

# **INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF BOTHELL FOR RECIPROCAL MITIGATION OF TRANSPORTATION IMPACTS**

## **I. PARTIES AND CITATIONS**

This Interlocal Agreement (hereinafter "Agreement") is entered into pursuant to Chapter 36.70A RCW (the Growth Management Act), Chapter 43.21C RCW (SEPA), Chapter 36.70B RCW (Local Project Review), Chapter 58.17 RCW (Subdivisions), Chapter 82.02 RCW (Excise Taxes), Chapter 39.34 RCW (the Interlocal Cooperation Act), Chapter 30.61 SCC (SEPA), and Chapter 30.66B SCC (Concurrency and Road Impact Mitigation) by Snohomish County, a political subdivision of the State of Washington (hereinafter "County") and the City of Bothell, a Washington municipal corporation (hereinafter "City").

## **II. PURPOSE AND RECITALS**

- A. The best interests of the citizens of the County and the City are served through an Interlocal Agreement that specifies the reciprocal imposition of mitigation requirements and improvements.
- B. This Agreement relates to and addresses the policies and procedures for reciprocal review and mitigation of interjurisdictional transportation system impacts in the City by a development in the unincorporated County (hereinafter "County Development"), and impacts in the County by a development in the City (hereinafter "City Development").
- C. This Agreement supersedes and replaces the Interlocal Agreement between Snohomish County and the City of Bothell on Reciprocal Mitigation of Transportation Impacts entered into on August 9, 2006, and recorded under Auditor's File No. 200608090174.
- D. Within their own jurisdictions, the County and the City each have responsibility and authority derived from the Washington State Constitution, State laws, and any local charter to plan for and regulate uses of land and resultant environmental impacts, and by law must consider the impacts of governmental actions on adjacent jurisdictions.
- E. The County and the City recognize that planning and land use decisions can have extra-jurisdictional impacts and that intergovernmental cooperation is an effective way to deal with impacts and opportunities that transcend local jurisdictional boundaries.
- F. The City has taken numerous actions to address mitigation of environmental and other impacts from new traffic generated by development proposals. The regulations, plans, codes, and mitigation policies designated in Section V below shall be collectively referred to as the City's mitigation policies which, together with this Agreement, provide the regulatory authority under which the City conditions City Developments to mitigate their transportation impacts on County roads.
- G. The County has also taken numerous actions to address mitigation of environmental and transportation impacts generated by development proposals. The regulations, plans, codes, and mitigation policies designated in Section VI below shall be collectively referred to as the County's mitigation policies which, together with this Agreement, provide the regulatory authority under which the County conditions County Developments to mitigate their transportation impacts on streets in cities or roads in other counties.

### III. MITIGATION FOR IMPACTS IN THE CITY BY COUNTY DEVELOPMENTS

- A. County Transportation Service Area (TSA) and the City Street System. For purposes of this Agreement and implementing the provisions of Chapter 30.66B SCC, it has been determined that the City is located in TSAs D, E and F as shown on the TSA Map in the Snohomish County Transportation Needs Report (TNR).
- B. Role of Chapter 43.21C RCW and Chapter 14.02 BMC (SEPA). For most County Developments, compliance with this Agreement will satisfy the requirements to mitigate adverse and significant adverse impacts under Chapter 43.21C RCW (SEPA) for impacts on City streets. However, this Agreement does not limit the ability of the City to request additional mitigation pursuant to Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 14.02 BMC (SEPA) where the City has determined and identified specific environmental impacts of the development as being significant adverse impacts that are not addressed by this Agreement or City code.
- C. Applicability to County Developments. This Agreement applies to all proposed County Developments located in the traffic influence areas as identified in the County and City Development Traffic Percentage Influence Area Map (included as part of Exhibit 1) that have submitted a complete application after the effective date of this Agreement and which the County determines to: 1) be subject to the requirements of Chapter 30.61 SCC (SEPA); 2) be subject to the Concurrency and Road Impact Mitigation regulations in Chapter 30.66B SCC; and 3) add three (3) or more directional PM peak hour trips.
- D. Providing Notice. Within seven (7) days of submittal of a complete development application subject to the terms of this Agreement, the County shall give the City written notice and afford the City a timely opportunity for review, comment, or staff consultation as provided by the Snohomish County Code related to the impacts that a County Development may have on the City's transportation system under the City's mitigation policies.
- E. Traffic Study. The County, through this Agreement, shall require a traffic study from any County Development that may have impacts on the City's transportation system requiring mitigation in accordance with this Agreement. Any such County Development shall submit the requested traffic study to the County as part of its initial development application.
  - 1. The City shall provide to the County the criteria for preparation of the traffic study (see Exhibit 1) that shall include, but not be limited to, the items listed in the Traffic Impact Analysis Outline as presented in the Bothell "Design and Construction Standards and Specifications". Mitigation shall be consistent with applicable City's mitigation policies and state and federal law.
  - 2. The County may waive the requirement for all or part of the traffic study if the City indicates that all information necessary to assess the impact of the development is available.
  - 3. The County shall provide an applicant, at the pre-submittal conference, a copy of the City's requirements for traffic studies and mitigation as shown in Exhibit 1.
  - 4. Following review of the traffic study, the City may only request supplemental

information to determine the impacts of the development in accordance with this Agreement. The County shall only require the applicant to submit the supplemental information and analysis to the extent that the County determines the information is necessary to determine the impacts of the development in accordance with this Agreement.

5. The City shall recognize any Transportation Demand Management (TDM), pass-by, internal capture, or other vehicle trip reduction credits determined by the County for County Developments.
- F. Mitigating Measures. If the City determines that a County Development will impact the City's transportation system with three (3) or more directional PM peak hour trips, the City shall notify the County of the specific impact and mitigation measure(s) the City has determined are reasonably necessary to mitigate said impacts in accordance with the City's mitigation policies referenced in Section V of this Agreement.
1. For each mitigating measure requested, the City shall identify the specific impacts and reference the relevant City mitigation policies. Notification of the specific mitigating measures shall be provided by the City within twenty-one (21) days of receipt of application from the County as provided in accordance with Section III(D), except where notice is for review of an environmental impact statement, in which case the review period shall be as established in accordance with WAC 197-11-502 as now existing or hereafter amended.
  2. If the County does not receive timely notification of the City's requested mitigating measures consistent with Section III(F)(1) above, the County shall assume that the City has no comments or information relating to potential impacts of the development on City streets and will not require any mitigation from the developer of the development for impacts on City streets.
- G. Scope of Mitigating Measures. Under this Agreement, County Developments may be required to mitigate impacts on City streets for any of the following: capacity (proportionate share impact mitigation); safety; access and circulation; and level of service capacity improvement projects. County Developments which front on City right-of-way may also be required to provide frontage improvements, dedicate or deed right-of-way, and meet access-point requirements consistent with City standards identified in Section V of this Agreement.

Vehicle trips and impacts on City streets will be evaluated under applicable provisions of the Snohomish County Code.

- H. Proportionate Share Impact Mitigation for County Developments. The City may request that a County Development contribute a proportionate share of programmed system improvements meeting the requirements of RCW 82.02.050 needed to mitigate capacity impacts on City streets. Two options are available for determining the County Development's proportionate share of impact mitigation:
1. Option one. A County Development may conduct a comprehensive development specific traffic study to document the percentage of the development's traffic that will impact City impact fee cost basis projects. Based on the traffic study, a development's proportionate share mitigation will be calculated by multiplying the

percentage of the development's traffic that will impact City impact fee cost basis projects by the development's new PM peak hour trips multiplied by the City's capacity mitigation rate (i.e., impact fee) for the type of development proposed and in effect on the date the development's application is deemed complete.

2. Option two. A County Development may choose to have its proportionate share impact mitigation calculated by the County and the City to fairly represent the average impacts of County Developments on the capacity of City streets for traffic influence areas within TSAs D, E, and F as shown in the County Development Traffic Percentage Influence Area Map (included in Exhibit 1). A County Development may satisfy its obligations under this section by making a voluntarily offered payment in lieu of construction equal to the applicable percentage of the total new average daily trips generated by a development multiplied by the development's newly-generated vehicle trips multiplied by the City's capacity mitigation rate (i.e., impact fee) for the type of development proposed and in effect on the date the development's application is deemed complete.
  - I. Mitigation for Impacts on Safety. Mitigation of impacts on documented safety problem locations on City streets is required prior to the impacts of the traffic from County Development in order to improve such locations in accordance with adopted City standards. If the City has officially identified and designated such conditions to be existing on or before the time the development application is determined complete by the County, and the County Development will put ten (10) or more PM peak hour trips through the identified location, the City may request that the development not be approved until provisions are made to remedy the safety problem condition. This provision will only apply if the City demonstrates that it is also applying the same restrictions and mitigation on City Developments.
  - J. Mitigation for Impacts on Access and Circulation. The City may request that any County Development which abuts a City street and requires a City access permit be required to provide for access and transportation circulation on those abutting City streets in accordance with the City's mitigation policies referenced in Section V. A developer may be required to design and construct such access on City streets in accordance with the City's adopted policies and standards, and to improve existing City streets that abut and provide access to the development in order to comply with the City's adopted design policies and standards. The City shall review, inspect, and issue all permits required for improvements to City streets.

The City may also request that County Developments make access and/or circulation provisions for future City streets to be located in the Bothell Urban Growth Area and are identified in the City's comprehensive plan including, but not limited to provisions for connections to existing or planned City streets when it is determined that the future City streets either will abut or extend in to or through the development. This may include, but is not limited to, the dedication of right-of-way, reservation of right-of-way, design for a potential way of access, recording of easements for City streets, design and construction of City streets, and construction of improvements to existing City streets. All requests must be based on a demonstrated need and be consistent with the mitigation policies identified in Section V of this Agreement.
  - K. Mitigation for Impacts on Level of Service. County Developments which add more than

fifty (50) directional PM peak hour trips to City streets may be required to conduct traffic studies to determine their impacts on the level of service (LOS) of City streets. The City may request mitigation for impacts on the LOS of the City street system from any such County Development that causes a LOS deficiency. For the purposes of this Agreement, a future LOS deficiency means that a level of service deficiency is forecast to occur at the time of or prior to the development's certificate of occupancy. No mitigation will be requested if the City's current six-year transportation improvement program (TIP) identifies improvements which will remedy the forecast LOS deficiency and are scheduled and fully-funded.

- L. The City shall make recommendations to the County regarding application of the City's mitigation policies to County Developments that impact the City's transportation system in a manner consistent with the City's application of mitigation policies to City Developments that impact City streets.
- M. Consistent with SCC 30.66B.720(3), County staff shall recommend to the County approving authority imposing the mitigating measures identified by the City under this Agreement as a condition of the County's development approval to the extent that the County determines such mitigating measures are reasonably related to the impact of the development and consistent with the terms of this Agreement and applicable law. If County staff determines they will not recommend imposing one or more of the mitigating measures requested by the City, the County will notify the City as soon as possible, and work with the City to mutually resolve any differences prior to development approval. For developments going before the County Hearing Examiner, if the parties cannot agree upon appropriate mitigation, the County will proceed with its recommendation, and the City may provide comments on City requested mitigation measures to the County Hearing Examiner during public hearings related to the proposed County Development.
- N. The City shall be responsible for analysis, documentation, hearing testimony, and legal review (including the private property protection process of RCW 36.70A.370) of any recommendation made by the City for imposition of mitigation measures on a County Development. The City shall provide all supporting documentation to the County for inclusion in the record for a County Development. The City shall be responsible for all accounting, administration, and compliance with Chapter 82.02 RCW related to mitigation by a County Development for impacts in the City.
- O. Administrative Provisions for Mitigating Measures.
  - 1. Payment of any monies shall be made before the County issues building permits.
  - 2. Construction of any mitigation measures must be complete before occupancy of building(s).
  - 3. Right-of-way required for City streets shall be:
    - A. Deeded before recording of a subdivision or short subdivision or the issuance of development permits for development not related to a subdivision or short subdivision; or
    - B. Dedicated on the face of the final plat or short plat at the time of recording.
  - 4. The City may enter into an agreement with a developer related to payment of mitigation monies or construction of improvements required under this Agreement.

5. Chapter 30.66B SCC shall be used to determine any transportation mitigation that a developer must provide under this Agreement.
- P. City Use of County Development Mitigation Funds. The City shall only use mitigation funds associated with County Developments on City impact fee cost basis projects located within the Snohomish County portion of the City.
- Q. Annual Report. The City shall provide to the County an annual report identifying the amount of mitigation fees collected by the City from County Developments between January 1<sup>st</sup> and December 31<sup>st</sup> of the prior year, the amount of those mitigation fees expended, and the City impact fee cost basis projects upon which the mitigation fees were expended. The first report shall be due on or before March 31, 2018, and subsequent reports by March 31<sup>st</sup> of each year thereafter.

#### IV. MITIGATION FOR IMPACTS IN THE COUNTY BY CITY DEVELOPMENTS

- A. Transportation Service Area (TSA) and Urban Growth Area (UGA). The County shall determine the transportation impacts of City Developments on the County road system in TSAs D, E and F, as currently shown (or as amended) on the TSA Map in the Snohomish County Transportation Needs Report referenced in Section VI below. All City Developments are located within an Urban Growth Area (UGA) as established in the Snohomish County GMA Comprehensive Plan referenced in Section VI below.
- B. Role of Chapter 43.21C RCW and Chapter 30.61 SCC (SEPA). For most City developments, compliance with this Agreement will satisfy the requirements to mitigate adverse and significant adverse impacts under Chapter 43.21C RCW for impacts on County roads. However, this Agreement does not limit the ability of the County to request additional mitigation pursuant to Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 30.61 SCC (SEPA) where the County has determined and identified specific impacts of the development are significant adverse impacts and are not addressed by this Agreement or County code.
- C. Applicability to City Developments. This Agreement applies to all proposed City Developments that have submitted a complete application on or after the effective date of this Agreement and which the City determines are subject to the requirements of: 1) Chapter 14.02 BMC (SEPA); and 2) Chapter 17.04 BMC (Development Impact Mitigation regulations).
- D. Providing Notice. Within seven (7) days of submittal of a complete development application subject to the terms of this Agreement, the City shall give the County written notice and afford the County a timely opportunity for review, comment, or staff consultation as provided by the Bothell Municipal Code related to the impacts that a City Development may have on the County's transportation system under the County's mitigation codes and policies.
- E. Traffic Study. The City, through this Agreement, shall require a traffic study from any City Development that may have impacts on the County's transportation system requiring mitigation in accordance with this Agreement. Any such City Development shall submit the requested traffic study to the City as part of its initial development application.
  1. The County shall provide to the City the criteria for preparation of the traffic study

(see Exhibit 2) that shall include, but not be limited to, the items listed in the "Snohomish County Traffic Worksheet and Traffic Study Requirements for Developments in the City of Bothell". Mitigation shall be consistent with applicable County code and state and federal law.

2. The City may waive the requirement for all or part of the traffic study if the County indicates that all information necessary to assess the impact of the development is available.
  3. The City shall provide an applicant, at the pre-application stage, a copy of the County's requirements for traffic studies and mitigation as shown in Exhibit 2.
  4. Following review of the traffic study, the County may request supplemental information and analysis as necessary to determine the impacts of the development in accordance with this Agreement. The City shall only require the applicant to submit the supplemental information and analysis to the extent the City determines the information is necessary to determine the impacts of the development in accordance with this Agreement.
  5. The County shall recognize any transportation demand management (TDM), pass-by, internal capture, or other vehicle trip reduction credits determined by the City for City Developments.
- F. Mitigating Measures. If the County determines that a City Development will impact the County's transportation system, the County shall notify the City of specific mitigation measure(s) reasonably necessary to mitigate said impacts in accordance with the County's mitigation policies referenced in Section VI.
- 1 For each mitigating measure requested, the County shall identify the specific impacts and reference the relevant County mitigation policies. Notification of the specific mitigating measures shall be provided by the County within twenty-one (21) days of the receipt of application from the City as provided in accordance with Section IV (D), except where notice is for review of an environmental impact statement, in which case the review period shall be as established in accordance with WAC 197-11-502 as now existing or hereafter amended.
  - 2 If the City does not receive timely notification of the County's requested mitigating measures consistent with Section IV (F) (1) above, the City shall assume that the County has no comments or information relating to potential impacts of the development on County roads and may not require any mitigation from the development for impacts on County roads.
- G. Scope of Mitigating Measures. Under this Agreement, City Developments may be required to mitigate impacts on County roads for any of the following: capacity (proportionate share impact mitigation); safety, access and circulation; and level of service capacity improvement projects. City Developments which front on County right-of-way may also be required to provide frontage improvements, dedicate or deed right-of-way, and meet access-point requirements consistent with County standards identified in Section VI of this Agreement.
- H. Proportionate Share Impact Mitigation for City Developments. The County may request that a City Development contribute a proportionate share of programmed system

improvements meeting the requirements of RCW 82.02.050 needed to mitigate capacity impacts on County roads. Two options are available for determining the City Development's proportionate share of impact mitigation:

1. Option one. A City Development may conduct a development specific comprehensive traffic study to document the percentage of the development's traffic that will impact County impact fee cost basis projects. Based the traffic study, a development's proportionate share mitigation will be calculated by multiplying the percentage of the development's traffic that will impact County impact fee cost basis projects by the development's new PM peak hour trips multiplied by the County's capacity mitigation rate (i.e., impact fee) for the type of development proposed and in effect on the date the development's application is deemed complete.
  2. Option two. A City Development may choose to have its proportionate share impact mitigation calculated by the County and the City to fairly represent the average impacts of City Developments on the capacity of County roads for different traffic influence areas of TSAs D, E and F as shown in the City Development Traffic Percentage Influence Area Map (included in Exhibit 2). A City Development may satisfy its obligations under this section to contribute a proportionate share of County capacity improvements by making a voluntarily offered payment in lieu of construction equal to the applicable percentage of the total new average daily trips generated by a development multiplied by the development's newly-generated vehicle trips multiplied by the County's capacity mitigation rate (i.e., impact fee) for the type of development proposed and in effect on the date the development's application is deemed complete.
- I. Mitigation for Impacts on Safety. Mitigation of impacts on documented safety problem locations on County roads is required prior to the impacts of the traffic from City Development in order to improve such locations in accordance with adopted County standards. If such conditions are found to be existing at the time of development application review and the City Development will put ten (10) or more PM peak hour trips through the identified location, the County may request that the development not be approved until provisions are made to remedy the documented safety problem. This provision shall only apply if the County demonstrates that it is also applying the same restrictions and mitigation on County Developments.
  - J. Mitigation for Impacts on Access and Circulation. The County may request that any City Development impacting County roads be required to provide for access and transportation circulation on County roads in accordance with the County's mitigation policies referenced in Section V. A developer may be required to design and construct such access on County roads in accordance with the County's adopted policies and standards, and to improve existing County roads that abut and provide access to the development in order to comply with the County's adopted design policies and standards. The County shall review, inspect, and issue all permits required for improvements to County roads.
  - K. Mitigation for Impacts on Level of Service. City Developments which add more than fifty (50) peak-hour trips to County roads shall be required to include in the traffic study a future level of service (LOS) analysis to determine the City Development's expected impacts on the LOS of County roads in TSAs D, E and F. The County may request

mitigation for impacts on the future LOS of the County road system from a City Development that either causes an arterial unit to be determined in arrears, as defined in SCC 30.91A.290, or impacts a current arterial unit in arrears in the critical time and direction with three (3) or more peak-hour trips.

- L. The County shall make recommendations to the City regarding application of the County's mitigation policies to City Developments that impact the County's road system in a manner consistent with the County's application of mitigation policies to County Developments that impact the County's road system.
- M. The City shall recommend imposing the mitigating measures requested by the County under this Agreement as a condition of the City's development approval to the extent that such requirements are reasonably related to the impact of the development and consistent with the terms of this Agreement and applicable law. The approving authority for the City will impose such mitigating measures as a condition of approval of the development in conformance with the terms of this Agreement unless such action would not comply with existing laws or statutes. If the City does not recommend imposing one or more of the mitigating measures as requested by the County, the City will notify the County as soon as possible, and work with the County to mutually resolve any differences prior to development approval. For developments going before the City Hearing Examiner, if the parties cannot agree upon appropriate mitigation, the City will proceed with its recommendation, and the County may provide comments on County requested mitigation measures to the City Hearing Examiner during public hearings related to a proposed City Development.
- N. The County shall be responsible for analysis, documentation, hearing testimony, and legal review (including the private property protection process of RCW 36.70A.370) of any recommendation made by the County for imposition of mitigation measures on a City Development. The County shall provide all supporting documentation to the City for inclusion in the record for a City Development. The County shall be responsible for all accounting, administration, and compliance with Chapter 82.02 RCW related to mitigation by a City Development for impacts in the County.
- O. Administrative Provisions for Mitigating Measures.
  - 1. Payment of any monies for mitigation shall be made before the City issues building permits.
  - 2. Construction of any mitigation measures must be complete before occupancy of building(s).
  - 3. Right-of-way required for County roads shall be:
    - A. Deeded before recording of a subdivision or short subdivision or the issuance of development permits for development not related to a subdivision or short subdivision; or
    - B. Dedicated on the face of the final plat or short plat at the time of recording.
  - 4. The County may enter into an agreement with a developer related to payment of mitigation monies or construction of improvements required under this Agreement.

5. The Bothell Municipal Code shall be used to determine any transportation mitigation requirements that a developer must provide under this Agreement.
- O. County Use of Mitigation Funds Paid by City Developers. The County agrees to use the mitigation funds paid by City developers only on those County capacity impact fee projects located within County TSAs D, E, and F.

**V. COUNTY RECOGNITION OF CITY'S DESIGNATED REGULATIONS, PLANS, CODES AND MITIGATION POLICIES FOR PURPOSES OF SEPA REVIEW AND/OR DEVELOPMENT REVIEW**

The County recognizes the following adopted mitigation policies of the City, as now existing or hereafter amended, as a basis for the County's exercise of review and mitigation authority pursuant to state and local law:

- A. Chapter 14.02 BMC.
- B. Chapter 17.04 BMC.
- C. The City's comprehensive plan entitled: *Imagine Bothell...Comprehensive Plan.*
- D. All City ordinances, codes, chapters, resolutions, regulations, plans or reports incorporated by reference or applicable to Chapters 14.02 and 17.04 BMC.
- E. Bothell Design and Construction Standards and Specifications.

**VI. CITY RECOGNITION OF COUNTY'S DESIGNATED REGULATIONS, PLANS, CODES, AND MITIGATION POLICIES FOR PURPOSES OF SEPA REVIEW AND/OR DEVELOPMENT REVIEW**

The City recognizes the following adopted mitigation policies and regulations of the County, as now existing or hereafter amended, as a basis for the City's exercise of review and mitigation authority pursuant to state and local law.

- A. Chapter 30.61 SCC.
- B. Chapter 30.66B SCC.
- C. The Department of Public Works' Administrative Rules relating to Chapter 30.66B SCC.
- D. The Snohomish County GMA Comprehensive Plan including, but not limited to, the General Policy Plan, Capital Facilities Element and the Transportation Element.
- E. All County codes, chapters, resolutions, plans or reports incorporated by reference in titles, chapters, documents, or plans cited above, including, but not limited to the County's Engineering Design and Development Standards (EDDS) adopted under Chapter 13.05 SCC.
- F. The Snohomish County Transportation Needs Report.

**VII. RELATIONSHIP TO EXISTING LAWS AND STATUTES**

This Agreement in no way modifies or supersedes existing laws and statutes. In meeting the commitments encompassed in this Agreement, all parties shall comply with the requirements of the Open Public Meetings Act, Growth Management Act, State

Environmental Policy Act, Annexation Statutes, and other applicable laws and regulations. The County and City retain the ultimate authority for land use and development decisions within their respective jurisdictions. By executing this Agreement, the County and City do not purport to abrogate the decision-making responsibility vested in them by law.

#### **VIII. RELATIONSHIP TO FUTURE PLANNING AND RECIPROCAL IMPACT MITIGATION AGREEMENTS**

Separate from this Agreement, the City and County understand that many multi-jurisdictional planning and growth management issues will need to be addressed as growth continues. Both parties also understand that joint planning agreements will be required to accomplish the planning and plan implementation requirements of the Growth Management Act of 1990 as amended. Such agreements may focus on particular issues and delineate specific responsibilities that are beyond the scope of this Agreement.

#### **IX. DEVELOPMENT AND REVIEW OF MITIGATION POLICIES**

The County and the City will periodically review their existing mitigation policies for consistency in the implementation of this Agreement, and will promptly notify the other in the event of any material change in such policies. In that event, the parties agree to amend this Agreement as appropriate.

#### **X. EFFECTIVE DATE, DURATION, AMENDMENT, AND TERMINATION**

- A. This Agreement and any amendments shall take effect upon execution by the parties and posting of the Agreement on the County's website pursuant to RCW 39.34.040.
- B. This Agreement shall remain in effect for a period of six (6) years unless either amended, extended, or terminated as provided in this Section X, PROVIDED, that each party's obligations after December 31<sup>st</sup> for each calendar year in which this Agreement is effective is contingent upon local legislative appropriation of necessary funds in accordance with applicable laws.
- C. This Agreement may be amended upon mutual agreement of the parties. Any amendment shall become effective thirty (30) days following written amendment to the Agreement executed by both parties unless a different effective date is specified in the amendment. Any amendments of this Agreement shall be in writing and executed in the same manner as provided by law for the execution of this Agreement, PROVIDED, that amendment to Exhibits 1 and 2 shall be allowed administratively.
- D. Either party may terminate its obligations under this Agreement upon written notice to the other. Any termination shall become effective ninety (90) days following receipt of the termination notice by the non-terminating party.
- E. Following any amendment or termination, the County and City are mutually responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the amendment or termination. The County and City agree to follow the terms of this Agreement for any developments submitted prior to the effective date of the amendment or termination.

## **XI. INDEMNIFICATION AND LIABILITY**

- A. The City shall protect, save harmless, indemnify, and defend, at its own expense, the County, its elected and appointed officials, officers, employees and agents, from any loss or claim for damages of any nature whatsoever, arising out of the City's performance of this Agreement, including claims by the City's employees or third parties, except for those damages solely caused by the negligence or willful misconduct of the County, its elected and appointed officials, officers, employees or agents.
- B. The County shall protect, save harmless, indemnify, and defend, at its own expense the City, its elected and appointed officials, officers, employees and agents from any loss or claim for damages of any nature whatsoever, arising out of the County's performance of this Agreement, including claims by the County's employees or third parties, except for those damages solely caused by the negligence or willful misconduct of the City, its elected and appointed officials, officers, employees or agents.
- C. In the event of liability for damages of any nature whatsoever arising out of the performance of this Agreement by the City and the County, including claims by the City's or the County's own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of the County and the City, their officers, officials, employees and volunteers, each party's liability hereunder shall only be to the extent of that party's negligence.
- D. No liability shall be attached to the City or the County by reason of entering into this Agreement except as expressly provided herein. The City shall hold the County harmless and defend at its expense any legal challenges to the City's requested mitigation and/or any failure by the City to comply with RCW 82.02.020 or RCW 82.02.070. The County shall hold the City harmless and defend at its expense any legal challenges to the County's requested mitigation and/or any failure by the County to comply with RCW 82.02.020 or RCW 82.02.070.

## **XII. COMPLIANCE WITH THE LAW**

The County and the City shall comply with all applicable federal, state, and local laws in performing this Agreement.

## **XIII. EXERCISE OF RIGHTS OR REMEDIES**

Failure of either party to exercise any rights or remedies under this Agreement shall not be a waiver of any obligation by either party and shall not prevent either party from pursuing that right at any future time.

## **XIV. RECORDS**

Both parties shall maintain adequate record to document obligations performed under this Agreement. Both parties shall have the right to review the other party's records with regard to the subject matter of this Agreement, upon reasonable notice. Such rights last for six (6) years from the date of permit issuance for each specific development subject to this Agreement. This Agreement and all public records associated with this Agreement shall be retained and be available from both the City and the County for inspection and copying where required by the Public Records Act, Chapter 42.56 RCW.

**XV. SEVERABILITY**

Should any clause, phrase, sentence, or paragraph of this Agreement or its application be declared invalid or void by a court of competent jurisdiction, the remaining provisions of this Agreement or its application of those provisions not so declared, shall remain in full force and effect.

**XVI. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties with respect to the reciprocal mitigation of traffic impacts.

**XVII. GOVERNING LAW AND STIPULATION OF VENUE**

This Agreement shall be governed by the laws of the State of Washington. Any action hereunder must be brought in the Superior Court of Washington for Snohomish County.

**XVIII. AGREEMENT ADMINISTRATORS**

Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The changing of a parties Administrator shall not be considered an amendment to this Agreement. The parties' initial Administrators shall be the following individuals:

Wasim Khan, P.E. Transportation Engineer City of Bothell 18415 101st Ave NE Bothell, WA 98011 (425) 806-6773 <a href="mailto:wasim.khan@bothellwa.gov">wasim.khan@bothellwa.gov</a>	Erik Olson Transportation Specialist Snohomish County Public Works 3000 Rockefeller Ave Everett, WA 98201 (425) 388-3488 <a href="mailto:erik.olson@snoco.org">erik.olson@snoco.org</a>
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IN WITNESS WHEREOF, the parties have signed this Agreement, effective as of the last date written below.

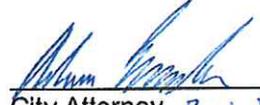
Dated this 17<sup>th</sup> day of October 2016.

**CITY OF BOTHELL**

BY:

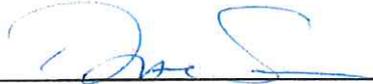
*for*   
\_\_\_\_\_  
Robert W. Jean  
Interim City Manager

Approved as to form:  
City Attorney

*for*   
\_\_\_\_\_  
City Attorney, Paul Byrne

**SNOHOMISH COUNTY**

BY:

  
\_\_\_\_\_  
Dave Somers  
County Executive

Approved as to form:  
Snohomish County Prosecutor

 9/22/16  
\_\_\_\_\_  
Deputy Prosecuting Attorney for  
Snohomish County

COUNCIL USE ONLY	
Approved:	<u>10-12-16</u>
Docfile:	<u>D-7</u>

## Exhibit 1

### The City of Bothell Traffic Mitigation Worksheet For County Developments Impacting City Streets

The City of Bothell (the "City"), through an interlocal agreement (ILA) with Snohomish County (the "County"), may request traffic mitigation measures from any new development in the County ("County Development") that impacts City's streets. The County will impose the requested mitigation measures to the extent the County determines that the mitigation is reasonably related to the impacts of the development.

To determine impacts and reasonable mitigation measures, the County requires a traffic study from any County development that impacts City's streets. This 'traffic study' may be as simple as completing Sections One and Two of the City traffic worksheet below, or having a professional traffic engineer conduct a formal traffic study to assess site specific issues consistent with the requirements in Section Three below. A County development must pay traffic mitigation fees to the City based on either the "Area Averages" methodology or by determining the impacts to specific City cost fee basis projects using PM peak hour trip generation and distribution. (See Section III H in the ILA).

- Option A. If a development generates less than ten peak-hour trips and the applicant chooses Option A for mitigation payment (standard payment by percent of County impact fee), then the applicant will generally only have to fill out the first two sections of this traffic worksheet and complete a mitigation offer (see Section Two below).
- Option B. If a development generates more than ten peak-hour trips, or if the applicant chooses Option B for mitigation payment (comprehensive impact analysis), then the applicant will have to fill out the Section One of this worksheet, complete a separate traffic study consistent with the requirements in Section Three, and complete a mitigation offer (see Section Three below).
- Submittal of Documents. Applicants should submit all documents to the County.
- Supplemental Information. Following review of the documents submitted, the City may request supplemental information and analysis as necessary to determine the impacts of the development in accordance with the County/City ILA. The County will require the proposed development to submit the supplemental information and analysis to the extent that the County determines that it is necessary to determine the impacts of the development.
- Impacts on Access or Circulation. The City may request improvements to existing City streets to provide safe and efficient access and/or circulation. In some instances, the City might request provisions for future City streets identified in the Comprehensive Plan. If so, the City will request specific additional information through the County.
- Frontage Improvements, Right of Way, and Access Point Requirements. Any County development which takes access from a City street or fronts on a City right-of-way may also be required to provide frontage improvements, dedicate or deed right-of-way, and meet access-point requirements consistent with City standards. If this may be the case, provide appropriate analysis and documentation to enable the City and the County to determine what standards and requirements to apply.
- Traffic mitigation offer. The applicant shall complete a traffic mitigation offer to the City that summarizes the mitigation identified in the City traffic worksheet and any additional traffic impacts. This will facilitate timely review of the development and processing of the application. The form to use for the mitigation offer is titled "Traffic Mitigation Offer to the City." This form is typically provided to all applicants along with this traffic study checklist. In addition, copies are available from either the City or County. See Section Five below.

**Section One (1) Worksheet General Information**

1. Name of Proposed Development \_\_\_\_\_

2. County Development File Number (if known) \_\_\_\_\_

APPLICANT	NAME	TRAFFIC CONSULTANT
	ADDRESS	
	CITY/ST/ZIP	
	PHONE #	
	EMAIL	

4. Development Site Address \_\_\_\_\_

5. Does development front on City street(s)? If yes list street(s) \_\_\_\_\_

6. Description of Development (size and specific type) \_\_\_\_\_

7. ADT expected to be generated by the proposed development? (For many common types of developments this information can be provided by the County or the City. For more complex developments trip generation may have to be determined under section three below)

\_\_\_\_\_ AM Peak Hour \_\_\_\_\_ PM Peak Hour \_\_\_\_\_ Average Daily Trips (ADT)

8. Proportionate Share Impact Mitigation: All applicants have two options in determining the amount of their traffic mitigation payment:

\_\_\_\_\_ For determining the amount based on a percentage of the City fee go to section two.

\_\_\_\_\_ For determining the amount based on a comprehensive traffic study go to section three.

**Section Two (2) Proportionate Share Determination**

**2(a) Calculation of Payment Amount**

1.1 Standard default percentage of trips impacting City streets as shown on the Development Traffic Percentage Influence Area Map in Section 6 below \_\_\_\_\_%

OR

1.2 Estimated percentage of trips impacting City impact fee cost basis projects shown on attached trip distribution is \_\_\_\_\_%  
(Note: See author's qualifications in Section Three below.)

2. PM Peak Hour Trip Generation: \_\_\_\_\_

3. City Impact Fee Rate\* \$ \_\_\_\_\_

(\* Consistent with the ILA, developments pay the rate in effect at the time of their application is submitted to the County. The City Council can change these rates at any time by Ordinance, so consult with the City to find the latest fee rates.)

4. Calculation of Proportionate Share Impact Mitigation

_____	X	_____	X	=	\$ _____
% of trips (#1.1 or 1.2 above)		PM Peak- Hour Trips (#2 above)			Proportionate share mitigating payment
		Fee Rate (#3 above)			

**2(b) Determining whether or not an additional traffic study is necessary**

Will the development generate more than fifty (50) peak-hour trips *or* are there other impacts that need to be addressed, e.g., level of service, safety, or access and circulation?

- No. Skip section three and go to section four.
- Yes. Read the introduction to section three and skip to section 3(b).

**Section Three (3) Traffic Study Requirements**

Introduction: This section outlines the general traffic study requirements for a County development impacting City streets. The City, through the County, may require the developer to provide additional traffic impact analysis for projects generating more than 50 PM peak hour trips. If an applicant chooses (or is required) to complete a traffic study, then it should be submitted along with this worksheet and a mitigation offer.

(Note on Author's Qualifications: A traffic study under this section must be conducted by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and, preferably, membership in the institute of transportation engineers. For individuals/firms not on the County's approved list, the developer will provide, with the traffic study, the credentials of the individual or firm performing the traffic study certifying compliance with these qualifications.)

**3(a) Proportionate share impact mitigation based on comprehensive impact analysis:**

Percentages differing from those shown in Section Six, based on the traffic study, may be considered for individual developments on a case-by-case basis. The provision for consideration of independent traffic studies is specified in the City's Transportation Impact Fee program (BMC 17.045.006). If an applicant chooses to calculate the proportionate share based on a PM peak hour trip distribution then, they must estimate the percentage of trips entering the City from the distribution:

**3(b) Trip Generation and AM and PM Peak Hour Trip Distribution and Assignment**

Calculate AM, PM and Daily trip generation consistent with the ITE Trip Generation Handbook and the Snohomish County Public Works Rules. Determine the trip distribution and assignments consistent with the County's document titled "Format for Trip Distributions" (available at the County web site, see below).

- The distributions will be carried out to each key intersection in the City at which the approach or departure volumes on any leg have three (3) or more new peak hour trips from the development. Get the most current list of key intersections from the City. Trips should be distributed onto the street system as it is expected to be in six years.
- The distribution should be a schematic map showing the broad distributions of trips in terms of percentages on different streets. Show all City boundaries.
- The assignment should be a schematic map with the impacted key intersections identified and turning movements for each shown in separate diagrams on the same page or on different pages. The assignment should also be presented in tabular form listing each intersection and the number of trips at each movement.

**3(c) Additional Analysis**

The City may request mitigation for impacts on the level of service of City streets, documented safety locations, frontage improvements and access or circulation. The traffic study requirements below are intended to disclose impacts. Based on this information, the City may request, through the County, that the applicant provide additional information showing possible mitigation measures. If any off-site improvements to City streets were needed for mitigation, the City would work with the applicant to

determine requirements for right-of-way, construction plans, right-of-way use permits, construction/maintenance bonds, and other issues.

**Impacts on Level of Service (LOS) of City Intersections for Developments Generating More Than Fifty (50) Peak Hour Trips**

Contact City of Bothell Public Works for the most current list of intersections with failing level of service. Identify any of these intersections impacted by fifty (50) or more directional peak-hour trips.

**Impacts on Documented Safety Problem Locations for Developments Generating More Than Fifty (50) Peak Hour Trips**

Contact the City of Bothell Public Works for a list of current locations with documented safety problems. Identify any of these locations impacted by ten (10) or more peak-hour trips. Note: unlike LOS impacts in which at least fifty (50) or more peak hour trips have to be added in one direction to require disclosure (e.g., 50 westbound), for documented safety problems, any ten peak hour trips added to a documented safety problem location is considered an impact for which disclosure is necessary. (e.g., 6 westbound plus 4 eastbound).

**Impacts on Access or Circulation**

The City may request improvements to existing City streets to provide safe and efficient access and/or circulation. In some instances, the City might request provisions for future City streets identified in the Comprehensive Plan. If so, the City will request specific additional information through the County.

**Frontage Improvements, Right of Way, and Access Point Requirements**

Any County development which takes access from a City street or fronts on a City right-of-way may also be required to provide frontage improvements, dedicate or deed right-of-way, and meet access-point requirements consistent with City standards. If this may be the case, provide appropriate analysis and documentation to enable a determination by the City and the County as to what standards and requirements to apply.

**Section Four (4) Traffic Mitigation Offer to the City**

The applicant should complete a traffic mitigation offer to the City that summarizes the mitigation identified in the City traffic worksheet and any additional traffic study analysis. This will facilitate timely review of the development and processing the application. The form to use for the offer is titled "Traffic Mitigation Offer to a City". This form is typically provided to all applicants along with this traffic study checklist. In addition, copies are available from the County contacts or on the County's web site shown in Section 5.

**Section Five (5) City and County Contact Information**

**5(a) City Contact information**

Wasim Khan, P.E.  
Transportation Engineer  
City of Bothell  
18415 101st Ave NE  
Bothell, WA 98011

(425) 806-6773

[wasim.khan@bothellwa.gov](mailto:wasim.khan@bothellwa.gov)

City Web Site:

<http://www.bothellwa.gov/CityServices/PublicWorks/TransportationIssues.aspx?p=1289>

If the link doesn't work:

- Go to the City's web site at <http://www.bothellwa.gov>,
- Click City Services
- Click Public Works
- Click Transportation
- Click Transportation Impact Fee Program

## 5(b) County Contact information

The Snohomish County Public Works Department has a web site with many of the documents related to traffic studies and mitigation requirements for developers. The web address is:

PDS Traffic Reviewers 425-388-3311

DPW Traffic 425-388-3184

Mark Brown, [mark.brown@snoco.org](mailto:mark.brown@snoco.org)

Elbert Esparza, [elbert.esparza@snoco.org](mailto:elbert.esparza@snoco.org)

Ann Goetz, [ann.goetz@snoco.org](mailto:ann.goetz@snoco.org)

David Irwin [david.irwin@snoco.org](mailto:david.irwin@snoco.org)

**County Web Site:** [www.snohomishcountywa.gov/888/Traffic-Mitigation-Concurrency](http://www.snohomishcountywa.gov/888/Traffic-Mitigation-Concurrency)

If the link does not work:

- Go to the County's web site at "www.Snohomishcountywa.gov/"
- Click on the "Your Government" on the upper left side of the screen
- Under Community & Business Services click on the "Public Works" link
- Click on the "Roads Central" link on the left side of the screen
- Click on the "Transportation & Environmental Services on the left side of the screen
- Click on the "Traffic Mitigation & Concurrency link on the left side of the screen and scroll down to find the appropriate map or document
- To find the Bothell Reciprocal Traffic Mitigation Agreements, Forms & Information, click on the link titled "Reciprocal Traffic Mitigation Agreements, Forms & Information", then scroll down to the section for Bothell.

## Section Six (6) Traffic Percentage Influence Area Table and Map for County Development

Table for the Estimated Percentage of Trips from County Developments Impacting City Streets\*

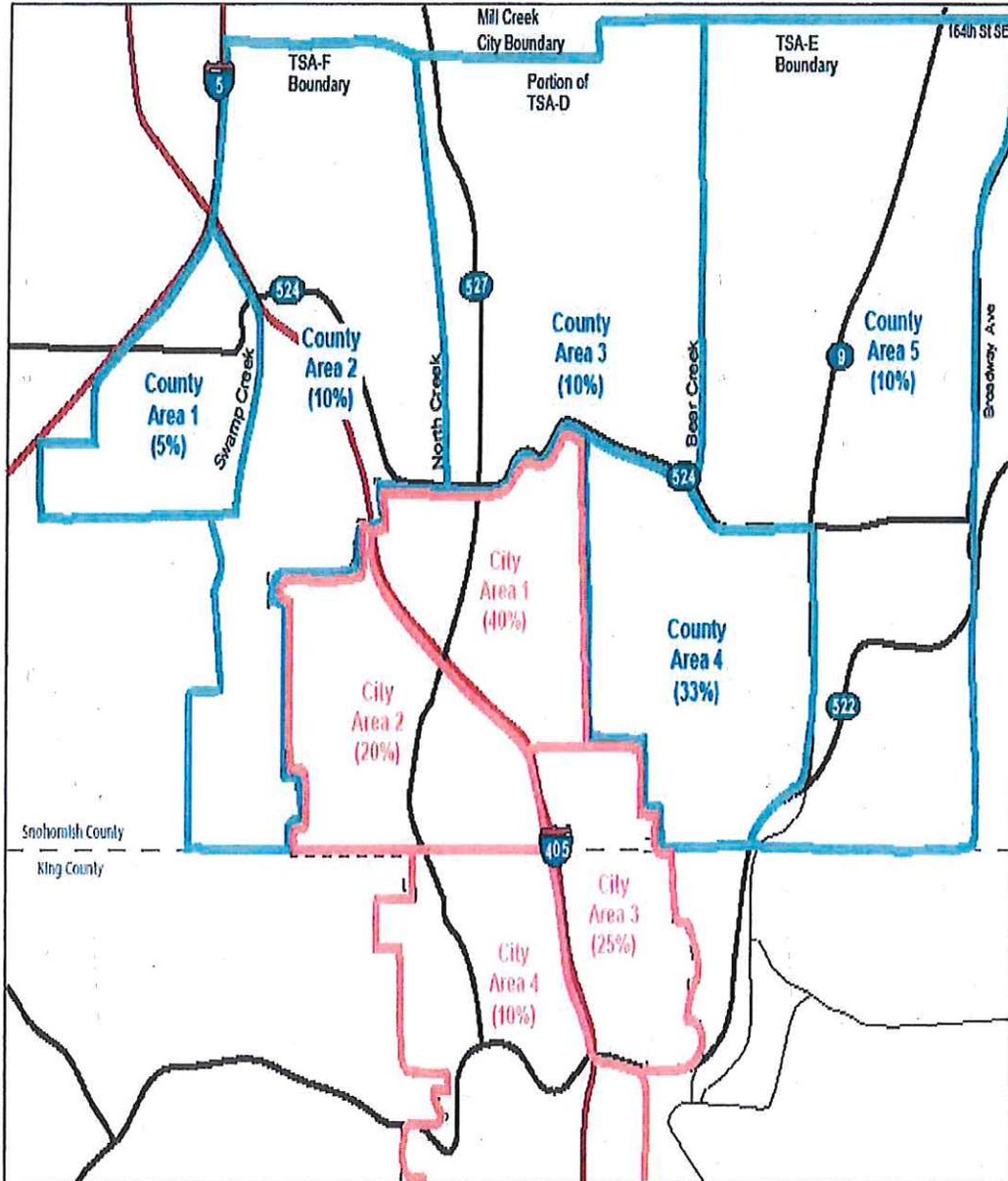
Sub-Area ID#	County Mitigation Subareas	% *
County Area 1	Inside TSA F, west of Swamp Creek and east of I-5	5%
County Area 2	Inside TSA's D and F, east of Swamp Creek and west of North Creek	10%
County Area 3	Inside TSA's D, E and F, east of North Creek, west of Little Bear Creek and north of SR 524. Also, inside TSA D, east of North Creek, west of 35 <sup>th</sup> AV SE and south of Mill Creek City limits.	10%
County Area 4	Inside TSA E east of North Creek, west of Little Bear Creek and south of SR 524.	33%
County Area 5	Inside TSA E, east of Little Bear Creek, west of Broadway Ave	10%

\* (Percentages different than those shown may be considered on a case-by-case basis based on a traffic study.)

### County and City Development Traffic Percentage Influence Area Map

- Percentage of Trips from County Development Impacting City Streets.
- Percentage of Trips from City Development Impacting County Roads.

Snohomish County Mitigation Subareas



## Exhibit 2

### Snohomish County Traffic Worksheet and Traffic Study Requirements for City Developments Impacting County Roads

Snohomish County (the "County"), through an interlocal agreement (ILA) with the City of Bothell (the "City"), may request traffic mitigation measures from any new development in the City ("City Development") that impact County roads. The City will impose the requested mitigation measures to the extent the City determines that the mitigation is reasonably related to the impacts of the development.

To determine impacts and reasonable mitigation measures, the County requires a traffic study from any City development that impacts County roads. This 'traffic study' may be as simple as completing Sections One and Two of the County traffic worksheet below, or having a professional traffic engineer conduct a formal traffic study to assess site specific issues consistent with the requirements in Section Three below. A City development must pay traffic mitigation fees to the County based on either the "Area Averages" methodology or by determining the impacts to specific County cost fee basis projects using PM peak hour trip generation and distribution. (See Section IV H in the ILA).

- Option A. If a development generates less than ten peak-hour trips and the applicant chooses Option A for mitigation payment (standard payment by percent of County impact fee), then the applicant will generally only have to fill out the first two sections of this traffic worksheet and complete a mitigation offer (see Section Two below).
- Option B. If a development generates more than ten peak-hour trips, or if the applicant chooses Option B for mitigation payment (comprehensive impact analysis), then the applicant will have to fill out the Section One of this worksheet, complete a separate traffic study consistent with the requirements in Section Three, and complete a mitigation offer (see Section Three below).
- Submittal of Documents. Applicants should submit all documents to the City.
- Supplemental Information. Following review of the documents submitted, the County may request supplemental information and analysis as necessary to determine the impacts of the development in accordance with the City/County ILA. The City will require the proposed development to submit the supplemental information and analysis to the extent that the City determines that it is necessary to determine the impacts of the development.
- Impacts on Access or Circulation. The County may request improvements to existing County roads to provide safe and efficient access and/or circulation. In some instances, the County might request provisions for future County roads identified in the Comprehensive Plan. If so, the County will request specific additional information through the City.
- Frontage Improvements, Right of Way, and Access Point Requirements. Any City development which takes access from a County road or fronts on a County right-of-way of may also be required to provide frontage improvements, dedicate or deed right-of-way, and meet access-point requirements consistent with County standards. If either applies, provide appropriate analysis and documentation to enable the City and the County to determine what standards and requirements to apply.
- Traffic mitigation offer. The applicant shall complete a traffic mitigation offer to the County that summarizes the mitigation identified in the County traffic worksheet and any additional traffic impacts. This will facilitate timely review of the development and processing of the application. The form to use for the mitigation offer is titled "Traffic Mitigation Offer to the County." This form is typically provided to all applicants along with this traffic study checklist. In addition, copies are available from either the County or City. See Section Four below.

**Section One (1) Worksheet General Information**

1. Name of Proposed Development \_\_\_\_\_

2. City Development File Number (if known) \_\_\_\_\_

	APPLICANT	TRAFFIC CONSULTANT
	NAME	
	ADDRESS	
	CITY/ST/ZIP	
	PHONE #	
	EMAIL	

4. Development Site Address \_\_\_\_\_

5. Does development front on County road(s)? If yes list road(s) \_\_\_\_\_

6. Description of Development (size and specific type) \_\_\_\_\_

7. ADT expected to be generated by the proposed development? (For many common types of developments this information can be provided by the City or the County. For more complex developments trip generation may have to be determined under Section Three below)

\_\_\_\_\_ AM Peak Hour \_\_\_\_\_ PM Peak Hour \_\_\_\_\_ Average Daily Trips (ADT)

8. Proportionate Share Impact Mitigation: All applicants have two options in determining the amount of their traffic mitigation payment:

\_\_\_\_\_ For determining the amount based on a percentage of the County fee go to Section Two.

\_\_\_\_\_ For determining the amount based on a comprehensive traffic study go to Section Three.

**Section Two (2) Proportionate Share Determined by Percentage of County Impact Fee**

**2(a). Calculation of Payment Amount**

1.1 Standard default percentage of trips impacting County Roads as shown on the Development Traffic Percentage Influence Area Map in Section 6 below \_\_\_\_\_%

OR

1.2 Estimated percentage of trips impacting County impact fee cost basis projects shown on attached trip distribution is \_\_\_\_\_%

(Note: See author's qualifications in Section Three below.)

2. PM Peak Hour Trip Generation: \_\_\_\_\_

3. County Impact Fee Rate\* \$ \_\_\_\_\_

(\* Consistent with the ILA, developments pay the rate in effect at the time of their application is submitted to the City. The County Council can change these rates at any time by Ordinance, so consult with the County to find the latest fee rates.)

4. Calculation of Proportionate Share Impact Mitigation

_____	X	_____	X	_____	=	\$ _____
% of trips (#1 above)		PM Peak- Hour Trips (#2 above)		Fee Rate (#3 above)		Proportionate share mitigating payment

**2(b). Determining whether or not an additional traffic study is necessary**

Will the development generate more than fifty (50) peak-hour trips *or* are there other impacts that need to be addressed, e.g., level of service, safety, or access and circulation?

No. Skip Section Three and go to Section Four.

Yes. Read the introduction to Section Three and skip to Section 3 (b).

**Section Three (3) Traffic Study Requirements**

Introduction: This section outlines requirements for traffic studies for impacts on County roads. If an applicant chooses (or is required) to complete a traffic study, then it should be submitted along with this worksheet and a mitigation offer. For projects generating more than 50 PM peak hour trips the County requires the developer to provide a future level-of-service forecast with the traffic study.

(Note on Author's Qualifications: A traffic study under this section must be conducted by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and, preferably, membership in the institute of transportation engineers. Individuals or firms not on the County's approved list shall, with the traffic study, provide the County the credentials of the individual or firm performing the traffic study certifying compliance with these qualifications.)

**3(a). Proportionate share impact mitigation based on comprehensive traffic study**

1. Development's Trip Generation and Distribution. Determine the PM peak-hour trip generation and distribution for the development consistent with Section 3(b) below.
2. Impacted Improvements. Determine which of the road sections with planned improvements in the County's impact fee cost basis (Transportation Needs Report Appendix D) are impacted by three or more development-generated Directional Peak Hour Trips in the developments PM peak hour (PM PHT).
3. Current Counts. For each impacted improvement, provide current traffic counts to determine the PM PHT.
4. Reserve Capacity. Determine "reserve capacity" for each impacted improvement by subtracting the current PM PHT from the maximum service volume (MSV) for the existing facility. Reserve capacity is set to zero if current PM PHT exceeds the MSV. For MSVs see County DPW Rule 4224.
5. New Capacity. New capacity is the incremental increase in PHT that could be accommodated with the planned improvement. Determine the new capacity of each impacted improvement by subtracting the current MSV from the future MSV after the improvement.
6. Chargeable Capacity. For each impacted improvement, add the reserve capacity to the new capacity.
7. Final Adjusted Cost. Find the cost of each impacted improvement and make any adjustments used by the County for tax credits (see Transportation Needs Report Appendix D).
8. Capacity Cost per Peak-Hour Trip. For each impacted improvement, determine the capacity cost per PM PHT by dividing the final adjusted improvement cost by the chargeable capacity.
9. Traffic Impacts. From step one above, take the *total* number of PM PHT (in both directions) impacting each planned improvement.
10. Proportionate Share. For each impacted improvement, determine the proportionate share impact mitigation by multiplying the capacity cost per peak-hour trip by the number of PM PHT impacting the improvement.

**3(b) Trip Generation and AM and PM Peak Hour Trip Distribution and Assignment**

Calculate the AM, PM and Daily trip generation consistent with the ITE Trip Generation Handbook and Snohomish County Public Works Rule 4220. Determine the trip distribution and assignments consistent

with the County's document titled "Format for Trip Distributions" available at County web site identified in the section below titled "Additional Information".

1. Within the developments Transportation Service Area (TSA) the distributions will be carried out to each key intersection at which the approach or departure volumes on any leg is three (3) or more peak hour trips. Trips should be distributed onto the road system as it is expected to be in six years. You may obtain the most current list of key intersections on the County web site identified in the section below titled "Additional Information".
2. The distribution should be a schematic map showing the broad distributions of trips in terms of percentages on different roads. Show all City boundaries.
3. The assignment should be a schematic map with the impacted key intersections identified by ID# and turning movements for each shown in separate diagrams on the same page or on different pages. The assignment should also be presented in tabular form listing each intersection by the intersection ID#, and the number of trips at each movement.

**3(c). Additional Analysis for Developments Generating More Than Fifty (50) Peak Hour Trips**

For developments generating more than 50 peak-hour trips the County may request a future level of service forecast to analyze the City Developments impacts on the level of service of County roads. The County may also request any City Development provide additional analysis on documented safety locations (the County calls such locations "inadequate road conditions (IRCs)" or "deficient road condition (DRC)"), and access or circulation. The traffic study requirements below are intended to disclose impacts. Based on this information the County may request through the City that the applicant provide additional information showing possible mitigation measures. If any off-site improvements were needed for mitigation the County would work with the applicant to determine requirements for right-of-way, construction plans, right-of-way use permits, construction/maintenance bonds, and other issues.

**Impacts on Level of Service (LOS) of County Arterials**

Contact a PDS Traffic Development Reviewer for the most current list of arterial units in arrears and critical arterial units. Identify any arterial units in arrears or critical arterial units impacted by three or more directional peak-hour trips.

**Impacts on Inadequate Road Conditions**

Contact a PDS Traffic Development Reviewer for a list of the current IRCs. Identify any IRCs impacted by three or more peak-hour trips.

Note: Unlike LOS impacts any three peak hour trips added to IRC locations are considered an impact for which disclosure is necessary (e.g., 2 westbound plus 1 eastbound).

**Impacts on Access or Circulation**

The County may request improvements to existing County roads to provide safe and efficient access and/or circulation. In some instances, the County may request provisions for future County roads identified in the Comprehensive Plan or in Small Area Transportation Studies. If so, the County will request specific additional information through the City.

**Section Four (4) Traffic Mitigation Offer to the County**

The applicant should complete a traffic mitigation offer to the County that summarizes the mitigation identified in the County traffic worksheet and any additional traffic study analysis. This will facilitate timely review of the development and processing the application. The form to use for the offer is titled "Traffic Mitigation Offer to Snohomish County". This form is typically provided to all applicants along with this traffic study checklist. In addition, copies are available from the County contacts or on the County's web site shown in Section Five below.

**Section Five (5) County and City Contact Information**

**5(a) County Contact information**

The Snohomish County Public Works Department has a web site with many of the documents related to traffic studies and mitigation requirements for developers. The web address is:

**County Contact Information**

PDS Traffic Reviewers 425-388-3311

Mark Brown, [mark.brown@snoco.org](mailto:mark.brown@snoco.org)

Ann Goetz, [ann.goetz@snoco.org](mailto:ann.goetz@snoco.org)

DPW Traffic 425-388-3184

Elbert Esparza, [elbert.esparza@snoco.org](mailto:elbert.esparza@snoco.org)

**County Web Site** [www.snohomishcountywa.gov/888/Traffic-Mitigation-Concurrency](http://www.snohomishcountywa.gov/888/Traffic-Mitigation-Concurrency)

If the link does not work:

- Go to the County’s web site at “[www.Snohomishcountywa.gov/](http://www.Snohomishcountywa.gov/)”
- Click on the “Your Government” on the upper left side of the screen
- Under Community & Business Services click on the “Public Works” link
- Click on the “Roads Central” link on the left side of the screen
- Click on the “Transportation & Environmental Services on the left side of the screen
- Click on the “Traffic Mitigation & Concurrency link on the left side of the screen and scroll down to find the appropriate map or document
- To find the Bothell Reciprocal Traffic Mitigation Agreements, Forms & Information, click on the link titled “Reciprocal Traffic Mitigation Agreements, Forms & Information”, then scroll down to the section for Bothell.

**5(b) City Contact information**

<p>Wasim Khan, P.E.          Transportation Engineer          City of Bothell          18415 101st Ave NE          Bothell, WA 98011</p> <p>(425) 806-6773</p> <p><a href="mailto:wasim.khan@bothellwa.gov">wasim.khan@bothellwa.gov</a></p>	<p>City Web Site:  <a href="http://www.bothellwa.gov/CityServices/PublicWorks/TransportationIssues.ashx?p=1289">http://www.bothellwa.gov/CityServices/PublicWorks/TransportationIssues.ashx?p=1289</a></p> <p>If the link doesn’t work:</p> <ul style="list-style-type: none"> <li>• Go to the City’s web site at <a href="http://www.bothellwa.gov">http://www.bothellwa.gov</a>,</li> <li>• Click City Services</li> <li>• Click Public Works</li> <li>• Click Transportation</li> <li>• Click Transportation Impact Fee Program</li> </ul>
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**Section Six (6) Traffic Percentage Influence Area Table and Map for City Development**

Table 1: Estimated Percentage of Trips from City Developments Impacting County Roads

City Subarea ID#	City Mitigation Subareas	%
City Area 1	South of SR 524, North/East of I-405, North of 233 <sup>rd</sup> St SE	40%
City Area 2	South/West of I-405, North of County Line	20%
City Area 3	East of I-405, South of 233 <sup>rd</sup> St SE, North of SR 522	25%
City Area 4	West of I-405, West of 124 <sup>th</sup> Ave NE (to the south of SR 522), South of County Line	10%

\* Percentages different than those shown may be considered on a case-by-case basis based on a traffic study.

### County and City Development Traffic Percentage Influence Area Map

- Percentage of Trips from County Development Impacting City Streets.
- Percentage of Trips from City Development Impacting County Roads.

#### Snohomish County Mitigation Subareas

