

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 96-037



AMENDING SNOHOMISH COUNTY CODE  
CHAPTER 18.41 SCC  
RELATING TO DRIVEWAY ACCESS IN SHORT SUBDIVISIONS

WHEREAS, the county executive and county council have identified regulatory reform of land use regulations as a high priority for county government; and

WHEREAS, with the assistance of the county council, the county executive and prosecuting attorney have established a regulatory reform process to make land use regulations more understandable to the public and more easily implemented by the county; and

WHEREAS, this ordinance is a result of that process;

THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 18.41.010, last amended by Ordinance No. 95-063 on August 9, 1995, is amended to read:

18.41.010 Minimum access requirements.

Access to lots shall be as provided herein:

- (1) 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;
- (2) Lots whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than 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 15 feet;
- (3) Lots whose access was created on or after August 9, 1969, shall abut by not less than 20 feet upon and have direct access to:
  - (a) An opened, constructed, and maintained public road, or
  - (b) A private road in a plat, short plat, large tract segregation, or binding site plan with record of survey approved by Snohomish County, or
  - (c) An exclusive, unshared, unobstructed, permanent access easement at least 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 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 60 feet and have direct access to a private road having a right-of-way width of not less than 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 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 a, b, or c above;

- (4) Lots whose legal access is provided across either a railroad company right-of-way or county owned trail must demonstrate evidence that a crossing permit (license) has been granted by the railroad right-of-way or by the Snohomish County Parks Department in

the case of a county owned trail. 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 division prior to the issuance of development permits.

Aggregations of lots whose legal access is provided across a railroad company right-of-way or county owned trail 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, bylaws and permits (license) shall be recorded with the County Auditor. Prior to the issuance of development permits, evidence of the arrangements with the railroad company or Snohomish County Parks Department must be presented to the planning division.

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

(5) Lots which are created pursuant to chapter 19A SCC with no direct public road access provisions may establish access rights through the recording of a common access agreement in lieu of the requirements of SCC 18.41.010(3).

(6) Lots created pursuant to Title 20 SCC may, in lieu of the requirements of SCC 18.41.010(3), abut by not less than 15 feet upon and have direct access to a shared driveway easement that:

(a) is not less than 15 feet in width, and

(b) abuts a public or private roadway specified in SCC 18.41.010(3)(a) or (b), and

(c) provides access to no more than two single-family lots or one duplex lot, and

(d) where necessary, provides adequate width for future conversion to a public or private road.

Section 2. This ordinance shall take effect on July 31, 1996.

PASSED this 12<sup>th</sup> day of June, 1996

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

RC Johnson  
Chairperson

ATTEST:

Jacqueline Bratcher  
Clerk of the Council

- APPROVED  
 VETOED  
 EMERGENCY

DATE: 6/14/96  
Robert J. Drewel  
County Executive

ROBERT J. DREWEL  
County Executive