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**Title 13**  
**ROADS AND BRIDGES**

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**Chapter 13.01**  
**GENERAL PROVISIONS**

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**13.01.004 Title.**

This title constitutes, and may be cited as, the Roads and Bridges ordinance.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 3, June 12, 1996, Eff date June 29, 1996).

**13.01.020 Powers of the director and the engineer.**

- (1) The director has overall authority for all matters relating to county roads and bridges.
- (2) The engineer shall have the power to:
  - (a) Administer provisions of this title;
  - (b) Prepare and administer procedures implementing this title;
  - (c) Prepare and publish for public use a procedures manual or manuals covering this title;
  - (d) Close or restrict the usage of county roads and bridges for a definite period of time as provided for in Chapter 47.48 RCW; and
  - (e) Administer any provisions delegated to the engineer under Title 30 SCC.
- (3) The engineer hereby delegates to the director of planning and development services the authority to act in accordance with the powers of the engineer, as listed under [SCC 13.01.020\(2\)](#), only as they apply to issuance of permits under [chapter 13.60](#) SCC. In delegating such authority the engineer reserves the right of final decision regarding the provisions of [SCC 13.01.020\(2\)](#).
- (4) With the concurrence of the director of planning and development services or his delegate, the director or the engineer may delegate any portion of the authority vested in the director, the department, or the engineer under this title or Title 30 SCC relating to development permit processing to the department of planning and development services, if the director or engineer determines, in his or her discretion, that the delegation will improve delivery of services in the development permitting process or serve the public health, safety, and welfare. In delegating such authority, the director of public works or engineer may reserve the right of final decision.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 87-095, § 2, September 23, 1987; Amended Ord. 96-028, § 4, June 12, 1996, Eff date June 29, 1996, Ord. 02-067, November 6, 2002, Eff date November 17, 2002; Ord. 05-116, Nov. 21, 2005, Eff date Dec. 18, 2005).

### **13.01.030 Engineering Design and Development Standards.**

All work performed under any permit issued under this title shall conform to the Engineering Design and Development Standards (EDDS) of the department of public works as provided in [chapter 13.05 SCC](#).

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 5, June 12, 1996, Eff date June 29, 1996).

### **13.01.040 Violations.**

(1) It shall be unlawful to place or maintain any structure, object or feature within the right-of-way except where done pursuant to a contract with the county, permission granted by the department pursuant to this chapter, or other specific legal authority.

(2) It shall be unlawful for anyone other than the department to spill, dump, or otherwise deposit any material upon a county right-of-way except where done pursuant to contract with the county, permission granted by the department as provided in this chapter, or other legal authority. This section shall be supplementary to state law as provided in RCW 70.93.060.

(3) Any violation of this section or any other provision of this title declaring conduct unlawful is a misdemeanor and shall be punishable as provided in [SCC 1.01.100](#). Each person shall be guilty of a separate offense for each and every day any portion of which any violation of this section occurs and shall be punishable accordingly.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 6, June 12, 1996, Eff date June 29, 1996).

### **13.01.050 Encroachment--Abatement.**

The engineer may remove any structure, object, feature or material placed or spilled upon, over, or beneath the surface of any right-of-way by other than the department unless installed and maintained pursuant to a contract with the county, permission by the department as provided in this chapter, or other specific legal authority. The costs of any removal shall be sole responsibility of the installer of such structure, object, feature or material, and the successors in ownership of any portion of such structure, object, feature or material. The county may take any steps which it deems appropriate to collect the costs of such removal.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 7, June 12, 1996, Eff date June 29, 1996).

### **13.01.060 Disclaimer of liability.**

Responsibility for complying with the requirements of this title and other applicable code provisions rests solely with the permit applicant. Without limitation thereto, the applicant is responsible for determining and accurately representing to the county the following information: (1) legal descriptions; (2) ownership interests and record title; (3) location of property lines and required setbacks; (4) land use classification (zoning); (5) drainage courses; and (6) any other information supplied by the applicant. Snohomish county may rely upon all information furnished by the applicant both oral and written, and any other information acquired by it. Snohomish county shall have no duty to verify any such information and shall incur no liability for any injury or damage resulting in any manner from any activity pursuant or incidental to any permit issued pursuant to this chapter.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.01.070 Severability.**

If any provision of this title or its application to any person or circumstances is held invalid, the remainder of this ordinance and the application of any of its other provisions to other persons or circumstances shall not be affected.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.01.080 Effective date.**

This title shall take effect on August 1, 1985.

(Added Ord. 85-051, § 3, July 3, 1985).

## **Chapter 13.02 DEFINITIONS**

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### **13.02.010 General.**

Insofar as not inconsistent with this chapter, the definitions contained in RCW 47.04.010 and amendments thereto shall apply to this title. Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.020 Assessment reimbursement area.**

"Assessment reimbursement area" means the assessment reimbursement area for a particular road improvement or group of improvements is that geographic area adjacent to, or in the vicinity of, the road improvement(s), which includes parcels that, upon development, would be subject to road improvement and impact mitigation obligations pursuant to chapter [30.61 SCC](#) environmental review; chapter [30.66B SCC](#), concurrency and road impact mitigation; chapter 30.41A SCC, subdivisions; chapter [30.41B SCC](#), short subdivisions; Subtitle 30.2 SCC, zoning and development standards; [Subtitle 30.3 SCC](#), performance standard zones, resource lands and overlays; and other land development codes, policies and regulations requiring provision for similar road improvements and/or traffic impact mitigation.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **13.02.030 Authorized emergency vehicle.**

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, ambulance service, public or private, which need not be classified, registered or authorized in writing by the State Patrol.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.040 Axle.**

"Axle" means the structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.050 Benefited properties.**

"Benefited properties," as used in [chapter 13.95](#) SCC, means properties that are benefited from a road improvement or group of improvements, where the properties would require similar road improvements or traffic mitigation obligations upon development under the land development impact mitigation codes, policies and regulations of the county, had improvements or traffic mitigation not previously been provided by some other party.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.060 Combination of vehicles.**

"Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.070 Commercial vehicle.**

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.080 Commodities necessary for health and welfare.**

"Commodities necessary for health and welfare" means any things provided to the public which are necessary to provide essential shelter, food or fuel to people and animals.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.090 County council or council.**

"County council" or "council" means the county legislative authority.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.100 County road.**

"County road" means every road as defined by [13.02.320](#), outside the limits of incorporated cities and towns and which has not been designated as a state highway as that term is defined in RCW 47.04.010 as now or hereafter amended.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.110 County road frontage owners' petition.**

"County road frontage owners' petition" means the petition used in conjunction with the procedures contained in RCW 36.87 and [chapter 13.100](#) SCC to initiate vacation of a county road right-of-way.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.120 Dedication.**

"Dedication" means the conveyance of land to the county for road purposes by deed or some other instrument of conveyance or by dedication on a duly filed and recorded plat or short plat.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.130 Department.**

"Department," unless stated otherwise in this title, means the department of public works.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.140 Development.**

"Development" means all subdivisions, short subdivisions, industrial or commercial building permits, conditional or special use permits, or building permits including structures, and all similar uses in unincorporated Snohomish County, and other similar projects requiring land use permits or approval by Snohomish County, except single-family residences and accessory apartments on existing tax lots.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.150 Director.**

"Director," unless stated otherwise in this title, means the director of public works.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.160 EDDS.**

"EDDS" means the Engineering Design and Development Standards of the department of public works.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.170 Engineer.**

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

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.180 Freeholders petition.**

"Freeholders petition" means the petition used in the conjunction with the procedures contained in RCW 36.81 and [chapter 13.90](#) SCC to initiate establishment of a county road or right-of-way.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.190 Gross weight.**

"Gross weight" means the total vehicle weight including load.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.200 Motor truck.**

"Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.210 Motor vehicle.**

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.220 Owner.**

"Owner" means the owner according to the records of the office of the county auditor of real property.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.230 Permit.**

"Permit" means a document including any license, permit, agreement or franchise, authorizing specified use of county right-of-way and granted under the provisions of this title.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.240 Permitted use.**

"Permitted use" means use of any portion of the right-of-way for the benefit of a particular person, organization, association, or corporation, public or private, other than as a thoroughfare for vehicles and pedestrians and uses incidental thereto, under a permit issued under this title.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.250 Permittee.**

"Permittee" means the person, organization, association or corporation named in any permit as permittee.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.260 Perishable commodities.**

"Perishable commodities" means products of agriculture, aquaculture, or manufacture which by their nature are subject to destruction, decay, deterioration or spoilage except under proper conditions.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

**13.02.270 Pole trailer.**

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.280 Political sign.**

"Political sign" means any sign advocating a position or the candidacy of any person for public office or on any public issue subject to a vote in the next election.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.290 Pneumatic tire.**

"Pneumatic tire" means every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.300 Primitive road.**

"Primitive road" means a road within county right-of-way that meets the requirements of RCW 36.75.300 and that may be a county maintained road, unmaintained road or privately maintained road. A primitive road has a gravel or earth driving surface, and has an average annual daily traffic of one hundred or fewer vehicles. A primitive road must be established by county council ordinance.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.310 Property owner.**

"Property owner" means the owner or reputed owner of property according to records of the county auditor.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.320 Resolution.**

"Resolution," as used in [chapter 13.140](#) SCC, refers to a resolution passed by the county council declaring its intention to order the improvements of the proposed road development district and indicating the use of RCW 35.43 for the formation method. In Snohomish County a council resolution has been replaced by a council motion.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.330 RID.**

"RID," as referenced in [chapter 13.140](#) SCC and further defined in RCW 36.88, means a road improvement district created by the county for the improvement of county roads, existing private roads that will become county roads as a result of this improvement district process and/or, with the approval of the State Department of Transportation, state highways.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.340 Right-of-way or R/W.**

"Right-of-way" or "R/W" means all property in which the county has any form of ownership or title and which is held for public road purposes, regardless of whether or not any road exists thereon or whether or not it is used, improved, or maintained for public travel.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.350 Road or roadway.**

"Road" or "roadway" used interchangeably with street, means an open, generally public way for the passage of vehicles, that where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right-of-way.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.360 School bus.**

"School bus" means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the State Superintendent of Public Instruction, but does not include buses operated by common carriers in urban transportation of school children.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.370 Semitrailer.**

"Semitrailer" means every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.380 Services necessary for health and welfare.**

"Services necessary for health and welfare" means any services provided to the public which are necessary to maintain essential power, gas, communications, garbage, sewer and water services for the public.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.390 Sheriff.**

"Sheriff" means the Snohomish County sheriff or his designee.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.400 Structure.**

"Structure" means any building, booth, fence, gate, stand, sign, pole, posts, pipe, wire, cable, or any other object constructed on or over or installed within the right-of-way.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.410 Tandem axle.**

"Tandem axle" means any two or more consecutive axles whose centers are less than seven feet apart.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.420 Tire width.**

"Tire width" means, in the case of pneumatic tires, the maximum overall normal inflated width, as stipulated by the manufacturer, when inflated to the pressure specified and without load thereon.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.430 Truck.**

See "motor truck."

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.440 Truck tractor.**

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.450 Unmaintained road.**

"Unmaintained road" means a road within county right-of-way which is accessible to public travel but is not maintained by the county.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.460 Unopened right-of-way.**

"Unopened right-of-way" means a county right-of-way that exists by dedication or deed, but without which no road has been constructed for the purpose of public use, or, within which any constructed road is not maintained by the county.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

#### **13.02.470 Utility.**

"Utility" means such public services as gas, electric power, telephone, cable television or other telecommunications, water, sewer, whether or not such service is privately or publicly owned.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.480 Utility purveyor.**

"Utility purveyor" means a provider of such public services as gas, electric power, telephone, cable television or other telecommunications, water, sewer, whether or not such provided is privately or publicly owned.

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

### **13.02.490 Vehicle.**

"Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices moved exclusively upon stationary rails or tracks. Bicycles shall not be considered vehicles for the purposes of [SCC 13.110.030](#).

(Added Ord. 96-028, § 8(part), June 12, 1996, Eff date June 29, 1996).

## **Chapter 13.05 DESIGN STANDARDS AND SPECIFICATIONS**

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### **13.05.010 Engineering Design and Development Standards.**

The Engineering Design and Development Standards, cited routinely as the EDDS, supersede in its entirety the "Design Standards and Specifications," adopted by the Snohomish County council Ordinance No. 80-28 on July 2, 1980.

(1) Work and materials installed in the existing or future right-of-way shall conform to the most current edition of the Engineering Design and Development Standards.

(2) The Engineering Design and Development Standards may be amended or revised by the engineer in accordance with the policies in this title and sound engineering practices. A copy of any such amendment or revision shall be filed with the county council. Copies of the EDDS amendments or revisions may be secured from the department of public works at fees fixed by the engineer.

(3) The engineer may adopt and incorporate into the EDDS, by reference, other federal, state and local design standards and specifications and other professionally accepted engineering standards and specifications.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 9, June 12, 1996, Eff date June 29, 1996).

### **13.05.020 Applicability.**

The Engineering Design and Development Standards shall govern all new construction and upgrading of transportation facilities, storm drainage facilities and utilities within county rights-of-way, whether occurring under permit or franchise, and other transportation related improvements mandated by Snohomish County land use codes.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 10, June 12, 1996, Eff date June 29, 1996).

## Chapter 13.10 PERMITS

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### **13.10.010 Permit required.**

It is unlawful for anyone to make any use of any right-of-way for other than transportation and uses incidental thereto or as otherwise provided by this chapter without a right-of-way use permit and/or franchise as provided in this title and complying with all the provisions thereof, and any code or statutory provisions applicable to said use.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.10.020 Validation of prior permits.**

All permits and franchises granted by the department before the effective date of this act shall continue in full force and effect until their respective expiration dates; PROVIDED, That any such permit or franchise shall be subject to this title except where the terms of the permit or franchise are inconsistent herewith. And PROVIDED FURTHER, That this title shall not impair the obligations of any existing franchise. All renewals and extensions of any such permit or franchise are subject to all of the provisions of this title.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.10.030 Factors, justification.**

The requirements for approval of a permit to use right-of-way vary with the type of transaction involved as provided in this title. In reviewing any application for justification and approval, the following or other appropriate factors may be considered:

- (1) Length of time of right-of-way use;
- (2) Disturbance of right-of-way surface;
- (3) Requirements for public health and safety;
- (4) Disruptions of usual public use;
- (5) Risks of damage to right-of-way;
- (6) Costs to the county for services;
- (7) Effect on private property;
- (8) County use of the right-of-way;
- (9) Risks of spills and debris in the right-of-way;
- (10) Condition of existing road and right-of-way.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 11, June 12, 1996, Eff date June 29, 1996).

### **13.10.040 Types of right-of-way transactions.**

For the purposes of processing, right-of-way transactions are classified as follows:

- (1) Type A: Uses permitted under Title [6](#) SCC and as defined in [chapter 13.30](#) SCC.
- (2) Type B: Permits involving the movement of vehicles, materials, and structures, commercial hauling, other similar activities, and road closures, which have the potential to disturb existing features, improvements, other vehicles or pedestrians within the right-of-way, as defined in [chapter 13.40](#) SCC.
- (3) Type C: Permits involving the placement and use of objects or features, or, non land development related construction, with minor or no disturbance of improvements within the right-of-way, as defined in [chapter 13.50](#) SCC.
- (4) Type D: Permits involving construction activities that disturb the roadway and other features within the right-of-way, as defined in [chapter 13.60](#) SCC.
- (5) Type E: Miscellaneous, long-term right-of-way transactions including right-of-way leases, deeds and easements, establishments, franchises, vacations, latecomers cost recovery, and road improvement districts, as defined in [chapter 13.70](#) SCC.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 91-197, Dec. 18, 1991; Amended Ord. 96-028, § 12, June 12, 1996, Eff date June 29, 1996).

### **13.10.050 Permit exemptions.**

Right-of-way use permits will not be required:

- (1) For activities requiring a license or permit pursuant to the general business license and regulations code, Title 6, SCC. Applications which are expected to utilize right-of-way shall be reviewed and approved by the engineer before the issuance of any license or permit.
- (2) For franchised utilities when responding to emergencies that require work in the right-of-way such as water or sewer main breaks, gas leaks, downed power poles when the new placement is uniquely different from the original or similar emergencies; PROVIDED, That the department shall be notified by the responding utility, verbally or in writing, as soon as practicable following onset of an emergency and an appropriate right-of-way permit be applied for at that time.
- (3) For mailboxes or newspaper delivery receptacle, PROVIDED That the engineer may order such moved or removed if he/she believes such to be constructed or located so as to constitute an unsafe condition.
- (4) Where a separate agreement and/or approval is granted by the county council through the legislative process such as for franchise, establishment or vacation of right-of-way, easements or deeds. Application for permission with respect to the foregoing activities shall be required, received, and processed the same as one for a required permit.
- (5) For road maintenance activities and road construction projects undertaken by the department of public works or under contract to the department of public works, except that the engineer may require right-of-way use permits when the contract is for the construction of improvements proposed by a developer. At the discretion of the engineer, relocation of utilities to provide for activities and construction undertaken by or under contract to the department may also be exempt when review and inspection will be conducted as part of the department's policies.

(6) For temporary political signs. As public right-of-ways are found to be part of a traditional public forum, temporary political signs may be placed within the county right-of-way. PROVIDED, That:

(a) Such signs shall comply with all applicable provisions of the Revised Code of Washington (RCW), including Chapter 29.51 RCW and Chapter 42.17 RCW, and the provisions of [SCC 30.27.070](#).

(b) Such signs shall not create a traffic safety hazard by obstructing sight distance requirements in accordance with the Engineering Design and Development Standards adopted under [chapter 13.05](#) SCC, or block access for vehicles or pedestrians.

(c) Such signs shall not be placed on or within the portion of the roadway used for the passage or parking of vehicles or pedestrians.

(d) The name, address and telephone number of the persons responsible for sign removal and maintenance shall be made known to the department of public works by the registration of such person or organizations with the Snohomish County auditor and by the portrayal of such information on every sign.

(e) If placed within a right-of-way area maintained by the abutting property owner, or organization, permission must be obtained from such owner or organization prior to sign placement.

(f) Such signs shall be freestanding, and not attached to any utility structure or pole; traffic sign, device or guardrail; tree or shrub; or any other structure within the right-of-way.

(g) The maintenance, removal, and liability due to placement of such signs shall be the sole responsibility of the person(s) or organizations placing them. The county will assume no responsibility nor liability for such signs, and reserves the right to remove, without notice, signs not complying with this section.

(7) For litter control or other roadside improvement activities conducted under the department of public works' adopt-a-road program.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 13, June 12, 1996, Eff date June 29, 1996; Ord. 02-098, December 9, 2002, Eff date February 1, 2003; Ord. 08-078, June 25, 2008, Eff date July 7, 2008).

### **13.10.060 Limitations on permits.**

(1) Unless otherwise stated in this title or noted on the permit, any permit shall expire after one year, unless earlier revoked. Provided, That the expiration date of land development related permits may be established to coincide with the expiration date of the associated land development approval.

(2) Permits may be renewed in accordance with Section [13.10.160](#) SCC.

(3) Permits may be amended by the engineer at any time to provide for other uses of the right-of-way, in accordance with this title.

(4) Unless expressly provided by the terms of the permit, franchise, or applicable law, all permits and franchises shall be subject to the public right to travel on the right-of-way, permissive only, and grant no rights.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 14, June 12, 1996, Eff date June 29, 1996).

### **13.10.070 Legal compliance.**

Nothing in this section or title shall avoid compliance by an applicant or permittee with all other applicable laws, statutes, including the state environmental policy act (chapter 43.21C RCW) and the shoreline management act (chapter 90.58 RCW), code provisions, including [Title 30 SCC](#). The applicant shall have the burden of securing any other permit, license, or legal approval required to undertake the use proposed by the applicant. Where any applicant or permittee has failed to comply with all legal conditions precedent to his proposed use, his application shall be denied and any permission granted under this chapter and associated regulations shall be revoked.

(Added Ord. 85-051, § 3, July 3, 1985; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **13.10.080 Application, grant.**

(1) Application for any permits, as required by this chapter shall be on a form provided by the engineer and be accompanied by fees as provided in [chapter 13.110 SCC](#). In signing the application, the permittee agrees to all pertinent provisions of this title.

(2) Where required by the engineer, drawings, diagrams and/or construction plans showing the location and detail of any facility to be placed within the right-of-way shall be part of the application. Applications which do not contain all information requested shall not be considered.

(3) The engineer shall examine each application to assure compliance with the provisions of this chapter and department procedures. The engineer may make such further inquiry or investigate any circumstances with respect to an application he/she deems appropriate.

(4) If the engineer, after report from other affected departments and offices as provided elsewhere in this title, concludes that the granting of the application will cause no additional hazard to users of the road involved nor interfere with the rights of the public or others, including abutting owners, and complies with the provisions of this title, he/she shall grant the permit upon such terms and conditions as are necessary to protect the public health, safety, and welfare.

(5) Granting of a franchise or permit does not imply county responsibility for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 15, June 12, 1996, Eff date June 29, 1996).

### **13.10.090 Defense, hold harmless, and indemnification.**

Any permit, agreement, or franchise shall provide that the applicant/permittee/franchisee shall defend the county and its elected and appointed officials, officers and employees against any claim, and hold harmless and indemnify the county and its elected and appointed officials, officers and employees for any loss arising out of the applicant's/permittee's/franchisee's use of the right-of-the-way. The defense, hold harmless, and indemnification provisions in any permit, agreement, or franchise shall be prepared by the department in consultation with the prosecuting attorney and the risk manager.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 16, June 12, 1996, Eff date June 29, 1996; Amended by Ord. 08-103, August 27, 2008, Eff date Sept. 6, 2008).

### **13.10.100 Insurance.**

The engineer shall determine in consultation with the county risk manager whether there is a risk of potential liability to the county arising out of any proposed use of any right of way. If the engineer determines that there is such a risk, he/she may require the permittee or franchisee to obtain insurance and maintain such insurance for the term of the permit or the franchise. The engineer will determine the nature and extent of any required insurance in consultation with the risk manager.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 17, June 12, 1996, Eff date June 29, 1996; Amended by Ord. 08-103, Aug. 27, 2008, Eff date Sept. 6, 2008).

#### **13.10.104 Security devices – general provisions.**

(1) To ensure all development activities requiring a permit under this title are satisfactorily performed and completed in accordance with the requirements of this title, including any approved plans, specifications and other conditions or requirements related to permit approval, the engineer may require the applicant to provide security devices in accordance with this chapter.

(2) Two separate types of security devices may be required by the engineer, each of which shall serve a distinct purpose:

(a) “Performance security” shall mean a security device to ensure all development activities requiring a permit under this title are performed and completed within the time specified and in accordance with the approved plans, specifications, permit or approval requirements or conditions, and all applicable federal, state and local laws, regulations and policies.

(b) “Maintenance security” shall mean a security device to ensure that all development activities requiring a permit under this title and construction activities undertaken in proposed rights-of-way pursuant to title 30, function correctly and are maintained by the permittee for the duration of the time specified and in accordance with the approved plans, specifications, permit or approval requirements or conditions, and all applicable federal, state, and local laws, regulations and policies.

(3) All security devices required under this title shall provide for:

(a) Forfeiture to the county and the right for the county to withdraw funds upon failure of the permittee to complete any development activities in accordance with the approved plans, specifications, permit or approval requirements or conditions, and time limits.

(b) The county’s interest in any security device required pursuant to this chapter shall be assignable, without obtaining a re-issuance of the security device, to an annexing municipality in the event the real property covered by the surety device is annexed prior to either completion of the work secured by a performance security or final acceptance and release of the security device for that work covered by a maintenance or performance monitoring security.

(4) Exemption for public agencies. In accordance with RCW 36.32.590, state agencies and units of local government, including school districts, shall not be required to secure the performance of permit or approval conditions or requirements with a security device. State agencies and units of local government, including school districts, are required to comply with all requirements, terms, and conditions of the permit or approval, and the county may enforce compliance by withholding certificates of occupancy or occupancy approval, by administrative enforcement action, or by any other legal means.

(5) Private utilities not exempted under RCW 36.32.590 holding a franchise issued pursuant to chapter 13.80 SCC and having a current franchise bond or other franchise security device in place, shall not be required to post a performance security or maintenance security under this chapter if the available amount of the franchise security device is greater than or equal to the amount of the security device that would otherwise be required by this chapter.

(6) If the county is required to complete any development activities as authorized under [SCC 13.10.116](#), the permittee is responsible for all costs incurred in completing any development activities covered by the security device. The permittee shall reimburse the county for reasonable costs exceeding the amount of the security device.

(7) When the county uses the proceeds of a security device as authorized under [SCC 13.10.116](#) the county shall provide the permittee with an itemized statement of expenditures and the county shall return, without interest, any overpayment made by the issuer of the security device.

(8) Release by the county of the final performance security related to construction permitted pursuant to this title shall constitute final construction acceptance of the constructed facilities.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.106 Performance security.**

(1) Prior to issuance of any permit or approval authorized under this title, the engineer may require the applicant to provide a performance security guaranteeing, to the satisfaction of the engineer, right-of-way restoration and/or completion of the proposed construction authorized or required by the permit.

(2) Unless otherwise provided in this title a performance security shall remain in effect through the life of the permit that authorizes the development activity, including all extensions, and until released by the department.

(3) A performance security shall not be released until all development activity is performed by the permittee to the satisfaction of and is accepted by the engineer, and if required, a maintenance security has been accepted.

(4) The amount released shall be reduced by any sum forfeited to the county as provided in [SCC 13.10.116](#) or [SCC 13.10.118](#), unless the total required amount of the security device has been re-established, in which case the total amount of the security device shall be released.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.108 Maintenance security.**

(1) After the department has approved and accepted the development activities performed within existing right-of-way pursuant to a permit in accordance with this title, or future right-of-way pursuant to a permit in accordance with title 30 SCC, the engineer may require the permittee to provide a maintenance security guaranteeing the workmanship, materials and continued function of the completed development.

(2) Unless otherwise provided in this title, a maintenance security shall remain in effect for a period of two (2) years after final inspection and acceptance by the county of all development activities specified by the approved plans for which a performance security was required.

(3) When a permittee completes improvements to existing right-of-way pursuant to this title, or to future right-of-way and drainage facilities pursuant to title 30 SCC, the maintenance security required in accordance with [SCC 13.10.108\(1\)](#) and the maintenance security required in accordance with title 30 SCC for drainage facility improvements shall be combined into one maintenance security with the same start and end date. However, the maintenance security may be divided into separate securities for right-of-way and drainage improvements if special circumstances exist and approval is granted by both the engineer and the director of planning and development services.

(4) A maintenance security shall be released at the end of the time covered by the security provided that the facility is operating as required, as determined by the engineer.

(5) The amount released shall be reduced by any sum forfeited to the county as provided in [SCC 13.10.116](#) or [SCC 13.10.118](#), unless the total required amount of the security device has been re-established, in which case the total amount of the security device shall be released.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.112 Security devices- form and amount.**

(1) A security device shall be made on the forms as provided by the department or in a form acceptable to the director. The following general types of financial sureties may be used as security devices:

- (a) Bond;
- (b) Letter of credit;
- (c) Assignment of funds or account;
- (d) Other form of security device as may be specifically approved by the director of finance.

(2) Unless otherwise provided in this title, the security device amount shall be as follows:

(a) The amount of a performance security will be 110 percent of the total estimated cost, as determined by the engineer, of guaranteeing right-of-way restoration and/or completion of the proposed construction authorized or required by any permit under this title.

(b) The amount of the maintenance security shall be 20 percent of the actual documented in place cost of the development activities secured by the device. However, if the total cost of the development activities exceeds one million dollars the amount of the maintenance security shall be 15 percent of the total cost of the development activities.

(3) The amount of all security devices shall include an inflation factor calculated for the term of the security device together with the term of any allowed extensions.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

#### **13.10.114 Extension of security device.**

The engineer may require the duration of the maintenance security to be extended for a sufficient time not to exceed two (2) years past the original maintenance security end date to ensure the repairs will perform as required if:

(1) Curative or restorative improvements have been made to the work and additional time is required to verify whether such curative or restorative improvements will function and operate as required; or

(2) The applicant has failed to cure defective work or has failed to maintain the improvements after notice from the county, and the engineer determines the applicant has made, or is making, a good faith commitment to ensure that the work will be completed and the improvements will operate as required.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

#### **13.10.116 Notice of noncompliance and collection of proceeds.**

(1) If the engineer determines that work covered by the security device has not been completed or is not operating as designed and required, the engineer shall notify the permittee, and the issuer of the security device. The notice shall:

(a) Describe the work or improvements that must be completed to prevent the forfeiture of the security device;

(b) Provide a date certain by which the required work or improvements must be completed to the engineer's satisfaction; and

(c) State that, if the work or improvements are not completed within the time specified, the county will proceed with forfeiture of the security device and use the funds to complete the required work or improvements.

(2) If during the term of the security device the engineer determines that conditions exist which are not in conformance with the approved plans, specifications, permit or approval requirements or conditions, the engineer may issue a stop work order prohibiting any additional development activities until the conditions are corrected. The engineer may seek forfeiture of the security device, or a portion thereof, to correct conditions that are not in conformance with the approved plans, specifications, or permit requirements. The permittee may not proceed with the development activities until the required amount of the security device has been re-established. After the county receives payment from a security device, the county will use the funds to complete the required work or improvements.

(3) In the event the county proceeds with forfeiture of a security device, the issuer of the security device shall, within thirty (30) days of demand of the county, make a written commitment to the county that it will either:

(a) Remedy the default itself with reasonable diligence pursuant to a time schedule acceptable to the county; or

(b) Tender to the county within fifteen (15) days the amount necessary, as determined in good faith by the county, to remedy the nonconforming conditions.

(4) Upon completion of either of [SCC 13.10.116\(3\)\(a\) or \(b\)](#), the issuer of the security device shall then have fulfilled its obligations under the applicable security device for only those development activities identified by the county in its notice. If the issuer of the security device elects to fulfill its obligation pursuant to the requirements of [SCC 13.10.116\(3\)\(b\)](#), the county, upon completion of the remedy, shall notify the issuer of the actual cost of the remedy. The county shall return, without interest, any overpayment made by the issuer of the security device, and the issuer of the security device shall pay to the county any actual costs which exceeded the county's estimate, limited to the total security device amount.

(5) The county may enforce the provisions of this section using any and all available legal or equitable remedies.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.118 Emergency work by the county.**

(1) The county may determine an emergency exists when development activities covered by a security device have not been completed, were not completed in conformance with the approved plans, specifications, or permit requirements, or are not operating as required and the engineer determines an emergency situation has been or may be created that may endanger the public health, safety, and welfare and one of the following has occurred:

- (a) The nature or timing of the emergency precludes notification of the permittee and security device issuer as provided in [SCC 13.10.116](#); or
- (b) the department has attempted to contact the permittee and received no response; or
- (c) the permittee was unable to perform the emergency work required.

In the event of an emergency, the county may take action to correct the emergency at the permittee's expense.

(2) The permittee and security device issuer shall be notified in writing within four (4) days after the county commences emergency work. The notice must state the work that was commenced and the nature or timing of the emergency that necessitated the county to perform emergency work without prior notification.

(3) After completion of the emergency work, the county shall provide the permittee and issuer of the security device with an itemized statement of expenditures.

(4) If funds are collected from a security device the permittee may not proceed with work covered by the security device until the required amount of the security device has been re-established.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.122 Reimbursement of costs.**

(1) If the county completes any development activities under [SCC 13.10.116](#) or [13.10.118](#), the permittee shall reimburse the county all costs incurred by the county in completing the work. If the county seeks reimbursement of expenditures by collecting on a security device, the permittee shall reimburse the county for reasonable costs exceeding the amount of the security device.

(2) When the county uses the proceeds of a security device under [SCC 13.10.116](#) or [13.10.118](#), the county shall provide the permittee and issuer of the security device with an itemized statement of expenditures. For funds collected pursuant to [SCC 13.10.116](#) the county shall return, without interest, any overpayment made by the issuer of the security device.

(3) The county may enforce the provisions of this section using any and all available legal or equitable remedies.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.124 Delayed construction – Performance security.**

(1) The county engineer, with the concurrence of the director, may approve the delayed construction of certain public improvements in a subdivision or short subdivision when:

(a) The delay will not create adverse operational or safety impacts or create a threat of significant adverse environmental impacts;

(b) The permittee provides the department with a performance security in accordance with [SCC 13.10.124\(4\)](#);

(c) The request is not to delay the construction of retention or detention facilities, storm water treatment facilities and associated stormwater conveyance systems, or erosion and sedimentation control facilities; and

(d) The delayed facilities are constructed to a minimum level of construction as determined by, and acceptable to, the director and county engineer.

(2) Except as approved in [SCC 13.10.124\(3\)](#), construction delayed pursuant to [SCC 13.10.124\(1\)](#) shall be completed within two (2) years of issuance of the performance security.

(3) The director may allow construction approval of a subdivision or short subdivision without the final placement of hot mix asphalt paving on new public roads. The placement of hot mix asphalt paving shall be completed within one (1) year of recording of the subdivision or short subdivision.

(4) The performance security required by [SCC 13.10.124\(1\)\(b\)](#) shall be in the amount of 150 percent of the estimated cost of all delayed development, as determined by the director taking into account the estimated costs of:

(a) Constructing all facilities as specified in the approved plan;

(b) Monitoring the facilities' performance;

(c) Designing and constructing any corrective on-site and off-site measures, including other mitigation measures, which may be necessary to correct the effects of inadequate or failed workmanship, materials or design; and

(d) Related incidental and consequential costs, inflation, and the cost of inspection of the work by the department.

(5) The performance security shall remain in effect until final inspection and acceptance by the county of all development specified by the plans whose construction is secured with the performance security.

(6) For good cause shown, the county engineer, with concurrence from the director, may grant an extension of the deadline for completion of development activities imposed by [SCC 13.10.124\(2\)](#) for a time period not to exceed one (1) year.

(7) The performance security required pursuant to this section shall not be released or reduced until a maintenance security, if required, is accepted pursuant to this chapter.

(Added by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010)

### **13.10.130 Inspections.**

(1) The engineer, with such assistance as is required of the sheriff or any other involved county official, has the right to make inspections of the right-of-way and any work or installation made thereon by the permittee as he/she deems appropriate; and the permittee shall not deny the engineer the right to make reasonable inspections. Inspection costs are included in the permit fee as provided in [chapter 13.110 SCC](#).

(2) At the discretion of the engineer, inspection frequency as determined to assure compliance with conditions of any permit or franchise may include one or more of the following:

(a) Inspections may be conducted to assist an applicant in properly defining all permit requirements.

(b) Inspections and surveillance of all sites may be made at the start of the right-of-way use. Permittees are required to notify the department at least 24 hours in advance of beginning the approved use.

(c) Routine periodic inspections and observations may be conducted until the permitted use is complete. If there are any questions about the use, safety or quality of permittees' actions, additional inspection efforts may be conducted.

(d) Inspections and observations may occur at the completion of the right-of-way use. Restoration requirements will be carefully reviewed by the assigned inspectors.

(3) Appropriate records of inspections and surveillance activities as determined by the engineer will be kept by the department to assure that all permitted right-of-way uses are in compliance with county requirements.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 20, June 12, 1996, Eff date June 29, 1996).

#### **13.10.140 Traffic control, detours.**

(1) Traffic control, including detours required on or approaching any site subject to a permit/ franchise shall be in accordance with the EDDS. The engineer may require an applicant to obtain a Road Closure (Type B5) permit in accordance with [chapter 13.40](#) SCC where required to protect vehicular or pedestrian traffic or county property.

(2) The department may require an applicant to submit a traffic control plan showing the proposed traffic control and detour routing including location and type of warning lights, safety devices, signs and barricades intended to protect vehicular or pedestrian traffic at the site of the proposed use. The department shall approve the traffic control plan before issuing a permit.

(3) All decisions of the department shall be final in all matters pertaining to the number, type, locations, installation and maintenance of warning and safety devices or use of detours in the right-of-way during any work or activity for which a duly authorized permit has been issued.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 21, June 12, 1996, Eff date June 29, 1996).

#### **13.10.150 Assignments.**

No permit or any rights thereunder to move, haul, place or construct objects or features within the right-of-way may be transferred, assigned or sublet. Rights to use the right-of-way for objects or features placed or constructed within the right-of-way under a valid permit that are of a permanent nature and associated with the use of real property may be transferred by the permittee with title to the associated real property, unless otherwise stated in this title or noted on the permit. Any conditions attached to the permit for continued maintenance of the objects or features by the permittee, and continued provision of protection and security to the county in accordance with [SCC 13.10.090](#), [SCC 13.10.100](#) and [SCC 13.10.106](#) shall also be transferred.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 22, June 12, 1996, Eff date June 29, 1996; Amended by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010).

#### **13.10.160 Renewals.**

(1) Permits may be renewed as permitted in this title. Where renewal is permitted, application shall be on a form as provided by the department made within 30 days of the expiration of the prior permit. Fees for permit renewals shall be 50 percent of the original permit fee except that for Type B1, B2, B3 and B4 permits the fees for permit renewals shall be at the engineer's discretion and in an amount not to exceed the fees for a new permit as provided in [chapter 13.110](#) SCC.

(2) Any application to renew a permit shall be reviewed by the engineer, who may approve, deny, or approve with conditions, regardless of whether or not such conditions were contained in the prior permit.

(3) A permit renewal, if granted by the engineer, shall expire after one year unless otherwise noted on the permit.

(4) In addition to any other conditions imposed by the engineer, an application for a renewal must satisfy the following:

(a) Continued use of the right-of-way is essential to complete the work or activity previously authorized.

(b) The permit holder has complied with the conditions of the prior permit and all other applicable requirements.

(c) All required fees, charges and performance deposits have been paid by the permittee.

(d) All required insurance certificates and performance security have been filed with the county and will continue to be in effect through the requested renewal period.

(e) Continuation of the private use of the public right-of-way shall not adversely affect the public health, safety or welfare.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 23, June 12, 1996, Eff date June 29, 1996; Amended by Ord. 10-014, April 7, 2010, Eff Date April 29, 2010 and April 29, 2011).

### **13.10.170 Revocation.**

(1) The engineer may revoke any permit by giving the permittee written notice thereof if:

(a) The permit may was procured by fraud or misrepresentation in any particular;

(b) Construction or existence of the approved activity creates an unsafe condition with respect to the public, public property, any abutting property, or other property, person, or thing lawfully in the right-of-way;

(c) The permittee has breached any term of the permit and has not cured such breach after being given written notice to do so by the engineer;

(d) The permittee has failed to comply with any term of this title or any other applicable law, statute, code provision, or regulation;

(e) The permittee has failed to pay any costs, penalties or fees levied pursuant to any terms of this title;  
or

(f) The permittee has permitted or maintained any nuisance on the right-of-way.

(2) Upon termination or revocation of any permit, the permittee shall remove any material placed on, over, or in the right-of-way by the permittee and restore the right-of-way to such condition as existed prior to entry by the permittee. If after reasonable notice by the engineer, the permittee fails to do so, such work may be performed to the extent deemed appropriate at the sole cost of the permittee. The engineer may take any step he/she deems appropriate to collect such costs and all cost of collection, including reasonable attorney's fees

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 24, June 12, 1996, Eff date June 29, 1996).

## **Chapter 13.30**

### **TYPE A TRANSACTIONS**

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#### **13.30.010 Permitted uses.**

Type A transactions are for those uses which may extend into rights-of-way and are covered by Title [6](#) SCC including carnivals, circuses, parades, dances, public events/assemblies, and runs.

(Added Ord. 85-051, § 3, July 3, 1985).

#### **13.30.020 Administration.**

Type A transactions are administered entirely by the department of finance with input from the department of public works; however, all applications for Type A transactions utilizing any right-of-way shall be reviewed and be subject to protest as provided in [SCC 6.01.070](#). Such activities are of short duration and may involve disruption to pedestrian or vehicular traffic or access and require approval of specific conditions, including locations, route, time and date, as provided in Title [6](#) SCC.

(Added Ord. 85-051, § 3, July 3, 1985).

## **Chapter 13.40**

### **TYPE B TRANSACTIONS**

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#### **13.40.010 General requirements.**

Type B transactions relate to the movement of vehicles, materials, and structures; commercial hauling, other similar activities, and road closures, within the county right-of-way which have the potential to disturb the right-of-way surface, disturb other vehicular and pedestrian traffic, and/or impact access to private property if not properly controlled. These activities may also require sheriff assistance, county inspections, restoration and clean up of right-of-way used. Each activity requires county approval for specific routes, weights, locations, dates and operating times, provisions for public safety and traffic control.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 25, June 12, 1996, Eff date June 29, 1996).

#### **13.40.020 Permitted uses.**

Type B permits are required for the following and similar uses of county rights-of-way, except where exempt under Section [13.10.050](#):

- (1) Log tolerance (Type B1 Permit)--activities involving hauling of logs in excess of the legal gross weight of the involved vehicle(s) all in accordance with RCW 46.44.047.
- (2) Overweight load (Type B2 Permit)--activities that require special use of the right-of-way to move overweight materials and structures at specific times and locations, or when emergency load limitations are posted.

(3) Oversize load (Type B3 Permit)--activities that require special use of the right-of-way to move oversize load materials and structures at specific times and locations.

(4) Haul route (Type B4 Permit)--commercial hauling within the right-of-way for activities involving but not limited to development construction, pit and quarry operations, logging and other commercial operations where such activities are likely to cause extraordinary damage or accelerated damage to county roads.

(5) Road closure (Type B5 Permit)--activities that involve partial or total closures of roads, streets, lanes, shoulders or sidewalks on a temporary basis, and any detours for loading/unloading, new construction or repair, construction storage, or other similar activities.

Exception: Single lane closures for activities included under a blanket permit, Section [13.60.020](#)(7), and all activities referenced under Sections [13.10.050](#) and [13.60.030](#)(10), Provided, all traffic signing, cones, barriers and other traffic delineations comply with the EDDS and Provided further, that all activities extending beyond one lane width, including tree trimming, shall require a road closure (Type B5 Permit).

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 26, June 12, 1996, Eff date June 29, 1996).

### **13.40.030 Terms--General.**

All Type B permits are subject to the following terms and such additional terms as the engineer deems appropriate:

- (1) Use of the right-of-way will be restricted to the time of day stated on the permit.
- (2) The use shall not physically disturb the surface of the roadway, shoulders, ditches, cuts, slopes or other portions of the right-of-way.
- (3) The applicant/permittee must identify and mitigate any disruption of vehicular and pedestrian traffic caused by the use.
- (4) The permittee shall provide, to the engineer's satisfaction, routes, locations, dates, and time, participation, associated construction plans and provisions for public safety and traffic controls.
- (5) The permittee shall provide street, lane, and sidewalk closures and other traffic diversions with traffic control signs and devices as designated by the engineer and as required by law.
- (6) The county assumes no liability by the issuance of any permit; all costs in connection therewith will be paid by the applicant/permittee.
- (7) Following completion of use under these permits, the right-of-way must be restored to the satisfaction of the engineer and is subject to periodic inspections by the engineer.
- (8) A copy of any permit issued for commercial hauling under the provisions of this title must accompany each involved vehicle.
- (9) A copy of any permit issued for road closure under the provisions of this title must be kept at the site of the activity for which the road closure is required.
- (10) Granting of any permit by the engineer does not relieve the permittee from securing any necessary related state, federal or municipal permits or approvals.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 27, June 12, 1996, Eff date June 29, 1996).

### **13.40.040 Size, weight, load requirements on county roads.**

(1) **Movements Requiring a Permit.** Chapter 46.44, RCW, specifies size, weight and load requirements for public streets and highways of the state (including county roads). Movements which involve vehicles in excess of the following dimensions require a special permit since they exceed the limits for weight and size established by law. This special permit can be either a type B2 or B3 permit if the movement takes place entirely on county roads. In lieu of issuing a permit, the engineer may endorse a special permit obtained from the state department of transportation if a portion of the movement involves state right-of-way. Movements on county roads under an endorsed state permit are subject to the same conditions that apply to a type B2 or B3 permit:

(a) Width: Over 8 1/2 feet (RCW 46.44.010)

(b) Height: Over 14 feet (RCW 46.44.020)

(c) Length: (RCW 46.44.030)

Single unit: Over 40 feet

Single trailer: Over 53 feet

Combination:

Truck and trailer: Over 75 feet

Two trailing units: Over 61 feet

(d) Weight: (RCW 46.44.041)

Single axle: Over 20,000 lbs

Tandem axle: Over 34,000 lbs

The maximum load table contained within RCW 46.44.041 shall apply for groups of two or more consecutive axles, except that two consecutive sets of tandem axles may carry 34,000 lbs each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

(2) **Nonreducible Loads.** To qualify for a permit, the hauler must show that the load cannot reasonably be dismantled or disassembled. If a load can be reduced, even if that would require the use of additional vehicles, no special permit will be issued. (WAC 468-38-050).

(3) **Information Required for Permit.** Information about the vehicle, the owner, insurance, the load, the route to be traveled, and the need for the move, shall be required when requesting a permit. Misrepresentation of any such information is an infraction. (RCW 46.44.010).

An operator who moves an over-legal load without a valid permit may incur a fine as well as other penalties prescribed by law (RCW 46.44.105).

(4) **Liability of Permittee.** The person responsible for the movement is liable for any damage to the highway or structures caused by his or his employee's negligence or illegal operation of the vehicle. (RCW 46.44.110).

(5) **Operation Under Permit.** Only the owner of the hauling vehicle or a person operating it under lease may be issued a permit. Specific limitations may be added regarding highways uses, patrolling, flagging, and hours of operation. These are conditions attached to each permit, and the permit is valid only if the conditions are met.

If a state patrol officer, a commercial vehicle enforcement officer, or local law enforcement officer finds a person operating a vehicle in violation of the conditions of the permit, he/she may confiscate the permit (RCW 46.44.105). In addition, if an enforcement officer finds that the load exceeds the permitted size or weight, he/she may issue a citation and require some of the load be transferred to another vehicle (RCW 46.44.100).

Monetary penalties may also be assessed against a carrier who operates a vehicle that does not meet legal requirements or that does not conform to the conditions of the permit.

(6) **Specific Size, Weight, Load Requirements.** In addition to the requirements of this title, Chapter 46.44, RCW shall be consulted for specific details regarding size, weight and load requirements for movements on county roads.

(Added Ord. 85-051, § 3, July 3, 1985; Ord. 95-004, § 24, Feb. 15, 1995, Eff date Feb. 27, 1995; Amended Ord. 96-028, § 28, June 12, 1996, Eff date June 29, 1996).

### **13.40.050 Emergency load limitations and defined period closures and restrictions on county roads**

(1) **Engineer's Authority.** The engineer, for any definite period of time, may close to travel or restrict county roads to all vehicles or any class of vehicles or declare a lower maximum speed whenever the condition of a county road is such that its continued or unrestricted use by all vehicles or any class of vehicles will greatly damage the road or will be dangerous to traffic or is being constructed, altered, repaired, improved or maintained in such a manner as to require its use or any portion of its use closed or restricted: PROVIDED,

(a) That before any county road is closed or restricted to, or the maximum speed limit there on reduced for, all vehicles or any class of vehicles, a notice including the effective date shall be published in one issue of a newspaper of general circulation in the county.

(b) That on or prior to the date of publication of such notice, the engineer shall erect and maintain, or cause to be erected and maintained signs designating the provisions of this chapter in a conspicuous place at each end of the portion of any county road affected.

(c) No county road will be closed sooner than three days after the publication and posting of the notice. However, in cases of emergency or conditions in which the maximum time that the closure or restriction will be in effect is twelve hours or less the engineer may, without publication or delay, close or restrict a county road by posting notices at each end of the closed portion and at all intersecting county roads and state highways.

(2) **Emergency Load Limitation--5 Tons.** In the event the engineer finds it necessary to restrict the operation of motor trucks and other vehicles, on a particular county road or roads, due to rain, snow, climatic or other conditions, the engineer shall post emergency load limitation signs in accordance with (1)(b) above, limiting vehicle gross weight, including load, to 5 tons or 10,000 pounds: PROVIDED,

(a) The engineer may establish an emergency load limitation of other than 5 tons or 10,000 pounds on a particular county road or roads, where deemed necessary or practical due to particular conditions or circumstances.

(b) Authorized emergency vehicles shall be exempt from any emergency load limitations.

(c) The engineer shall grant special permits to school buses, motor trucks transporting perishable commodities or commodities necessary for health and welfare, and motor trucks necessary to provide services necessary for health and welfare to exceed the emergency load limitation; provided, no such special permit shall authorize nor shall any person operate upon any county road posted as in (1)(b) above, any such school bus or motor truck, with a vehicle gross weight, including load, that produces a load upon any tire concentrated upon the surface of the county road in excess of the following load limitations:

CONVENTIONAL TIRES		TUBELESS OR SPECIAL WITH .5 MARKING	
Size Tire Width	Gross Load Each Tire	Size Tire Width	Gross Load Each Tire
7.00	1800 lbs.	8 -- 22.5	1800 lbs.
7.50	1800 lbs.	9 -- 22.5	1900 lbs.
8.25	1900 lbs.	10 -- 22.5	2250 lbs.
9.00	2250 lbs.	11 -- 22.5	2750 lbs.
10.00	2750 lbs.	11 -- 22.5	2750 lbs.
11.00 and over	3000 lbs.	12 -- 22.5	3000 lbs.

(3) Special Permits -- Application -- Penalty.

(a) Any person operating a school bus or motor truck for which this chapter authorizes a special load permit shall apply in writing to the engineer for such permit.

(b) The application shall contain:

(i) The name, address and telephone number of the registered owner of the school bus or motor truck; and

(ii) The make, model, net weight and year of the school bus or motor truck; and

(iii) The vehicle license plate number of the school bus or motor truck; and

(iv) The number and width of the tires used on the school bus or motor truck; and

(v) The weight and nature of the load to be transported on the school bus or motor truck; and

(vi) The county road or roads upon which the school bus or motor truck will be operated; and

(vii) A statement whether the special permit is requested for a single trip or continuous operation;

(viii) A statement of the reason or reasons why the special permit is necessary.

(c) Upon receipt of an application for a special permit containing the information required by this section, the engineer shall issue a permit in the name of the registered owner for the vehicle described in the application subject to the load limitations and conditions of this chapter. The permit shall specify the road or roads for which the permit is issued, and the dates upon which the permit is valid.

(d) Every permit issued under this chapter shall be carried in the vehicle for which the permit was issued at all times the vehicle is operated on any county road.

(4) Special Permits--Limitations.

(a) No person shall operate any vehicle for which a special load limitation permit has been issued upon any county road to which such limitation applies, at a speed in excess of thirty (30) miles per hour, unless otherwise noted on the permit.

(b) No person shall operate any vehicle for which a special load limitation permit has been issued upon any county road other than the roads specified in the permit; provided, that the vehicle may be operated upon any other county road when the vehicle complies with the applicable load limitations for that other county road.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 87-095, § 4, September 23, 1987; Amended Ord. 96-028, § 29, June 12, 1996, Eff date June 29, 1996, Ord. 02-067, November 6, 2002, Eff date November 17, 2002).

#### **13.40.060 Terms--Log tolerances.**

Type B permits for activities involving log tolerances are subject to the following additional terms:

(1) Under a log tolerance permit, a three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred (6,800) pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand (68,000) pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven (37) feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds (33,600).

(2) Permits shall be issued on a yearly basis expiring on March 31st of each calendar year.

(3) Any person, firm, or corporation who uses any county road or street for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a Type B--log tolerance permit shall be subject to the provisions of Chapter 13.130 of this title and any other penalties as prescribed by RCW 46.44.105.

(Added Ord. 96-028, § 30, June 12, 1996, Eff date June 29, 1996).

#### **13.40.070 Terms--Oversize, overweight.**

Type B permits for activities involving oversize and/or overweight vehicles are subject to the following additional terms:

(1) The permittee is responsible for providing all pilot cars and traffic control devices determined necessary by the engineer. Pilot cars will be required front and rear unless otherwise determined by the engineer.

(2) Where determined necessary by the engineer, the county sheriff will be consulted prior to the issuance of such permit and be advised of the exact times of any movements. The permittee will be required to pay for any necessary patrolling by the sheriff and any work provided by the department associated with the permit in accordance with [SCC 13.110.010\(3\)](#).

(3) Arrangements for the disconnection and connection of any utilities or other facilities in the right-of-way shall be the responsibility of the permittee and any expenses in connection therewith or securing of any additional associated permits shall be paid by the permittee.

(4) A permit to move a building or other structure shall not be granted if:

(a) The building is too large to move without endangering persons or property in the county; or the weight of the building or structure would cause damage to the roadway.

(b) The building or structure is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it cannot be moved without endangering persons and property in the county.

(c) The applicant's equipment is unsafe and persons and property would be endangered by its use.

(d) Appropriate approval to locate on the new site if within the county, has not been secured from the department of planning and development services.

(5) Notification of all road and lane closures will be made to all interested departments, agencies and news media.

(Added Ord. 96-028, § 31, June 12, 1996, Eff date June 29, 1996).

### **13.40.080 Terms--Haul route.**

Type B permits for activities involving haul routes are subject to the following additional requirements:

(1) The engineer may require the permittee to sign a haul route agreement prior to issuance of the permit to protect the integrity of the roadway surface and other roadway features within the right-of-way.

(2) The permittee shall be responsible for any damages caused by the permittee's use of the right-of-way. The department will bill the permittee for any necessary repairs and/or services necessary to restore the right-of-way to the condition prior to granting the permit.

(3) The engineer and permittee shall make joint pre-activity and post-activity inspections of the proposed haul route. Conditions of the road, prior to the anticipated activity, will be documented and agreed upon by the parties prior to issuance of the permit.

(4) The engineer may require insurance and performance security compliance in accordance with this title prior to final signing of a haul route agreement.

(Added Ord. 96-028, § 32, June 12, 1996, Eff date June 29, 1996).

## Chapter 13.50

# TYPE C TRANSACTIONS

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### **13.50.010 General.**

Type C transactions relate to placing and using physical objects or features, or non-land development related construction or work, within the right-of-way, with minor or no disturbing of improvements within the right-of-way. These types of activities may involve the disruption of pedestrian and vehicular traffic or access to private property. Sheriff assistance, inspection by county staff, approval for specific locations, special provisions for safety and traffic control measures may also be required.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 33, June 12, 1996, Eff date June 29, 1996).

### **13.50.020 Permitted uses.**

Type C permits are required for the following and similar uses of county rights-of-way, except where exempt under Section 13.10.050:

- (1) Bus stops/shelters/shelter pads/loading zones (Type C1 permit)--Special uses of right-of-way for transportation and traffic purposes.
- (2) Construction site structures (Type C2 permit)--Structures related to construction sites such as scaffolds, barricades, buildings, walls, elevators, etc. that are on, over or impacting public right-of-way.
- (3) Decorative landscaping/fences/permanent signs (Type C3 permit)--Special uses of the right-of-way for private decorative plantings, gardens and fences, gates, permanent signs, or other similar features.
- (4) Recycling-waste facilities (Type C4 permit)--Structures for collection and/or sales purposes for extended time periods.
- (5) Newspaper sales, stands, or drop boxes (Type C5 permit).
- (6) Temporary signs (Type C6 permit)--and other signs which can be moved easily.
- (7) Temporary sales (Type C7 permit)--from portable or moveable carts, stands or vehicles. Sales of only flowers, food or beverages will be permitted.
- (8) Business patrons or customers (Type C8 permit)--Where a structure is erected, or a business is maintained or established adjoining the right-of-way, the nature of which requires or tends to invite patrons or customers to use the right-of-way.
- (9) Tree cutting (Type C9 permit)--Use of the right-of-way for the cutting of trees, trimming of trees, or other similar vegetation maintenance.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 34, June 12, 1996, Eff date June 29, 1996).

### **13.50.030 Terms--General.**

Type C permits are granted on the following terms and such additional terms as the engineer deems appropriate:

(1) All terms contained in [SCC 13.40.030](#) except [13.40.030\(1\)](#).

(2) Where the permit is issued for the placing or use of physical objects or features within the right-of-way that are of a permanent nature, the engineer may require that the permittee enter into an agreement that requires continued maintenance of the objects or features by the permittee, and may require that such agreement be recorded against any real property associated with the objects or features. The engineer may also require that continued protection and security be provided to the county in accordance with [SCC 13.10.090](#), [SCC 13.10.100](#) and [SCC 13.10.106](#).

(3) Aesthetic effects will be considered except with respect to construction site structures. The engineer may determine what landscaping if any, is desirable to screen any structure, which landscaping shall be installed and maintained by the permittee.

(4) All facilities shall be maintained in a neat and presentable manner by the permittee. At the expiration of the permit all facilities shall be removed and the premises cleaned up and restored to their condition prior to the issuance of the permit.

(5) Any construction of containers, movable stands and structures upon the right-of-way shall be of an approved design, size, color and construction. All structures shall be painted or stained for aesthetic purposes. The location of such structures or stands shall be determined by the department. Such structures shall be placed and oriented in such fashion as to minimize their exposure to nearby residential areas or public streets or places.

(6) The permittee using a structure shall be responsible for the cleanup of the area around it. If the area around such structures or the structure itself becomes unsightly or littered with debris, caused either by vandalism or negligent use, the county shall have the privilege, but not the responsibility, of causing the same to be cleaned, and the cost thereof charged to the permittee using the same. It is the responsibility of the permittees to maintain the structure and the area around the location by keeping it clean from debris, litter, glass, and paper, etc.

(7) The use shall not be materially detrimental to the immediate vicinity, to other existing or future uses of the right-of-way, or, obstruct access, light, air, or view of any abutting owner other than the applicant.

(8) The provisions of Subtitles 30.2 and [30.3](#) SCC as applicable to the zoning of adjacent property will be considered. The engineer may determine that certain provisions such as size or placement of objects or features will apply.

(9) The need for stump removal will be considered in conjunction with tree cutting within the right-of-way. The engineer may determine what stumps, if any, are to be removed.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 35, June 12, 1996, Eff date June 29, 1996; Ord. 02-098, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 10-087, Oct. 20, 2010, Eff date Nov. 4, 2010).

### **13.50.040 Terms--Bus stops/shelters/shelter pads/loading zones.**

(1) Public transportation shelter stations, including shelter pads and loading zones may be permitted on public rights-of-way, other than in the roadway, if the engineer determines that the location and the structure is safe and will best serve the need for a station or zone in the area. Public transportation shelter stations shall be located so as to provide required setback meeting sight distance requirements.

(2) Permits may be issued for the purpose of allowing vehicles using portions of the roadway to load or unload passengers, equipment or goods exclusively at locations where parking, stopping, or standing is

prohibited subject to the terms and conditions of such permit. All costs of striping, signing or other necessary traffic control devices as required by the engineer, whether installed by the county or not, shall be at the sole expense of the permittee.

(3) The engineer shall consider safety with respect to both pedestrian and vehicular traffic, and requisite traffic control devices before granting a permit for public or private loading zones.

(4) At the engineer's discretion, a single permit may be issued for multiple bus stops/shelters/ loading zones. Each location must be listed on the permit. Failure of the applicant to comply with all requirements for such structures will result in the loss of this privilege.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 36, June 12, 1996, Eff date June 29, 1996).

### **13.50.050 Terms--Construction site structures.**

Permits for building construction, demolition, repair and scaffolding, are subject to the following additional terms:

(1) The use of acids or chemicals or any cleaning material which, if deposited in the street would cause injuries to persons or animals, or damage to property, or adversely effect water quality, is prohibited.

(2) A substantial canvas tarpaulin or approved equivalent shall be attached to the underside of scaffolding erected in the right-of-way in such a manner as to stop any spray, dirt, or other materials from spreading on the street below.

(3) If building cleaning is done with steam, the steam boiler and all of its appliances, including piping, hose and nozzle, shall comply with the provisions of the law regulating the operations of steam boilers in the county.

(4) During operations, a suitable portion of the sidewalk or other public thoroughfare shall be barricaded in an approved manner. Specified hours of operation and additional construction may be required to protect the public's exposure to the work.

(5) Contractors shall comply with all requirements of the construction codes for protection of pedestrian traffic in the public right-of-way during building construction, remodeling, demolition, or repair.

(6) No materials, fence or shed related to building construction shall obstruct the approach to a fire hydrant, manhole, fire alarm box, catch basin, inlet, vault, valve chamber, or any other public utility or traffic facility which is within an area being used by a permittee.

(7) A substantial protective frame, boarding, sand bags, etc., shall be placed or built around every street light pole, power pole, fire hydrant, and other utility or traffic facility that may be damaged by work being done on the adjacent property.

(8) It is unlawful to mix mortar or concrete in any public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement or any similar material.

(9) In using the street area or driving over walks and curbs, the contractor shall keep such walk and pavement reasonably clean, properly protected with planks during working hours and safe for public travel. (10) A fence or enclosure shall be erected at any location where a building is to be erected, razed, repaired or altered and a hazard to pedestrian traffic is created (a) within 10 feet of a walk or roadway, (b) in a business district, or

(c) in any case determined by the engineer, or stated in conditions imposed by engineer on the permittee. Compensation of the department for such use of the right-of-way may be required.

(11) Earth taken from excavations and rubbish from building shall not be stored on the sidewalk or other street area, except as specifically stated in conditions imposed by the engineer on the permittee. Compensation of the department for such use of the right-of-way may be required.

(12) Building rubbish accumulating on upper floors and all rubbish, plaster and other loose materials, produced while wrecking, altering or repairing a building must be lowered by elevators in closed receptacles or by closed chutes connecting to vehicles removing the same. When likely to produce dust, the chutes must be provided with means of wetting waste to prevent the wind from blowing it about.

(13) All scaffolding erected in the public right-of-way shall be properly barricaded to protect pedestrian and vehicular traffic from debris, spray and related hazards.

((Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 37, June 12, 1996, Eff date June 29, 1996; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007).

### **13.50.060 Terms--Recycle structures.**

Type C permits for recycle box structures are subject to the following additional terms:

(1) Structures shall be placed a minimum of 10 feet from the edge of the traveled lane and shall not block or hinder the sight distance for driveway or intersections. The area between the traveled lane and the structure shall be a gravel or paved shoulder and extend full shoulder width at least 20 feet on each side of the structure with a 10:1 taper back to the edge of the traveled lane. The location must have an adequate stopping sight distance for approaching vehicles.

(2) Structures must be emptied regularly to prevent overflow and possible rodent infestation.

(3) A number will be assigned to each approved application. This number will be attached permanently to the recycling structure and will be used to identify the owner of the structure to authorized departments for contacting them to clean up the area or of other problems.

(4) At the engineer's discretion, a single permit may be issued for multiple recycle box structures. Each box location must be listed on the permit. If the applicant desires to move a box to another location, he/she must notify the department 48 hours prior to the intended move. Failure of the applicant to comply with all requirements for such structures will result in the loss of this privilege

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 38, June 12, 1996, Eff date June 29, 1996).

### **13.50.070 Terms--Newspaper sales, stands or drop boxes.**

At the engineer's discretion, a single permit may be issued for multiple stands or drop boxes. Each box location must be listed on the permit. If the applicant desires to move a box to another location, he/she must notify the department forty-eight hours prior to the intended move. Failure of the applicant to comply with all requirements for such structures will result in the loss of this privilege.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 39, June 12, 1996, Eff date June 29, 1996).

### **13.50.080 Terms--Temporary sales.**

Type C permits for temporary sales shall be subject to the following additional terms:

- (1) The sale is to be conducted in a land use zone where such sale is a permissible use as determined by the department.
- (2) A specific area must be designated and sales confined to that area.
- (3) The sales area must be kept neat and clean at all times and shall be left in a neat and clean condition following the close of the sale. Where any rubbish, wrappings or other materials may be dropped incidental to the sale, at least one waste receptacle must be provided. The area will be periodically policed for waste materials.
- (4) Where a sale is conducted on a sidewalk, the sale area, including stands, etc. must be located so as to provide at least five feet of clear pedestrian traffic from the curb line or edge of roadway, whichever is further from the roadway; otherwise the sales area must be located to provide at least five feet of clear pedestrian traffic from the sidewalk, curb line, or edge of roadway, whichever is furthest from the roadway. (5) No mechanical or electrical devices or portable signs may be displayed to attract attention to the sale. (6) Any structure placed at the sale must be readily moveable and not obstruct vision.
- (7) The permitted use will create no hazard for vehicular or pedestrian traffic.
- (8) The sale area shall not obstruct access to any users or owners of adjacent abutting property.
- (9) The sale, including any required parking, will not obstruct vehicular traffic.
- (10) The applicant will comply with all regulations of the Snohomish health district and any other involved public agency.

(Added Ord. 96-028, § 40, June 12, 1996, Eff date June 29, 1996).

## **Chapter 13.60**

### **TYPE D TRANSACTIONS**

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#### **13.60.010 General.**

Type D transactions are relative to construction activities which will disturb or impact the roadway and other related features, including construction associated with above and below ground utilities. Post construction use may require a reapplication or renewal of a right-of-way use permit. Site locations, time, traffic control, safety devices, warranties, and access for county inspections are required.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 41, June 12, 1996, Eff date June 29, 1996).

#### **13.60.020 Permitted uses.**

Type D permits are required for the following and similar uses of county rights-of-way, except where exempt under Section 13.10.050:

- (1) Drive access/culvert enclosure/curb cut (Type D1 permit)--authorizing residential access (single-family or duplex), or temporary access for short term activities such as construction or logging, to a county road.

(2) Subdivision driveway access (Type D2 permit)--authorizing residential access (single-family or duplex) to a county road where a combined review to establish lot access requirements has previously been conducted as part of the subdivision review process, and the subdivision developer is established as responsible for requirements related to driveway access.

(3) Temporary trail access (Type D3 permit)--authorizing construction and temporary, non-exclusive use of an unopened or primitive county road right-of-way for short term activities such as construction or logging.

(4) Trail access (Type D4 permit)--authorizing the construction and permanent, non-exclusive use of a privately maintained road within county right-of-way.

(5) Major construction (Type D5, D5P, D5C or D5S permit) authorizing major land development related construction (not including franchised utilities). These activities range from developer financed frontage improvements and road restoration to developer financed and built comprehensive road improvements, access for development of abutting industrial, commercial property and major private road/county road intersections.

(6) Minor construction (Type D6, D6P, D6C or D6S permit)--authorizes minor land development related construction (not including franchised utilities) including but not limited to paved aprons, minor shoulder work, modification of roadside features, and minor private road/county road intersections. Construction activities and associated thresholds eligible to be included under a minor construction permit shall be detailed in department procedures. Construction activities exceeding minor construction permit thresholds shall be processed as a major construction (Type D5, D5P, D5C or D5D permit) and fees charged accordingly as detailed in [chapter 13.110 SCC](#).

(7) Blanket utility construction (Type D7 permit)--a single Type D permit granted a franchised utility purveyor to cover a series of activities in county rights-of-way. Such activities are of a less disruptive nature than normal utilities construction. Construction activities and associated thresholds eligible to be included under a blanket permit shall be detailed in department procedures. Construction activities exceeding blanket utility permit thresholds shall be processed as a major utility construction (Type D8 permit) and fees charged accordingly as detailed in [chapter 13.110 SCC](#).

(8) Major utility construction (Type D8 permit)--involving major construction, disturbance and restoration of the affected county road.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 42, June 12, 1996, Eff date June 29, 1996).

### **13.60.030 Terms--General.**

Type D permits are granted on the following terms and such additional terms as the engineer deems appropriate:

(1) All items contained in [SCC 13.40.030](#) except [13.40.030](#)(1) and (2).

(2) All construction within the right-of-way shall conform to the most current edition of the EDDS. The permittee shall keep the road right-of-way in a condition that is safe to the public and further, will not adversely impact the environment with debris, dirt, dust, or other pollutants, or cause erosion.

(3) The location of all openings, changes, or attachments to the surface of the right-of-way must be approved by the engineer.

(4) At the discretion of the engineer, one or more of the following requirements may be specified when conditions require their use. Whenever such special conditions are required, they shall be set forth in the permit

at the time of issuance or as an amendment to the permit where conditions requiring their use become known after the permit has been issued.

(a) Installation within the right-of-way shall be made in a manner and by a method approved by the engineer. All improved or unimproved areas within the right-of-way shall be restored to the satisfaction of the engineer.

(b) Signs, cones, barricades, and all other traffic control devices to protect and control pedestrian and vehicular traffic in the construction area shall be used as prescribed by the engineer and in accordance with the EDDS. A road closure (Type B5) permit shall be required in accordance with [chapter 13.40](#) SCC for use of such devices unless excepted under Section [13.40.020\(5\)](#).

(c) One or more traffic lanes shall be kept open at all times except where approved by the engineer. Moving traffic shall be properly controlled by flagmen and/or patrol cars if specified. Hours of operation during construction and restoration shall be limited to those contained in the permit. A road closure (Type B5) permit shall be required in accordance with [chapter 13.40](#) SCC for such traffic control unless excepted under Section [13.40.020\(5\)](#).

(d) Ingress and egress for vehicles and personnel to abutting property shall be maintained at all times except as approved by the engineer.

(e) Backfill and replacement of pavement surface shall be done in accordance with the EDDS and to the satisfaction of the engineer.

(f) All construction of structures within the right-of-way shall be done in accordance with the EDDS and to the satisfaction of the engineer.

(5) Site inspections will be made by the engineer to determine need for culvert pipe, size and length of pipe, type of pipe acceptable, end sections, catch basins, backfill materials to be used, and other construction requirements.

(6) Earth hauling contractors, builders or anyone else utilizing vehicles upon a right-of-way shall provide persons or equipment to keep the right-of-way clean at all times to the satisfaction of the engineer. Upon failure to do so, the engineer may issue an immediate stop work order for the operation and the responsible person or persons shall be directed to immediately clean the right-of-way or places to the satisfaction of the engineer.

(7) Permittee will be responsible, before commencing any excavation within county right-of-way, to provide notice of the scheduled commencement of excavation to all owners of underground facilities, through the one-call locator service. In addition the permittee shall be familiar with and comply with Chapter 19.122 RCW.

(8) Following completion of any construction in the right-of-way under a Type D permit, the site must be maintained as required by the engineer and be subject to periodic inspections by the engineer.

(9) Utility companies holding a valid franchise with Snohomish County and meeting the insurance and other applicable requirements of this title, may conduct certain minor activities in county rights-of-way without a permit. Such minor activities shall consist of inspection, repair and maintenance of existing structures in the same location, tree trimming and, activities historically not requiring a permit as determined by the engineer, and not falling in the category of a blanket permit as detailed in this chapter and not involving cutting of hard road surface.

(10) Before any work is performed under a Type D permit, the permittee shall establish two or more reference marks to all monuments and markers of every nature relating to subdivisions, plats, right-of-way and all other surveys within the permitted area. The reference points shall be so located as to not be disturbed during the permittees' operations under the permit. The permittee shall also be responsible to comply with State Department of Natural Resources regulations such as the "Application for Permit to Temporarily Remove or Destroy Section Corner or other Land Boundary Mark or Monument" (Ref WAC 332-120), where applicable. Such forms shall be available at the department.

(11) Permits for access in connection with development will only be approved if the development and access are in compliance with applicable land development codes and standards.

(12) A construction site structures (Type C2) permit in accordance with [chapter 13.50](#) SCC shall be required for placement of construction site structures within the right-of-way.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 43, June 12, 1996, Eff date June 29, 1996).

### **13.60.040 Terms--Driveway access/culvert enclosure/curb cut and subdivision driveway access.**

A Type D1 or D2 permit will be required for applicants proposing any driveway access, culvert enclosure and/or curb cut installation in a county right-of-way for the purpose of residential access (single-family or duplex) or temporary access. Type D1 and D2 permits are subject to the following additional terms:

(1) At the engineer's discretion, the permittee shall post bond or other security as provided by [Chapter 13.10](#), SCC. The bond or security may be a blanket deposit to cover the permittee at various lots or other locations within the county. The director of planning and development services may withhold building permit approval for any lot or lots not covered by said surety.

(2) The bond or other performance security shall cover any construction or restoration within the right-of-way including but not limited to driveway, culvert enclosure, curb cut, and surface restoration construction. If any of these or other conditions of the bond or other performance security are not satisfactorily performed to EDDS standards, the engineer may:

(a) Request the surety involved to perform the work; or

(b) Request the department to perform the work or contract out performance of the work. The engineer may, prior to or after such work, foreclose on the bond or other performance security.

(3) The director of planning and development services may withhold building permit approval and/or certificates of occupancy in the event a Type D1 or D2 permit is not secured or violated in any manner.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 87-095, § 5, September 23, 1987; Ord. 95-004, § 25, Feb. 15, 1995, Eff date Feb. 27, 1995; Amended Ord. 96-028, § 44, June 12, 1996, Eff date June 29, 1996).

### **13.60.050 Terms--Temporary trail access and trail access.**

All Type D3 (temporary trail access) and Type D4 (trail access) permits are subject to the following additional terms:

(1) Construction of trail access improvements shall be in accordance with the EDDS.

(2) Prior to issuance of any building permit or temporary use requiring access via an unopened right-of-way, a trail permit must first be issued.

(3) When the subject county right-of-way has been classified and designated by the county council as a primitive road, construction and use shall not exceed the limits for primitive roads contained in RCW 36.75.300, and amendments thereto.

(4) Permittee's use shall be confined to direct or indirect access to properties to which it has a right of possession. Access shall be for uses that are consistent with applicable land use controls.

(5) The permit shall not diminish public ownership or grant any exclusive privileges to the permittee. The permittee will not prevent use of the road by the general public except where the permittee's use creates a hazard to the public.

(6) If primitive road signs are required at the connection with any public road, the department of public works will provide such signs conforming to the EDDS. Initial installation of such signs shall be by the department of public works at the permittee's expense. Subsequent maintenance of such signs will be performed by the department of public works.

(7) The engineer may require the permittee to provide additional surfacing material or other construction measures to safeguard the integrity of the existing road to which the permittee desires access.

(8) The permit shall contain the tax parcel number of each lot or parcel to be served by the permitted access.

(9) The responsibility for construction and maintenance of the permitted road rests jointly and equally upon the permittees. Maintenance of the permitted road shall be to the mutual satisfaction of all permittees.

(10) A covenant shall be attached to each applicable parcel of land prohibiting the subdivision of any parcel served without first obtaining a new trail access permit for any lots or parcels created by such action.

(11) Construction of trail permit road improvements shall be completed within one year unless approved otherwise by the engineer.

(12) The permittees shall obtain all other required permits and approvals including environmental review as specified in [chapter 30.61](#) SCC.

(13) If not used in the construction of roadway improvements, any timber, soil, rock, vegetation, or other materials found within the right-of-way shall be disposed of to the satisfaction of the engineer. Any affected fences located within the right-of-way shall be disposed of or relocated to the satisfaction of the engineer.

(14) Where specified by the engineer, the permittees, at their own expense, shall have the right-of-way surveyed by a licensed land surveyor and will record the survey. The recorded survey shall meet the requirements of the Survey Recording Act, Chapter 58.09 RCW.

(15) Where specified by the engineer, the permittees, at their own expense, will have prepared road construction plans, and a full drainage plan in accordance with the EDDS and chapter 30.63A SCC.

(16) At the permittees expense, appropriate signs shall be posted as required by the engineer.

(17) The engineer may require a legal description and supporting title report for any additional right-of-way dedicated to the county to provide the necessary right-of-way for construction of a trail permit access road.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 87-095, § 6, September 23, 1987; Ord. 95-004, § 26, Feb. 15, 1995, Eff date Feb. 27, 1995; Amended Ord. 96-028, § 45, June 12, 1996, Eff date June 29, 1996; Amended Ord. 98-057, § 3, Aug. 3, 1998, Eff date Sept. 19, 1998; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **13.60.060 Terms--Blanket utility permit.**

(1) A Type D7 permit may be granted for utility installations or relocations in the right-of-way to utility purveyors holding a valid franchise under Chapter 36.55 RCW and [chapter 13.80](#) SCC whose installations or relocations in the opinion of the engineer do not cause major disruptions in the public use of the right-of-way or create hazard which cannot be guarded against by moderate controls.

(2) Permitted activities by franchised utility purveyors under the blanket permit shall be detailed in department procedures.

(3) A blanket utility permit shall be valid for a term as specified by the engineer and included in department procedures. Prior to expiration, a new blanket permit must be applied for to assure renewal. (4) Each holder of a blanket utility permit must notify the department of each blanket permit activity as specified in department procedures.

(5) A franchisee who fails to conform with the provisions of its franchise, this title, and applicable standards will not be eligible for a blanket utility permit or renewal thereof.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 46, June 12, 1996, Eff date June 29, 1996).

### **13.60.075 Notice of application--Temporary access and trail access permits.**

(1) Within five working days of filing an application for a temporary access or trail access permit, an applicant shall post a sign which meets county standards in a conspicuous location within the open public right-of-way where it abuts with the access proposed in the application. At a minimum, the sign shall contain the following information: type of permit requested, assigned county file number, project description, and county contact person. The sign shall remain posted until the permit is either issued or denied by the department.

(2) Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within 15 days of application, the department shall discontinue processing of the permit application until such verification is received. (Added Amended Ord. 93-158, Dec. 29, 1993, Eff date Jan. 8, 1994).

## **Chapter 13.70 TYPE E TRANSACTIONS**

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### **13.70.010 General requirements.**

Type E transactions are activities requiring approval obtained through council legislative action. These activities may require inspections, traffic control, safety devices, warranties, legal documentation and hearings. These activities are categorized as Type E transactions to facilitate processing and tracking of the document(s) requiring council approval. Specific uses/approvals classified as Type E include, but are not limited to, the following:

- (1) Private leases of rights-of-way not currently required for public use (Type E1).
- (2) Right-of-way deeds/easements to and from the county.
- (3) Establishment of county roads and rights-of-way as provided in [chapter 13.90](#) SCC (Type E2).
- (4) Franchises (Type E3C and E3U)-- permitting long-term use of the right-of-way for utility purposes pursuant to Chapter 36.55 RCW, and as provided for in [chapter 13.80](#) SCC.
- (5) Vacation of county road rights-of-way (Type E4)--process for vacating a county road, pursuant to Chapter 36.87 RCW and [chapter 13.100](#) SCC.
- (6) Latecomers cost recovery (Type E5)--process for reimbursement to the county or a developer for construction or road improvements pursuant to [chapter 13.95](#) SCC.
- (7) Road improvement district (RID) formation (Type E6)--process for formation of road improvement districts pursuant to Chapter 36.88 RCW and [chapter 13.140](#) SCC.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 91-197, Dec. 18, 1991; Amended Ord. 96-028, § 47, June 12, 1996, Eff date June 29, 1996).

## **Chapter 13.80** **FRANCHISES**

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### **13.80.010 Franchises required.**

Franchises shall be required by the engineer as provided in this chapter for persons or municipal corporations using any right-of-way, bridge, trestle or other structure of the county for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, television, electric light and communications lines, sewers and other such facilities thereon, unless exempted by law. Such franchises shall also be required where a utilities easement is reserved as provided by RCW 36.87.140 and [SCC 13.80.100](#). Exception: Single user utilities--franchises will not be required for the construction and maintenance of waterworks and sewers serving one single-family residence where such facilities will cross the right-of-way perpendicular to the right-of-way line, plus or minus ten degrees. The need for a franchise for other single use and minimal use facilities will be determined by the engineer on a case-by-case basis. Where it is determined that a franchise is not required, permits will be required under [SCC 13.40.020](#)(5) and [SCC 13.60.020](#) as applicable.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 48, June 12, 1996, Eff date June 29, 1996).

### **13.80.020 Application.**

An application, with requisite attachments, and an application fee in the amount specified in [chapter 13.110](#) SCC, shall be filed with the department. The engineer shall review such application and submit a report and recommendations thereon to the executive and the council; such recommendations to be made within thirty days of the filing of a complete application.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 49, June 12, 1996, Eff date June 29, 1996).

### **13.80.030 Process.**

When the engineer has determined that an application for a franchise is complete, he/she shall prepare an ordinance for consideration by the council granting such franchise. The ordinance shall be accompanied by supporting exhibits consisting of:

- (1) A complete franchise application.
- (2) An engineer's report with contents as specified in Section [13.80.040](#) SCC.
- (3) A notice of public hearing as specified in Section [13.80.050](#) SCC.
- (4) An itemized list of costs and expenses incurred in the examination and report of the proposed franchise.
- (5) Proof of insurance when required under Section [13.10.100](#) SCC.
- (6) Any exhibits and other documentation deemed necessary by the engineer to adequately explain the proposed franchise.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 50, June 12, 1996, Eff date June 29, 1996).

#### **13.80.040 Engineer's report.**

The engineer shall examine the proposed application for franchise and shall report to the council on the following:

- (1) The name or names of the applicant or applicants.
- (2) A description of the county roads or other property by reference to section, township and range, in which the existing or future county roads or portions thereof or other property to be included in the proposed franchise are physically located.
- (3) A description of the types and extent of facilities owned by the company seeking the franchise.
- (4) A statement addressing how the applicant intends to meet the insurance requirements of this title.
- (5) A recommendation on whether the franchise should be granted or not.
- (6) A recommendation on the length of the franchise if approved.
- (7) Any exhibits and other documentation deemed necessary by the engineer to adequately explain the proposed franchise.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 51, June 12, 1996, Eff date June 29, 1996).

#### **13.80.050 Notice of hearing.**

The council, after reviewing the report of the engineer may at regular council work session, modify and/or introduce the ordinance and set a public hearing for action on the report and proposed ordinance. Notice of the hearing shall be posted in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing, as required by RCW 36.55.040. The council shall publish a like notice two times in the county official newspaper, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads or

other property by reference to section, township and range in which the existing or future county roads or portions thereof or other property to be included in the proposed franchise are physically located, and the time and place fixed for the hearing.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 52, June 12, 1996, Eff date June 29, 1996).

### **13.80.060 Hearing.**

On the day fixed for the hearing, the council shall proceed to consider the report of the engineer, together with any evidence for or any objection against granting the proposed franchise. If, after the hearing, the council deems it to be for the public interest to grant the franchise in whole or in part, it shall pass an ordinance to that effect and may require the applicant to place his utility and its appurtenances in such locations over, under, along, across, and upon the county land or rights-of-way as the council finds will cause the least interference with other uses of the road or other county property involved.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 53, June 12, 1996, Eff date June 29, 1996).

### **13.80.070 Expense of proceeding.**

Regardless of the council's decision to grant or not to grant the franchise, the applicant shall pay to the county road fund, upon request, the itemized costs and expenses detailed in [SCC 13.80.030\(4\)](#), also identified as the permit fee under [SCC 13.110.010\(2\)\(b\)](#). Payment shall be made prior to any franchise being effective, and prior to recording of any franchise in accordance with [SCC 13.80.100](#).

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 54, June 12, 1996, Eff date June 29, 1996).

### **13.80.075 Accommodation of utilities on county roads.**

Council Motion No. 92-417, Utility Accommodation Policy, comprises the council's policy on accommodation of utilities on county rights-of-way. It is written to meet the requirements of WAC 136-40, and is known as the Snohomish County Utility Policy. This policy is hereby incorporated into this title.

It is the policy of the council to comply with the requirements of WAC 136-40 concerning the accommodation of utilities on Snohomish County roads. Policies and administrative procedures complying with the utility policy requirements as contained within WAC 136-40-020 and as incorporated into this motion, are contained within Title [13](#) S.C.C. (especially Chapters [13.01](#), [13.05](#), [13.10](#) and Development Standards (EDD Standards) (Chapter 10) as published by the department of public works.

A copy of any amendments to Title [13](#) or the EDD Standards affecting this utility policy shall be forwarded to the county road administration board (CRAB) within thirty days of such adoption in accordance with WAC 136-40-050.

(Added Ord. 96-028, § 55, June 12, 1996, Eff date June 29, 1996).

### **13.80.080 Conditions.**

Franchises are subject to the following:

- (1) The conditions contained in Chapter 36.55 RCW, including:

(a) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel as determined by the engineer.

(b) No exclusive franchise or privilege shall be granted.

(c) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event said road is to be constructed, altered, or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

(2) The conditions contained in Snohomish County Charter, [Section 9.20](#):

(a) No franchise shall be granted for a period of longer than twenty-five years.

(b) All franchises shall be subject to the power of eminent domain and the right of the council or the people acting for themselves through the initiative or referendum to repeal, amend or modify the franchise in the interest of the public; and every ordinance granting a franchise shall contain a reservation of these rights. In any proceeding under eminent domain the franchise itself shall have no value.

(3) Applicable sections of this title, including [SCC 13.10.090](#), hold harmless, and the county utility policy per [SCC 13.80.070](#).

(4) All construction or installation of poles, cables, or other improvements, or the service, repair or relocation of the same, performed along, over and/or under the county roads, rights-of-way, or other county property subject to said franchise shall be done in such manner so as to not interfere with the construction and maintenance of other facilities, public or private, drains, drainage ditches and structures located there, nor the maintenance or improvement of such county roads, rights-of-way, or other county properties.

(5) Such other conditions as the council deems to be in the public interest and appropriate to protect county property and the public and facilitate its use of the right-of-way for transportation. The council may determine that a franchise shall be granted for a period of less than the maximum referenced in [SCC 13.80.080\(2\)\(a\)](#).

(6) All terms and conditions of the franchise are burdens upon the successors and assigns of the grantee, and all privileges as well as all obligations and liabilities of the grantee inure to its successors and assigns equally as if they were specifically mentioned wherever the grantee is mentioned. Neither the franchise nor any interest therein shall be leased, sold, transferred, assigned, disposed of, or subject to a change of control, in whole or part, either by forced or involuntary action, or by voluntary action, without the prior written consent of the council.

(7) Applicable local, state, and federal laws, including applicable sections of the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunication Act of 1996, and any future amendments shall apply. Conditions contained within this chapter, as applicable to cable television, may also apply to the use of other television or voice, video, data communication devices, where consistent with applicable laws.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 56, June 12, 1996, Eff date June 29, 1996).

**13.80.090 Cable television--Channel capacity designated.**

(1) If the council determines there is an identified need for designation of channel capacity for public, educational, and/or governmental use, the council may require the franchisee to designate such channel capacity and to provide such facilities, equipment, and services as are reasonably sufficient to meet community needs.

(2) The council specifically reserves authority to re-open contract negotiations for the purpose of negotiating the number of channels and the scope of facilities, equipment, and services to be provided by the franchisee for public, educational and government use.

(3) If, after negotiations between the franchisee and the county, the parties are unable to agree on the need for any particular form of access channels, the number and/or designation of access channels, and/or the amount of facilities or equipment and services to be provided by the franchisee, the county and franchisee shall agree to submit these issues to binding arbitration. The county shall pick one arbitrator, the franchisee shall choose a second arbitrator, and these two arbitrators will choose a third arbitrator, to compose a three person arbitration panel. The cost of arbitration shall be paid by the franchisee.

(4) After hearing evidence and reviewing documents submitted by both the franchisee and the county, the vote of the majority of the panel will be binding on both parties.

(5) Any designation of channel capacity for public, educational, or governmental use shall be in accordance with applicable local, state, and federal laws, including applicable sections of the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunication Act of 1996, and any future amendments.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 57, June 12, 1996, Eff date June 29, 1996).

### **13.80.092 Cable television--Annual fee.**

(1) Cable television (CATV) companies shall as a condition of operation, pay to the county an annual fee consisting of five percent (5%) of the gross revenue, less bad debts received annually by the CATV company for services rendered to customers within the areas of the county roads covered by their franchise.

(2) The council shall retain the authority to modify, by ordinance, the five percent (5%) gross revenue fee at any time during the life of the franchise. This annual fee shall be remitted by the forty-fifth (45th) day from the first day of January of each year the CATV company is in operation in Snohomish County, and shall be accompanied by an annual report in a form approved by the department.

(3) The CATV company shall provide all necessary records so that the county may determine this fee and the county, or its authorized agents, shall have the right to inspect the books and records of the CATV company at reasonable times for the purpose of ascertaining accurately the CATV company's actual gross receipts per annum.

(4) All financial books and records of the CATV company shall be retained in their original form for this purpose, for a minimum of six (6) years from the date of such records for each year the franchise is in effect, in accordance with the provisions of Chapter 40.14 RCW as they apply to any agency of the state of Washington.

(Added Ord. 96-028, § 58, June 12, 1996, Eff date June 29, 1996).

### **13.80.095 Cable television--Other conditions.**

(1) All cable television franchises shall be subject to all federal laws and regulations, which shall control over sections of this chapter.

- (2) A cable television franchisee shall ensure that:
  - (a) Its cable television system operates safely and effectively;
  - (b) The cost of the installation, construction, operation, or removal of such facilities is borne by the franchisee or, to the extent permitted by law, its subscribers;
  - (c) It provides just compensation to the owner of any property damaged by the franchisee's installation, construction, operation, or removal its facilities; and
  - (d) Access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.
- (3) All cable television franchises shall be subject to all applicable fees under Section 13.110 SCC.

(Added Ord. 96-028, § 59, June 12, 1996, Eff date June 29, 1996; Amended by Ord. 08-103, Aug. 27, 2008, Eff date Sept. 6, 2008).

### **13.80.100 Acceptance, recording.**

No franchise shall be effective until accepted by the franchisee, acceptance evidenced by the franchisee so indicating on a copy of such franchise and returning it to the council. The council shall submit the franchise to the county auditor for recording as required by RCW 36.55.080.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 60, June 12, 1996, Eff date June 29, 1996).

### **13.80.110 Inspections.**

In order to insure that franchisees restore and repair county rights-of-way and county property thereon, the following examinations and inspections will be performed by the department of planning and development services and/or other affected county departments:

- (1) Examinations, inspection and approval of plans and specifications submitted by the franchisee;
- (2) Examination, inspection and approval of construction and restoration work consequent to breaking of soil of the county roads or rights-of-way for the purpose of laying, relaying, connecting, disconnecting and repairing utilities transmission lines, conduits and other facilities;
- (3) Permits may be issued in accordance with [chapter 13.10](#) SCC for the franchisee's activities within the right-of-way and a reasonable fee may be charged for the performance of necessary examinations and inspections in accordance with [chapter 13.110](#) SCC.

(Added Ord. 96-028, § 61, June 12, 1996, Eff date June 29, 1996).

### **13.80.120 Violations.**

(1) It shall be unlawful for any person or persons, private or public utility purveyor, private or municipal corporation, to make, or use any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with a part of a franchise system within this county for the purpose of enabling such person, utility purveyor, or corporation or others to receive or use any service without payment to the owner of said system.

(2) It shall be unlawful for any person or persons, private or public utility purveyor, private or municipal corporation, without the consent of the owner, to willfully tamper with, remove or injure any equipment or facilities used for the distribution of the franchisee's services.

(Added Ord. 96-028, § 62, June 12, 1996, Eff date June 29, 1996).

### **13.80.130 Default.**

Repealed by Ordinance No. 08-103, adopted on Aug. 27, 2008; Effective September 6, 2008.

(Added Ord. 96-028, § 63, June 12, 1996, Eff date June 29, 1996; Repealed by Ord. 08-103, Aug. 27, 2008, Eff date Sept. 6, 2008).

## **Chapter 13.90 ESTABLISHMENT**

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### **13.90.010 Establishment.**

Establishment of county roads is characterized as a Type E transaction. Road establishment shall be by the procedures in this chapter, which are in conformance to RCW 36.81, except where the engineer determines that establishment may be by dedication, other form of acceptance by the county, or prescription. An establishment of right-of-way only shall not create any responsibility on the county to construct or maintain any road or other public facility thereon. Establishment procedures in this chapter may be initiated in response to council request, or, when the engineer determines that the criteria for road establishment exist, may be initiated independently by the engineer on his/her own initiative or in response to a freeholders petition.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028, § 64, June 12, 1996, Eff date June 29, 1996)

### **13.90.020 Process.**

When, in the opinion of the engineer, an existing or proposed road is considered a public necessity, the road is practicable, the interests of the county would best be served by establishing such road as part of the county transportation system, and the engineer determines that establishment shall be by the procedures in this chapter, the engineer shall prepare an ordinance for consideration by the council to establish such road. The ordinance shall be accompanied by supporting exhibits consisting of:

- (1) Where applicable, a freeholders' petition as specified in Section [13.90.030](#) SCC;
- (2) The engineer's report with contents as specified in Section [13.90.040](#) SCC;
- (3) A notice of public hearing as specified in Section [13.90.050](#) SCC;
- (4) An itemized list of costs and expenses incurred in the examination, report, appraisal and deed preparation pertaining to the proposed establishment;
- (5) A properly executed Statutory Warranty Deed conveying to Snohomish County the necessary right-of-way to support the establishment of the road;
- (6) A properly filed record of survey depicting the correct right-of-way limits and road alignment. Such record must show the tracts of land over which the road passes, with the names, if known, of the several owners thereof. The record of survey shall include supporting field notes and profiles;

(7) Road construction plans in conformance with the Engineering Design and Development Standards depicting all required improvements to occur within the right-of-way. Such construction plans shall be approved by the engineer. The engineer may waive the requirement for construction plans where the establishment is of right-of-way only and the road is to be constructed at some later time and/or under a separate permit;

(8) A properly executed project improvement guarantee bond to assure proper performance of road improvements constructed in conjunction with the establishment process. The engineer may waive the requirement for a project improvement guarantee bond where the establishment is of right-of-way only and the road is to be constructed at some later time and/or under a separate permit;

(9) Any exhibits and other documentation deemed necessary by the engineer to adequately explain the proposed establishment of the road.

(Added Ord. 96-028, § 65, June 12, 1996, Eff date June 29, 1996)

### **13.90.030 Freeholders' petition.**

Ten or more freeholders may petition the council for the establishment of a county road in the vicinity of their residences, setting forth and describing the general course and terminal points of the proposed improvement and stating that the same is a public necessity.

(1) The petition must show the land owned by each petitioner and set forth that the proposed road is a public necessity and should be part of the county transportation system and that the public will be benefited by the establishment of the road.

(2) The petition shall be accompanied by an application fee in the amount specified in [chapter 13.110 SCC](#).

(3) The engineer may require the petitioners to secure deeds and waivers of damages for the right-of-way from the landowners, and, in such case, the deeds and waivers shall be filed with the engineer prior to completion of the Engineer's Report as specified in Section [13.90.040 SCC](#).

(4) Subsequent to receipt of the petition and application fee, and upon being satisfied that the petition has been signed by valid freeholders of Snohomish County, the engineer shall proceed with the establishment process as specified in Section [13.90.020 SCC](#).

(Added Ord. 96-028, § 66, June 12, 1996, Eff date June 29, 1996)

### **13.90.040 Engineer's report.**

The engineer shall examine any county road proposed to be established. When after examination the engineer finds the road to be impracticable, he/she may report to the council without preparing a survey, ordinance and other attachments in accordance with Section [13.90.020 SCC](#). When after examination the engineer finds the road to be practicable, he/she shall report to the council on the following:

- (1) The necessity of the road;
- (2) The proper terminal points, general course and length thereof;
- (3) The property width of right-of-way therefor;

- (4) The estimated cost of construction, including all necessary bridges, culverts, clearing, grubbing, drainage, and grading;
- (5) Whether the public will be benefited by the establishment of the road;
- (6) Acceptability of title to the right-of-way to be conveyed to Snohomish County;
- (7) Other factors as the engineer may deem of importance to be considered by the council including an itemized list of costs and expenses incurred in the examination, report, appraisal and all proceedings pertaining to such petition to establish the road.

(Added Ord. 96-028, § 67, June 12, 1996, Eff date June 29, 1996).

#### **13.90.050 Notice of hearing.**

The council, after reviewing the report of the engineer as specified in Section [13.90.040](#) SCC, may at regular council work session, modify and/or introduce the ordinance and set a public hearing for action on the report and proposed ordinance. Notice of the hearing shall be published by the council the county official newspaper at least once a week for two consecutive weeks preceding the date fixed for the hearing, and a copy of the notice shall be posted for at least twenty days preceding the day fixed for hearing at each end of the proposed county road thereof proposed to be established.

(Added Ord. 96-028, § 68, June 12, 1996, Eff date June 29, 1996).

#### **13.90.060 Hearing.**

On the day fixed for the hearing, the council shall consider the report of the engineer, together with any evidence for or any objection against such establishment. If the county road is found to be a public necessity and practicable, it shall be established by ordinance.

(Added Ord. 96-028, § 69, June 12, 1996, Eff date June 29, 1996).

#### **13.90.070 Expense of proceeding.**

Regardless of the council's decision to establish or not to establish the road, the petitioners, or other proponent seeking the establishment shall pay to the county road fund, upon request, the itemized costs and expenses detailed in [SCC 13.90.020](#)(4), also identified as the permit fee under [SCC 13.110.010](#)(2)(b). Payment shall be made prior to recording of the ordinance and statutory warranty deed for establishment. Upon payment of these costs and the meeting of any other terms and conditions included in the ordinance granting establishment, the road shall be considered established.

(Added Ord. 96-028, § 70, June 12, 1996, Eff date June 29, 1996).

#### **13.90.080 Establishment in conjunction with land development.**

Where establishment of a county road is proposed as part of a development application that requires approval by the hearing examiner, and the engineer determines that the criteria for establishment exist, the function of the council as set forth in [SCC 13.90.020](#), [SCC 13.90.040](#) and [SCC 13.90.060](#) may, upon written request by the developer, be performed by the hearing examiner. Council review of the report of the engineer and ordinance in accordance with [SCC 13.90.050](#) shall not be required.

(1) The engineer shall prepare a motion for consideration by the hearing examiner for establishment of the county road, in lieu of the ordinance required by [SCC 13.90.020](#).

(2) The hearing on the establishment shall be held concurrent with the open record hearing on the development proposal. Notice in accordance with [SCC 13.90.050](#) shall be published by the department of planning and development services and incorporated with the notice of the hearing on the development proposal.

(3) The hearing examiner shall make findings as to whether the proposed county road is a public necessity and practicable, and shall make a recommendation to the county council as to whether establishment should be approved and any conditions that should apply. The hearing examiner's recommendation shall be subject to reconsideration pursuant to SCC 2.02.167 to the same extent as any other hearing examiner decision.

(4) The county council shall consider such recommendation at a public meeting. If the county council determines that the county road should be established, it shall be established by motion.

(5) The county council may determine at the public meeting that additional public testimony is warranted to consider the establishment and set a date for an additional public hearing in accordance with [SCC 13.90.050](#) and [SCC 13.90.060](#).

(Added Ord. 96-028, § 71, June 12, 1996, Eff date June 29, 1996).

## **Chapter 13.95**

### **LATECOMERS COST RECOVERY**

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#### **13.95.010 Cost recovery authorized.**

In accordance with Chapter 35.72 RCW and the provisions of this chapter, the council may form an assessment reimbursement area and contract for the reimbursement to the county road fund and/or the owner the costs of county road improvements required as a prerequisite to further property development. Assessment reimbursement area procedures in this chapter may be initiated by the engineer on his/her own initiative.

(Added Ord. 87-011, § 3, April 15, 1987; Amended Ord. 90-068, § 1, November 14, 1990; Amended Ord. 96-028, § 72, June 12, 1996, Eff date June 29, 1996).

#### **13.95.015 Process.**

When the engineer has determined that an application to establish an assessment reimbursement area is sufficient based on the criteria contained within [Section 13.95.040](#), or has determined that an assessment reimbursement area should be established to reimburse the county road fund, he/she shall prepare an ordinance for consideration by the council establishing an assessment reimbursement area. The ordinance shall be accompanied by supporting exhibits consisting of:

- (1) Where applicable, a complete application as specified in Section [13.95.020](#) SCC;
- (2) An engineer's report with contents as specified in Section [13.95.040](#) SCC;
- (3) An exhibit describing the proposed improvements;
- (4) An exhibit detailing the costs eligible for reimbursement under [chapter 13.95](#) SCC;

- (5) A list of affected property owners within the assessment reimbursement area;
- (6) A notice of public hearing as specified in Section [13.95.056](#) SCC;
- (7) A draft of the owner-county contract as specified in Section [13.95.080](#) SCC;
- (8) An informational letter to property owners including a description of the area boundaries and assessments and further describing each property owners rights and options;
- (9) An estimate of certified and other mailing costs necessary to properly notify all affected property owners in accordance with Section [13.95.054](#) SCC;
- (10) An itemized list of costs and expenses (other than the mailing costs described above) incurred in the examination and report of the assessment reimbursement area;
- (11) Any exhibits and other documentation deemed necessary by the engineer to adequately explain the proposed ordinance.

(Added Ord. 90-068, § 2, November 28, 1990; Amended Ord. 96-028, § 73, June 12, 1996, Eff date June 29, 1996).

### **13.95.020 Application.**

Where county code requires public road improvements as a prerequisite to development, an owner may apply, upon forms prescribed by the department, for the establishment of an assessment reimbursement area. An application, with requisite attachments, shall be filed with the department. The application shall include:

- (1) A detailed description of the owner's development proposal;
- (2) A detailed description of the county road improvements which will be installed by the owner;
- (3) An estimate of the cost of the improvement(s);
- (4) A map showing the preliminary area boundaries for the specific properties the owner believes to be benefited properties in that they would require similar road improvements or road impact mitigation as a result of development;
- (5) A list containing the tax account number and the names and addresses of each owner of record, contract seller and contract purchaser and mortgagee, if any, of each ownership of property as shown on the tax rolls of the county treasurer within the proposed reimbursement area;
- (6) A statement of the estimated amount of benefit to be received by each property owner within the assessment reimbursement area, the estimated amount which should be assessed against each ownership based upon such benefits, and the bases for calculating such pro rata share of the assessment reimbursement to be paid upon development by the owner of each lot, tract or parcel within the proposed assessment reimbursement area;
- (7) A statement of the period, not to exceed 15 years, for which pro rata share reimbursement will be required;
- (8) An application fee in the amount specified in [chapter 13.110](#) SCC.

(Added Ord. 87-011, § 4, April 15, 1987; Amended Ord. 90-068, § 3, November 14, 1990; Amended Ord. 96-028, § 74, June 12, 1996, Eff date June 29, 1996).

### **13.95.030 County funding.**

The county may participate in funding improvements specified in this chapter. The engineer may initiate a request to the council for establishment of a reimbursement area. The engineer may also request the council to include county funding in an owner-initiated reimbursement area. The engineer will consider the general benefit, county-wide priority of the proposed road improvements, and the impacts of possible assessments upon benefited properties in considering whether or not to request county participation in funding.

(Added Ord. 87-011, § 5, April 15, 1987; Amended Ord. 90-068, § 4, November 14, 1990; Amended Ord. 96-028, § 75, June 12, 1996, Eff date June 29, 1996).

### **13.95.040 Determination of sufficiency and engineers report.**

(1) Upon receiving an application for establishment of an assessment reimbursement area, the engineer shall determine the sufficiency of the application for establishment of an assessment reimbursement area using the following criteria:

- (a) Whether the application contains and addresses all of the elements contained in [Section 13.95.020](#);
- (b) The level of development existing or immediately proposed in the assessment reimbursement area;
- (c) The benefit to owners of undeveloped, or underdeveloped, properties compared to the pro rata share of projected costs to be assessed to that property, and the impacts of assessments upon such properties;
- (d) The existing and projected level of service and/or adequacy of the county roads involved;
- (e) The condition of the roads to be improved;
- (f) Whether or not further development can occur without roadway improvements.

(2) When after examination the engineer finds an application for an assessment reimbursement area to not be sufficient, he/she may report to the council without preparing an ordinance and other attachments in accordance with Section [13.95.015](#) SCC. When after examination the engineer finds an application for an assessment reimbursement area to be sufficient, or determines that an assessment reimbursement area should be established to reimburse the county road fund he/she shall report to the council on the following:

- (a) The benefits to be received by the property owners within the assessment reimbursement area assuming such property owners would be required to make similar improvements or provide equivalent mitigation of traffic impacts if they developed their property;
- (b) The estimated cost, and the method of calculating such cost, to be reimbursed upon development by the owner of each lot, tract or parcel within the assessment reimbursement area;
- (c) A recommendation on whether the application is sufficient for council establishment of an assessment reimbursement area.

(Added Ord. 87-011, § 6, April 15, 1987; Amended Ord. 90-068, § 5, November 14, 1990; Amended Ord. 96-028, § 76, June 12, 1996, Eff date June 29, 1996).

### **13.95.050 Ordinance content.**

The ordinance prepared by the engineer for establishment of the proposed assessment reimbursement area shall:

- (1) Define the improvements for which reimbursements are to be made;
- (2) Designate each reimbursement area by a separate number;
- (3) Describe the specific boundary of the assessment reimbursement area;
- (4) Define the estimated cost of the improvement and the estimated contribution thereto, if any, to be made by the county;
- (5) Define what share of costs will be paid by each property ownership using a method of cost apportionment which is based upon the benefit to the property owner from the improvement(s);
- (6) Define when and how reimbursements are to be paid;
- (7) Define the conditions of participation by and reimbursement to the county and owner involved in financing the county road improvements;
- (8) Define any participation by the Washington State Department of Transportation provided it has entered into an agreement with the county concerning state participation.

(Added Ord. 87-011, § 7, April 15, 1987; Amended Ord. 90-068, § 6, November 14, 1990; Amended Ord. 96-028, § 77, June 12, 1996, Eff date June 29, 1996).

### **13.95.052 Council consideration of engineer's report.**

The council, after reviewing the engineer's report as specified in Section [13.95.040](#) SCC, may at regular council work session reject a request for establishment of an assessment reimbursement area without holding a public hearing, or if the council determines that a request for establishment of an assessment reimbursement area should be given further consideration, based on the criteria contained in [Section 13.95.040\(1\)](#), it may modify and/or introduce the ordinance and set a public hearing for action on the report and proposed ordinance.

(Added Ord. 96-028, § 78, June 12, 1996, Eff date June 29, 1996).

### **13.95.054 Notice of hearing.**

Notice of the hearing shall be published by the council in the county official newspaper no less than ten days before the date of the hearing. In addition, the council may publish in a newspaper of general circulation in the area of the assessment reimbursement area a similar notice.

A notice of hearing shall be given each owner of record of each lot, tract, or parcel of land or other property within the proposed reimbursement assessment area by mailing by certified mail, said notice to each owner as shown on the tax rolls of the county treasurer. The notice of hearing shall be mailed not less than twenty days before the date of the hearing.

All notices shall refer to the proposed ordinance and designate the proposed assessment reimbursement area by number and include the following:

- (1) The preliminary determination of the area boundaries and assessments;

- (2) The nature of the proposed county road improvement(s);
- (3) The total estimated cost of the county road improvement(s) and the estimated portion, if any, to be made by the county. The cost to be borne by the county shall be broken down into that portion, if any, to be borne by the county for improvements that benefit the general public for which the county shall not be reimbursed, and that portion, if any, that will be borne by the county for improvements that benefit that portion of the public who will use the developments within the assessment reimbursement area for which the county shall be reimbursed;
- (4) A description of the property owners' rights and options;
- (5) The proportion of the total cost to be borne by reimbursement assessments;
- (6) The estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, and the time period for which reimbursement may be required which shall not exceed fifteen years;
- (7) The time, date, and place of the hearing before the council.

(Added Ord. 96-028, § 79, June 12, 1996, Eff date June 29, 1996).

#### **13.95.056 Hearing--Ordinance.**

On the day fixed for the hearing the council will consider the engineer's report together with any evidence for or any objection against the desirability and the sufficiency of the proposed assessment reimbursement area and methods of calculating reimbursement assessments and the amounts thereof. The council may continue the hearing to allow for further information to be provided. When the council has determined that adequate information has been provided, it shall close public testimony and take action on the ordinance establishing an assessment reimbursement area.

(Added Ord. 96-028, § 80, June 12, 1996, Eff date June 29, 1996).

#### **13.95.060 Costs eligible for reimbursement.**

Regardless of the council's decision to establish or not to establish the assessment reimbursement area, the applicant shall pay to the county road fund, upon request, the itemized costs and expenses detailed in [SCC 13.95.015](#)(9) and (10), also identified as the permit fee under [SCC 13.110.010](#)(2)(b). If the council determines to establish the assessment reimbursement area, the council may provide for the reimbursement of all or part of the costs advanced by the county road fund or the owner or owner's assigns for a county road improvement project, including:

- (1) The cost of all the construction or improvement authorized, including that portion of the construction or improvement within the limits of any existing right-of-way;
- (2) The estimated costs and expenses of all engineering and surveying necessary;
- (3) All costs of acquiring necessary rights-of-way;
- (4) The cost of all advertising, mailing, publishing of notices and other itemized costs and expenses detailed in [SCC 13.95.015](#)(10), also identified as the permit fee under [SCC 13.110.010](#) (2)(b);

(5) The cost of legal services and any other expenses incurred by the county in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds;

(6) County costs of administering the fund.

(Added Ord. 87-011, § 8, April 15, 1987; Amended Ord. 90-068, § 7, November 14, 1990; Amended Ord. 96-028, § 81, June 12, 1996, Eff date June 29, 1996).

### **13.95.070 Reimbursement assessments.**

(1) Any reimbursement assessment shall be a pro rata share of costs of construction and contract administration of the improvement. The reimbursement share shall be determined by using a method of cost apportionment which is based upon the benefit to the property owner from the project.

(2) A separate account shall be established for each assessment reimbursement area.

(3) No assessment reimbursement shall become payable to the owner or county under the assessment reimbursement contract until the property assessed is subject to development as defined in this title; and the ordinance forming the area shall provide that payment of the assessment by the ordinance is a condition of the issuance of any permit or approval of development of the property assessed. Assessment reimbursement contracts filed for record in the Snohomish County auditor's office within 30 days of the final execution of the ordinance forming the assessment reimbursement area shall be binding on all owners of record within the assessment reimbursement area who are not party to the assessment reimbursement contract for the duration of the assessment reimbursement contract which may not exceed 15 years. The department of planning and development services is hereby designated to collect assessments under this chapter. The department of finance is hereby designated to reimburse assessments under this chapter.

(4) If the actual costs of the project are less than the cost base utilized in determining assessments, assessments shall be adjusted downward to reflect actual costs. If the costs of the project are more than the cost utilized in determining assessments, the owner shall be responsible for payment of such excess with no reimbursement to be provided for the excess.

(Added Ord. 87-011, § 9, April 15, 1987; Amended Ord. 90-068, § 8, November 14, 1990; Amended Ord. 96-028, § 82, June 12, 1996, Eff date June 29, 1996).

### **13.95.075 Appeal.**

(1) After the adoption of an ordinance establishing an assessment reimbursement area, any owner of property contributing funds for the construction of road improvements subject to cost reimbursement under [chapter 13.95](#) SCC or any owner of property within the boundaries of the assessment reimbursement area may file a written notice of appeal with the engineer based upon one or more of the following criteria:

(a) an error occurred in calculating the appellant's pro rata share of the costs of the road improvement project; or

(b) an inadvertent or clerical error exists in the legal description of the boundary of the assessment reimbursement area which has the effect of including real property within or excluding real property from the assessment reimbursement area that should not have been included or excluded.

The burden of proof shall be upon the appellant and the notice of appeal shall identify and contain all information and/or documentation relied upon by the appellant to support the appeal.

(2) The engineer shall make a preliminary determination as to whether there is sufficient information or documentation contained in the notice of appeal upon which to make a decision. If not, the engineer shall promptly notify the appellant in writing of the deficiency and request additional information or documentation. The engineer shall not make a decision on the appeal until such additional information or documentation is provided by the appellant, or a response has been received from the appellant indicating that the appellant has no further information or documentation to support the appeal. If no response is received from the appellant within 60 days from the date of mailing the notice of deficiency, the appeal shall be deemed to have been abandoned by the appellant and no further action shall be taken by the engineer.

(3) The engineer shall make a decision on the appeal within 45 days after receipt of sufficient information or documentation to make a decision on the appeal. Notice of the engineer's decision shall be provided the appellant by certified mail.

(4) If the appeal is denied by the engineer, the decision is binding and final. If the engineer determines that grounds exist for granting the appeal, the engineer shall prepare an ordinance for consideration by the council amending appropriate provisions of the ordinance establishing the assessment reimbursement area and/or the final assessment roll. The proposed ordinance shall be forwarded to the council with a recommendation from the engineer.

(5) The appeal shall be processed in accordance with [SCC 13.95.052](#), [SCC 13.95.054](#), and [SCC 13.95.056](#). The council decision on whether to adopt the ordinance amending the assessment reimbursement area and/or final assessment roll is a discretionary legislative act.

(6) If the council adopts an ordinance amending the assessment reimbursement area and/or final assessment roll, such action shall relate back to the date on which the original ordinance establishing the assessment reimbursement area became effective. The amending ordinance shall have no effect on the running of the 15-year period set out in RCW 35.72.020.

(7) This section shall only apply to assessment reimbursement areas established by ordinance that take effect after July 1, 1996.

(Added Ord. 96-028, § 84, June 12, 1996, Eff date June 29, 1996).

### **13.95.080 Owner-County contract.**

(1) Subsequent to the adoption of an ordinance forming an assessment reimbursement area the owner or owners contributing funds for the project shall agree in a signed contract for contribution of funds, construction, improvement, costs, assessment, reimbursement, administration costs, and other conditions, on a form approved by the county. The contract shall provide that the owner or owners agree to the reimbursement assessments and the assessment reimbursement area determined by the council as provided in the contract. Owner-county contracts provided for in an assessment reimbursement area ordinance shall be approved and executed on behalf of the county by the county executive.

(2) The final contract, including the assessment reimbursement area and assessment roll, shall be recorded in the county auditor's office within 30 days of the effective date of the ordinance forming the area. If the contract is so recorded, it shall then be binding on owners of record within the assessment area who are not parties to the contract for a period not to exceed fifteen years after the contract is recorded.

(3) The engineer shall mail a copy of the contract to each owner of record of property within the assessment reimbursement area.

(4) In the event that an owner or owners who are party to a reimbursement contract sell the property the reimbursements shall be paid to said owner or owners and not their successors unless the right to the reimbursements is assigned by said owner or owners are otherwise transferred by operation of law.

(Added Ord. 87-011, § 10, April 15, 1987; Amended Ord. 90-068, § 9, November 14, 1990; Amended Ord. 96-028, § 83, June 12, 1996, Eff date June 29, 1996).

### **13.95.090 Construction of improvements.**

The improvements for which reimbursement is sought must be constructed after July 1, 1987, and, with written permission of the engineer, may be constructed before or after the effective date of the ordinance forming the assessment reimbursement area. If the county is to be a participant, no construction shall be undertaken by the county until the county receives guarantees, security or assurances acceptable to the engineer that the owner will contribute costs, and contract for or otherwise provide or pay for improvements as required in the reimbursement contract.

The owner and his property shall be responsible for performance of all his obligations under the contract and completion of construction of the project except where undertaken by the county. All records supporting expenditures and payment therefor shall be submitted to the engineer for review and filing. The engineer may verify costs and payments as necessary to assure their accuracy.

Any work done by the county shall be done by competitive bidding as provided in [chapter 3.04](#) SCC. All work shall comply with Title [13](#) SCC, and all other applicable laws. No extensions of time to complete the owner's obligations under the owner-county contract will be granted, except as provided in said contract. If an owner fails to complete construction, contribute its share of costs, or otherwise fails to perform any of its other obligations as provided by its owner-county contract, the engineer shall, after giving the owner 30 days notice to cure such breach, declare the owner-county contract terminated.

All obligations to pay assessments for any owner costs shall thereupon cease upon termination by the engineer, and the engineer shall file with the county auditor a notice that the owner-county contract has been terminated and that all assessments to reimburse the owner are abated.

(Added Ord. 87-011, § 11, April 15, 1987; Amended Ord. 90-068, § 10, November 14, 1990; Amended Ord. 96-028, § 85, June 12, 1996, Eff date June 29, 1996).

### **13.95.100 Reimbursement to owners and the county.**

Owners who have followed all of the procedures of this chapter and entered into a contract may be reimbursed a share of the costs which they incurred in constructing the road improvements. Such reimbursement shall be made as provided in the contract entered into pursuant to [SCC 13.95.080](#). Reimbursement for costs advanced by the county shall be provided for in said contract and returned to the county road fund.

(Added Ord. 87-011, § 12, April 15, 1987; Amended Ord. 90-068, § 11, November 14, 1990).

### **13.95.110 Effect of annexation.**

Annexation to a city or town of all or a portion of an assessment reimbursement area shall not affect liability for assessment charge of properties so annexed nor responsibilities of an owner under the contract. If any property of the owner is annexed by a city or town prior to completion of construction, all responsibility of the county with respect to portions of the property not constructed shall cease unless a supplemental agreement is made with the annexing city or town assuring reimbursement of county funds expended on the project.

(Added Ord. 87-011, § 13, April 15, 1987; Amended Ord. 90-068, § 12, November 14, 1990).

### **13.95.900 Severability.**

If any portion of this chapter or its applicability to any person or circumstances is held invalid, the remainder of the act and the application of the provisions to other persons or circumstances is not affected.

(Added Ord. 87-011, § 14, April 15, 1987).

### **13.95.910 Effective date.**

This chapter shall take effect on February 9, 1991.

(Added Ord. 87-011, § 15, April 15, 1987; Amended Ord. 90-068, § 13, November 14, 1990).

## **Chapter 13.100 VACATION**

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### **13.100.010 Vacation.**

Vacation of a road or right-of-way is characterized as a Type E transaction and is controlled by Chapter 36.87 RCW and the provisions of this chapter. Road and/or right-of-way vacation procedures may be initiated either in response to council request, or, when the engineer determines that the criteria for road and/or right-of-way vacation exist, may be initiated independently by the engineer on his/her own initiative or in response to a frontage owners petition.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 86, June 12, 1996, Eff date June 29, 1996).

### **13.100.020 Process.**

When a county road and/or right-of-way or any part thereof as determined by the engineer, is considered useless, and the public will be best served by the vacation and abandonment of such road and/or right-of-way, the engineer shall prepare an ordinance for consideration by the council vacating such road and/or right-of-way. The ordinance shall be accompanied by supporting exhibits consisting of:

- (1) Where applicable, a county road frontage owners' petition as specified in Section [13.100.030](#);
- (2) The engineer's report with contents as specified in Section [13.100.040](#) SCC;
- (3) A notice of public hearing as specified in Section [13.100.050](#) SCC;
- (4) An itemized list of costs and expenses incurred in the examination, report and appraisal pertaining to the proposed vacation;
- (5) Any exhibits and other documentation deemed necessary by the engineer to adequately explain the proposed vacation of the county road and/or right-of-way.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 87, June 12, 1996, Eff date June 29, 1996).

### **13.100.030 County road frontage owners' petition.**

Owners of the majority of the frontage on any county road and/or right-of-way, or portion thereof may petition the council to vacate and abandon the same or any portion thereof.

(1) The petition must show the land owned by each petitioner and set forth that such county road and/or right-of-way is useless as part of the county road system and that the public will be benefited by its vacation and abandonment.

(2) The petition shall be accompanied by an application fee in the amount specified in [chapter 13.110 SCC](#).

(3) Subsequent to receipt of the petition and application fee and upon being satisfied that the petition has been signed by petitioners actually owning frontage along the adjacent county road and/or right-of-way or portion thereof, the engineer shall proceed with the vacation process as specified in Section [13.100.020 SCC](#).

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 88, June 12, 1996, Eff date June 29, 1996).

### **13.100.040 Engineer's report.**

The engineer shall examine any county road and/or right-of-way or portion thereof proposed to be vacated and abandoned and shall report to the council on the following:

- (1) Whether the county road and/or right-of-way should be vacated and abandoned;
- (2) Whether the same is in use or has been in use;
- (3) The condition of the road and/or right-of-way;
- (4) Whether it will be advisable to preserve all or a portion of the road and/or right-of-way for the county transportation system of the future;
- (5) Whether the public will be benefitted by its vacation and abandonment;
- (6) A determination by appraisal of the fair market value of the area sought to be vacated;
- (7) The classification of the road and/or right-of-way area according to the type and amount of expenditures made and the nature of the county's interest therein according to the following classification:
  - (a) Class A--public expenditures made.
  - (b) Class B--no public expenditures made;
- (8) Whether the proposed area to be vacated contains utilities;
- (9) All other matters which will be of interest to the council including an itemized list of costs and expenses incurred in the examination, report, appraisal and all proceedings pertaining to such petition to vacate and abandon;
- (10) Whether the proposed area to be vacated abuts a body of salt or fresh water in accordance with Section [13.100.090 SCC](#).

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 89, June 12, 1996, Eff date June 29, 1996).

### **13.100.050 Notice of hearing.**

The council, after reviewing the engineers report as specified in Section [13.100.030](#) SCC, may at regular council work session, modify and/or introduce the ordinance and set a public hearing for action on the report and proposed ordinance. Notice of the hearing shall be published by the council in the county official newspaper at least once a week for two consecutive weeks preceding the date fixed for the hearing and a copy of the notice shall be posted for at least 20 days preceding the day fixed for hearing at each end of the county road and/or right-of-way or portion thereof proposed to be vacated or abandoned.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 90, June 12, 1996, Eff date June 29, 1996).

### **13.100.060 Hearing.**

On the day fixed for the hearing, the council shall consider the report of the engineer, together with any evidence for or any objection against such vacation and abandonment. If the county road and/or right-of-way is found useful as a part of the county road system it shall not be vacated, but if it is not useful and the public will be benefitted by the vacation, the council, by ordinance, may vacate the road and/or right-of-way or portion thereof.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 91, June 12, 1996, Eff date June 29, 1996).

### **13.100.070 Expense of proceeding.**

Regardless of the council's decision to vacate or not to vacate the road and/or right-of-way, the petitioners, or other proponent seeking the vacation shall pay to the county road fund, upon request, the itemized costs and expenses detailed in [SCC 13.100.020\(4\)](#), also identified as the permit fee under [SCC 13.110.010\(2\)\(b\)](#). Payment shall be made prior to recording of the ordinance for vacation. Upon payment of these costs and the meeting of any other terms and conditions included in the ordinance granting vacation and entered into its minutes, the road or portion thereof shall be considered vacated.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 92, June 12, 1996, Eff date June 29, 1996).

### **13.100.080 Compensation to county as condition to vacation.**

The council in its ordinance of vacation may require persons benefitting from the vacation of county roads to pay Snohomish county for the appraised fair market value of the property vacated. Such compensation shall be one of the conditions precedent to the actual vacation of the county road right-of-way.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.100.090 Vacation of roads abutting bodies of water prohibited, exception.**

No county road or part thereof shall be vacated which abuts on a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.100.100 Retention of easement for utilities and services.**

Whenever a county road and/or right-of-way or any portion thereof is vacated, the council may include in the ordinance authorizing the vacation, a provision that the county retain an easement in respect to the vacated land for the construction, repair, and maintenance of utilities and services which at the time the ordinance is adopted are authorized or are physically located in a portion of the land being vacated: PROVIDED, That the council shall not convey such easement to any utility purveyor or other entity or person but may convey a permit or franchise to a utility purveyor to effectuate the intent of this section.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 93, June 12, 1996, Eff date June 29, 1996).

### **13.100.110 Vacation in conjunction with land development.**

Where vacation of a county road and/or right-of-way is proposed as part of a development application that requires approval by the hearing examiner, and the engineer determines that the criteria for vacation exist, the function of the council as set forth in [SCC 13.100.020](#), [13.100.040](#), [SCC 13.100.060](#), [SCC 13.100.070](#) and [SCC 13.100.080](#) may, upon written request by the developer, be performed by the hearing examiner. Council review of the report of the engineer and ordinance in accordance with [SCC 13.100.050](#) shall not be required.

- (1) The engineer shall prepare a motion for consideration by the hearing examiner for vacation of the county road and/or right-of-way, in lieu of the ordinance required by [SCC 13.100.020](#).
- (2) The hearing on the vacation shall be held concurrent with the open record hearing on the development proposal. Notice in accordance with [SCC 13.100.050](#) shall be published by the department of planning and development services and incorporated within the notice of the hearing on the development proposal.
- (3) The hearing examiner shall make findings as to whether the subject county road and/or right-of-way is not useful and whether the public will be benefitted by the vacation, and shall make a recommendation to the county council as to whether vacation should be approved and any conditions that should apply. The hearing examiner's recommendation shall be subject to reconsideration pursuant to SCC 2.02.167 to the same extent as any other hearing examiner decision.
- (4) The county council shall consider such recommendation at a public meeting. If the county council determines that the county road and/or right-of-way should be vacated, it shall be vacated by motion.
- (5) The county council may determine at the public meeting that additional public testimony is warranted to consider the vacation and set a date for an additional public hearing in accordance with [SCC 13.100.050](#) and [SCC 13.100.060](#).

(Added Ord. 96-028 § 94, June 12, 1996, Eff date June 29, 1996).

## **Chapter 13.110 FEES AND CHARGES**

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### **13.110.010 Fees to be charged.**

The following fees shall be charged by the county:

- (1) Application Fee. Where applicable, this fee shall be charged to compensate the department for preliminary application screening, and the establishment or administration of the permit application file. Application fees shall be collected at the time of permit application, and will not be eligible for refund.

(2) Permit Fee.

(a) For Type B, C and D permits, this fee shall be charged to compensate the department for the cost of field investigation, plan review and inspection for conformance to the conditions of the permit. Permit fees shall be collected at the time of permit application. Permit fees are eligible for refund to the extent they are not required to compensate for costs and expenses incurred.

(b) For Type E permits, this fee shall be charged to fully compensate the department and other county departments for costs and expenses in excess of the application fee, incurred in the examination, report, appraisal and all proceedings pertaining to a petition or application. Permit fees shall be paid in accordance with [SCC 13.80.070](#), [SCC 13.90.070](#), [SCC 13.95.060](#), [SCC 13.100.070](#) or [SCC 13.140.030](#) as applicable.

(3) Overweight/Oversize Load Fee. Where application is for a building or other overweight or oversized move pursuant to [SCC 13.40.040](#), the department may charge the applicant an additional fee to compensate for costs incidental to the move involved, including road maintenance crews, signal crews, and sheriff's personnel.

(4) Franchise Fee--Cable TV. Cable television companies doing business within the county shall be charged five percent of their gross revenue in accordance with [SCC 13.80.092](#), as a franchise fee. This fee can be modified by the county council at any time to reflect changes in applicable federal, state or local law or regulation. This fee is in addition to the other fees within this section.

(5) Repair and Replacement Charge. If the department incurs any costs of repairing and replacing any right-of-way or county facility thereon, which has not been paid for under any other fee, the permittee shall be charged and shall pay the actual costs of repair and/or replacement incurred by the department, regardless of whether work is performed by the department or by a contractor hired by it.

(6) Footage Fee. Lineal footage fees shall be charges as part of the application fee for Type E major construction and major utility construction permits as provided in [SCC 13.110.020](#).

(7) Road Cut Fee. Fees for road shoulder cuts and road asphalt/concrete cuts shall be charged as provided in [SCC 13.110.020](#). Where applicable, this fee shall supplement the permit fee by the length and type of road cuts.

(8) Private Right-of-way Lease Fee. The lessee of any county right-of-way shall be charged an annual fee reflecting the fair market value of the leased land. This fee is in addition to the other fees within this section.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 88-088, § 1, Nov. 2, 1988; Amended Ord. 91-090, June 24, 1991; Amended Ord. 91-197, Dec. 18, 1991; Amended Ord. 96-028 § 95, June 12, 1996, Eff date June 29, 1996; Amended Ord. 00-079, Nov. 21, 2000; Eff date Dec. 16, 2000).

**13.110.020 Fee schedule**

Transaction Type	Description	Application Fee <sup>(1)</sup>	Permit Fee <sup>(1)</sup>	Total <sup>(1)</sup>
B1	Log tolerances	\$5.00	\$ --	\$5.00
B2	Overweight	\$50.00	Costs per <a href="#">SCC 13.110.010</a>	\$50.00 plus permit fee

B3	Oversize	\$50.00	Costs per <a href="#">SCC 13.110.010</a>	\$50.00 plus permit fee
B4	Haul Route	\$50.00	Costs per <a href="#">SCC 13.110.010</a>	\$50.00 plus permit fee
B5	Road closure	\$50.00	\$120.00	\$170.00
C1	Bus stops/shelters/pads loading zones	\$50.00	\$90.00	\$140.00
C2	Construction site structures	\$50.00	\$90.00	\$140.00
C3	Decorative landscaping fences	\$50.00	\$90.00	\$140.00
C4	Recycling--waste facilities	\$50.00	\$90.00	\$140.00
C5	Newspaper sales, stands, drop boxes	\$50.00	\$90.00	\$140.00
C6	Temporary signs	\$50.00	\$90.00	\$140.00
C7	Temporary sales	\$50.00	\$90.00	\$140.00
C8	Business patrons or customers	\$50.00	\$90.00	\$140.00
C9	Tree cutting	\$50.00	\$90.00	\$140.00
D1	Driveway access/Culvert/curb cut	\$25.00	\$55.00	\$80.00
D2	Subdivision driveway access	\$25.00	--	\$25.00
D3	Temporary trail access	\$125.00	\$420.00	\$545.00
D4	Trail access	\$125.00	\$540.00	\$665.00
D5	Major construction other: Add per road front foot:	\$125.00 \$1.00	\$340.00	varies
D5P	Major construction – Plat	\$125.00	\$540.00	varies

	Add per road front foot:	\$1.00		
D5C	Major construction - commercial Add per road front foot:	\$125.00 \$1.00	\$540.00	varies
D5S	Major construction - short plat Add per road front foot:	\$125.00 \$1.00	\$540.00	varies
D6	Minor construction- Other	\$35.00	\$60.00	\$95.00
D6P	Minor construction- Plat	\$90.00	\$130.00	\$220.00
D6C	Minor construction- Commercial	\$90.00	\$130.00	\$220.00
D6S	Minor construction- Short Plat	\$90.00	\$130.00	\$220.00
D7	Blanket utility construction per each construction activity	None	\$80.00	\$80.00
D8	Major utility construction:  Open trench road, road shoulder cut add per foot:	\$130.00  \$0.35	\$390.00	varies
	Road asphalt/concrete cut add per foot:	\$130.00 \$1.00	\$390.00	varies
	Plowed cable road  add per foot: 0' to 2,000' 2,001' to 7,000' 7,001' and more	\$130.00  \$0.15 \$0.10 \$0.05	\$390.00	varies
E1	Private leases/right of way	\$100.00	--	\$100.00
E2	Road establishment	\$500.00	Costs per <a href="#">SCC</a>	\$500.00 plus

			<a href="#">13.110.010</a>	permit fee
E3C	Franchises--CATV	\$500.00	Costs per <a href="#">SCC 13.110.010</a>	\$500.00 plus permit fee
E3U	Franchises--Utility	\$500.00	Costs per <a href="#">SCC 13.110.010</a>	\$500.00 plus permit fee
E4	Road/right-of-way vacations	\$500.00	Costs per <a href="#">SCC 13.110.010</a>	\$500.00 plus permit fee
E5	Latecomers cost recovery	\$500.00	Costs per <a href="#">SCC 13.110.010</a>	\$500.00 plus permit fee
E6	Road improvement district	\$500.00	Costs per <a href="#">SCC 13.110.010</a>	\$500.00 plus permit fee

Note: All costs, including in excess of the above, associated with road establishments, right-of-way vacations, utility franchises, CATV franchises, road improvement district formation, or latecomers cost recovery programs will be itemized and presented as part of the associated ordinance for county council approval.

(1) Pursuant to SCC 30.86.030, a technology surcharge of three percent of each Type D fee transactions is required in addition to the fees listed in the fee schedule.

	Add. Overweight/Wide load charge		Actual hourly costs of county crews. labor, and equipment if required to assist the operation. a. 3-hour minimum at \$50.00 per hour	Varies
	Repair and replacement charge		Actual cost of work performed by the county or contractors employed by the county to repair or replace damages	varies

(Added Ord. 88-088, § 2, Nov. 2, 1988; Amended Ord. 89-058, July 26, 1989; Amended Ord. 90-190, November 19, 1990; Amended Ord. 91-090, June 24, 1991; Amended Ord. 91-173, Nov. 26, 1991; Amended

Ord. 91-197, Dec. 18, 1991; Amended Ord. 92-107, Sept. 23, 1992; Amended Ord. 92-142, Nov. 24, 1992; Amended Ord. 96-028, § 96, June 12, 1996, Eff date June 29, 1996; Amended Ord. 00-079, November 21, 2000, Eff date December 16, 2000; Amended by Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009.

### **13.110.030 Development application review fees.**

(1) Upon submittal of any development application or other land use approval requiring approval of Snohomish County, except for an application for a preapplication concurrency evaluation under SCC 30.66B.175, the developer shall pay a \$200.00 base review fee plus \$5.00 per each new vehicle trip generated by the development. For purposes of setting the review fee only, vehicle trips generated will be determined by the following table:

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

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

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

(3) The following development types are exempt from the development application review fee of [SCC 13.110.030\(1\)](#):

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

(4) Commercial building permit applications that have undergone prior development review within twelve months of building permit application will pay only the \$200.00 base fee.

(5) Upon submittal of an application for a preapplication concurrency evaluation for a proposed development under SCC 30.66B.175, the developer shall pay a base fee of \$850.00 plus an additional \$400.00 for each arterial unit analyzed for future level-of-service conditions. If, pursuant to SCC 30.66B.175(6), a developer submits revisions or alternative analyses or proposals in response to a decision that a proposed development cannot be deemed concurrent, then the developer shall pay only the base fee of \$850 upon submittal of the response. For other resubmittals of the same development, as in instances in which a preapplication concurrency approval has elapsed and a developer resubmits an updated traffic study for a new concurrency evaluation, the department of public works may waive all or part of the review fee if it determines that the amount paid in the initial review fee will adequately cover the costs of application review.

(6) Whenever a development is deemed concurrent under SCC 30.66B.135 on the basis of a valid preapplication concurrency approval, then thirty-three percent (33%) of the development's review fee under sub-section (1) above shall be refunded.

(Added Ord. 90-197, Dec. 26, 1990; Amended Ord. 91-195, Jan. 27, 1992; Amended Ord. 95-039, § 3, June 28, 1995, Eff date July 13, 1995; Amended Ord. 95-063, August 9, 1995, Eff date Sept. 29, 1995; Amended Ord. 02-077, December 4, 2002, Eff date December 19, 2002).

## **Chapter 13.120**

### **STREET NUMBERING**

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#### **13.120.005 Department of public works authority.**

The department of public works is authorized to review proposed public and private road names, maintain a comprehensive road name plan, and notify the U.S. Post Office, public and private utilities, law enforcement agencies, emergency services providers, and other persons of new or corrected road names. (Added Ord. 89-045, § 3, May 31, 1989).

#### **13.120.006 Maintenance and update of road name plan.**

The engineer or his/her designee shall maintain and update the comprehensive road name plan for Snohomish County. The engineer or his/her designee shall develop policies and guidelines for road names and numbers in accordance with the following guidelines:

- (1) Conformance with the numerical nomenclature (e.g., street, avenue, drive, place) and geographic designation rules set forth in [chapter 13.120](#) SCC to facilitate location of properties by emergency service dispatchers and providers;
- (2) Consistency and proximity in name segments, e.g., maintaining same name along distinct road segments and not using same name for discontinuous segments;
- (3) Clarity, ease of use and avoidance of confusing, over-long or misleading names;
- (4) Preference for descriptive names with logical relationship to locale or geographic area;
- (5) Facilitation of map reading and indexing to assist in rapid location of roads and addresses;
- (6) Use of privately proposed road names except where duplicative, confusing or otherwise in contravention of standards of good practice for road number and name designations;

(7) Avoidance of multiple and/or alternative names for single road sections and requirement of selection of a primary road designation to assist in the 911 program for emergency services dispatching;

(8) Any other appropriate and applicable standards concerning road and street designations as well as current department of public works policies, guidelines, or rules for naming public roads as determined by the county engineer.

The engineer shall make county road name plan maps available at the department of public works and shall annually submit a copy to the county council.

(Added Ord. 89-045, § 4, May 31, 1989; Amended Ord. 96-028 § 97, June 12, 1996, Eff date June 29, 1996).

### **13.120.010 Territory covered by system.**

There shall be a numbering system commencing at the township lines between Township 29 North and Township 28 North, said line being designated as No. 52, thence proceeding south at intervals of 16 numbers to the mile, to the Snohomish county-King county line, on the township line between Township 26 North and Township 27 North, said line to be known as No. 244. The streets running north and south to be numbered 16 numbers to the mile commencing with No. 3 on the range line between Ranges 4 and 5 East W.M., thence east.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.020 Conformance to master plan.**

The numbering system and all streets within the system shall conform to the master plan on file in the office of the engineer. All houses within the system shall be numbered in conformance to the system. The number utilized by each house shall be that number within the system assigned by the director of the department of planning and development services or his designee which shall consist of a base number in conformance with the master plan and a two digit suffix number to designate the position of the lot between two numbers in the master plan. Numbers assigned during any previous numbering system heretofore authorized are ratified and shall remain in full force and effect.

(Added Ord. 85-051, § 3, July 3, 1985; Ord. 95-004, § 27, Feb. 15, 1995, Eff date Feb. 27, 1995; Amended Ord. 96-028 § 98, June 12, 1996, Eff date June 29, 1996).

### **13.120.030 East-west streets.**

The streets running east and west shall be numbered 16 numbers to the mile beginning at No. 52 on the township line between Townships 28 and 29 North, thence north and diminishing to 0 or Meridian 3.25 miles north of said township line between Townships 28 and 29 North, thence continuing north 16 numbers to the mile to Skagit county line at No. 332.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.040 North-south streets.**

The north-south meridian shall be on the subdivision line one quarter mile west of the range line between Ranges 4 and 5. However, 3rd Avenue lying east of said meridian shall be on the range line lying between Ranges 4 and 5 thence east on the basis of 16 numbers to the mile. Streets running north and south shall commence at the said meridian thence west on the basis of 16 numbers to the mile.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.050 Streets northeast and northwest.**

All east-west roads lying in the northeast quadrant of the intersecting meridians shall be designated as streets northeast, those east-west roads lying in the northwest quadrant of the intersecting meridians shall be designated as streets northwest.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.060 Avenues northeast and northwest.**

All north-south roads lying in the northeast quadrant of the intersecting meridians shall be designated as avenues northeast and those north-south roads lying in the northwest quadrant of the intersecting meridians shall be designated as avenues northwest.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.070 Drives northeast and northwest.**

Any north-south road lying between designated avenues in said northeast and northwest quadrants shall be called drive northeast, or drive northwest.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.080 Places northeast and northwest.**

Any east-west road lying between designated streets in the said northeast and northwest quadrants shall be called place northeast or place northwest.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.090 Streets southeast and southwest.**

All east-west roads lying in the southeast quadrant of the intersecting meridians shall be designated as streets southeast; those east-west roads lying in the southwest quadrant of the intersecting meridian shall be designated as streets southwest.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.100 Avenues west and southeast.**

All north-south roads lying in the southwest quadrant of the intersecting meridians shall be designated as avenues west and those north-south roads lying in the southeast quadrant of the intersecting meridians shall be designated as avenues southeast.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.110 Places west.**

Any north-south road lying between designated streets in said southwest quadrant shall be called place west.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.120 Drives southeast.**

Any north-south road lying between designated streets in said southeast quadrant shall be called drive southeast.  
(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.130 Places southwest and southeast.**

Any east-west road lying between designated streets in said southwest and southeast quadrants shall be called place southwest or place southeast.  
(Added Ord. 85-051, § 3, July 3, 1985).

### **13.120.800 Road name and number designations.**

In reviewing and compiling road name and number designations, the county makes no representations concerning title or ownership of real property, legal road access or compliance with any state statute, county code, or other provision governing land development. Road name and number designations shall include public and private roads for location purposes only.  
(Added Ord. 89-045, § 5, May 31, 1989).

## **Chapter 13.130 ENFORCEMENT**

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### **13.130.010 Engineer's authority.**

Whenever the engineer determines that a condition exists in violation of this title, or any code or standard required to be adhered to by this title, he/she is authorized to enforce the provisions of this title, or codes or standards, pertaining to such condition existing in violation thereof.  
(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 99, June 12, 1996, Eff date June 29, 1996).

### **13.130.020 Chapter 30.85 SCC--Applicable.**

All violations of this title, and codes and standards required thereby, are made subject to the provisions of [chapter 30.85](#) SCC.  
(Added Ord. 85-051, § 3, July 3, 1985; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **13.130.030 Order to cease violation.**

Whenever any condition is found to be in violation of this title, or codes or standards required to be adhered to thereunder, and pending commencement and completion of the notice and order procedure of [SCC 13.130.040](#), the engineer may order the cessation of activity causing the violative condition by notice in writing served on the person(s) engaged in or causing such condition. The effect of such order shall be to require immediate cessation of activity causing the violative condition. Said order shall not be affected by any right of appeal afforded by this or any other title of this code.  
(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 100, June 12, 1996, Eff date June 29, 1996).

### **13.130.040 Notice of violation--Penalty--Abatement.**

The engineer is authorized to order correction and discontinuance of any violative condition of the provisions of this title under the procedures of [chapter 30.85](#) SCC, which provide for notice of violation and assessment of penalty and order to abate.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 101, June 12, 1996, Eff date June 29, 1996; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **13.130.050 Public nuisance.**

All violations of this title, and codes and standards required thereby, are determined to be detrimental to the public health, safety, and welfare and are public nuisances. All conditions which are determined by the engineer to be in violation of this title, or codes and standards required thereby, shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means, as provided in this title.

(Added Ord. 85-051, § 3, July 3, 1985; Amended Ord. 96-028 § 102, June 12, 1996, Eff date June 29, 1996).

### **13.130.060 Alternative remedies.**

As an alternative to any other judicial or administrative remedy provided in this title or by law or other ordinance, any person who willfully or knowingly violates any provision of this title or any order issued pursuant to this title, or by each act of commission or omission procures, aids, or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished as provided in [SCC 1.01.100](#). Each day such violation continues shall be considered an additional misdemeanor offense.

(Added Ord. 85-051, § 3, July 3, 1985).

### **13.130.070 Administrative jurisdiction--Nonexclusive.**

The authority of the engineer to enforce the provisions of this title is not in derogation of the authority of any other officer charged with the enforcement of law but is concurrent therewith. The authority of the engineer to enforce the provisions of this title includes without limitation the requirement that he/she request the assistance of the prosecuting attorney's office for judicial enforcement as may be deemed appropriate by the prosecuting attorney.

(Added Ord. 85-051, § 3, July 3, 1985).

## **Chapter 13.140**

### **ROAD IMPROVEMENT DISTRICT (RID) FORMATION**

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#### **13.140.010 Purpose.**

This section constitutes the Snohomish county policy for formation for road improvement districts (RIDs).

(Added Ord. 87-024, § 1, April 20, 1987).

#### **13.140.020 Initiation.**

Initiation of an RID requires either a resolution by the county council or a petition signed by owners according to the records of the county auditor of property an aggregate amount of the majority of the lineal frontage upon

the contemplated improvement and of the area within the limits of the county road improvement district in accordance with RCW 36.88.050.

(Added Ord. 87-024, § 1, April 20, 1987).

### **13.140.030 Formation.**

All RIDs will be formed using the council resolution method outlined in chapter 35.43 RCW. Following the submittal of a petition or a council directive, the county council will indicate that the formation procedure to be followed is as set forth in chapter 35.43 RCW instead of RCW 36.88.030. All other portions of chapter 36.88 RCW shall remain applicable to the RID process.

(Added Ord. 87-024, § 1, April 20, 1987).

## **Chapter 13.150**

### **ADOPT-A-ROAD PROGRAM**

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#### **13.150.010 Purpose of Chapter.**

The purpose of this chapter is to establish an adopt-a-road program for Snohomish County to provide citizen volunteers with an opportunity to contribute to a cleaner environment and enhanced roadsides.

(Added Ord. 08-078, June 25, 2008, Eff date July 7, 2008)

#### **13.150.020 Program established.**

There is hereby established an adopt-a-road program for Snohomish County to encourage volunteer involvement and community service in the control and reduction of litter and enhancement of general environmental quality along county roadways. The program shall be administered by the department of public works. Participating organizations shall adopt department-designated sections of county roads in accordance with procedures adopted by the department. The program shall include, at a minimum, litter control for the adopted section, and may include additional responsibilities such as, planting and maintaining vegetation, controlling weeds, graffiti removal, and other roadside improvement or clean-up activities that the department deems appropriate.

(Added Ord. 08-078, June 25, 2008, Eff date July 7, 2008)

#### **13.150.030 Eligibility to participate in program.**

(1) The director shall determine the eligibility of organizations to participate in the program, provided that the eligibility determinations shall comply with subsection [13.150.030\(2\)](#).

(2) An organization is not eligible to participate in the program if its name:

- (a) Endorses or opposes a particular candidate for public office;
- (b) Advocates a position on a specific political issue, initiative, referendum, or piece of legislation; or
- (c) Includes a reference to a political party.

(Added Ord. 08-078, June 25, 2008, Eff date July 7, 2008)

#### **13.150.040 Adopted sections.**

Adopted sections shall be county roads. The department may, at its discretion, determine that specific sections of county road are not appropriate for adoption.

(Added Ord. 08-078, June 25, 2008, Eff date July 7, 2008)

### **13.150.050 Administration of program.**

In administering the program, the department shall:

- (1) Provide a standardized application form, registration form, and contractual agreement for all participating organizations. The forms shall notify prospective participants of the risks and responsibilities to be assumed by the participants and department;
- (2) Require all participants to be at least fifteen years of age;
- (3) Require parental consent for all minors;
- (4) Require at least one adult supervisor for every eight participating minors;
- (5) Require one designated leader for each participating organization;
- (6) Assign each participating organization a section or sections of county road for a specified period of time;
- (7) Recognize the efforts of a participating organization by fabricating and installing signs with the organization's name on both ends of the organization's adopted section. The signs shall follow a standard design determined by the department, and shall conform to the applicable sections of the current edition of the Manual of Uniform Traffic Control Devices published by the Federal Highway Administration;
- (8) Provide appropriate safety equipment, which shall remain the property of the county and be returned to the department after each use;
- (9) Provide safety training materials and aids to participating organizations; and
- (10) Establish procedures and guidelines for the program.

(Added Ord. 08-078, June 25, 2008, Eff date July 7, 2008)

### **13.150.060 Rights and activities of adjacent landowners.**

Nothing in this chapter affects the rights or activities of, or agreements with, adjacent landowners, including the use of right-of-ways and crossings, nor impairs these rights and uses by the placement of signs.

(Added Ord. 08-078, June 25, 2008, Eff date July 7, 2008)

Code Reviser Note: Chapter 13.50, as adopted by Ordinance No. 08-078 on June 25, 2008 or as amended after the effective date of July 7, 2008, is repealed, effective on June 25, 2014 unless re-enacted prior to that date as provided in Snohomish County Charter Section 2.115.

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