall into arrears, except when the director determines at the presubmittal conference that a traffic study is not required. In addition to the concurrency determination under SCC 26B.55.030(3), the director shall not deem as concurrent any development generating more than fifty (50) P.M. peak-hour trips which would cause any arterial unit to fall into arrears, except where the development proposes to remedy any arterial unit in arrears in accordance with SCC 26B.55.030(6)(c)(ii).

(6) Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:

(a) A development which meets the department's criteria for transit compatibility, in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, shall be deemed concurrent if the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, and if the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan, and provided that the development can be deemed concurrent in accordance with all other provisions of SCC 26B.55.030(3).

(b) A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the county to deem the development concurrent under this section.

(c) The county may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the director's recommendation under SCC 26B.52.020, and referenced in the concurrency determination, as a condition of approval.

(i) Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the county has made or programmed capacity improvements which would remedy any arterial unit in arrears.

(ii) Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial unit in arrears.

(A) If a developer chooses to mitigate the development's impact 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. Construction of improvements shall be in accordance with the Engineering Design and Development Standards, as adopted under section 13.05 SCC and the procedures of 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 offsite improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, based on the cost basis contained within the transportation needs report, may apply for a reimbursement contract under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(D) Any developer who chooses to mitigate a development's impact by constructing offsite improvements may propose to the director that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director will determine whether or not such a partnership is to be established.

(E) Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection: PROVIDED, That where no building permit will be associated with a conditional or special use permit, then construction of improvements is required as a precondition to approval.

(d) If such development is consistent with the county's comprehensive plan adopted pursuant to the state's growth management act, then the developer may request, and based on such request the county may consider, amendment to the comprehensive plan to provide for lower density development to allow such development to be deemed concurrent. In such cases the development may be required to develop and/or pay for the amendment proposal.

(7) All new developments in the urban area shall provide transportation demand management measures. Sufficient transportation demand management measures shall be provided to indicate the potential for removing a minimum of five (5) percent of a development's P.M. peak hour trips from the road system. This requirement shall be met by the provision of site design requirements under SCC 26B.55.130(6) or SCC 26B.55.130(8), as applicable, except where the developer proposes construction or purchase of specific offsite TDM measures or voluntary payment in lieu of site design, in accordance with SCC 26B.55.140(1).

Section 51. Snohomish County Code Section 26B.55.040, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.55.040 Inadequate road condition requirements.

(1) Regardless of the existing level-of-service, development which adds three or more P.M. peak hour trips to an inadequate road condition existing on the road system at the time of determination in accordance with SCC 26B.55.010, or development whose traffic will cause an inadequate road condition at the time of full occupancy of the development, 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: PROVIDED, That where no building permit will be associated with a conditional or special use permit, then the improvements removing the inadequate road condition must be complete as a precondition to approval.

(2) The ~~((director))~~ county road engineer shall determine whether or not a location constitutes an inadequate road condition. Any known inadequate road condition to which

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the development adds three (3) or more P.M. peak hour trips shall be identified as part of the directors recommendation under SCC 26B.55.010. 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))county road engineer. Where the hearing body determines that investigation is warranted, the determination as to whether or not a location constitutes an inadequate road condition shall be made within fourteen (14) working days. If it is determined by the county road engineer that a traffic study is required in accordance with SCC 26B.53 to provide sufficient information for the county road engineer to determine whether the development will cause an inadequate road condition, the fourteen (14) day period shall start at the time the traffic study is submitted by the developer.

(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 P.M. peak hour trips through any inadequate road condition location on the road system, the developer may submit a traffic distribution analysis in accordance with chapter 26B.53 SCC ~~((to prove))~~in support of the developer's belief. If the traffic distribution analysis shows that the development does not add three or more P.M. 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))~~county road engineer 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 of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, based on the cost basis contained within the transportation needs report, or which are not part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, and therefore not credited against any proportionate share mitigating payment, may apply for a reimbursement contract under the provisions of chapter 13.95 SCC or propose the

establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

Section 52. Snohomish County Code Section 26B.55.050, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.55.050 Frontage improvement requirements.

(1) All developments will be required to make frontage improvements ~~((on))~~ along the parcel's frontage ((along)) on any opened, constructed, and maintained public road. The required improvement shall be constructed in accordance with the Engineering Design and Development Standards as adopted under section 13.05 SCC, including correction of horizontal and vertical alignments if applicable.

(2) The improvement standard will be established by the director in accordance with SCC 26B.55.095 and as outlined in the department's policy and procedure on frontage improvements.

(3) Construction of frontage improvements is required prior to approval for occupancy or final inspection unless the development is a subdivision or short-subdivision, in which case construction is required prior to the recording of the subdivision or short-subdivision except where bonding of construction is acceptable to the department of planning and development services: PROVIDED, That where no building permit will be associated with a conditional or special use permit then construction of improvements is required as a precondition to approval, unless some later time of construction is recommended by the director and imposed by the approving authority as a condition of approval, in which case that time of construction shall apply.

NEW SECTION. Section 53. A new section is added to Chapter 26B.55 of the Snohomish County Code to read:

26B.55.055 Access and transportation circulation requirements.

(1) All developments shall be required to provide for access and transportation circulation in accordance with the comprehensive plan and county development regulations, including, but not limited to, Title 16 SCC fire code, Title 17 SCC building code, Title 18 SCC zoning code, Titles 19 and 20 SCC subdivision codes, Title 32 SCC, and/or such other land development codes or regulations as are applicable, and will be required to design and construct such access in accordance with the Engineering Design and Development Standards, as adopted under Chapter 13.05 SCC.

(2) All developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the roadway after full occupancy of the development, is not designed and/or constructed in accordance with the Engineering Design and Development Standards, as adopted under section 13.05 SCC, will be required to improve such roadway in order to comply with adopted standards when it is determined necessary by the director in order to provide for safety and the operational efficiency of the road. The extent of improvements will be established by the director in accordance with SCC 26B.55.095.

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(3) Construction of access improvements is required prior to approval for occupancy or final inspection unless the development is a subdivision or short-subdivision, in which case construction is required prior to the recording of the subdivision or short-subdivision except where bonding of construction is acceptable to the department of planning and development services: PROVIDED, That where no building permit will be associated with a conditional or special use permit, then construction of improvements is required as a precondition to approval, unless some later time of construction is recommended by the director and imposed by the approving authority as a condition of approval, in which case that time of construction shall apply.

Section 54. Snohomish County Code Section 26B.55.060, last amended by Amended Ordinance No. 92-109, on September 23, 1992, is amended to read:

26B.55.060 Right-of-way requirements.

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

(2) Reservations of right-of-way. In cases where the dedication or deeding of additional right-of-way can not be reasonably required as a ~~((mitigation of))~~ direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, ((impact but any right-of-way abutting the development does not have the proper width from centerline to provide a total standard right-of-way width as indicated in subsection (3) 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 may be donated to the county or will be purchased by the county through a county road project.

(3) Standard right-of-way widths. Right-of-way dedications shall be made to provide sufficient right-of-way widths to accommodate road improvement needs. The standard right-of-way widths based on road classification as defined in the Engineering Design and Development Standards adopted under chapter 13.05 SCC are:

Non-arterials	
<u>Access Streets-Urban Area</u>	50 feet
<u>Access Roads-Rural Area</u>	60 feet
<u>Subcollector Streets-Urban Area</u>	((60)) 50 feet
<u>Subcollector Roads-Rural Area</u>	60 feet
<u>Collector Streets-Urban Area</u>	60 feet
<u>Collector Roads-Rural Area</u>	60 feet

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Arterials	
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

(4) Modifications to standard right-of-way width - criteria. Wider or narrower right-of-way widths than the standard may be required as determined by the county road engineer. The determination shall be based on meeting one or more of the following criteria:

- (a) Contents of the transportation ~~((elements))~~element of the currently adopted comprehensive ~~((plans))~~plan including but not limited to the provision of safe and efficient movement of pedestrians, equestrians and bicyclists with emphasis on transit facilities, schools, parks and scenic areas;
- (b) Whether sidewalks, walkways, trails, bikeways or planters will be adequately maintained outside of public right-of-way;
- (c) 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;
- (d) Nature of the roadway and road involved, and its impact on neighboring properties including width, slopes, cuts, fills, vertical and horizontal curvature, sight distance at intersections, the development and the land upon which it is situated; access existing or to be provided thereto;
- (e) Engineering design and development standards requirements including but not limited to land alteration, site access, road types and geometrics, road elements and roadside features, drainage and utilities;
- (f) Any other factors affecting the health, safety, property and general welfare of the public, including users of the roads, sidewalks, walkways, trails or bikeways and the development.
- (g) The provision of adequate public transit facilities.

Provided, in no instance shall right-of-way widths be reduced for arterials below the following minimums without express approval from the council:

Collector Arterials-Urban Area	60 feet
Minor Collector-Rural Area	60 feet
Minor Arterials-Urban Area	70 feet
Major Collector-Rural Area	70 feet
Principal Arterials-Urban Area	80 feet
Principal or Minor Arterial-Rural Area	80 feet

(5) The county road engineer is authorized to include in the engineering design and development standards, standard drawings depicting the standard right-of-way widths and modification criteria as contained within this title.

(6) Developers shall be compensated for right-of-way dedicated or deeded only when the right-of-way is required for the present or future construction of improvements that are not necessary for the use and convenience of the occupants or users of the development, or when the right-of-way is necessary for the construction of improvements that are identified in the transportation needs report and included as part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads.

Compensation shall not include the value of the portion of any right-of-way dedicated or deeded that is required for improvements on any existing road necessary for the use and convenience of the occupants or users of the development, including but not limited to a two lane road for access to the development and/or frontage improvements, in accordance with the Engineering Design and Development Standards. Compensation shall also not include the value of any right-of-way dedicated or deeded along a development's frontage on any road that is less than thirty (30) feet from the centerline of right-of-way. Centerline location shall be determined by the director. PROVIDED, That where such right-of-way is identified in the transportation needs report and included as part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, compensation shall be provided.

(7) Compensation for right-of-way dedicated or deeded shall be provided as a credit against any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, except where the value of the dedicated right-of-way, based on the cost basis contained within the transportation needs report, is greater than any proportionate share payment imposed under this title to mitigate the development's impact on the future capacity of county roads, in which case compensation for the balance between the value of the dedicated right-of-way and the proportionate share mitigating payment shall be by payment. Nonmonetary compensation such as development alternatives may be provided in lieu of credit and/or payment where agreed to by the director and the developer.

(8) Right-of-way shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications associated with binding site plans; prior to issuance of a commercial, or duplex residential building permit; or, if the development is a subdivision or short subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the subdivision or short subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development, the right-of-way shall be dedicated or deeded at the earliest stage of development.

Section 55. Snohomish County Code Section 26B.55.070, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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)))~~ consistent with the terms of a letter of understanding or an interlocal agreement as specified in SCC 23.36.030(4), between the county and the WSDOT, rather than by the provisions of ~~((chapter 26B.52))~~ SCC 26B.52.050 through SCC 26B.52.090 and SCC 26B.55.010 through 26B.55.060. ~~((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/or 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))~~ review the WSDOT determined mitigation ~~((measures))~~ requirements and, to the extent that such requirements are reasonably related to the impact of the proposed development, the director shall, as part of the director's recommendation under SCC 26B.55.010, recommend that the requirements be imposed. ~~((to the approving authority and the))~~ The approving authority will impose such mitigation measures as a condition of approval of the development in conformance with the terms of the letter of understanding or interlocal agreement as specified in SCC 23.36.030(4), between the county and the other agency.

~~((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 or has frontage on a state highway will be required to meet the WSDOT requirements for dedication or deeding of additional right-of-way, provision of access and construction of 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.

(5) Any payment to mitigate impacts on state highways is required prior to building permit issuance unless the development is a subdivision or short-subdivision, in which case the payment is required prior to the recording of the subdivision or short-subdivision. PROVIDED, That where no building permit will be associated with a conditional or special use permit then payment is required as a precondition to approval.

(6) Construction of improvements to mitigate impacts on state highways is required prior to approval for occupancy or final inspection. PROVIDED, That where no building permit will be associated with a conditional or special use permit then construction of improvements is required as a precondition to approval unless some later time of construction is recommended by WSDOT and imposed by the approving authority as a condition of approval, in which case that time of construction shall apply.

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(7) Right-of-way required for state highways shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications associated with binding site plans; prior to issuance of a commercial, or duplex residential building permit; or, if the development is a subdivision or short subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the subdivision or short subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development, the right-of-way shall be dedicated or deeded at the earliest stage of development.

Section 56. Snohomish County Code Section 26B.55.080, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

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 and/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 impacts and what mitigation measures reasonably related to the impacts of the development are needed on such streets or roads and may assign all or part of such mitigation to the developer.

(2) The director will ~~((submit))~~ review the city's, town's or other county's recommended mitigating measures and to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of the interlocal agreement specified in SCC 23.36.030(4) between the county and the other agency, the director shall as part of the director's recommendation under SCC 26B.55.010, recommend that those requirements be imposed ~~((to the approving authority, and the))~~ 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))~~ specified in ~~((SCC 23.36.030(3)))~~ SCC 23.36.030(4) between the county and the other agency.

(3) A development which takes access from or has frontage on a city street or other county's road will be required to meet the city's or county's requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the city's street or county's road as deemed necessary by the city or county. Such development must also comply with this title with respect to county roads in its road system

(4) Any payment to mitigate impacts on cities streets or other counties' roads is required prior to building permit issuance unless the development is a subdivision or short-subdivision, in which case the payment is required prior to the recording of the subdivision or short-subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then payment is required as a precondition to approval.

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(5) Construction of improvements to mitigate impacts on cities streets or other counties' roads is required prior to approval for occupancy or final inspection: PROVIDED, That where no building permit will be associated with a conditional or special use permit then construction of improvements is required as a precondition to approval unless some later time of construction is recommended by the city or other county and imposed by the approving authority as a condition of approval, in which case that time of construction shall apply.

(6) Right-of-way required for cities streets or other counties' roads shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications associated with binding site plans; prior to issuance of a commercial, or duplex residential building permit; or, if the development is a subdivision or short subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the subdivision or short subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development, the right-of-way shall be dedicated or deeded at the earliest stage of development

Section 57. Snohomish County Code Section 26B.55.090, last amended by Amended Ordinance No. 91-022, on February 20, 1991, is amended to read:

26B.55.090 Special circumstances. Where the only ~~((solution))~~remedy to ~~((a level-of-service F condition in the urban area or D or below condition in the rural area))~~an arterial unit in arrears 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, developments impacting the ~~((location))~~arterial unit will be allowed to proceed without the installation of the traffic signal; PROVIDED, That all other warranted ~~level-of-service and transit related~~ improvements are made ~~((at the location))~~on the arterial unit with the deficient level-of-service. Developments impacting such ~~((locations))~~ arterial units will not be issued building permits until the improvements (not including the traffic signal) ~~((at))~~to the level-of-service deficient ~~((location))~~arterial unit are under contract or being performed. Such developments will still be subject to all other obligations as specified in this title.

NEW SECTION. Section 58. A new section is added to Chapter 26B.55 of the Snohomish County Code to read:

26B.55.095 Extent of improvements.

(1) The extent of offsite road improvement, frontage improvement, and/or access improvement needed to meet the requirements of this title and Title 13 SCC will be established by the director. 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

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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 in accordance with the Engineering Design and Developments Standards, adopted under chapter 13.05 SCC . 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 improvements to 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;
- (e) Current and projected levels of service on the affected road system;
- (f) Availability of public transit;
- (g) Any traffic study submitted;
- (h) Availability of a specific improvement program;
- (i) The number of dwelling units currently using the road system which must be improved and projected to use the road system after full occupancy of the development;
- (j) The needs of low-income persons for decent, affordable, low-cost housing;
- (k) Transportation system or demand management measures proposed by the developer;
- (l) The need for pedestrian and bicycle facilities;
- (m) Continuity with existing and proposed improvements;
- (n) Development standards of adjacent cities; and
- (o) The need for safety improvements for school children.

Section 59. Snohomish County Code Section 26B.55.100, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.55.100 Authority of the department of planning and development services.

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

~~((2) The director of the department of planning and development services 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 department of planning and development services in so acting shall proceed in conformity with this title:))~~

Section 60. Snohomish County Code Section 26B.55.110, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.55.110 Administration of ~~((road system capacity))~~ proportionate share mitigating payments.

(1) ~~((Payments))~~ Any proportionate share mitigating payment made pursuant to ~~((SCC 26B.55.020))~~ this title 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))~~ in which case the payment ((is required)) shall be made prior to the recording of the subdivision or short-subdivision((-): PROVIDED, That where no building permit will be associated with a conditional or special use permit then payment is required as a precondition to approval.

(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))~~ Any payment made pursuant to RCW 82.02.020 shall be expended for a permissible use within five years of receipt in accordance with RCW 82.02.020(2). Any payment made pursuant to RCW 82.02.020 and not so expended shall be refunded in accordance with RCW 82.02.020(3).

(e) Any payment made pursuant to RCW 82.02.050 shall be expended for a permissible use within six years of receipt in accordance with RCW 82.02.070. Any payment made pursuant to RCW 82.02.050 and not so expended shall be refunded in accordance with RCW 82.02.((020))080.

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(2) Offsite improvements include construction of improvements to mitigate ~~((the development's impact on road system capacity, specific level of service D, E and F locations))~~ an arterial unit in arrears 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))~~ an arterial unit in arrears or inadequate road condition problem, and the improvements constructed are part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, 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 for and/or construct ~~((more than the development's share of the cost of))~~ offsite improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, based on the cost basis contained within the transportation needs report, or which are not part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, and therefore not credited against the proportionate share mitigating payment, may apply for a reimbursement contract under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

Section 61. Snohomish County Code Section 26B.55.120, adopted by Amended Ordinance No. 90-186, on November 14, 1990, is amended to read:

26B.55.120 Relationship between proportionate share mitigating payments ~~((made under SCC 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))~~ transportation 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 on the future capacity of county roads ~~((under SCC 26B.55.020)).~~ If the special district fee is the same or greater than the amount of ~~((the))~~ any 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))~~ any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, then the proportionate share mitigating payment will be reduced by the value of the special district fee and paid to the county ~~((affected properties will pay to the county the difference between the special~~

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~~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))~~ transportation 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))~~ any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads~~((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))~~ any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads 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 February 9, 1991, 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))~~ district fees.

NEW SECTION. Section 62. A new section is added to Chapter 26B.55 of the Snohomish County Code to read:

26B.55.125 - Written Notification of and Release of Developer Obligations.

(1) For all developments as defined in SCC 26B.51.040 requiring subsequent land development approvals, other than commercial building permits, duplex residential building permits, or residential subdivisions and short subdivisions, a document stating the mitigation requirements imposed and a certificate of concurrency shall be recorded against the real property on which the development is proposed: **PROVIDED**, That where no building permit will be associated with a conditional or special use permit, and all mitigation obligations are met as a precondition to approval, then recording of voluntary agreements, a certificate of concurrency, and records of development obligations will not be required.

(a) For all developer's choosing to make a voluntary payment to mitigate the development's impacts on road system capacity, as may be required as a condition of approval under this title, or to meet TDM requirements, or to mitigate impacts on roads under the jurisdiction of another agency, the document stating the mitigation requirements imposed shall be a voluntary agreement between the county and/or other jurisdiction and the developer.

(b) For developer's choosing to construct offsite improvements to satisfy a transportation impact mitigation obligation of a development, as may be required as a condition of approval under this title, the document stating the mitigation requirements

imposed shall be a voluntary agreement between the county and/or other jurisdiction and the developer.

(c) For all developments required as a condition of approval to pay a road system impact fee under the authority provided to the county under RCW 82.02.050(2), the document stating the mitigation requirements imposed shall be a record of development obligations.

(2) Where the developer is not the legal owner of the property on which the development is proposed, the legal owner shall sign a statement agreeing that the mitigation measures imposed will be binding on the real property and will run with the land until the development approval has expired or the obligations contained within the document or agreement have been fulfilled. The statement shall be attached to the voluntary agreement or record of development obligations.

(3) The document stating the mitigation requirements shall contain, as appropriate, a complete legal description of the real property which is the subject of the development, an adequate description of the mitigation measures, the development and/or road system events triggering subsequent phases or parts of the mitigation measures, performance security, and notice to subsequent purchasers of the mitigation obligations related to development of the property. Construction of improvements within county road rights-of-way shall be in accordance with the Engineering Design and Development Standards, as adopted under chapter 13.05 SCC and undertaken in accordance with all permit and approval requirements of Title 13 SCC and any other agency with permit or approval jurisdiction. The continued validity of the development permit approval shall be conditioned upon adequate compliance with terms and conditions of the mitigation measures and the written agreement.

(4) Voluntary agreements, records of development obligations, and/or certificates of concurrency shall be recorded as a precondition to approval of conditional and special use permits, and rezone applications associated with binding site plans or, if the development is a subdivision or short subdivision for non-residential use, then they shall be recorded prior to or at the time of recording of the subdivision or short subdivision.

(5) Voluntary agreements, records of development obligations, and/or certificates of concurrency will be released from the title of the property on which the development is proposed upon request to the director, once the development approval has expired or the obligations contained within the document or agreement have been fulfilled.

Section 63. Snohomish County Code Section 26B.55.130, last amended by Amended Ordinance No. 93-145, on December 20, 1993, is re-enacted and 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) 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 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))~~ a mitigation proposal under SCC 26B.55.010 ~~((3), 26B.55.010(4), or 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 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 determination of program fulfillment has been made for the sixth year of the voluntary trip reduction program, the department shall, within ninety 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 P.M. 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))) any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads;~~
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))~~

(ii) In determining impacts for concurrency determinations as per SCC 26B.55.030; 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))~~ To determine a development's impacts on other jurisdictions' transportation facilities.

(b) Developers required to provide TDM ~~((under SCC 26B.55.030 for traffic impacts at intersections with level of service deficiencies))~~ in accordance with this title may use trip reduction credits approved under this section to partially or completely 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:))~~. In this case, the amount of the developer's TDM obligation under SCC 26B.55.140(3) shall be reduced by a factor equal to the development's approved percent trip reduction credits divided by the minimum required trip reduction percentage.

~~((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 P.M. peak hour trips and ADT for use in determining impacts on state facilities as per SCC 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))~~ any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, mitigation requirement and/or any TDM payment under SCC 26B.55.140(1) 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 an 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))~~ any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, mitigation requirement and/or any TDM payment under SCC 26B.55.140(1) with adjustments for inflation.

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(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, American Disabilities Act (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, American Disabilities Act (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 practicable and 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~~) practicable and desirable the use of minimum setbacks to reduce walking distances; and

(g) Where (~~reasonable~~) practicable and desirable the placement of vehicle parking to the sides and the rear of the buildings; and

(h) Where (~~reasonable~~) practicable and desirable 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 P.M. 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 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 commuters; 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 or short 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, American Disabilities Act (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 practicable and 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~~) practicable and desirable, lighting and weather protection for pedestrian facilities; and

(e) An overall density of at least four 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))~~ are 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 64. Snohomish County Code Section 26B.55.140, last amended by Amended Ordinance No. 93-145, on December 20, 1993, is re-enacted and amended to read:

26B.55.140 Transportation demand management ~~((requirements-))~~ obligations

~~(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 provision of TDM measures, it must provide sufficient TDM measures to indicate the potential for removing a minimum of ten percent of the development's peak hour trips from the road system.~~

~~((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))~~ in accordance with this title, may satisfy its TDM obligation through trip reduction credits as per SCC 26B.55.130(4)(b), or through the construction or purchase of specific offsite TDM measures equivalent to the development's TDM obligation as indicated under this section, or by making a voluntary payment under SCC 26B.55.010 equal to the development's TDM obligation into an account established for the purpose of contributing to the construction or purchase of specific TDM measures.

~~((3))~~ (2) 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 but are not limited to 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.

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(d) Construction of pedestrian facilities connecting development with major activity centers and/or transit facilities.

~~((4))~~ (3) 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 ten percent, it may construct an approved HOV project which costs a minimum of \$1,500 times ten percent of its peak hour trip generation or it may pay to the county a sum equal to \$1,500 times ten percent of its peak hour trip generation.))~~ For a development required to provide TDM under SCC 26B.55.020(6) or SCC 26B.55.030(3)(b)(iii), the development's TDM "obligation" will equal \$1500 times the required trip reduction percentage times the development's peak hour trip generation.

~~((5))~~ (4) Funds received by the county for TDM measures will be placed in special accounts with the transportation mitigation fund to be used exclusively for 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.

NEW SECTION. Section 65. A new section is added to Chapter 26B.57 of the Snohomish County Code to read:

26B.57.005 Administrative appeals.

(1) Prior to the issuance of any decision regarding the provisions of this title, any developer may appeal to the director for deviation from the requirements of this title where the mitigation and/or concurrency requirements of this title are considered to be disproportionate, or not reasonably related, to the impacts and/or timing of the proposed development. If the director determines that the purpose of this title would be best served by deviation from such requirements, the director shall include as part of the director's recommendation under Section SCC 26B.55.010, the reason for such deviation and any alternative mitigation measures that are determined to be necessary.

(2) The approving authority, upon consideration of such a recommendation, shall determine whether the purpose of this title would be best served by deviation from the requirements of this title, and may permit such deviation and impose as a condition of approval any alternative mitigation measures that are determined to be necessary and are recommended by the director.

Section 66. Snohomish County Code Section 26B.57.015, adopted by Amended Ordinance No. 93-077, on September 8, 1993, is amended to read:

26B.57.015 Appeals of decisions - procedure.

(1) Any person aggrieved by a decision applying this title to a development may appeal such decision:

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(a) to the hearing examiner in those cases where no other administrative appeal procedure is provided by county code. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC;

(b) in conjunction with an appeal of the underlying application/permit in those cases where administrative appeal of the underlying application/permit is expressly authorized by county code; or

(c) together with the underlying decision pursuant to the provisions of chapter 2.02 SCC in those cases where this title has been applied by the hearing examiner in conjunction with an application/permit over which the examiner exercised original jurisdiction.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner pursuant to subsection (1)(a) shall be final and conclusive with right of reconsideration and may then be reviewable by an action for writ of review filed in Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC.

(4) The effect of and procedures for appeal from decisions rendered pursuant to subsections (1)(b) and (1)(c) shall be subject to all provisions of county code regarding the underlying application/permit.

NEW SECTION. Section 67. A new section is added to Chapter 26B.58 of the Snohomish County Code to read:

26B.58.901 Application of 1995 Title 26B SCC Amendments. All development applications deemed complete by the department of planning and development services, as appropriate, prior to the effective date of this ordinance shall be reviewed for all purposes allowed under state law, including environmental review pursuant to the Snohomish county environmental policy ordinance (SCEPO), Title 23 SCC, under the provisions of Title 26B SCC as codified prior to the effective date of this ordinance, unless the developer, where allowed by state law, consents in writing to the application of the provisions this ordinance.

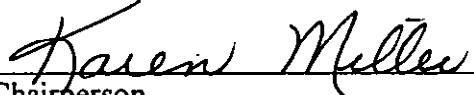
Section 68. Severability. If any portion of this ordinance or its application to any person or circumstance is held invalid, such decision shall have no effect upon the validity of the remaining portions of this ordinance and the application of this ordinance to other persons or circumstances shall not be affected. The county council hereby declares that it would have adopted this ordinance 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 69. Savings Clause. In the event that this ordinance is determined to be invalid in whole or in part, the provisions of title 26B SCC in effect immediately prior to the effective date of this ordinance shall be revived and applied in addition to any surviving provisions of this ordinance, except that, in the event of a conflict, the surviving provisions of this ordinance shall apply instead of the conflicting provisions of title 26B SCC in effect immediately prior and these conflicting provisions shall not be revived. This section is intended to revive the prior title 26B SCC provisions in certain circumstances as provided in section 110 of Chapter 347, Laws of 1995.

Section 70. Effective Date. This ordinance shall take effect fifteen (15) days after adoption by the county council. The director of public works may immediately take such steps as are necessary to ensure that this ordinance is implemented on its effective date.

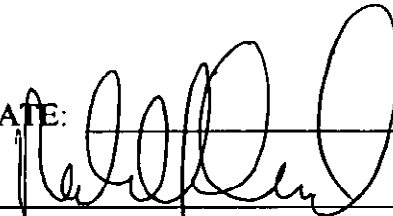
PASSED this 28th day of June, 1995.

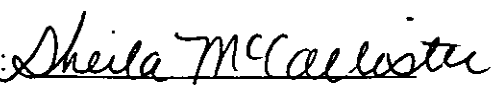
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson


Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:  7/3/95
Robert J. Drewel
Snohomish County Executive

ATTEST: 

D-25