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EXECUTIVE OFFICE

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COUNTY COUNCIL  
Snohomish County, Washington



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W.F. \_\_\_\_\_ T.C. \_\_\_\_\_  
D.F. \_\_\_\_\_ S.W. \_\_\_\_\_  
G.L. \_\_\_\_\_ D.J. \_\_\_\_\_

ORDINANCE No. 82- 029

for signature

PERTAINING TO THE REPEAL OF TITLE 26B AS CONTAINED  
IN 26B.01.010 - 26B.10.020 OF THE SNOHOMISH COUNTY CODE AND THE  
ENACTMENT OF TITLE 26B AS CONTAINED IN 26B.50-010 - 26B.58.020  
OF THE SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Title 26B (26B.01.010 - 26B.10-020) as adopted by the Snohomish County Commissioners by Resolution 79-143, dated June 20, 1979, is repealed.

Section 2. Land development applications that have received preliminary approval prior to the date of the adoption of Title 26B (26B.50.010 - 26B.58.020) as adopted by the Snohomish County Council on the 26th day of April, 1982, shall be subject to the provisions of Title 26B as enacted by the Snohomish County Commissioners on June 20, 1979.

Section 3. The following is adopted and made a part of the Snohomish County Code:

Title 26B

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

Chapters:

- 26B.50 Findings, Declarations of Purpose
- 26B.51 Definitions
- 26B.52 Road Policy - General Provisions
- 26B.53 Traffic Study
- 26B.54 Required Road Improvements
- 26B.55 Determination and Fulfillment of Road Improvement Obligation
- 26B.56 Dedication of Right-of-Way Required
- 26B.57 Appeals
- 26B.58 Supersession and Severability

Chapter 26B.50

FINDINGS, DECLARATIONS OF PURPOSE

Sections:

- 26B.50.010 Findings
- 26B.50.020 Declaration of Purpose

26B.50.010 Findings. It is hereby found that the acquisition, construction, and improvement of roads to serve new developments in Snohomish County is a major burden upon County government; that the County is experiencing a rapid, large-scale increase in intensity of land use and in population growth; that rapid growth creates large "front-end" demands for County services, including roads, and causes increased road usage; that existing and projected County funds are not adequate to meet the public's projected road needs; that failure to ensure that road improvements are made as traffic increases causes severe safety problems, impedes commerce and interferes with the

comfort and repose of the public; and that the regulations contained in this Ordinance are necessary to preserve the legislature's intent that the County, in the exercise of reasonable discretion, retain ultimate responsibility for its financial integrity.

It is further found that the County has the power under existing law to condition development upon the establishment of improvements to road systems impacted by such development, but that it is appropriate and desirable to set out by this Ordinance what will be required of developments, and to establish hereby a uniform method of treatment for like classes of development impact on road systems.

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

26B.50.020 Declaration of Purpose. It is hereby declared to be the purpose of this Ordinance to ensure that public health, safety and welfare will be preserved by having adequate roads to new and existing developments by requiring all land development projects in unincorporated Snohomish County, including but not limited to; subdivisions, short subdivisions, large tract segregations, multiple residential structures, planned residential developments, campgrounds, industrial parks, planned community businesses, planned neighborhood shopping centers, mobile home parks, and industrial or commercial buildings to pay for a proportionate share of the cost of road improvements due to such land developments.

This Ordinance is intended to ensure that County policy is fairly and consistently applied to all developments in the provision of safe and adequate access and the allocation of responsibility for immediate or future road improvements necessitated by these and other developments.

Chapter 26B.51

DEFINITIONS

Sections:

26B.51.010	Traffic Design, Flow and Specifications
26B.51.020	Development
26B.51.030	Developer
26B.51.040	Dedication
26B.51.050	Director
26B.51.060	Large Tract Segregation
26B.51.070	Road Improvement
26B.51.080	Road System
26B.51.090	Short Subdivision
26B.51.100	Subdivision
26B.51.110	Unit

26B.51.010 Traffic Design, Flow and Specifications. For purposes of this title, all definitions relating to traffic design, traffic flow, and traffic operations shall be those published in the HIGHWAY CAPACITY MANUAL, Special Report 87, National Academy of Sciences, National Research Council, 2101 Constitution Avenue, Washington, D.C., and any supplemental editions or documents published by The Transportation Research Board, as adopted by the U.S. Department of Transportation, Federal Highway Administration.

26B.51.020 Development. "Development" means all subdivisions, short subdivisions as defined herein, large tract segregations under County authority, multiple residential structures, planned residential developments, planned community businesses, planned neighborhood shopping centers, industrial parks, campgrounds, mobile home parks, industrial or commercial buildings requiring land use approvals, conditional use permits, or building permits (except building permits for single-family residences and duplexes) in unincorporated Snohomish County, and other similar projects requiring land use permits or approvals by Snohomish County.

26B.51.030 Developer. "Developer" means the person applying for or receiving a permit or approval for a development as defined above.

26B.51.040 Dedication. "Dedication" means conveyance of land to the County for road purposes by deed, by clause or covenant of some other instrument of conveyance, or by dedication on a duly filed and recorded plat.

26B.51.050 Director. "Director" means the Director of the Snohomish County Department of Public Works or his authorized designee.

26B.51.060 Large Tract Segregation. "Large tract segregation" means the division of land for the purpose of sale, lease or development into two (2) or more tracts or parcels, each of which is at least one-one hundred twenty-eighth (1/128) of a section, or is five (5) acres if the land is not capable of subdivisional description.

26B.51.070 Road Improvement. A road improvement is any improvement to an existing or proposed County road required or recommended in accordance with this Ordinance.

26B.51.080 Road System. "Road system" means those existing or proposed County roads (if any) which are located in the development site and/or between the development site and the nearest State highway or highways, projected to be utilized by ten percent or more of the traffic generated by the development.

26B.51.090 Short Subdivision. For purposes of this Ordinance, a short subdivision is any division of land into three or four lots,

parcels, tracts, sites, or divisions for the purpose of sale, lease or development, pursuant to Title 20 of the Snohomish County Code.

Where a two-lot short subdivision is approved after enactment of this Ordinance and one of the lots is resubdivided within five years after approval of the first short subdivision, such resubdivision shall constitute a development for purposes of this Ordinance. In computing impact and required improvements, the scope of the development shall include both the resubdivision and the original short subdivision.

26B.51.100 Subdivision. "Subdivision" means a piece of land divided or intended to be divided into lots or parcels in accordance with Title 19 of the Snohomish County Code.

26B.51.110 Unit. A unit is a dwelling unit as defined in Section 18.08.230, Snohomish County Code.

Chapter 26B.52

ROAD POLICY - GENERAL PROVISIONS

Sections:

- 26B.52.010 Conditions of Development Approval - General
- 26B.52.020 No Development Where to do so would Jeopardize Public Safety or Result in Excessive Municipal Expenditures

26B.52.010 Conditions of Development Approval - General. All developments in unincorporated Snohomish County will be approved or permitted only upon the following conditions and pursuant to the procedures set forth in this Ordinance:

- (1) Developers shall provide the County with a comprehensive traffic study in accordance with Chapter 26B.53 of the Snohomish County Code, when such a study is determined by the County to be necessary as provided herein.
- (2) Developments served by road systems which are at or which it appears, following completion of a development, will fall to or below level of service "D" during the peak hour, as defined by the current edition of the Highway Capacity Manual, will not be approved unless provisions are made in accordance with this Ordinance for immediate improvement of the road system.
- (3) Developments served by road systems which are at or which it appears, following completion of a development, will fall to or below level of service "C", but not as low as level of service "D", during the peak hour will not be approved unless provisions are made, as provided in this Ordinance, for the facilitation of future improvements at the time when such improvement is deemed necessary by the County.
- (4) Developments which will cause hazardous traffic or road conditions or aggravate known hazardous traffic or road conditions will not be approved until provisions are made for correcting the hazard in accordance with this Ordinance.
- (5) Individual locational and development circumstances will also be considered and may justify a variation from the procedures contained herein, where to do so will further the purposes of this Ordinance.

26B.52.020 No Development Where to do so would Jeopardize Public Safety or Result in Excessive Municipal Expenditures. Since developments will ordinarily only be participating in a portion of the cost of improvements, funding of complete improvements may take several years to become available. In the event the location or nature of a proposed development would necessitate an excessive expenditure of public funds to meet the anticipated road needs, the County shall refuse to approve the development. As an alternative to this, the County may allow the developer to alter his proposal so that the need for road improvements is lessened, or may provide the developer with the option of bearing all or more than his proportionate share of the road improvement cost, which increment the County cannot reasonably finance.

Chapter 26B.53

TRAFFIC STUDY

Sections:

- 26B.53.010 When Required
- 26B.53.020 Author's Qualifications
- 26B.53.030 Scope, Elements

26B.53.010 When Required. In order to provide sufficient information to assess a development impact on the transportation system and level of traffic service, the Director or following hearing, the Hearing Examiner, Planning Commission, County legislative authority, or other County hearing body, may require a traffic study. This decision will be based upon the size of the development proposal, availability of previous studies in the same area, existing roadway condition, traffic volumes, accident history, expressed community concern and other factors relating to transportation.

26B.53.020 Author's Qualifications. Traffic studies shall be conducted under the direction of a responsible individual or firm acceptable to the Director. More complex studies requiring expert analysis and opinion beyond the compilation of available data shall be conducted by an engineer licensed to practice in the State of Washington with special training and experience in traffic engineering and, preferably, membership in the Institute of Transportation Engineers (ITE). The developer shall provide to the Director the credentials of the individuals selected to perform traffic studies certifying compliance with the foregoing.

26B.53.030 Scope, Elements. The level of detail and scope of a traffic study may vary with the size, complexity and location of the proposed development. A traffic study shall be a thorough review of the immediate and long-range effects of the proposed development on the transportation system.

- (1) The traffic study shall include the following basic data:
  - (a) Provide a site plan drawn to appropriate scale of the proposal showing the road system, rights-of-way, type of roads, access points, and other features of significance in the road system.
  - (b) Vicinity map showing transportation routes to be impacted by the development.
  - (c) Type of dwelling units proposed (single family, multiple family, attached, detached, etc.) and trip generation factors for the development. In cases of activity other than residential, the same type of information will be required (commercial, industrial, etc.)
  - (d) Volume of traffic expressed in terms of Average Daily Traffic on that roadway network between the development and nearest State highway and principal arterials which can reasonably be expected to be used by existing traffic and traffic from the development expressed in terms of current Average Daily Traffic along with directional distribution (D Factor), peak hour demand (K Ratio) and percentage of trucks (T Factor), in the traffic stream.

- (e) Physical features of the road network involved, with regard to functional classification, capacity, safety, and operations.
  - (f) A level of service analysis of the road system which can reasonably be expected to bear traffic generated by the development.
    - (i) The level of service may generally assume conditions for two-lane highways without access control, urban and suburban arterial and at-grade intersections as defined in the Highway Capacity Manual.
    - (ii) Level of service and volume to capacity ratio (v/c) is to be determined and indicated within the report, showing factors used and methodology.
    - (iii) Volume figures used shall consist of:
      - (A) Current Average Daily Traffic (ADT).
      - (B) Projected ADT at completion of proposal.
      - (C) Growth projection if completion is more than two years away.
  - (g) The staged increase in traffic volumes on all transportation routes to be caused by the development as different phases are completed.
  - (h) Traffic volumes shall be projected for ten years into the future and, if a future phase of the development will extend beyond ten years, to the time of completion of future phases of the development.
  - (i) Other similar data that may be required to provide a complete and thorough analysis.
- (2) The Director may also require that the traffic study include other information necessary for a thorough review of the immediate and long-range effects of the proposed development on the transportation system.

Chapter 26B.54

REQUIRED ROAD IMPROVEMENTS

Sections:

- 26B.54.010 When Required
- 26B.54.020 Improvements Required
- 26B.54.030 Developers to Contribute Proportionate Share of Road Improvements

26B.54.010 When Required. The Director shall not recommend a development for approval unless, in his opinion, appropriate provisions are made in accordance with this Ordinance for necessary road improvements. The County, in approving or permitting a development, shall consider the Director's recommendation and act in conformance with this Ordinance.

26B.54.020 Improvements Required. The cost estimate for, method for completion of, and level of improvement required for a development will be recommended by the Director and established by the County authority issuing the permit or approval following consideration of the Director's recommendation, in accordance with Chapter 26B.52 and other provisions of this Ordinance.

Facilities shall be designed so that in general no more than 500 vehicles per lane are projected for the thirtieth (30th) highest hour in the design year (twenty years hence), unless for good cause the County finds that a different design volume should be employed.

In determining the extent of improvements required, the County will consider the following additional elements, where relevant, and may consider other additional factors:

- (1) Extent of the development proposed;
- (2) Proximity of the development to available adequate transportation facilities. Generally, the nearest State highway or highways will be taken as the available adequate transportation facilities;
- (3) Condition of existing transportation facilities in comparison to adopted standards;
- (4) Other developments proposed for the same area;
- (5) Existing land uses;
- (6) Projected land use and development density;
- (7) Current and projected levels of service on the affected road system;
- (8) Availability of public transit.

26B.54.030 Developers to Contribute Proportionate Share of Road Improvements. Developers shall financially contribute to the implementation of road improvements in a proportionate share based upon traffic volumes and other factors indicated below; PROVIDED, that in the event the County requires formation of a road improvement district, the developer's contribution shall be determined as provided



in Chapter 36.88 RCW. The volume of traffic generated by the project in relationship to the total of current traffic volumes plus the traffic generated by the development expressed in ADT will be used as the primary measurement in establishing the share of cost of the road improvement or its implementation which the developer will be required to fund. The ratio of traffic volumes will be determined by dividing the number of vehicles being added as a result of the applicant's proposal by the total ADT using the road system following development.

The number of vehicle trips being added by the development will be determined by using the following trip generation factors:

<u>LAND-USE TYPE</u>	<u>DAILY TRIPS</u>	<u>UNIT</u>
Single Family	10.0	Dwelling Unit
Apartments	6.1	Dwelling Unit
Industrial & Warehouse	8.0	Thousand square feet gross leaseable (or saleable) floor area (1,000 sq. ft. GLFA)

Other trip generation factors will be determined and supplied by the Director as needed using the document "Trip Generation" (Institute of Transportation Engineers, Arlington, VA, current edition.) The Director may reduce such trip generation factors where adequate public transportation facilities are available, or where the type of development clearly will not generate the number of daily trips set forth as a factor above.

Other factors which the Director shall consider in making his recommendation and which the County legislative authority, or other County approving or permit-issuing body, may consider in its decision on the proportionate share attributed to the development shall be:

- (1) The elements listed in Section 26B.52.020;
- (2) The frontage of the proposed development along the required road improvement;
- (3) The character and potential for development of the neighborhood served by the road system which must be improved;
- (4) The number of dwelling units currently utilizing the road system which must be improved; and
- (5) The needs of low-income persons for decent, affordable, low-cost housing.

Chapter 26B.55

DETERMINATION AND FULFILLMENT OF ROAD IMPROVEMENT OBLIGATIONS

Sections:

26B.55.010	Time of Determination
26B.55.020	Developer Obligations - Level of Service A or B
26B.55.030	Developer Obligations - Level of Service C
26B.55.040	Developer Obligations - Level of Service D
26B.55.050	Developer Obligations - Level of Service E (or below) Inadequate Roadways
26B.55.060	Special Considerations - Short Subdivisions and Large Tract Segregations
26B.55.070	Negotiated Agreement Procedure
26B.55.080	Fees - How Used
26B.55.090	Authority of the Office of Community Development
26B.55.100	Credit for Payment or Obligations Previously Made or Incurred

26B.55.010 Time of Determination. (1) The determination of developer obligations shall be made by the County before approval of all preliminary plats, short subdivisions, large tract segregations, conditional and special use permits, variances and rezones incorporating binding site plans which are use-specific (including retail shopping centers).

- (2) The determination of developer obligations shall be made by the County before building permit issuance for all other developments.
- (3) Developers must submit a written proposal to fulfill their obligations under this Title to the Director in conjunction with their traffic study if required, or in any event sufficiently far enough in advance of a public hearing (or County decision if no hearing on the application is required), to allow review and recommendations by the Director and hearing body.
- (4) Where this chapter allows a choice of means to fulfill the developer obligations, that choice shall be based primarily upon two factors: developer preference and feasibility of accomplishing the required road work under the chosen method.

26B.55.020 Developer Obligations - Level of Service A or B. Developers whose projects will be served by a road system which will be at level of service A or B following completion of the development shall have no obligations regarding off-site road improvements pursuant to this Title. Such developers shall be obligated to perform frontage road improvements or dedicate additional right-of-way, where required.

26B.55.030 Developer Obligations - Level of Service C. (1) Developers whose projects will be served by a road system which will be at level of service C following completion of the development shall be obligated to an agreement not to protest formation of a road improvement district, which agreement shall be filed and recorded with the County Auditor for each lot, parcel or tract created or involved in the development, and which shall bind successors in interest in the property developed. An agreement not to protest formation of a road improvement district (RID) may grant the County a power of attorney to exercise a vote at such time as voting is required on formation of the RID. An agreement not to protest shall define those portions of the road system to which it applies and the approximate scope of improvements required.

(2) The agreement not to protest shall be:

- (a) imposed as a condition of preliminary/conditional approval to be executed and recorded prior to or contemporaneous with recordation of the subdivision, large tract segregation or short subdivision; or
- (b) executed and recorded prior to the effective date of a rezone; or
- (c) imposed as a condition of approval on a conditional or special use permit to be executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; or
- (d) executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; whichever comes first.

(3) Such developers also shall be obligated to perform frontage road improvements or dedicate additional right-of-way where required.

26B.55.040 Developer Obligations - Level of Service D. (1)

Developers whose projects will be served by a road system which will be at level of service D following completion of the development shall incur obligations to mitigate the direct impact of said development which may be fulfilled in one of the following manners:

- (a) execution of a valid written voluntary agreement between the County and the developer (and bond if required) by which the developer agrees to pay his proportionate share of the cost of mitigation improvements in accordance with this title;
- (b) formation of a road improvement district (RID) for full improvements, in conformance with RCW 36.88.060, as set forth herein;
- (c) execution of a negotiated voluntary agreement between the County and the developer (and bond if required) by which the developer agrees to fund certain partial or interim improvements which mitigate the direct impact of said development; or
- (d) execution of a voluntary agreement for the payment of a fee to mitigate a direct impact that has been identified as a consequence of the proposed development.

(2) Under options (a), (b) and (c), above, no building permits or plumbing hook-up permits will be issued unless all funding necessary for the work is committed to the road project and the work is either under contract or being performed. No use or occupancy of such developments may occur until the required road improvements are completed.

(3) Under options (c) and (d) above, the developer shall also participate in an agreement not to protest formation of a road improvement district pursuant to section 26B.55.030. Whenever

the road improvement district is formed, the developer and/or his successors in interest shall receive credit equal to the value of the improvement constructed pursuant to any negotiated agreement plus credit for the value of the cost of living increase from the time the improvement was constructed until the time the road improvement district is formed or equal to the fees paid pursuant to the fee option plus the value of the cost of living increase from the time the fees were paid until the time the road improvement district is formed.

- (4) Where a written agreement between the developer and the County is required, the County may require a bond or other security acceptable to it to ensure that the payment will be made as agreed upon.
- (5) Where the proportionate share or negotiated agreement option is selected, the agreement shall be:
  - (a) imposed as a condition of preliminary/conditional approval to be fully executed and satisfactory bond or other security provided if required, at or prior to recordation of the subdivision, short subdivision, or large tract segregation; or
  - (b) executed and recorded prior to rezone approval; or
  - (c) imposed as a condition of approval on a conditional or special use permit to be executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; or
  - (d) executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; whichever comes first.
- (6) Where the RID option is chosen, the required RID shall be:
  - (a) imposed as a condition of preliminary/conditional approval requiring that the County legislative authority must have adopted a resolution creating the RID before the subdivision, large tract segregation, or short subdivision may be recorded; or
  - (b) created prior to the effective date of a rezone; or
  - (c) imposed as a condition of approval on a conditional or special use permit requiring that the County legislative authority must have adopted a resolution creating the RID prior to issuance of any building or similar development permit; or
  - (d) created prior to issuance of any building or similar development permit; whichever comes first.
- (7) Where the fee option is chosen, an agreement to pay the fee shall be imposed and executed in the same fashion as provided

for in section 26B.55.040 (5). The fee must be paid in full prior to the issuance of a use or occupancy permit for the project.

- (8) Such developers also shall be obligated to perform frontage road improvements or dedicate additional right-of-way, where required.

26B.55.050 Developer Obligations - Level of Service E (or below) and Inadequate Roadways. Developers whose projects will be served by a road system which will be at a level of service of E or below following completion of the development, or which will cause or exacerbate an inadequate road condition shall incur an obligation which may be fulfilled as provided for in sections 26B.55.040 (1)(a) and (b). The provisions of sections 26B.55.040 (2), (4), (5), (6) and (8) shall also apply.

26B.55.060 Special Considerations - Short Subdivisions and Large Tract Segregations. Except in cases where apparent hazardous traffic or road conditions would result or where known hazardous traffic or road conditions would be aggravated, developers proposing large tract segregations or short subdivisions shall not ordinarily be required to individually fund, in whole or in part, immediate road improvements. Ordinarily, developers proposing short subdivisions and large tract segregations, their successors and assigns shall be required to participate in road improvement districts (RIDs) when road improvement is otherwise required by this Title. In furtherance of this policy, an agreement not to protest formation of an RID will ordinarily be required at or prior to recordation of short subdivisions and large tract segregations, when developer participation is required pursuant to this Title.

26B.55.070 Negotiated Agreement Procedure. (1) Whenever the negotiated agreement option of section 26B.55.040 (1)(c) has been chosen, the developer and the Director may enter into negotiations for the purpose of arriving at a determination of the developer's fair share in accordance with SCC 26B.54.030. This negotiation process should take into consideration such things as the individual locational and developmental circumstances and the immediate impact of the immediate development in question on the specific problems identified in the traffic analysis. The Director shall identify the problem areas specifically attributable to the development in question and shall assign priorities to the need for correction of the problems and shall use this priority assignment as a basis for negotiating which projects are to be done and in what order they are to be done.

- (2) Whenever the developer and the Director fail to agree on a negotiated agreement to alleviate the portion of the problem caused by a particular development, the recommendation of the Director and the offer of the developer shall be brought to the Hearing Examiner, or other relevant approving authority as part of the overall testimony and/or evidence presented at the approval stage. It shall be the responsibility of the Hearing Examiner and/or the responsible approving authority to decide on the reasonable agreement to which the developer must be bound as a condition of his development approval.
- (3) Whenever the Director and the developer are able to arrive at a negotiated agreement which alleviates some of the problems caused by the development as indicated by the traffic analysis submitted pursuant to the development proposal, the agreement shall be reduced to written form and submitted as an exhibit before the Hearing Examiner or other approving authority for his or its consideration.

26B.55.080 Fees -- How Used. Fees collected pursuant to this chapter shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact; the payment shall be expended in all cases within five years of collection; and any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

26B.55.090 Authority of the Office of Community Development. The Director of the Office of Community Development shall have discretion under this Title to refuse to issue a permit or may condition issuance of a building permit for a development upon compliance with conditions imposed by the Director or other County authority. The Director of the Office of Community Development in so acting shall proceed in conformity with this Title.

26B.55.100 Credit for Payment or Obligations Previously Made or Incurred. Where a payment is made or an obligation incurred prior to issuance of a building permit, plumbing hook-up permit, or the preliminary approval of a subdivision, or approval of a large tract segregation or short subdivision, and at the time of such subsequent issuance or approval there appears to be a need for an increase or decrease in the level and/or change in form of commitment to road improvements, the County shall, by the procedure set forth in this Title, increase or decrease the level and/or alter the form of commitment to road improvement required. If such increase, decrease, or alteration is required, credit shall be given for any previous payment or obligations incurred in conformity with this Title.

Chapter 26B.56

DEDICATION OF RIGHT-OF-WAY REQUIRED

Section:

26B.56.010 Dedication of Additional Right-of-Way

26B.56.010 Dedication of Additional Right-of-Way. Developers shall be required to dedicate right-of-way to the County for road purposes as a condition of approval of a development, when to do so is necessary in the opinion of the Director, or following hearing by the County hearing body, for improvement, use or maintenance of the road system serving the proposed development. Such dedications shall be made to create road rights-of-way of the following width; depending upon the type of road deemed necessary by the Director or, following hearing, by the County hearing body.

Access Streets	*60 feet
Neighborhood Collectors	*60 feet
Secondary Arterials	80 feet
Major (Primary) Arterials	100 feet

(\*curb and gutter sections--50 feet of right-of-way)

Additional or different right-of-way widths may be required in some cases to meet special conditions.

The County shall base its determination of the need for dedication and type of roadway required where a width of more than 60 feet is sought to be created, upon consideration of one or more of the following factors:

- (1) contents of the currently adopted comprehensive transportation plan;
- (2) the impact of the development on and the projected level of service by the road system; and
- (3) terrain.

Chapter 26B.57

APPEALS

Section:

26B.57.010 Appeals to be Conducted as Appeals of Any Other  
County Land-Use Decision

26B.57.010 Appeals to be Conducted as Appeals of Any Other County Land-Use Decision. Any developer or other person who wishes to appeal any decision taken under this Title may seek review of such County land use decision; provided, however, that appeals of decisions by the Department of Community Affairs regarding the application of this Title to building permits shall be made to the Hearing Examiner. Appeals shall be filed with the Department of Community Affairs and shall be in writing and contain a brief statement of the reason why error is assigned to the Director's decision, and shall be accompanied by a fee of fifty dollars (\$50.00); provided, that such appeal fee shall not be charged to a department of the County or to other than the first appellant. The appeal shall be processed in the manner prescribed for hearing administrative appeals under Chapters 2.02 and 18.88, Snohomish County Code.



Chapter 26B.58

SUPERSESSON AND SEVERABILITY

Sections:

- 26B.58.010 Supersession
- 26B.58.020 Severability

26B.58.010 Supersession. This Ordinance supersedes and repeals Snohomish County Code Title 26B (26B.01.010 - 26B.10.020) adopted by the Board of Snohomish County Commissioners on June 20, 1979, as amended.

26B.58.020 Severability. If any portion of this Ordinance is held invalid, such decision shall have no effect upon the validity of the remaining portions of this Ordinance. The County Council hereby declares that it would have adopted this Ordinance and each part or portions thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

PASSED this 26 day of April, 19 82.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Clifford Bailey  
Clifford Bailey, Chairman

ATTEST:

Ellie Snyder  
Clerk of Council

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

DATE: 5-11-82

Willis D. Tucker  
WILLIS D. TUCKER  
County Executive

PUBLISHED 3-30-82 and 5-20-82