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SNOHOMISH COUNTY
EXECUTIVE OFFICE



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COUNTY COUNCIL
Snohomish County, Washington

SEP 24 1987

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ORDINANCE NO. 87-095

AN ORDINANCE REVISING RESPONSIBILITIES
FOR THE DEPARTMENTS OF PUBLIC WORKS AND
PLANNING/COMMUNITY DEVELOPMENT; AMENDING
SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Section 13.01.010, enacted in Ordinance No. 85-051 on July 3, 1985, as amended by Ordinance No. 87-011, adopted April 15, 1987, and as amended by Ordinance No. 87-024, adopted April 20, 1987, is hereby amended to read as follows:

13.01.010 Definitions. Insofar as not inconsistent with this section, the definitions shall apply to this title. Unless the context clearly requires otherwise, the definitions in this section apply throughout this title and accompanying procedures:

Department: ((The Department of Public Works)) Unless stated otherwise in each following section, the definition "Department" shall mean the Department of Public Works (DPW) and/or the Community Development Division (CDD) as designated in the following matrix:

Section	Title	DPW	CDD
<u>13.01.030</u>	<u>Design Standards and Specifications</u>	X	
<u>13.01.040</u>	<u>Violations</u>	X	X
<u>13.01.050</u>	<u>Encroachment-Abatement</u>	X	X
<u>13.05</u>	<u>Design Standards and Specifications</u>	X	
<u>13.10</u>	<u>Permits</u>	X	X
<u>13.30</u>	<u>Type A Transactions</u>	X	
<u>13.40</u>	<u>Type B Transactions</u>	X	
<u>13.50</u>	<u>Type C Transactions</u>	X	
<u>13.60</u>	<u>Type D Transactions</u>		X
<u>13.70</u>	<u>Type E Transactions</u>	X	
<u>13.80</u>	<u>Franchises</u>	X	
<u>13.90</u>	<u>Establishment</u>	X	
<u>13.95</u>	<u>Latecomers Cost Recovery</u>	X	
<u>13.100</u>	<u>Vacation</u>	X	

<u>13.110</u>	<u>Fees and Charges</u>		<u>X</u>
<u>13.120</u>	<u>Street Numbering</u>	<u>X</u>	
<u>13.130</u>	<u>Enforcement</u>	<u>X</u>	<u>X</u>
<u>13.140</u>	<u>RID Formation</u>	<u>X</u>	

Design Standards: The design standards and specifications of the department of public works.

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 designated in RCW 36.86.070.

Director: ((The Director of the Department of Public Works or his designee)) Unless stated otherwise in each following section, the definition "Director" shall mean the Director of Public Works (DPW) and/or the Manager of the Community Development Division (CDD), or their designees, as designated in the following matrix:

<u>Section</u>	<u>Title</u>	<u>DPW</u>	<u>CDD</u>
<u>13.01.020</u>	<u>Powers of the Director</u>	<u>X</u>	<u>X</u>
<u>13.01.030</u>	<u>Design Standards and Specifications</u>	<u>X</u>	
<u>13.01.040</u>	<u>Violations</u>	<u>X</u>	<u>X</u>
<u>13.01.050</u>	<u>Encroachment-Abatement</u>	<u>X</u>	<u>X</u>
<u>13.05</u>	<u>Design Standards and Specifications</u>	<u>X</u>	
<u>13.10</u>	<u>Permits</u>	<u>X</u>	<u>X</u>
<u>13.30</u>	<u>Type A Transactions</u>	<u>X</u>	
<u>13.40</u>	<u>Type B Transactions</u>	<u>X</u>	
<u>13.50</u>	<u>Type C Transactions</u>	<u>X</u>	
<u>13.60</u>	<u>Type D Transactions</u>		<u>X</u>
<u>13.70</u>	<u>Type E Transactions</u>	<u>X</u>	
<u>13.80</u>	<u>Franchises</u>	<u>X</u>	
<u>13.90</u>	<u>Establishment</u>	<u>X</u>	
<u>13.95</u>	<u>Latecomers Cost Recovery</u>	<u>X</u>	
<u>13.100</u>	<u>Vacation</u>	<u>X</u>	
<u>13.110</u>	<u>Fees and Charges</u>	<u>X</u>	<u>X</u>
<u>13.120</u>	<u>Street Numbering</u>	<u>X</u>	
<u>13.130</u>	<u>Enforcement</u>	<u>X</u>	<u>X</u>
<u>13.140</u>	<u>RID Formation</u>	<u>X</u>	

Owner: An "Owner" is the owner of property or the party designated by the owner who is undertaking or contributing to the cost of the construction or improvement of a county road or roads incidental to a "development" as defined in SCC 26B.51.020.

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.

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.

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.

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 designated 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.

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.

Procedures: The internal procedures of the Department of Public Works and/or the Community Development Division ((as adopted by the Director)) for the implementation of this title.

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

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.

Sheriff: The Snohomish County Sheriff or his designee.

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.

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

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.

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.

Section 2. Snohomish County Code Section 13.01.020, enacted in Ordinance No. 85-051 on July 3, 1985, is hereby amended to read as follows:

13.01.020 Powers of the Director. The Director shall have the power to:

- (1) Supervise and administer ((7 through the Department of Public Works, provisions of this title.
- (2) Prepare and administer procedures implementing this title.
- (3) Prepare and publish for public use a procedures manual or manuals covering this title.

Section 3. Snohomish County Code Section 13.10.110, enacted in Ordinance No. 85-051 on July 3, 1985, is hereby amended to read as follows:

13.10.110 Deposit.

- (1) If the Director concludes that there may be damage done to the right-of-way or any county facility thereon, he may require an application to provide a deposit, in such sum as the Director determines to be necessary to adequately protect such right-of-way and facility, to cover the costs of restoration and repair of such anticipated damages.
- (2) Franchised utilities with a current franchise bond in place will not be required to post a deposit unless special circumstances mandate such a deposit as determined by the Director.
- (3) Performance deposits shall be made only in cash or cashiers check payable to the Department ((of Public Works))--County Road Fund.
- (4) Following receipt from the inspector of an completed "Permit Completion Report," as detailed in the procedures, the department shall deduct any charges for repair or restoration of the public right-of-way and county facilities required as a result of activities conducted by the applicant/permittee and return to the permit holder any unused portion of the deposit.

Section 4. Snohomish County Code Section 13.40.050 enacted in Ordinance No. 85-051 on July 3, 1985, is hereby amended to read as follows:

13.40.050 Terms - temporary sales. Type B 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 a sale is a permissible use ((~~r~~ The Department of Community Planning shall certify to the Director that such a use is a permissible use before any permit may be issued)) 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 sales 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 furthest 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 vehicle traffic.

(10) The applicant will comply with all regulations of the Snohomish Health District and any other involved public agency.

Section 5. Snohomish County Code Section 13.60.040, enacted in

Ordinance No. 85-051 on July 3, 1985, is hereby amended to read as follows:

13.60.040 Access - culvert, tile frontage or driveway. Type D permit which require culvert, tile frontage or driveway installations are subject to the following additional terms:

(1) Installation of driveways shall require shall required Type D (culvert/tile frontage/driveway) permit if (a) the abutting county road has a ditch section, or (b) the abutting county road has a vertical curb requiring a curb cut, or (c) the subject building lot has been "flagged" by the Department during the plat review process for a detailed driveway and/or drainage plan.

(2) 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, etc.

(3) At the Director's discretion, the permittee shall post bond or other security as provided by Chapter 13.10.110 - 13.10.120. The bond or security may be a blanket deposit to cover the permittee at various lots or other locations within the county. The Director (~~is hereby empowered to recommend~~) may withhold (~~ing of~~) building permit (~~or occupancy~~) approval for any lot or lots not covered by said surety.

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

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

(b) (~~Direct county road forces~~) Request the department of public works to perform the work or contract performance of the work. The Director may, prior to or after such work, foreclose the bond or other security.

(5) The Director may (~~recommend to the Department of Planning and Community Development the~~) withhold (~~ing of~~) building permit (~~and/or occupancy~~) approval in the event an access permit is not secured or violated in any manner.

(6) The length of culvert required for driveway construction is dependent upon the width of the driveway and ditch depth and shall be determined during the initial site inspection by county road maintenance. No driveway culvert shall be less than 20 feet.

(7) Culvert diameter will depend on the amount of drainage to be

handled determined during the process of site investigation and subsequent drainage review if required. Minimum diameter of driveway culvert shall be 12 inches.

(8) Culvert installations with less than 12 inches of cover shall be concrete. All materials for driveway culvert construction must comply with specifications approved by the Director.

(9) Connections to existing culvert installations shall be made by using the same kind of material as that in the contiguous culvert. There shall be no mixing of materials in culvert construction unless a standard catch basin or manhole is used at the junction.

(10) Culvert pipe shall be laid true to line and grade with minimum of 6 inches of cover, and backfilled with compacted material in accordance with adopted standards.

(11) Right-of-way use permit applications for culvert-driveway and/or tile frontage shall be available at the permit counter of the Community Development Division (CDD) and be completed at that location. After initial inspection by the Department of Public Works (Road Maintenance), the permit will be mailed to the applicant. Applicable fees will be collected at CDD.

Section 6. Snohomish County Code Section 13.60.050, enacted in Ordinance No. 85-051 on July 3, 1985, is hereby amended to read as follows:

13.60.050 Access-building construction. Type D permits for access to facilitate construction of abutting property are subject to the following additional terms:

(1) Residential building construction, on lots requiring access over county roads shall require a Type D (Access-Building Construction) permit unless a Type D permit in accordance with Chapter 13.60.040(1) has been obtained and is valid, for the same lot.

(2) 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, etc.

(3) At the Director's discretion, the permittee shall post bond or other security as provided by Chapter 13.10.110 - 13.10.120. The bond or security may be a blanket deposit to cover the permittee at various lots or other locations within the county. The Director (~~is hereby empowered to recommend~~) may withhold(~~ing of~~) building permit (~~or occupancy~~) approval for any lot or lots not covered by said surety.

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

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

(b) ~~((Direct))~~ Request the Department of Public Works ~~((county road forces))~~ to perform the work or contract out performance of the work. The Director may, prior to or after such work, foreclose the bond or other security.

(5) The Director may ~~((recommend to the Department of Planning and Community Development the))~~ withhold ~~((ing of))~~ building permit ~~((and/or occupancy))~~ approval in the event an access permit is not secured or violated in any manner.

(6) Right-of-way use permit applications for building construction purposes shall be available at the permit counter of the Division of Community Development (DCD) and be completed concurrent and as an attachment to the building permit application. Applicable fees will be collected at the DCD. Such right-of-way use application may be for more than one lot provided each lot is contained within the same subdivision.

Section 7. Snohomish County Code Section 19.28.020, enacted in Ordinance No. 80-116 on December 30, 1980, is hereby amended to read as follows:

19.28.020 Design standards-roads.

(1) Access to roads. All plats shall be served by an opened, constructed and maintained public road to which the road system within the plat must connect;

(2) Road standards. All plat roads shall be dedicated public roads designed and constructed in conformance with ~~((the adopted "Design Standards and Specifications for Snohomish County" in effect as of the date of preliminary plat filing and be approved by the Department of Public Works))~~ the Design Standards and Specifications as specified in Chapter 13.05, SCC.

(3) Sidewalk standards. Sidewalks and/or walkways shall be provided in accordance with the ~~((adopted "Design Standards and Specifications for Snohomish County"))~~ Design Standards and Specifications as specified in Chapter 13.05, SCC.

(4) Street signs. Street signs shall be as specified by the Department of Public Works.

(5) Landscaping within road rights-of-way. A developer proposing landscaped areas within county rights-of-way shall submit a landscape design plan to the ((Department of Public Works)) Community Development Division for approval. Further, the landscape design plan shall insure that fire apparatus access is not impeded by planned landscaping within county right-of-way. If approved, the final plat for such subdivision shall contain a covenant that such areas shall be maintained by the developer and his successor and may be reduced or eliminated if deemed necessary for or detrimental to county road purposes and/or fire apparatus access.

Section 8. Snohomish County Code Section 19.32.010, enacted in Ordinance No. 80-116 on December 30, 1980 is hereby amended to read as follows:

19.32.010 Improvements - how pledged.

(1) If the proposed plat, subdivision or dedication is approved, the developer, before requesting final approval, shall elect to carry out minimum improvements in accordance with the provisions of Chapter 19.28 by any of the following methods:

(a) By actual installation of improvements to the satisfaction of the ((department of public works)) division of community development; or

(b) If acceptable to the ((department of public works)) division of community development, by furnishing the county with a plat or subdivision bond or other security sufficient to secure the estimated cost of construction and installation of all required road and other improvements to the satisfaction of the ((director of the department of public works)) Community development division manager or his designee. The amount and time limitation of the plat or subdivision bond or other devise shall be determined by the ((director of the department of public works)) Community development division manager or his designee. Condition of the bond shall be that the principal shall complete construction and installation of all improvements by the date stated in said bond; and in the event that such construction and installation is not completed by that date, the full amount of the bond shall be forfeited to the county. The ((director of the department of public works)) Community development division manager or his designee may forfeit all or any part of a plat or subdivision bond before the expiration of the bond if in his opinion the developer is not making reasonable efforts to complete the work within the term of the bond.

(2) A maintenance bond or other security satisfactory to the

~~((director of the department of public works-))~~ Community development division manager or his designee and securing to the county the successful operation of the improvements for an appropriate period of time up to two (2) years after final plat or subdivision approval shall be required upon completion of construction and installation of the improvements to the satisfaction of the ~~((director of the department of public works-))~~ Community development division manager or his designee. Upon final approval and acceptance of the improvements by the ~~((director of the department of public works-))~~ Community development division manager or his designee and the filing of a maintenance bond or other method of security, the construction and installation shall be released and exonerated.

Section 9. Snohomish County Code Section 19.32.040, enacted in Ordinance No. 80-116 on December 30, 1980, is hereby amended to read as follows:

19.32.040 Monumentation.

(1) Monumentation complying with the current ("Design Standards and Specifications for Snohomish County") Design Standards and Specifications as specified in Chapter 13.05, SCC shall be placed at all street intersections, boundary angle points, points of curves in streets and at such intermediate points as may be required by the ~~((director of the department of public works-))~~ Community development division manager or his designee.

(2) If any land in a subdivision is contiguous to a body of water, river or stream monuments shall be set along a meander line which shall be established along the shore at such distance back from the ordinary high water mark as to reasonably insure against damage and destruction by flooding or erosion. Property lying beyond the meander line shall be defined by distance along the side property lines extended from the meander line.

(3) All lot and block corners shall be set with an iron pipe or steel reinforcing bar at least twenty four (24) inches in length before recording of the plat. All lot corners shall be identified with the Land Surveyors Registration number.

Section 10. Snohomish County Code Section 19.32.050, enacted in Ordinance No. 80-116 on December 30, 1980, is hereby amended to read as follows:

19.32.050 Construction drawings - submittal. The following con-

struction drawings, plans and evidence shall be prepared and submitted either at the time of consideration of the preliminary plat or prior to construction; provided that, any changes in layout from that submitted pursuant to the preliminary plat approval will not adversely affect public health, welfare and safety, the change may be administratively approved by the director of the department of public works. Any other change shall be approved in the manner set forth herein for preliminary plat approval. All administratively approved changes shall be communicated to all relevant county departments and agencies.

(1) A drainage plan shall be submitted as per Snohomish County Code, Title 24, Drainage Ordinance.

(2) A "Construction Plan" shall be submitted complying with the current (~~"Design Standards and Specifications for Snohomish County"~~) Design Standards and Specifications as specified in Chapter 13.05, SCC. The drainage plan and construction plan as specified above shall be submitted to the community development division and reviewed under the direction of and approved by a registered professional engineer as qualified in civil engineering, assigned to the community development division.

Section 11. Snohomish County Code Section 19.32.060 enacted in Ordinance No. 80-116 on December 30, 1980, is hereby amended to read as follows:

19.32.060 As built plans - submittal. After completion of all required improvements and prior to final acceptance of said improvements, the subdivider shall submit:

(1) To the (~~department of public works~~) division of community development as built drawings reflecting any changes to previously approved construction drawings. No changes in improvements may be made without prior approval of the (~~department of public works~~) division of community development.

(2) To the fire marshal, two (2) copies of the plat and drawings showing the actual location of all mains, hydrants, valves and other fire improvements.

(3) A statement sworn to by the subdivider and his registered engineer that the drawings show the actual location of the improvements required to be shown therein.

Section 12. Snohomish County Code Section 24.08.090 adopted January 12, 1979, is hereby amended to read as follows:

24.08.090 Director. "Director" means the ~~((director))~~ Manager of the ~~((department of public works))~~ Community Development Division or his designee.

Section 13. Snohomish County Code Section 24.10.010 adopted November 26, 1979, is hereby amended to read as follows:

24.10.010 Adopted. That certain drainage procedures manual, a copy of which is located in the commissioners' proceedings file D-9 of this date, is hereby adopted this 26th day of November, 1979, with said fees to become effective January 1, 1980.

The ~~((public works director))~~ Community Development Division Manager is hereby authorized to make technical modifications to the manual.

Any appeal to a modification shall be heard by an ad hoc committee consisting of two members from the ~~((public works department))~~ Community Development Division, two members representing professional engineers and one member to be chosen by the committee, whose recommendation shall, in turn, be decided upon by the ~~((commissioners or))~~ county council.

PASSED this 23rd day of September, 1987.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Donald J. Britton
Chairperson

Approved as to Form:

[Signature]
Deputy Prosecuting Attorney 92-87

ATTEST:

[Signature]
Clerk of Council

() APPROVED Ord. # 87-095
() VETOED
() EMERGENCY

DATE: 9-24-87

ATTEST:

[Signature]

[Signature]
County Executive

PUBLISHED _____ and _____