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COUNTY COUNCIL  
Snohomish County, Washington

AMENDED  
EMERGENCY ORDINANCE NO. 91-197



CO00025523

INCREASING TITLE 13 SCC PERMIT FEES AND  
AMENDING DEFINITIONS AND GENERAL REQUIREMENTS

BE IT ORDAINED:

Section 1. Snohomish County Code Section 13.01.010, adopted by Ord. No. 85-051, Section 3, on July 24, 1985, last amended by Ord. No. 87-095, Section 1, on September 23, 1987, is amended to read:

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. Unless the context clearly requires otherwise, the definitions in this section apply throughout this title and accompanying procedures:

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

County Council: The county legislative authority.

Department: 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:

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

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

Owner: An "owner" is the owner of property designated by the owner who is undertaking or contributing to the cost of the construction or improvements of a county road or roads incidental to a "development" as defined in SCC 26B.51.((020))040.

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 of 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.

Petition: A petition, as referenced in chapter 13.140 SCC, shall mean a petition signed by owners according to 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.

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 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.

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

Resolution of Intent: The term resolution of intent, 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.

RID: RID, as referenced in chapter 13.140 SCC and further defined in RCW 36.88, means a road improvements 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.

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, (~~pipe,~~) 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 13.10.040, adopted by Ordinance No. 85-051, Sec. 3, on July 24, 1985, is amended to read:

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: Temporary permits involving no interference with improvements within the right-of-way as defined in chapter 13.40 SCC.
- (3) Type C: Permits generally for not more than one year involving no interference with the roadway as defined in chapter 13.50 SCC.
- (4) Type D: Long term activities which usually disturb the roadway as defined in chapter 13.60 SCC.
- (5) Type E: Miscellaneous, long-term right-of-way transactions including franchises, establishments, vacations, road improvement districts, latecomer's cost recovery programs, and deeds and leases of interests in right-of-way as defined in chapter 13.70 SCC.

Section 3. Snohomish County Code section 13.70.010, adopted by Ordinance 85-051, Sec. 3, July 24, 1985, is amended to read:

13.70.010 General requirements. Type E transactions are long-term 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 required for public use.
- (2) Right-of-Way deeds/easements to and from the county.
- (3) Establishment of county roads as provided for in chapter 13.90 SCC.
- (4) Franchises - 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 - process for vacating a county road, pursuant to chapter 36.87 RCW and chapter 13.100 SCC.
- (6) Formation of Road Improvement Districts pursuant to chapter 36.88 RCW, and as provided for in chapter 13.140 SCC.
- (7) Establishment of Latecomers Cost Recovery programs pursuant to Chapter 35.72 RCW, and as provided for in chapter 13.95 SCC.

Section 4. Snohomish County Code Section 13.110.010, adopted by Amended Ord. No. 88-088, Section 1, November 2, 1988, and last amended by Ord. No. 91-173, Section 1, November 26, 1991, is amended to read:

13.110.010 Fees to be charged. The following fees shall be charged by the county:

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

(2) Permit fee. This fee shall be charged to compensate the department for the 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.

(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. A base fee shall be due and payable in full at the time of franchise application. The cable television franchise base fee shall be in such amount as to fully compensate the

County and all its agencies and departments for all direct and indirect costs and expenses related to the processing, review, and procedural requirements concerning the individual franchise. Cable television companies doing business within the county shall be charged five percent of their gross revenue, derived from Snohomish County subscribers, 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.

(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 contract hired by it.

(6) Utility Franchise Fee. (~~Except for cable television franchisees subject to subsection (4) above, a~~) A base fee shall be due and payable in full at the time of (~~consideration of the franchise by the county council~~) franchise application. The utility franchise base fee shall be in such amount as to fully compensate the county and all its agencies and departments for all direct and indirect costs and expenses related to the processing, review, and procedural requirements concerning the individual franchise. Except for cable television franchises subject to subsection (4) above, a utility franchise fee may be charged. All costs and expenses which are to be included in the franchise fee will be itemized by the department of public works and presented as a part of the formal record together with the associated ordinance for county council approval.

(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.

Section 5. Snohomish County Code section 13.110.020, adopted by Amended Ord. No. 88-088, Section 2, November 2, 1988, and last amended by Ordinances 91-090, Section 2, June 24, 1991, and 91-173, Section 2, November 26, 1991, is amended to read:

13.110.020 Fee Schedule.

Transaction Type	Description	Base Fee	Permit or other Costs and Fees	Total
<u>(B)</u>	<u>Log Tolerances</u>	<u>\$35.00</u>	<u>\$</u>	<u>\$35.00)</u>
<u>(E)</u>	<u>Overweight</u>	<u>\$50.00</u>	<u>\$</u>	<u>\$50.00)</u>
<u>B1</u>	<u>Overweight</u>	<u>\$ 5.00</u>	<u>\$ -----</u>	<u>\$ 5.00</u>
<u>B2</u>	<u>Overweight</u>	<u>50.00</u>	<u>(See Ch. 13.110 SCC)</u>	<u>varies</u>
<u>B3</u>	<u>Overweight</u>	<u>50.00</u>	<u>(See Ch. 13.110 SCC)</u>	<u>varies</u>
<u>B4</u>	<u>Temporary sales/signs</u>	<u>50.00</u>	<u>90.00</u>	<u>140.00</u>
<u>B5</u>	<u>Road closure</u>	<u>50.00</u>	<u>120.00</u>	<u>170.00</u>
<u>C1</u>	<u>Bus stops/shelters/ loading zones</u>	<u>50.00</u>	<u>90.00</u>	<u>140.00</u>
<u>C2</u>	<u>Construction site structures</u>	<u>50.00</u>	<u>90.00</u>	<u>140.00</u>
<u>C3</u>	<u>Decorative landscaping/ fences</u>	<u>50.00</u>	<u>90.00</u>	<u>140.00</u>
<u>C4</u>	<u>Recycling - waste facilities</u>	<u>50.00</u>	<u>90.00</u>	<u>140.00</u>
<u>C5</u>	<u>Newspaper sales, stands drop boxes</u>	<u>50.00</u>	<u>90.00</u>	<u>140.00</u>
<u>D1,2</u>	<u>Driveway Access/Culvert</u>	<u>70.00</u>	<u>-----</u>	<u>70.00</u>
<u>D3</u>	<u>Temp. Trail Access</u>	<u>70.00</u>	<u>320.00</u>	<u>390.00</u>
<u>D4</u>	<u>Trail Access</u>	<u>70.00</u>	<u>420.00</u>	<u>490.00</u>
<u>D5</u>	<u>Major Construction-Other</u>	<u>70.00</u>	<u>260.00</u>	<u>330.00</u>
<u>D5P</u>	<u>Major Construction-Plat</u>	<u>70.00</u>	<u>420.00</u>	<u>490.00</u>
<u>D5C</u>	<u>Major Construction- Commercial</u>	<u>70.00</u>	<u>420.00</u>	<u>490.00</u>
<u>D5S</u>	<u>Major Construction- Short Plat</u>	<u>70.00</u>	<u>420.00</u>	<u>490.00</u>
<u>D6</u>	<u>Minor Construction-Other</u>	<u>70.00</u>	<u>-----</u>	<u>70.00</u>
<u>D6P</u>	<u>Minor Construction-Plat</u>	<u>70.00</u>	<u>100.00</u>	<u>170.00</u>
<u>D6C</u>	<u>Minor Construction - Commercial</u>	<u>70.00</u>	<u>100.00</u>	<u>170.00</u>
<u>D6S</u>	<u>Minor Construction - Short Plat</u>	<u>70.00</u>	<u>100.00</u>	<u>170.00</u>

13.110.020 Fee Schedule. (continued)

Transaction Type	Description	Base Fee	Permit or other Costs and Fees	Total
D7	Blanket Utility Construction per each construction activity		80.00	80.00
D8	Major Utility Construction:			<del>((250.00))</del> <u>300.00</u>
	Base Fee Permit	100.00	200.00	
	Open Trench Road	100.00	300.00	400.00
	Road Shoulder Cut, add per foot: \$0.25			
	Road Asphalt/Concrete Cut, add per foot: \$0.75			
	Plowed Cable Road	100.00	150.00	250.00
D8U	Other Utility Construction	70.00	320.00	390.00
E1	Private Leases/Right-of-way	100.00		100.00
<del>(E</del>	<del>Establishment of County Road</del>	<del>100.00</del>	-	<del>100.00)</del>
<del>(E</del>	<del>Vacation of County Road</del>	<del>-</del>	<del>100.00</del>	<del>100.00)</del>
E2	Road Establishments	500.00	(See Ch. 13.90)	varies
E3C	Franchises - CATV	500.00	(See Ch. 13.80)	varies
E3U	Franchises - Utility	500.00	(See Ch. 13.80)	varies
E4	Right-of-Way vacations	500.00	(See Ch. 13.100)	varies
E5	Latecomers cost recovery	500.00	(See Ch. 13.95)	varies
E6	Road Improvement District	500.00	(See Ch. 13.140)	varies

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



13.110.020 Fee Schedule. (continued)

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 employ((e))ed by the county to repair  
or replace damage. varies

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 7. Emergency. The county council finds as fact that the fees and charges provided by this ordinance should be effective January 1, 1992, because they were used to determine the 1992 budget adopted by Ord. No. 91-174, November 26, 1991; they were inadvertently omitted from Ord. No. 91-173, adopted November 26, 1991; and they are necessary to make all Title 13 SCC fees and administration fair and consistent; and that this ordinance is necessary for the support of county government and its existing public institutions to make revenue projections consistent with the approved budget and to provide fairness, consistency, and uniformity in administration of Title 13 SCC. Based on the foregoing, the county council declares that an emergency exists and that this ordinance shall take effect on January 1, 1992, or immediately, whichever is later.

PASSED this 18<sup>th</sup> day of December, 1991.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

*Les McLaughlin*  
Chairperson

Approved as to Form:

*Marya J. Silvernale* 12-11-91  
Deputy Prosecuting Attorney

ATTEST:

*Barbara Sitoriski*  
Clerk of the Council, ASST.

Date: 12-18-91

- APPROVED  
 VETOED  
 EMERGENCY

*Gary Weikel* GARY WEIKEL  
County Executive Executive Administrator