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APR 20 1987 Proposed Addition to Snohomish County Roads Code, Title 13

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COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 87-024
ROAD IMPROVEMENT DISTRICT (RID) FORMATION

BE IT ORDAINED:

Section 1. That the following new chapter is added to Title 13, of the Snohomish County Code.

Chapter 13.140
ROAD IMPROVEMENT DISTRICT (RID) FORMATION

Sections:

- 13.140.010 Purpose
- 13.140.020 Initiation
- 13.140.030 Formation

13.140.010 Purpose: This section constitutes the Snohomish County policy for formation of road improvement districts (RID's).

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 to 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.

13.140.030 Formation: All RID's will be formed using the council resolution method outlined in RCW 35.43. Following the submittal of a petition or a council directive, the county council shall pass a resolution declaring the intent to form an RID. In this resolution, the county council will indicate that the formation procedure to be followed is as set forth in RCW 35.43 instead of RCW 35.88.030. All other portions of RCW 36.88 shall remain applicable to the RID process.

Section 2. That Section 13.01.010 Snohomish County Code, enacted in Ordinance 85-051 on July 3, 1985, is amended to read as follows:

13.01.010 Definitions. Insofar as not inconsistent with this section, the definitions contained in RCW 47.04.010 and amendments thereto shall apply to this title. As used in this title and accompanying procedures, the following definitions apply:

Benefit Area: The term benefit area, as used in Section 13.140 SCC, refers to all property specially benefited by improvements ordered by a given road improvement district.

County Council: The County Legislative Authority.

((+1)) Department The Department of Public Works.

((+2)) Design Standards: The design standards and specifications of the department of public works.

((+3)) Developed Road: A privately maintained road within county right-of-way which has design standards greater than a primitive road but which is not a part of the county primary road system as designed in RCW 36.86.070.

((+4)) Director: The Director of the Department of Public Works or his designee.

((+5)) Permit: A document including any license, permit or franchise, authorizing specified use of county right-of-way and granted under the provisions of this title.

((+6)) Permittee: The person named in any permit as permittee, and any successor to any rights or interests or a permittee under a permit or in property installed on the right-of-way pursuant to a permit. In the event of any transfer of any permit or any property installed on the right-of-way, all grantors and grantees shall remain permittees.

((+7)) Permitted Use: 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.

((+9)) Primary Road: An opened, county-maintained right-of-way that meets the requirements of RCW 36.86.070. Such roads are classified according to the federal functional classification system and are designed by the County Council as the county primary road system including such designations as rural minor collector, rural major collector, rural minor arterial, rural principal arterial, urban collector, urban minor arterial and urban principal arterial.

Petition: A petition, as referenced in Section 13.140 SCC, shall mean a petition signed by owners according to the records of the county auditor of property to 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.

((+9)) Primitive Road: An unmaintained or privately maintained county right-of-way that meets the requirements of RCW 36.75.300. 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.

((+10)) Procedures: The internal procedures of the Department of Public Works as adopted by the Director for the implementation of this title.

((+11)) Procedures Manual: A manual prepared and published by the Director in which all procedures necessary for the proper administration of this title are detailed.

Property Owner: The term property owner, referred to in Section 13.140 SCC, means the owner or reputed owner of property according to records of the county auditor.

Resolution of Intent: The term resolution of intent, as used in Section 13.140 SCC, refers to a resolution passed by the county council declaring its intention to order the improvements of the proposed road improvement district and indicating the use of RCW 35.43 for the formation method.

RID: RID, as referenced in Section 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.

((+12)) Right-of-Way: 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.

((+13)) Sheriff: The Snohomish County Sheriff or his designee.

((+14)) Structure: Any building, booth, stand, sign, pole, posts, pipe, wire, cable, or any other thing constructed on or over or installed within the right-of-way.

((+15)) Unmaintained Road: A road within county right-of-way which is accessible to public travel but is not maintained by the county.

((+16)) Unopened Right-of-Way: A county right-of-way that exists by dedication or deed, but for which no vehicular roadway has been constructed by the county or other parties.

((+17)) Unsafe Condition: Any condition as determined by the Director or the Sheriff which is a hazard to health or endangers the safe use of the right-of-way by the public, does or may interfere with any facility in the right-of-way, or may cause damage thereto.

PASSED this 20th day of April, 1987.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Henry Bartholomew

Approved as to form:

Coral J. Weiler
Deputy Prosecuting Attorney

ATTEST:

Sheela McCallister
asst. Clerk of Council

- () APPROVED
() VETOED
() EMERGENCY

DATE:

4-22-87

John Martinis
County Executive

JOHN MARTINIS
Deputy Executive

PUBLISHED _____ and _____