

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-092

AN ORDINANCE RELATING TO TRANSPORTATION MITIGATION REQUIREMENTS; MAINTAINING CONSISTENCY WITH THE COUNTY'S GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TRANSPORTATION ELEMENT; CHANGING LEVEL OF SERVICE STANDARDS FOR COUNTY ARTERIALS, REFINING ULTIMATE CAPACITY DETERMINATIONS, REVISING CONCURRENCY REQUIREMENTS; AND REVISING TRANSPORTATION IMPACT FEE RATES; AMENDING SECTIONS 30.66B.080, 30.66B.100, 30.66B.110, 30.66B.135, 30.66B.160, 30.66B.175, 30.66B.330, 30.91L.060 OF THE SNOHOMISH COUNTY CODE (SCC) AND ADDING NEW CODE SECTIONS 30.66B.101, 30.66B.102, 30.66B.103, 30.66B.166 SCC

WHEREAS, Washington's Growth Management Act (GMA) requires Snohomish County to adopt regulations related to the concurrency of transportation improvements with land development; and

WHEREAS, the GMA and chapter 82.02 RCW authorize counties to impose and collect impact fees to fund the cost of infrastructure expenditures required to serve new development; and

WHEREAS, since 1995, the County has utilized concurrency regulations to ensure that transportation facilities have adequate levels of service to accommodate proposed development; and

WHEREAS, since August 23, 1995, Snohomish County has required new development to pay transportation impact fees in accordance with the GMA and Chapter 82.02 RCW; and

WHEREAS, the County, in accordance with RCW 36.70A.130, has reviewed its designated urban growth areas and related densities and revised its GMA Comprehensive Plan ("GMACP") accordingly. This process is known as the "Ten Year Update;" and

WHEREAS, in conjunction with the Ten Year Update Process, the County updated the Transportation Element of the GMACP to maintain consistency between the Transportation Element and the revised urban growth areas and related GMACP amendments; and

WHEREAS, the updated Transportation Element provides that the County will consider utilizing impact fees to help fund the cost of infrastructure expenditures required to serve new development; and

WHEREAS, the 2005 updates to the Transportation Element necessitate revisions to the County's level of service standards, regulations designating arterials at ultimate capacity, and transportation impact fee rates; and

WHEREAS, the County has provided for public participation in developing the proposed revisions in accordance with the state law and county codes; and

WHEREAS, the Department of Public Works has briefed the County Council at either the Planning Committee or the Public Works Committee on the proposed revisions to chapter 30.66B SCC on February 10, 2004, May 11, 2004, October 26, 2004, November 30, 2004, February 8, 2005, February 14, 2005, and February 15, 2005; and

WHEREAS, the Department of Public Works has briefed the Planning Commission on the proposed revisions to chapter 30.66B SCC on May 25, 2004, October 12, 2004, November 4, 2004, November 30, 2004, and February 22, 2004; and

WHEREAS, through meetings, regular e-mail communications, and direct mailing, the Department of Public Works (DPW) has engaged several primary stakeholder groups concerning proposed revisions to chapter 30.66B SCC including the following:

- Representatives from developers or business interests.
- Representatives from community or environmental interest groups.
- Planning consultants.
- Local, regional and state agencies.
- Transportation consultants; and

WHEREAS, e-mail communications concerning potential updates to chapter 30.66B SCC went to representatives of approximately 75 groups and private citizens; and

WHEREAS, DPW began public involvement in November of 2003 with an e-mail to external stakeholders alerting them to the upcoming ten-year update, the likely need to consider revisions to Chapter 30.66B SCC, and encouraging participation in the process; and

WHEREAS, since late 2003, DPW has held approximately 18 meetings with external stakeholders. The meetings began in December of 2003 in small-group discussions with representatives of key stakeholder groups in which DPW posed a series of broad questions, received responses, and queried participants about how the existing impact fees, level-of-service standards and concurrency management system has impacted them; and

WHEREAS, on December 16, 2003, DPW met with several developers active in Snohomish County and the Snohomish County representative of the Master Builders Association; On December 17, 2003, DPW met with traffic consultants active in Snohomish County; On December 18, 2003, DPW met with planning consultants, and representatives from the Economic Development Council and the Board of Realtors; On December 19, 2003, DPW met with representatives from environmental and community groups; and

WHEREAS, a briefing on Chapter 30.66B SCC issues associated with the Ten Year Update to the Comprehensive Plan was presented on February 4, 2004, to the Professional

Consultants of Snohomish County, and on March 9, 2004, to Snohomish County Citizens Interested in Transportation; and

WHEREAS, a second series of stakeholder meetings began in November of 2004 to present initial policy concepts; and

WHEREAS, on November 2, 2004, DPW met with transportation consultants active in Snohomish County; On November 3, 2004, DPW met with representatives from the development community, and Snohomish County Citizens Interested in Transportation; On November 4, 2004, DPW met with representatives from a community group, environmental groups, a transportation advocacy group, and the Washington State Office of Community Development; and

WHEREAS, on November 10, 2004, DPW met with a representative of the Economic Development Council; On November 10, 2004, DPW met with representatives from the development community; On November 12, 2004, DPW met with representatives from a community group, environmental groups, and a transportation advocacy group; On November 18, 2004, DPW met with the Planning Advisory Committee of the Snohomish County Tomorrow; and

WHEREAS, on November 19, 2004, DPW met with the Infrastructure Coordination Committee of the Snohomish County Tomorrow; and

WHEREAS, on December 17, 2004, DPW mailed out draft policy concepts to over 40 stakeholders who had participated in the public process. In addition, 150 flyers were sent out to a broader mailing list including cities (planning and public works departments), counties, newspapers, school districts, and developers, traffic consultants, interest groups, and other agencies. The mailings solicited input, review, and comment on the draft policy comments. DPW received ten sets of written comments in response; and

WHEREAS, DPW continued to provide regular updates to stakeholders via e-mail and maintained a site on the internet with information on the code revision project including the most current versions of project documents; and

WHEREAS, the Department of Public Works has provided for environmental review of the proposed revisions in accordance with the state law and county codes; and

WHEREAS, on April 19, 21, 28 and May 21 2005, PDS held public open houses on the department's recommended package of comprehensive plan amendments for the 10-Year Update, including amendments to the General Policy Plan, the Transportation Element, the Capital Facilities Plan, the Comprehensive Park and Recreation Plan, the FLUM, the county zoning map, and selected sections of the code; and

WHEREAS, on May 24 and 26 and June 1 and 2, 2005, the Snohomish County Planning Commission and the Snohomish County Council held joint public hearings to receive public testimony concerning the proposed amendments to the comprehensive plan; and

WHEREAS, on June 7, 9, 14, 16, and 21, 2005, the planning commission deliberated on the PDS recommended package of comprehensive plan amendments at an advertised public meeting; and

WHEREAS, the planning commission voted to recommend adoption of the proposed package of comprehensive plan amendments, with certain modifications as enumerated in its recommendation letter of July 26, 2005; and

WHEREAS, the Executive has reviewed the Planning Commission proposed revisions and is forwarding to the County Council several changes from or additions to the Planning Commission's proposals; and

WHEREAS, the county council held public hearings on October 3, 4, 5, and 6, 2005 and December 7, 2005 to consider the entire record, including the planning commission's recommendations on the full package of comprehensive plan amendments, and to hear public testimony on this Ordinance No. 05-092;

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on October 10, 11, 12, 17, 18, 19, 20 and 31, 2005 and November 3 and 9, 2005 and December 14, 19 and 21, 2005.

WHEREAS, having considered the recommendations of the Planning Commission, the County Executive, and the evidence offered at hearing before the Council, the County Council finds that it is appropriate to amend Chapter 30.66B SCC to revise transportation mitigation and concurrency regulations and impact fee rates in accordance with state law and consistent with the GMACP and Transportation Element.

THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings:

A. The County Council adopts and incorporates the foregoing recitals as findings and conclusions as if set forth fully herein.

B. The County Council makes the following additional Findings of Fact:

1. The State of Washington, in the Growth Management Act (GMA), adopted planning goals in RCW 36.70A.020 to guide the development and adoption of comprehensive plans and development regulations. Among other things, the goals provide guidance related to reducing sprawl, encouraging efficient multimodal transportation systems, encouraging economic development, processing permits in a timely and fair manner to ensure predictability, protecting the environment, encouraging the involvement of citizens in the planning process, and ensuring that public facilities necessary to support development are adequate.

2. Specifically, GMA Goal 12 (RCW 36.70A.020(12)) provides that jurisdictions should, “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”
3. RCW 36.70A.070 provides that each comprehensive plan shall include a plan, scheme, or design for, among other things, a transportation element that implements, and is consistent with, the land use element, which includes level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system.
4. RCW 36.70A.070(6)(e) provides that 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.
5. RCW 82.02.050(2) provides that "Counties, cities and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities.”
6. RCW 82.02.050(4) states that impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan. Public streets and roads are defined as public facilities in RCW 82.02.090(7).
7. WAC 365-195-210 provides that "Level of service" means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.”
8. WAC 365-195-835 provides guidance on concurrency regulations, providing that each jurisdiction should produce a regulation or series of regulations which govern the operation of that jurisdiction's concurrency management system to be used to determine whether relevant public facilities have adequate capacity to accommodate a proposed development.
9. The General Policy Plan (GPP) policies that are an element of the Snohomish County GMA Comprehensive Plan, adopted by the County Council, include the following transportation policies related to impact fees, level of service and concurrency:
 - a. TR 5.A.1 provides that the county shall identify additional transportation mitigation for proposed developments that impact roadways determined to be at ultimate capacity.
 - b. TR 5.A.2 provides that transportation level of service shall be used in a manner that is consistent with growth management tools that manage the rate of growth in rural areas and encourage more intense development within urban areas.
 - c. TR 5.A.3 provides that different levels of service shall be allowed depending on development form and intensity and density of land use.

- d. TR 5.A.4 provides that concurrency requirements for land developments in unincorporated areas shall be pursued by considering adopted level of service standards and the financial resources available to make needed transportation improvements for county roads.
- e. TR 5.A.5 provides that professionally accepted measures and methods shall be used in determining transportation level of service and other travel-related information on county and state facilities.
- f. TR 5.A.6 provides that a systematic method shall be employed in calculating transportation level of service as opposed to a single quantitative measure or single location technique.
- g. TR 5.A.7 provides that access to high-occupancy vehicle transportation in addition to single occupant vehicles should be considered in making concurrency decisions.
- h. TR 5.A.8 provides that level of service shall be monitored on county arterials and reported as a performance measure for state highways.
- i. TR 7.B.3 provides that the travel demand generated by a development shall be used as the primary measurement in establishing the proportionate share of roadway capacity-related improvements which a proponent shall be required to assure.
- j. TR 7.B.4 provides that each phase of development shall be accompanied by a program to provide for mitigation of off-site traffic impacts with its share of mitigation prorated among phases of the development and beneficiaries of any improvements.

10. The Snohomish County GMA Comprehensive Plan Transportation Element adopted by the County Council on December 21, 2005, presents a plan for transportation services and facilities to support the County's future land use map, summarizes level of service concepts for transportation planning, recommends specific arterial improvements to meet capacity needs, provides an estimate of revenues and expenditures needed to implement the plan, and presents eight implementation measures which, "constitute the required strategy for implementing the recommendations" adopted in the plan. The implementation measures include:

- a. Chapter III.A, providing direction for the County's concurrency management system.
- b. Chapter III.A.2, providing directions for the County on level of service standards, including Tables 11 and 12, which provide the County's adopted level of service standards as required by RCW 36.70A.070(6)(a)(iii)(B).
- c. Chapter III.D, providing directions on transit compatibility including Table 10, the criteria for transit compatibility.
- d. Chapter IV, providing the recommended transportation improvements needed to support the future land use map.

e. Chapter V, providing the strategies for financing county transportation improvements including impact fees.

11. Schools and other public facilities necessary to support existing residential development are subject to concurrency requirements. Generally, these facilities lag behind the residential growth that necessitates them. Where residential development constrains local arterial concurrency determinations, the public facilities may have trouble obtaining concurrency, and may not be available in a timely fashion to serve the residential areas. WAC 365-195-835(3)(c)(i) and (iii) recognizes that local governments should preserve concurrency capacity for these types of facilities. The Snohomish County Council and the Planning Commission received both written and oral testimony to this effect during the joint public hearing process conducted in the spring of 2005.

12. The average daily trip (ADT) thresholds for the level-of-service (LOS) standards for arterials designated as ultimate capacity provide a LOS standard that represents sustained, high volumes of traffic from early morning until late evening, and that is characterized by average travel speeds associated with LOS E and LOS F conditions.

13. The County's transportation impact fee rates are adopted by the Snohomish County Council in Chapter 30.66B.330 SCC and are based on the "impact fee cost basis" published by the Department of Public Works (DPW) in the Transportation Needs Report (TNR), Appendix A, B, C and D. The fees are set at a rate that is less than the maximum amount that could legally be charged based on the impact fee cost basis published in the TNR. DWP provides the County Council with updates of the cost basis at least annually and/or as significant changes occur.

Section 2. The County Council makes the following conclusions:

A. CONCLUSIONS

1. The amendments to Chapter 30.66B SCC adopted in this ordinance are consistent with the planning goals adopted in the Growth Management Act (GMA):

a. The amendments, which provide a level-of-service standard for arterials designated as ultimate capacity will help to reduce sprawl, encourage efficient multimodal transportation systems, and encourage economic development, which further RCW 36.70A.020(2), (3), (5), and (12).

b. The amendments to the level-of-service standard, which provide for an average daily trip threshold, will help the County process permits in a timely manner, furthering RCW 36.70A.020(7).

c. The outreach to stakeholders throughout the process of developing the amendments has helped to encourage the involvement of citizens in the planning process, thereby advancing RCW 36.70A.020(11).

d. Overall, the amendments will help to protect the environment while helping to ensure predictability for development in furtherance of RCW 36.70A.020(1), (2), (3), (7), (10), and (12).

2. The level of service and concurrency amendments to Chapter 30.66B SCC adopted in this ordinance advance GMA Goal 12 by helping to ensure that public facilities necessary to support development will be adequate to serve development without decreasing current service levels below the adopted minimum standards.

3. The level of service and concurrency amendments to Chapter 30.66B SCC adopted in this ordinance comply with RCW 36.70A.070(6)(a) by providing level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system.

4. The level of service and concurrency amendments to Chapter 30.66B SCC adopted in this ordinance comply with RCW 36.70A.070(6)(b) by providing that the County will prohibit development that causes the level of service to decline below the standards adopted in the transportation element unless sufficient transportation improvements are made concurrent with the development to remedy the level of service deficiency.

5. The level of service and concurrency amendments to Chapter 30.66B SCC adopted in this ordinance comply with WAC 365-195-835 by providing regulations which govern the operation of the County's concurrency management system.

6. The level of service and concurrency amendments to Chapter 30.66B SCC adopted in this ordinance comply with the Snohomish County General Policy Plan (GPP) policies that relate to level of service and concurrency. Specifically:

a. The provisions in this ordinance for ultimate capacity are consistent with TR 5.A.1 in providing for additional transportation mitigation for proposed developments that impact roadways determined to be at ultimate capacity.

b. The provisions in this ordinance for level of service are consistent with TR 5.A.2 in allowing lower standards for arterial units characterized as urban to help encourage more intense development within urban areas and requiring higher standards for arterial units characterized as rural to help manage the rate of growth in rural areas.

c. The provisions in this ordinance for transit-compatible level of service standards are consistent with TR 5.A.3 in providing different levels of service depending on development form and intensity and density of land use.

d. The provisions in this ordinance are consistent with TR 5.A.4 in providing concurrency requirements for developments in unincorporated areas based on adopted level of service standards.

e. The provisions in this ordinance are consistent with TR 5.A.5 in providing level of service measures that are consistent with professionally accepted methodologies.

f. The provisions in this ordinance are consistent with TR 5.A.6 in providing a systematic method in calculating transportation level of service as opposed to a single quantitative measure or single location technique.

g. The provisions in this ordinance for transit-compatible level of service standards are consistent with TR 5.A.7 which provides that access to high-occupancy vehicle transportation in addition to single occupant vehicles should be considered in making concurrency decisions.

h. The provisions in this ordinance for level of service are consistent with TR 5.A.8 in ensuring that level of service will be monitored on county arterials.

i. The transportation impact fee provisions in this ordinance are consistent with TR 7.B.3 in using the new average daily trips generated by development as the primary measurement in establishing the amount of the impact fee that will be paid by development.

j. The impact fee rates established by this ordinance are consistent with TR 7.B.4 in providing for payment of an impact fee by every development to help mitigate off-site traffic impacts reasonably related to the development proposals and that will reasonably benefit the development proposals.

7. The provisions in this ordinance are consistent with the implementation measures for the concurrency management system adopted in Chapter III.A. of the Snohomish County GMA Comprehensive Plan Transportation Element including the following:

a. Section III.A.2.a. of the Transportation Element identifies Chapter 30.66B SCC as the portion of county code which “details the obligations and procedures that must be met in order to approve land development and implement administrative procedures for concurrency management.” This ordinance amends Chapter 30.66B SCC consistent with the Transportation Element.

b. The level of service standards adopted by this ordinance are the same as those adopted in Chapter III.A.2. of the Snohomish County GMA Comprehensive Plan Transportation Element, including Table 11. Adopting the level of service standards established in the Transportation Element meets the requirement of RCW 36.70A.070 which requires that each comprehensive plan shall include a transportation element that includes level of service standards for all locally owned arterials. Adopting the identical standards in Chapter 30.66B SCC is necessary to implement those standards within the county’s development regulations.

c. The level of service standards in this ordinance include the same standards for transit compatibility adopted in the Snohomish County GMA Comprehensive Plan Transportation Element, including Table 10.

d. The level of service standards in this ordinance include the same standards for arterials designated as ultimate capacity adopted in the Snohomish County GMA Comprehensive Plan Transportation Element.

e. Eliminating the exception from concurrency review for residential developments that generate fewer than seven peak-hour trips and all nonresidential developments that generate fewer than five peak-hour trips is consistent with the provisions of Section III.A. of the transportation element.

f. Section III.A.2 of the Transportation Element provides the county council the option to designate arterials as being at ultimate capacity, where provisions are made for adequate operational safety, pedestrian mobility and bicycle circulation as applicable. The provisions of this ordinance implement the Transportation Element, by providing that ultimate capacity determinations may be appropriate if, among other things, there are “adequate provisions to accommodate pedestrian and bicycle demand” and the county council identifies any known improvements needed to address safety issues.

g. Consistent with the Transportation Element, this ordinance helps mitigate the effects of ultimate capacity by promoting efficiency with transportation system management (TSM)

actions, access management improvements, and transportation demand management (TDM) actions.

h. The Transportation Element proposes that development impacting ultimate capacity facilities be required to meet new Transportation System Management (TSM) requirements (e.g. access control), and either meet revised (more intensive) Transportation Demand Management (TDM) requirements or meet the criteria for transit compatibility. The amendments to chapter 30.66B SCC contained in this ordinance are consistent with these provisions of the Transportation Element.

i. Consistent with the Transportation Element, section three of this ordinance authorizes the department of public works to promulgate administrative rules with basic criteria for determining a road to be at ultimate capacity

j. Consistent with the Transportation Element, this ordinance provides for arterials outside of UGAs that are designated as rural/urban transition arterials to be evaluated for their level of service using the urban LOS standard. This is reflected in the level of service standards in section six of the ordinance in which the categories are described as "Rural / Urban Arterial Unit Classification" as opposed to "Rural / Urban Location."

8. As shown herein, the amendments to Chapter 30.66B are consistent with and implement the Transportation Element, the Comprehensive Plan General Policies, the GMACP, and existing GMA development regulations.

9. The impact fee rates in this ordinance are based on the recommended transportation improvements needed to support the future land use map adopted in Chapter IV of the Snohomish County GMA Comprehensive Plan Transportation Element.

10. The impact fee rates in this ordinance are based on the strategies for financing county transportation improvements adopted in Chapter V of the Snohomish County GMA Comprehensive Plan Transportation Element.

11. Snohomish County's Transportation Element is incorporated into the Capital Facilities plan with respect to transportation facilities and needs.

12. The transportation impact fee revisions comply with the state requirements for impact fees as provided in RCW 82.02.050 through .100.

13. The proposed revisions are internally consistent with the County's existing GMA development regulations. Chapter 30.66B SCC is the portion of county code which provides for the regulation of development with respect to concurrency. This ordinance maintains the existing way in which concurrency determinations are integrated into the overall development review process. The ordinance consists of changes in level of service standards, ultimate capacity provisions, and impact fees which do not change the way Chapter 30.66B SCC functions within Title 30 SCC, the Unified Development Code.

14. The State Environmental Policy Act (SEPA) requirements with respect to this proposed action have been satisfied. A Final Environmental Impact Statement (FEIS) for the GMACP and TE was issued on December 13, 2005. This FEIS describes the provisions of this ordinance and adds information and analysis of the significant impacts. The information and analysis in the FEIS expands on previously identified alternatives but does not substantially change the analysis of significant impacts and alternatives analyzed in the county's adopted environmental documents. No additional significant impacts beyond those identified in the FEIS are expected to occur. The SEPA requirements with respect to this proposed action have been satisfied by the DEIS and FEIS.

15. The amendments to Chapter 30.66B SCC in this ordinance help the county allocate its limited public resources efficiently by focusing on improvements that will have the most effect for the most citizens. Specifically, the addition of a measure of average daily trips (ADT) to the level of service standard, helps assure that public resources to maintain concurrency are not focused on roads with low volumes or on roads that have been designated as being at ultimate capacity.

16. The amendments to Chapter 30.66B SCC in this ordinance pertaining to the level of service standard for transit-compatible development will help assure that the reduced standard is clearly measurable. This ordinance changes the standard to a simple reduction in average travel speed for the same one-hour peak periods that are used to evaluate LOS for development that is not transit compatible.

17. The amendments to Chapter 30.66B SCC in this ordinance pertaining to the requirement that the county council have a public hearing prior to designation of roads as being ultimate capacity will provide the public an opportunity to review and comment on such designations.

18. The amendments to Chapter 30.66B SCC in this ordinance pertaining to the commitment by the county for such things as access control and demand management on roads designating as ultimate capacity, will help assure that the efficiency of such roads is maintained or increased through active, ongoing road system management.

19. The amendments to Chapter 30.66B SCC in this ordinance pertaining to the requirements for development impacting roads designated as ultimate capacity will help assure that the efficiency of such roads is maintained or increased over time to preserve capacity and lessen reductions in average travel speeds.

20. The amendments to Chapter 30.66B SCC in this ordinance modify the transportation impact fee rates. These amendments are needed to be reflect the 2005-2025 system capacity improvements identified in the transportation element as needed to support planned development. These amendments are also needed to provide the revenues identified in the transportation element Chapter V "Strategy For Financing County Transportation Improvements," including Section B.1 "County Transportation Revenues," Subsection B.1.e "Transportation Impact Fees," and Table 26, "Revenue Forecast Summary" which shows the overall transportation revenues needed to support the adopted land use. Table 26 indicates the estimated amount expected to realized from impact fees, and the rates adopted in this ordinance are expected to result in impact fee revenues at least as great as this amount.

21. The amendment to SCC 30.91L.060 “Level of service” definition in this ordinance accurately reflects the methodology for evaluating level of service, consistent with the Transportation Element.

22. The amendments to Chapter 30.66B SCC include provisions related to concurrency for certain public facilities needed to support residential development. The ordinance would provide for a level of service (LOS) standard for certain public facilities needed to support previous residential development to make it more likely that such developments could be deemed concurrent. The determination of whether or not a proposed development would qualify for the separate LOS standard would be based upon a set of adopted criteria. In addition, public facilities which had to use the separate LOS standard to achieve concurrency would be required to provide additional road mitigation, mainly in the form of transit compatibility or transportation demand management (TDM).

Section 3. Snohomish County Code Section 30.66B.080, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.080 Authorization for administrative rules.

The director of public works is hereby authorized to adopt administrative rules pursuant to chapter 30.82 SCC to administer this chapter. The administrative rules shall set forth any necessary procedural requirements for developers to follow to allow efficient processing of development applications. The director of public works shall adopt administrative rules on at least the following topics:

(1) Traffic studies: scope, format, required elements, processing and review in accordance with sound transportation engineering and planning principles;

(2) Level-of-service determination: methodology, data collection, forecasting;

(3) Transit compatibility: transit supportive criteria for arterials, compatibility of development;

(4) Inadequate road conditions: criteria for identification;

(5) Frontage improvements: standards, variables;

(6) Mitigation measures: extent, timing, and agreements;

(7) Master road improvement programs: processing; (~~and~~)

(8) Transportation demand management (TDM) for developments((-) ; and

(X) Ultimate capacity designations consistent with SCC 30.66B.110.

(X) Concurrency requirements for certain public facilities needed to support residential development.

Section 4. Snohomish County Code Section 30.66B.100, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.100 Level-of-service standards.

(1) The county has adopted level of service standards ~~((on))~~for county arterials in the comprehensive plan. The department of public works 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 comprehensive plan.

(2) The minimum level-of-service standards are(~~(:~~

Transit Compatibility (*)	Urban Area—Tolerable Roadway Level of Service	Rural Area—Tolerable Roadway Level of Service
Compatible	Below LOS E for Peak Hour (**)	LOS D for Peak Hour
Not Compatible	LOS E for Peak Hour	LOS C for Peak Hour

(*) Transit compatibility minimum criteria are set out in the directors policy and procedure for transit compatibility under SCC 30.66B.080.

(**) Not below LOS E for two hours during the 6:00 to 9:00 a.m. or 3:30 to 6:30 p.m. peak travel periods. A development may create or impact a traffic peak on a particular roadway outside these time periods. In such cases, the director may determine that the concurrency determination for the development will consider the other peak.))

established in the transportation element of the county comprehensive plan and are set forth in SCC 30.66B.101 and SCC 30.66B.102. The determination of whether or not an arterial unit meets the adopted level-of-service standards is as follows:

(a) First, using the level-of-service standard based on average daily trips (ADT) adopted in SCC 30.66B.101, weekday, two-way, 24-hour volumes are used to measure ADT, consistent with department of public works rules establishing details on the methodology, frequency and validity of traffic counts. ADT thresholds, set forth in SCC 30.66B.101, vary by urban/rural classification, number of lanes and whether or not arterial units have been designated as ultimate capacity pursuant to SCC 30.66B.110. If the ADT on an arterial does not exceed the threshold identified in SCC 30.66B.101, the arterial unit meets the county’s standard.

(b) If the ADT on an arterial unit exceeds the threshold identified in SCC 30.66B.101, the average travel speed is evaluated. If the average travel speed on the arterial unit falls below the appropriate threshold identified in SCC 30.66B.102, then the level of service on the arterial unit does not meet the county’s standard.

Section 5. A new section is added to chapter 30.66B of the Snohomish County Code to read:

30.66B.101 Transportation Level of Service Standard: Average Daily Trip (ADT) Thresholds

Thresholds Measured as Number of Average Daily Trips (ADT)	
Arterial Unit <i>Not</i> Designated as Ultimate Capacity	Arterial Unit Designated as Ultimate Capacity

Number of Lanes	Rural	Urban	Rural	Urban
2	4,000	7,000	17,000	19,000
3	5,000	9,000	26,000	29,000
4	7,000	12,000	33,000	37,000
5	9,000	15,000	42,000	47,000
6	9,000	16,000	48,000	54,000
7	12,000	21,000	57,000	64,000

Section 6. A new section is added to chapter 30.66B of the Snohomish County Code to read:

30.66B.102 Transportation Level-of-Service Standards: Average Travel Speed

Rural / Urban Arterial Unit Classification	Transit Compatibility ⁽¹⁾ and Qualifying Public Facilities ⁽²⁾	Average Travel Speed Standard
Rural	No	C ⁽³⁾
	Yes	D ⁽³⁾
Urban	No	E ⁽⁴⁾
	Yes	Five (5) miles per hour less than E ⁽⁵⁾

Note: The reference notes in this table (1-5) are set forth in SCC 30.66B.103(1-5).

Section 7. A new section is added to chapter 30.66B of the Snohomish County Code to read:

30.66B.103 Reference Notes for SCC 30.66B.102

(1) Transit compatibility minimum criteria are established by department of public works rules in accordance with SCC 30.66B.080 and are to include such factors as frequency of bus service and availability of pedestrian facilities.

(2) The lower travel speed standard applies to certain public facilities needed to support residential development. Public developments which use the lower travel speed standard to achieve concurrency shall provide additional road mitigation in the form of transit compatibility or transportation demand management (TDM) in accordance with SCC 30.66B.166. The determination of whether or not a proposed development qualifies for the lower travel speed

standard shall be based upon the following criteria with additional specificity provided by department of public works rules.

(a) The development proposed by the public agency is needed to support residential development that is already constructed, approved or deemed concurrent, and

(b) the public agency submitting the application for development is directed by a publicly elected official or board, and

(c) the location of the agency's facility is constrained by established legal or public districts, and

(d) siting the development in the proposed location would provide a legitimate public benefit to the occupants of the residential areas.

(3) The letter grades for roads classified as rural correspond to varying travel speeds, depending on the length of the specific arterial unit and the number of controlled intersections. The method used to determine the thresholds is established by department of public works rules in accordance with SCC 30.66B.080 based on the principles of the *Highway Capacity Manual* published by the Transportation Research Board.

(4) The letter grades for roads classified as urban correspond to varying travel speeds as established in the *Highway Capacity Manual* and depend on characteristics of the arterial.

(5) For urban roads that are transit compatible, Snohomish County applies a five (5) mph reduction to the average travel speed minimums for urban arterials.

Section 8. Snohomish County Code Section 30.66B.110, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.110 Designation of ultimate capacity.

(1) 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))~~ making further improvements on certain arterial units, the county council may designate, by motion, following a public hearing, such arterial unit as being at ultimate capacity.

~~(a)((Improvements-))~~ Designation of ultimate capacity shall include a commitment by the county to complete an access management and circulation plan for the arterial unit and a commitment by the county for specific, additional road improvements, transportation system management (TSM) actions, access management improvements, and/or transportation demand management (TDM) actions for the purpose of improving efficiency, preserving roadway capacity, and improving operations. In addition, any known improvements needed to address ((operational and-)) safety issues must be identified in conjunction with such ultimate capacity designation.

~~((-2) 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.))~~

(b) The designation of an arterial unit at ultimate capacity by the county council will be initiated by an engineer's report and written recommendation from the director of public works evaluating whether or not a given arterial unit is a candidate for ultimate capacity based on the criteria in SCC 30.66B.110(2) and related rules adopted by the Department.

(c) "Arterial Unit," under this section, shall mean the existing facility plus any improvements which are fully funded and programmed for construction within six years.

(d) The recommendation by public works and the designation by the county council must identify the specific growth management objective(s) that support(s) the designation of ultimate capacity for that particular arterial unit.

(2) A recommendation of ultimate capacity by public works and a designation by the county council of ultimate capacity may be appropriate if one or more of the following conditions are met for a particular arterial unit:

(a) The total number of vehicle lanes is consistent with the adopted transportation element of the county comprehensive plan and the facility meets the standards of the Engineering Design and Development Standards (EDDS); or

(b) The number of general-purpose travel lanes (excluding turn lanes) is consistent with the adopted transportation element, appropriate improvements are made at key intersections to provide for efficient traffic flow, adequate provisions are made to accommodate pedestrian and bicycle demand, and there are physical, environmental, existing structures or other constraints that preclude additional cost effective improvements; or

(c) The county arterial is experiencing a decrease in level of service, the source of which is attributable to another agency's transportation facility, the conditions of subsection (2)(b) above are all met, and the county section of road approaching the other agency's facility meets the standards of the EDDS, the number of lanes on the county approach is consistent with the adopted transportation element, additional left-turn or right-turn lanes are provided on the county approach to maximize efficiency on the county approach and where appropriate to match the ultimate lane configuration of the other agency's transportation facility, and the length of turn lanes on the county approach is designed to accommodate forecast demand.

(3) Developments impacting arterial units designated as ultimate capacity will be required to provide additional mitigation pursuant to SCC 30.66B.160(2)(c) for the purpose of improving efficiency, preserving roadway capacity, and improving operations.

Section 9. Snohomish County Code Section 30.66B.135, last amended by Amended Ord. 03-127 on November 5, 2003, is amended to read:

30.66B.135 Development deemed concurrent.

The following development shall be deemed concurrent:

~~((1) Any residential development that generates fewer than seven peak-hour trips, or any nonresidential development that generates fewer than five peak-hour trips;))~~

~~((2))~~(1) Any development that has a valid pre-application concurrency approval pursuant to SCC 30.66B.175; and

~~((3))~~(2) Building permit applications for development within an approved binding site plan, rezoned accompanied by an official site plan, nonresidential subdivision or short subdivision for which a concurrency determination has already been made in accordance with this chapter if the following are met:

- (a) The concurrency determination for the development approval has not expired;
- (b) The building permit will not cause the approved traffic generation of the prior approval to be exceeded;
- (c) There is no change in points of access; and
- (d) Mitigation required pursuant to the previous development approval is performed as a condition of building permit issuance.

Section 10. Snohomish County Code Section 30.66B.160, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.160 Concurrency determination- arterial unit in arrears or at ultimate capacity.

(1) If a ~~((residential development which generates seven or more peak-hour trips, or a nonresidential development which generates five or more peak-hour trips))~~ development 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 determined to be concurrent based on a trip distribution to determine the impacts of the development. The director of public works shall not determine concurrent any development generating more than fifty peak-hour trips which would likely impact an arterial unit in arrears or likely cause any arterial unit to fall into arrears, except when the developer proposes to remedy any arterial unit in arrears in accordance with SCC 30.66B.167.

(2) Impacts shall be determined based on each of the following:

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

(b) If the trip distribution indicates that the development will place three or more peak-hour trips on any arterial unit in arrears, then the development shall not be determined concurrent except in accordance with SCC 30.66B.167.

(c) If the trip distribution indicates that the development will place three or more peak-hour trips on any designated ultimate capacity arterial unit, then the development shall be determined

concurrent only if the development proposes to mitigate its road system impact by making access management and circulation provisions for the arterial unit consistent with any access management and circulation plan adopted pursuant to SCC 30.66B.110(1)(a) and will be required to provide additional mitigation through either of the following:

(i) by providing sufficient transportation demand management (TDM) measures under SCC 30.66B.610- .650 to indicate the potential for removing a minimum of ten percent of the development's peak-hour trips from the road system, or

(ii) by meeting the department of public works' criteria for transit compatibility in accordance with the director of public works' administrative rules, provided that under this option the impacted ultimate capacity arterial unit must also meet the criteria for transit supportive design.

~~((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 of public works' administrative rules developed pursuant to SCC 30.66B.080, 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 percent provision of TDM measures; and))~~

(d) If the trip distribution indicates that the development will place three or more 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 30.61.230(9) between the county and the city addressing the designated ultimate capacity arterial unit, then the development shall be determined concurrent only if proposed mitigation is consistent 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 requirement shall not apply.

Section 11. A new section is added to chapter 30.66B of the Snohomish County Code to read:

30.66B.166 Public Facilities Supporting Residential Development Deemed Concurrent Pursuant to SCC 30.66B.103(2).

(1) If a public facility needed to support residential development is deemed concurrent pursuant to SCC 30.66B.103(2), then the development will be required as a condition of approval to take measures to increase the efficiency of the existing road system and preserve capacity by either:

(a) providing sufficient transportation demand management (TDM) measures under SCC 30.66B.610--.650 to indicate the potential for removing a minimum of ten percent of the development's peak-hour trips from the road system, or

(b) by meeting the adopted criteria for a transit compatible development in accordance with the director of public works' administrative rules, provided that under this option the impacted arterial unit must meet the adopted criteria for transit supportive design.

Section 12. Snohomish County Code Section 30.66B.175, last amended by Amended Ord. 03-127 on November 5, 2003 is amended to read:

30.66B.175 Optional pre-application concurrency evaluation.

(1) Prior to submitting an application, any developer may request a pre-application concurrency decision in accordance with the requirements of this section. All requirements of this chapter applicable to pre-submittal conferences shall apply to pre-application concurrency evaluations, unless expressly excepted in this section.

(2) A request for a pre-application concurrency evaluation must be made to the department of public works in accordance with the following and in the form and manner prescribed by the department. A pre-application concurrency evaluation is a Type 1 decision and shall be processed in accordance with chapter 30.71 SCC, except as otherwise provided in this chapter and SCC 30.66B.180.

(a) The developer must provide the department of public works with a detailed description of the proposed development's maximum possible impact on the level-of-service of the road system. The information provided must include projected trip generation and trip distribution, as well as site plan information indicating access points for the development.

(b) The developer must propose a year of expiration date for the requested concurrency determination, which shall be used as the forecast year for the evaluation of future level-of-service conditions on the road system. The expiration date for any concurrency determination issued pursuant to this section for a subsequent development application shall be in accordance with SCC 30.66B.155 and the forecast year used for the pre-application concurrency evaluation.

(c) The developer shall provide a traffic study consistent with SCC 30.66B.035. The department of public works will meet with the developer to identify the scope of the traffic study required to make the pre-application concurrency decision.

(d) Application for a pre-application concurrency evaluation shall be accompanied by a fee payment in the amount specified in SCC 13.110.030. For purposes of SCC 13.110.030, a request for a pre-application concurrency evaluation shall be considered a development application.

(3) Following receipt of a traffic study that meets the requirements established in the pre-application concurrency scoping meeting, notice of the request for a pre-application concurrency evaluation shall be made in accordance with the procedures of SCC 30.70.050. The department of public works will have fourteen (14) days following the close of the public and agency comment period to make a pre-application concurrency decision.

(4) Pre-application concurrency evaluations shall be consistent with the requirements of SCC 30.66B.130, except that the threshold for requiring a traffic study shall be ~~((seven (7) peak-hour trips for residential developments and five (5) peak hour trips for commercial developments))~~ three (3) peak-hour trips instead of fifty (50) peak-hour trips.

(5) A pre-application concurrency evaluation is an action subject to the requirements of chapter 30.61 SCC.

(6) If the department of public works' pre-application concurrency decision is that the proposed

development can be determined concurrent, the department will issue a pre-application concurrency approval. If the pre-application concurrency decision is that the proposed development cannot be determined concurrent, the department shall notify the developer in writing of the decision and the reasons therefore. The developer shall have 90 days from such notification to respond with revisions or alternative analyses or proposals. Responses may include revisions to the traffic study, alternative analysis of the conclusions drawn by the department, or utilization of options under SCC 30.66B.167. A response shall be treated like a new application for a pre-application concurrency decision.

(7) The department of planning and development services shall provide notice of the department of public works' pre-application concurrency decision and the time period for filing an administrative appeal in accordance with SCC 30.71.050. The pre-application concurrency decision may be appealed pursuant to SCC 30.66B.180.

(8) A development with a pre-application concurrency approval that is valid at the time of application submittal will be deemed concurrent under SCC 30.66B.135 without further review, provided that the administrative appeal period for the concurrency approval has expired or the concurrency approval has been upheld on appeal and there is no further opportunity for administrative or judicial review.

(9) Concurrency determinations for developments that received a pre-application concurrency approval shall not be subject to further administrative review or appeal during project review, including review pursuant to the State Environmental Policy Act (SEPA).

(10) A pre-application concurrency approval shall be valid only for subsequent development applications for the same parcel of property and where the maximum possible impact on the level-of-service of the road system established in the pre-application concurrency approval is not exceeded by the proposed development. A pre-application concurrency approval cannot be transferred to a different parcel of property.

(11) Pre-application concurrency approvals under this subsection shall be valid for six months following the notice of decision unless an appeal is pending, in which case the approval shall be valid for six months following resolution of all appeals.

Section 13. Snohomish County Code Section 30.66B.330, adopted by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.66B.330 Fee schedule.

LOCATION	TYPE	NEW TRIP AMOUNT	
Transportation Service Area (TSA)	Residential/ Commercial	Developments Inside the Urban Growth Area (UGA)	Developments Outside the Urban Growth Area (UGA)
A	RESIDENTIAL	((\$205-)) <u>\$242</u>	((\$224-)) <u>\$264</u>
A	COMMERCIAL	((\$174-)) <u>\$206</u>	((\$192-)) <u>\$227</u>
B	RESIDENTIAL	((\$337-)) <u>\$364</u>	((\$368-)) <u>\$397</u>
B	COMMERCIAL	((\$286-)) <u>\$309</u>	((\$317-)) <u>\$343</u>

C	RESIDENTIAL	((\$203-)) <u>\$152</u>	((\$224-)) <u>\$166</u>
C	COMMERCIAL	((\$172-)) <u>\$129</u>	((\$190-)) <u>\$142</u>
D	RESIDENTIAL	((\$226-)) <u>\$267</u>	((\$247-)) <u>\$291</u>
D	COMMERCIAL	((\$192-)) <u>\$227</u>	((\$213-)) <u>\$252</u>
E	RESIDENTIAL	((\$195-)) <u>\$230</u>	((\$213-)) <u>\$252</u>
E	COMMERCIAL	((\$166-)) <u>\$196</u>	((\$183-)) <u>\$216</u>
F	RESIDENTIAL	((\$195-)) <u>\$230</u>	((\$213-)) <u>\$252</u>
F	COMMERCIAL	((\$166-)) <u>\$196</u>	((\$183-)) <u>\$216</u>

Section 14. Snohomish County Code Section 30.91L.060, added by Amended Ord. No. 02-064 on December 9, 2002, is amended to read:

30.91L.060 “Level of service” means a qualitative measure describing operational conditions within a traffic stream, and the perception thereof by road users. Level-of-service standards may be evaluated in terms such as speed and travel time, traffic volumes, 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 chapter 30.66B SCC, level-of-service will be measured only on arterial units.

This definition applies only to Road Impact Mitigation regulations found in chapter 30.66B SCC.

Section 15. Applicability. The provisions of this ordinance, except all procedural provisions, shall not apply to any development permit application that is complete prior to the effective date of this ordinance. An applicant for any pending application may choose to apply all applicable provisions of this ordinance to such application upon written request to PDS.

Section 16. Effective Date. The provisions of this ordinance shall take effect on February 1, 2006.

Section 17. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this ___ day of _____, 200_.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Asst. Clerk of the Council

Chair

- APPROVED
- EMERGENCY
- VETOED

Date: _____

Aaron G. Reardon
County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney