

SNOHOMISH COUNTY COUNCIL



CO00029492

ORDINANCE NO. 80-024
AMENDING SNOHOMISH COUNTY CODE
SECTION 18.76.005, MINIMUM ACCESS
REQUIREMENTS, TO INCLUDE PROVISIONS
FOR ACCESS ACROSS RAILROAD
RIGHTS-OF-WAY

BE IT RESOLVED, that Snohomish County Code Section 18:76.005 adopted November 17, 1975, now reads:

18.76.005 Minimum access requirements. Access to lots shall be as provided herein.

- A. Lots whose access was created prior to April 15, 1957, shall abut upon a public road or be served by a private road or access easement of any width which is specifically located on the ground, either by legal description or by improvement;
- B. Lots whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than fifteen (15) feet upon and have direct access to a public road or be served by a private road or access easement having a minimum right-of-way width of fifteen (15) feet which is specifically located on the ground, either by legal description or by improvement;
- C. Lots whose access was created on or after August 9, 1969, shall abut by not less than twenty (20) feet upon and have direct access to:
1. An opened, constructed and maintained public road, or
 2. A private road in a plat or short plat approved by Snohomish County, or
 3. An exclusive, unshared, unobstructed, permanent access easement at least twenty (20) feet wide where a plat or short plat is not required;

Provided that, where the lot is 1/128th of a section of land or larger, or five (5) acres or larger, if the land is not capable of description as a fraction of a section of land, it may abut by not less than sixty (60) feet and have direct access to a private road having a right-of-way width of not less than sixty (60) feet which is sufficiently improved for automotive travel from the nearest opened, constructed and maintained county road to the parcel and which is designed in a manner that would permit reasonable and safe construction of a county road meeting county standards. No parcel qualifying as a lot under the above proviso clause will continue to so qualify if the parcel is redivided creating any parcel less than 1/128th section in size, or five (5) acres in size, if the land is not capable of description as a fraction of a section of land.

section of land, unless such parcel qualifies as a lot under subsections 1, 2, or 3 above. (Res. adopted November 17, 1975).

Section 18.76.005 IS AMENDED TO READ:

18.76.005 Minimum access requirements. Access to lots shall be as provided herein.

A. Lots whose access was created prior to April 15, 1957, shall abut upon a public road or be served by a private road or access easement of any width which is specifically located on the ground, either by legal description or by improvement;

B. Lot whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than fifteen (15) feet upon and have direct access to a public road or be served by a private road or access easement having a minimum right-of-way width of fifteen (15) feet which is specifically located on the ground, either by legal description or by improvement;

C. Lots whose access was created on or after August 9, 1969, shall abut by not less than twenty (20) feet upon and have direct access to:

1. An opened, constructed, and maintained public road, or
2. A private road in a plat or short plat approved by Snohomish County, or
3. An exclusive, unshared, unobstructed, permanent access easement at least twenty (20) feet wide where a plat or short plat is not required;

Provided that, where the lot is 1/128th of a section of land or larger, or five (5) acres or larger, if the land is not capable of description as a fraction of a section of land, it may abut by not less than sixty (60) feet and have direct access to a private road having a right-of-way width of not less than sixty (60) feet which is sufficiently improved for automotive travel from the nearest opened, constructed and maintained county road to the parcel and which is designed in a manner that would permit reasonable and safe construction of a county road meeting county standards. No parcel qualifying as a lot under the above proviso clause will continue to so qualify if the parcel is redivided creating any parcel less than 1/128th section in size, or five (5) acres in size, if the land is not capable of description as a fraction of a section of land, unless the parcel qualifies as a lot under subsections 1, 2, or 3 above.

D. Lots whose legal access is provided across a railroad company right-of-way must demonstrate evidence that a crossing permit (license) has been granted by the railroad company.

Such evidence must contain the name of the current property owner or contract purchaser and said permit (license) shall be recorded with the County Auditor and presented to the Planning Department prior to issuance of development permits.

Aggregations of lots whose legal access is provided across a railroad company right-of-way may collectively enter into an incorporated homeowners association for a single crossing permit (license) to benefit the aggregation of said lots. The articles of incorporation, by laws and permits (license) shall be recorded with the County Auditor. Prior to the issuance of development permits, evidence of arrangements with the railroad company must be presented to the Planning Department.

However, the above restrictions shall not apply where the railroad crossing is a maintained county road or county right-of-way.

Ordinance No. 80 -024 _____ - Amending Snohomish County Code Section 18.76.005

PASSED this 9th day of July, 1980.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Donald J. Britton
Chairman

ATTEST:

Ellie Snyder
Clerk of the Council

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

DATE 7-25-80

Willis D. Tucker
County Executive

PUBLISHED June 20, 1980 and
August 7, 1980