

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 25-067

RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT
TYPES; AMENDING CHAPTERS 13.02, 13.30, 13.40, 13.50, 13.60, 13.70, 13.80, AND 13.110
OF THE SNOHOMISH COUNTY CODE

WHEREAS, RCW 36.75.020 grants Snohomish County broad authority to establish
and regulate the use of county roads; and

WHEREAS, Title 13 Snohomish County Code (SCC) generally governs activities
relating to county public rights-of-way, and is implemented by the Snohomish County
Department of Public Works; and

WHEREAS, Chapter 13.110 SCC establishes fees which relate to short and long
term permitted uses of the rights-of-way; and

WHEREAS, Public Works' costs of processing and implementing right-of-way usage
permits are higher than current and projected revenue, and Public Works' costs to process
and implement right-of-way usage in 2024 was approximately \$750,000 less than the
applicable permit fee revenue; and

WHEREAS, wear and tear on roads greatly increases as the weight of vehicles
increase requiring the county to invest in roadway maintenance earlier than originally
planned, and RCW 46.44.0941 establishes an overweight fee schedule for vehicles that
exceed weight over the legal capacity on state highways; and

WHEREAS the county's current overweight vehicle permit does not include a fee
based on the amount of weight exceeding the legal capacity and the county intends to
adopt an overweight vehicle fee consistent with RCW 46.44.0941; and

WHEREAS, permits for large organized parades or runs that take place within the
opened right-of-way cost Public Works significantly more time to review and implement
than smaller parades or runs and the county intends to modify its regulations to address
those differences; and

WHEREAS, the Snohomish County Sheriff's Office and other agencies have recently
requested installation of data collection devices, specifically license plate readers, to be
installed in the county right-of-way and the County intends to adopt a new type of right-of-

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1 way permit because the current code does not have specific requirements to effectively
2 review permit applications for installation of those devices; and
3

4 WHEREAS, Snohomish County operates and maintains many miles of county roads
5 which are located in rights-of-way that provide convenient, continuous corridors for the
6 placement of utilities; and
7

8 WHEREAS, use of public rights-of-way for the placement and operation of utility
9 facilities is a valuable property right which allows utility purveyors to profit and benefit from
10 the use of the rights-of-way in a manner not generally available to the public; and
11

12 WHEREAS, Snohomish County grants Type E3C franchises to cable television
13 companies doing business within the county and requires payment of cable television
14 franchise fees which are regulated under the federal Cable Act and are assessed under
15 County Code at SCC 13.110.010(4) and 13.80.092; and
16

17 WHEREAS, Snohomish County grants Type C10 permits and Type E3U franchises to
18 purveyors of other types of public and private utilities, including electric, water, sewer, gas,
19 and telecommunications, which authorize the use of county rights-of-way for the purposes
20 of placing, constructing, and maintaining utility facilities and related appurtenances; and
21

22 WHEREAS, Snohomish County is a home rule county with authority to require utility
23 purveyors to provide reasonable compensation in exchange for the valuable property right
24 to use the right-of-way, authority confirmed by the Washington State Supreme Court in the
25 case King County v. King County Water Districts, et. al, 194 Wn.2d 830, 453 P.3d 681
26 (2019); and
27

28 WHEREAS, under these authorities and in light of the valuable property right granted
29 to utility purveyors by Type C10 permits and Type E3U franchises, it is in the best interests
30 of the public to require a utility to provide reasonable compensation in return for its use of
31 county road rights-of-way; and
32

33 WHEREAS, the County intends to exempt from the right-of-way use fee small water
34 purveyors serving fewer than 200 connections; and
35

36 WHEREAS, pursuant to SCC 13.05.010, Snohomish County has adopted
37 Engineering Design and Development Standards (EDDS) which set forth requirements for
38 the location, design, and construction of utilities within public rights-of-way; and
39

40 WHEREAS, EDDS Section 8-04 requires a utility pre-design review with Public Works
41 for all proposals (under either a Type D7 or D8 permit) to install, repair, or replace

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1 underground utilities that require cutting the existing paved area of an arterial road right-of-
2 way or exceed 2,000 lineal feet within an existing non-arterial road right-of-way; and
3

4 WHEREAS, utility pre-design review must occur before an applicant submits a
5 permit application and not all proposals that undergo utility pre-design review will lead to
6 permit applications; and
7

8 WHEREAS, Public Works receives an average of 160 requests per year for utility pre-
9 design review; and
10

11 WHEREAS, projects that propose to abandon any utility facility within the rights-of-
12 way or plow cables adjacent to existing roads require additional time for processing by
13 Public Works staff and approval by the County Engineer; and
14

15 WHEREAS, periodic adjustments to fees are necessary to maintain financial self-
16 sufficiency in providing permitting services and keep pace with inflation, to align the fees
17 charged to applicants with the type and level of services provided, and to provide for
18 improved cost recovery, fee equity, and predictability; and
19

20 WHEREAS, the County proposes increases in application and permit fees for certain
21 right-of-way permit types and an annual 3% increase on certain fees starting in 2027; and
22

23 WHEREAS, after proper notice, the County Council held a public hearing on
24 December 3, 2025, to solicit comments from the public and deliberate on the
25 amendments to Title 13 SCC contained herein;
26

27 NOW, THEREFORE, BE IT ORDAINED:
28

29 Section 1. The County Council adopts the following findings in support of this
30 ordinance:
31

32 A. The County Council adopts and incorporates the foregoing recitals as findings as if
33 set forth fully herein.
34

35 B. This ordinance will amend title 13 SCC as follows:
36

37 1. Amend SCC 13.30.010 to clarify that Type A permits may include more
38 activities than parades and runs.
39

40 2. Amend SCC 13.30.040, 13.30.100, 13.30.120, and 13.30.150 to reflect the
41 updated name for the Department of Conservation and Natural Resources.
42

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1 3. Amend SCC 13.30.110 to remove the application timeline for Type A permits,
2 which are in the new section SCC 13.30.115.

3
4 4. Amend SCC 13.50.020 to update the name for Type C4 permits to include
5 more than just recycling structures. This amendment also adds a new permit type,
6 Type C11, for data collection devices, such as license plate readers, installed in the
7 county right-of-way.

8
9 5. Amend SCC 13.50.060 to update the name for Type C4 permits to include
10 more than just recycling structures.

11
12 6. Amend SCC 13.60.030 to clarify that a utility pre-design review with Public
13 Works may be required with Type D7 or Type D8 utility construction permit
14 applications.

15
16 7. Amend SCC 13.80.080 to include the new section of code that contains the
17 utility right-of-way use fee as a condition for franchise agreements.

18
19 8. Amend SCC 13.110.010 to clarify that Type E1 permits do not follow the
20 same permit fee process as other Type E permits since it includes a flat fee and
21 does not charge the applicant all costs and expense incurred by the county.
22 Proposed amendments alter when permit fees for Type B2, B3, and B4 permits will
23 be collected. Proposed amendments also remove the overweight fee from requiring
24 other costs collected for road maintenance crews, signal crews, and sheriff
25 personnel, since those fees are not applicable to overweight permits. These
26 amendments also add a new section for a utility right-of-way use fee to be charged
27 to utility purveyors obtaining Type C10 permits or Type E3U franchises.

28
29 9. Amend SCC 13.110.020 to revise the permit fee schedule to recover
30 adequate costs of processing and implementing right-of-way usage permits and to
31 add a 3% annual increase on certain permit and application fees beginning in 2027.

32
33 C. This ordinance will add new sections to title 13 SCC as follows:

34
35 1. Adds a new section, SCC 13.02.172, to define large event for Type A permits.

36
37 2. Adds a new section, SCC 13.02.173, to define small event for Type A permits.

38
39 3. Adds a new section, SCC 13.30.115, to revise timing for Type A permit
40 applications based on the size of the event. This new section also addresses late
41 applications.

4. Adds a new section, SCC 13.40.100, to clarify where applicants can find the permit fees for Type B permits.
5. Adds a new section, SCC 13.50.075, to add conditions to the temporary sign permit, Type C6, which previously did not have conditions.
6. Adds a new section, SCC 13.50.110, to create conditions to the newly created data collection device permit, Type C11.
7. Adds a new section, SCC 13.50.120, to clarify where applicants can find the permit fees for Type C permits.
8. Adds a new section, SCC 13.60.070, to clarify where applicants can find the permit fees for Type D permits.
9. Adds a new section, SCC 13.70.020, to clarify where applicants can find the permit fees for Type E permits.
10. Adds a new section, SCC 13.110.040, to establish a vehicle weight-based road usage fee for vehicles over the legal weight.
11. Adds a new section, SCC 13.110.050, to establish fees for utility pre-design review required by the county's Engineering, Design, and Development Standards (EDDS).

Section 2. The Snohomish County Council bases its findings and conclusions on the entire record of the County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 3. A new section is added to Chapter 13.02 of the Snohomish County Code to read:

13.02.172 Event, Large.

Parades, runs, or similar events pursuant to Type A permits with 100 or more participants expected, 2,000 ft or more of road closure, or 3 or more intersection closures.

Section 4. A new section is added to Chapter 13.02 of the Snohomish County Code to read:

13.02.173 Event, Small.

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Parades, runs, or similar events pursuant to Type A permits with less than 100 participants expected, less than 2,000 ft of road closure, and less than 3 intersection closures.

Section 5. Snohomish County Code Section 13.30.010, last amended by Ordinance No. 13-051 on July 31, 2013, is amended to read:

13.30.010 Permitted uses.

Type A transactions include those parts of an organized parade~~((or))~~, run, or similar activity that take place within the opened right-of-way. Such uses are of short duration and may involve disruption to pedestrian or vehicular traffic or access and require approval of specific conditions regarding access, locations, route, time, date and safety.

Section 6. Snohomish County Code Section 13.30.040, last amended by Amended Ordinance No. 12-001 on Feb. 15, 2012, is amended to read:

13.30.040 Permit required.

(1) No person or entity shall conduct a Type A transaction upon or within any county road, sidewalk, alley or right-of-way unless or until a Type A permit has been obtained from the department.

(2) If any portion of a Type A transaction will take place outside the county right-of-way on private property or public property not under the control of the ~~((Snohomish county parks))~~ department of conservation and natural resources, a permit may be required from the department of planning and development services.

(3) If any portion of a Type A transaction will take place outside the county right-of-way on public property under the control of the department of ~~((parks and recreation))~~ conservation and natural resources, a permit/license may be required from the department of ~~((parks and recreation))~~ conservation and natural resources.

Section 7. Snohomish County Code Section 13.30.100, adopted by Amended Ordinance No. 12-001 on Feb. 15, 2012, is amended to read:

13.30.100 Additional fees.

If the sheriff, director of the department of ~~((parks and recreation))~~ conservation and natural resources, or airport manager conclude that the activity involved will result in increased costs to their respective departments, they shall advise the department of the estimated amount of such costs. The applicant shall pay the estimated costs to the

1 effected departments and provide the department proof of payment prior to the
2 department issuing the Type A permit.

3
4 Section 8. Snohomish County Code Section 13.30.110, adopted by Amended
5 Ordinance No. 12-001 on Feb. 15, 2012, is amended to read:

6
7 13.30.110 Application for permit.

8
9 ~~((An application for a Type A permit shall be made at least 30 business days prior to the~~
10 ~~event; provided, that applications submitted less than 30 business days prior to the event~~
11 ~~may be accepted if the department finds there is adequate time to properly process the~~
12 ~~application.))~~ The application for ~~((such))~~ a Type A permit shall be made in writing on a form
13 approved by the department. In order that adequate arrangements may be made for the
14 protection of event participants and the public, the application shall contain the following
15 information:

- 16
17 (1) The name of the applicant, the sponsoring organization, the event chairperson, the
18 address, telephone number and email address of each and the event web site;
19
20 (2) The purpose of the event;
21
22 (3) The date(s) of the event;
23
24 (4) The proposed location/route;
25
26 (5) The portions of any public road, sidewalk, alley, parking lot or other county property
27 to be traversed or otherwise used by such event;
28
29 (6) The assembly area and time therefor;
30
31 (7) The starting time and expected duration;
32
33 (8) The number of expected participants;
34
35 (9) A description of the individual floats, marching units, vehicles and bands and a
36 description of any sound-amplification equipment to be used (parades only);
37
38 (10) The minimum and maximum speeds (parades only);
39
40 (11) Proposed provisions for public safety and traffic controls;
41

- 1 (12) The maximum number of units and the maximum and minimum intervals of space
2 to be maintained between the units of such parade;
3
- 4 (13) The maximum length of such event in miles or fractions thereof located on county
5 roads;
6
- 7 (14) The disbanding area and disbanding time;
8
- 9 (15) The number of persons required to monitor the event;
10
- 11 (16) The number and type of vehicles involved, if any;
12
- 13 (17) The material and maximum size of any sign, banner, placard, or carrying device
14 therefore;
15
- 16 (18) A copy of any existing or expected event advertising;
17
- 18 (19) Any other information regarding the proposed event the applicant believes would be
19 helpful for the department to have in evaluating the application; and
20
- 21 (20) Any other information regarding the proposed event reasonably requested by the
22 engineer.
23

24 Section 9. A new section is added to Chapter 13.30 of the Snohomish County
25 Code to read:

26
27 13.30.115 Timing for permit filing.
28

- 29 (1) Type A permit applications shall be filed according to the following schedule:
30
 - 31 (a) Small events. Completed applications shall be filed not less than sixty
32 calendar days before the proposed event.
33
 - 34 (b) Large events. Completed applications shall be filed not less than ninety
35 calendar days before the proposed event.
36
- 37 (2) An application may not be submitted more than eighteen months in advance of the
38 event.
39
- 40 (3) Upon good cause shown and provided that no additional risk or burden to the
41 county ensues, a later filing may be permitted. Any applicant who files a complete

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1 application after the deadlines set for small and large events shall be subject to additional
2 permits fees contained in SCC 13.110.020.

3
4 Section 10. Snohomish County Code Section 13.30.120, adopted by Amended
5 Ordinance No. 12-001 on Feb. 15, 2012, is amended to read:

6
7 13.30.120 Submittal to other county departments.

8
9 Upon receipt of any Type A permit application the department shall submit copies to the
10 sheriff and planning and development services departments and, if it appears that such
11 event is to be conducted upon property subject to their control, the airport manager or
12 director of the department of ~~((parks and recreation))~~ conservation and natural resources.
13 The sheriff and other officials so notified shall, within 30 days, each notify the department
14 in writing of their recommendation for approval or disapproval, together with any
15 conditions including any estimated costs, if any, to be collected prior to the issuance of a
16 permit.

17
18 Section 11. Snohomish County Code Section 13.30.150, adopted by Amended
19 Ordinance No. 12-001 on Feb. 15, 2012, is amended to read:

20
21 13.30.150 Officials to be notified.

22
23 Immediately upon the granting of a permit for an event, the department shall send a copy
24 thereof to the following:

- 25
26 (1) The executive;
27
28 (2) The fire marshal;
29
30 (3) The sheriff; and
31
32 (4) The director of the department of ~~((parks and recreation))~~ conservation and natural
33 resources and/or the airport manager, if such activity is associated with any property under
34 their control.

35
36 Section 12. A new section is added to Chapter 13.40 of the Snohomish County
37 Code to read:

38
39 13.40.100 Permit fees.

- 40
41 (1) The permit fees for Type B permitted activities are contained in SCC 13.110.020.
42

1 (2) The overweight vehicle road usage fees for Type B2 permitted activities are
2 contained in SCC 13.110.040.

3
4 Section 13. Snohomish County Code Section 13.50.020, last amended by
5 Amended Ordinance No. 13-051 on July 31, 2013, is amended to read:

6
7 13.50.020 Permitted uses.

8
9 Type C permits are required for the following and similar uses of county rights-of-way,
10 except where exempt under SCC 13.10.050:

11
12 (1) Bus stops/shelters/shelter pads/loading zones (Type C1 permit). Special uses of
13 opened right-of-way for transportation and traffic purposes.

14
15 (2) Construction site structures (Type C2 permit). Temporary structures related to
16 construction sites such as scaffolds, barricades, buildings, walls, elevators, etc., that are
17 on, over or impacting opened right-of-way.

18
19 (3) Landscaping/fences/gates/other special uses (Type C3 permit). Special uses of the
20 opened right-of-way for private decorative plantings, gardens and fences, gates, or other
21 similar features.

22
23 (4) ~~((Recycling))Materials collection~~ structures (Type C4 permit). Structures, including
24 recycling and other waste collection structures, placed in the opened right-of-way for
25 collection for extended time periods.

26
27 (5) Newspaper stands or drop boxes (Type C5 permit) placed in the opened right-of-
28 way.

29
30 (6) Temporary signs (Type C6 permit) and other signs placed in the opened right-of-way
31 which can be moved easily.

32
33 (7) Temporary sales (Type C7 permit) from portable or movable carts, stands or
34 vehicles placed in the opened right-of-way. Sales of only flowers, food or beverages will be
35 permitted.

36
37 (8) Business patrons or customers (Type C8 permit). Where a structure is erected, or a
38 business is maintained or established adjoining the opened right-of-way, the nature of
39 which requires or tends to invite patrons or customers to use the opened right-of-way.

(9) Tree trimming/removal/replacement (Type C9 permit). For the cutting, trimming, ~~((or))~~ installation, or removal of trees, or other similar vegetation maintenance, within the opened right-of-way, except when exempt in accordance with SCC 13.10.050.

(10) Utilities (Type C10 permit). Use of the right-of-way for utilities, whether above or below ground, when such utilities are associated with a single user utility purveyor or with a utility purveyor that does not have and is not required to obtain a franchise pursuant to chapter 13.80 SCC.

(11) Data Collection Devices (Type C11 permit). License plate readers, or other devices placed in the opened right-of-way.

Section 14. Snohomish County Code Section 13.50.060, last amended by Amended Ordinance No. 13-051 on July 31, 2013, is amended to read:

13.50.060 Conditions--~~((Recycling))~~Materials collection structures (C4).

Type C4 permits for ~~((recycle box))~~materials collection structures, including recycling and other waste collection structures, within the opened right-of-way are subject to the following additional conditions:

(1) Structures authorized by a Type C4 permit shall be placed a minimum of 10 feet from the edge of the traveled way and shall not block or hinder the sight distance for driveway or intersections. The area between the traveled way and the structure shall be a gravel or paved shoulder and extend full shoulder width at least 20 feet on each side of the structure with a 10:1 taper back to the edge of the traveled lane. The location must have an adequate stopping sight distance for approaching vehicles.

(2) Structures authorized by a Type C4 permit must be emptied regularly to prevent overflow and possible rodent infestation.

(3) A number will be assigned to each approved application for a Type C4 permit. This number will be attached permanently to the ~~((recycling))~~materials collection structure and will be used to identify the owner of the structure to authorized departments for contacting them to clean up the area or for other problems.

(4) At the engineer's discretion, a single Type C4 permit may be issued for multiple ~~((recycle box))~~materials collection structures. Each ~~((recycle box))~~materials collection structure location must be listed on the permit. If the permittee desires to move a ~~((recycle box))~~materials collection structure to a different location, the permittee must submit a request for approval of the new location to the department at least 48 hours prior to the intended move.

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(5) Failure of the permittee to comply with all requirements for such structures may result in the suspension or revocation of the Type C4 permit.

Section 15. A new section is added to Chapter 13.50 of the Snohomish County Code to read:

13.50.075 Conditions--Temporary signs (C6).

Type C6 permits for signs placed temporarily in the opened right-of-way which can be moved easily are subject to the following additional conditions:

(1) Signs authorized by a Type C6 permit shall be placed a minimum of 10 feet from the edge of the traveled way and shall not block or hinder the sight distance for driveway or intersections.

(2) At the engineer's discretion, a single Type C6 permit may be issued for multiple temporary signs. Each sign location must be listed on the permit.

(3) If the permittee desires to move a sign to a different location, the permittee must submit a request for approval of the new location to the department at least 48 hours prior to the intended move.

(4) Failure of the permittee to comply with all requirements for such signs may result in the suspension or revocation of the Type C6 permit.

Section 16. A new section is added to Chapter 13.50 of the Snohomish County Code to read:

13.50.110 Conditions—Data collection devices (C11).

Type C11 permits for data collection devices, including, but not limited to, license plate readers, within the opened right-of-way are subject to the following conditions:

(1) A Type C11 permit shall not be issued unless the engineer determines that the proposed location will not present a hazard to vehicles or pedestrians utilizing the opened right-of-way.

(2) The proposed structure must meet all applicable EDDS requirements.

(3) At the engineer's discretion, a single Type C11 permit may be issued for multiple data collection devices. Each data collection device location must be listed on the permit.

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1 If the permittee desires to move a data collection device to a different location, the
2 permittee must submit a request for approval of the new location to the department at
3 least 48 hours prior to the intended move.

4
5 Section 17. A new section is added to Chapter 13.50 of the Snohomish County
6 Code to read:

7
8 13.50.120 Permit fees.

9
10 The permit fees for a Type C permitted activity are contained in SCC 13.110.020.

11
12 Section 18. Snohomish County Code Section 13.60.030, last amended by
13 Ordinance No. 15-103 on January 11, 2016, is amended to read:

14
15 13.60.030 Conditions--General.

16
17 Type D permits are granted subject to the following conditions and such additional
18 conditions as the engineer deems appropriate:

19
20 (1) All items contained in SCC 13.40.030 except SCC 13.40.030(1) and (2).

21
22 (2) All construction within the right-of-way shall conform to the most current edition of
23 the EDDS. The permittee shall keep the road right-of-way in a condition that is safe to the
24 public and further, will not adversely impact the environment with debris, dirt, dust, or
25 other pollutants, or cause erosion.

26
27 (3) The location of all openings, changes, or attachments to the surface of the right-of-
28 way must be approved by the engineer.

29
30 (4) At the discretion of the engineer, one or more of the following requirements may be
31 specified when conditions require their use. Whenever such special conditions are
32 required, they shall be set forth in the permit at the time of issuance or as an amendment
33 to the permit where conditions requiring their use become known after the permit has been
34 issued.

35
36 (a) Installation within the right-of-way shall be made in a manner and by a
37 method approved by the engineer. All improved or unimproved areas within the
38 right-of-way shall be restored to the satisfaction of the engineer.

39
40 (b) Signs, cones, barricades, and all other traffic control devices to protect and
41 control pedestrian and vehicular traffic in the construction area shall be used as
42 prescribed by the engineer and in accordance with the EDDS and the MUTCD. A

1 traffic control (Type B5) permit shall be required in accordance with chapter 13.40
2 SCC for use of such devices, except where exempt under SCC 13.10.050.

3
4 (c) One or more traffic lanes shall be kept open at all times except where
5 approved by the engineer. Moving traffic shall be properly controlled by flagmen
6 and/or patrol cars if specified. Hours of operation during construction and
7 restoration shall be limited to those contained in the permit. A traffic control (Type
8 B5) permit shall be required in accordance with chapter 13.40 SCC for such traffic
9 control, except where exempt under SCC 13.10.050.

10
11 (d) Ingress and egress for vehicles and personnel to abutting property shall be
12 maintained at all times except as approved by the engineer.

13
14 (e) Backfill and restoration of pavement surface shall be done in accordance
15 with the EDDS and to the satisfaction of the engineer.

16
17 (f) All construction of structures within the right-of-way shall be performed in
18 accordance with the EDDS and to the satisfaction of the engineer.

19
20 (5) Site inspections will be made by the engineer to determine need for culvert pipe,
21 size and length of pipe, type of pipe acceptable, end sections, catch basins, backfill
22 materials to be used, and other construction requirements.

23
24 (6) A permittee and any contractor of a permittee utilizing vehicles upon a right-of-way
25 pursuant to a Type D permit shall provide persons or equipment to keep the right-of-way
26 clean at all times to the satisfaction of the engineer. Upon failure to do so, the engineer
27 may issue an immediate stop work order for the operation and the responsible person or
28 persons shall be directed to immediately clean the right-of-way to the satisfaction of the
29 engineer.

30
31 (7) Permittee will be responsible, before commencing any excavation within county
32 right-of-way, to provide notice of the scheduled commencement of excavation to all
33 owners of underground facilities, through the one-call locator service. In addition the
34 permittee shall be familiar with and comply with chapter 19.122 RCW.

35
36 (8) Following completion of any construction in the right-of-way under a Type D permit,
37 the site must be maintained as required by the engineer and be subject to periodic
38 inspections by the engineer.

39
40 (9) Utility activities conducted pursuant to a Type D permit are subject to the
41 requirements of chapters 30.63A and 30.63B SCC, with exemptions as provided therein.
42 Utility purveyors applying for a blanket utility construction (Type D7) permit or a major

1 utility construction (Type D8) permit shall propose erosion and sedimentation control best
2 management practices for all permitted activities at the time of application.

3
4 (10) Utility purveyors meeting the insurance and other applicable requirements of this
5 title, may conduct certain minor activities in county rights-of-way without a permit. Such
6 minor activities shall consist of inspection, repair and maintenance of existing structures
7 in the same location, tree trimming and activities historically not requiring a permit as
8 determined by the engineer, and not falling in the category of a Type D7 blanket permit as
9 detailed in this chapter and not involving cutting of hard road surface.

10
11 (11) Before any work is performed under a Type D permit, the permittee shall establish
12 two or more reference marks to all monuments and markers of every nature relating to
13 subdivisions, plats, rights-of-way and all other surveys within the permitted area. The
14 reference points shall be so located as to not be disturbed during the permittees'
15 operations under the permit. The permittee shall also be responsible to comply with State
16 Department of Natural Resources regulations such as the "Application for Permit to
17 Temporarily Remove or Destroy Section Corner or other Land Boundary Mark or
18 Monument" (Ref WAC 332-120), where applicable. Such forms shall be available at the
19 department.

20
21 (12) Permits for access in connection with development will only be approved if the
22 development and access are in compliance with applicable land development codes and
23 standards.

24
25 (13) A construction site structures (Type C2) permit in accordance with chapter 13.50
26 SCC shall be required for placement of construction site structures within the right-of-way.

27
28 (14) If utility pre-design review is required under the EDDS, a utility purveyor applying for
29 a blanket utility construction (Type D7) permit or a major utility construction (Type D8)
30 permit shall submit an approved utility pre-design review form at the time of application.

31
32 Section 19. A new section is added to Chapter 13.60 of the Snohomish County
33 Code to read:

34
35 13.60.070 Permit fees.

36
37 The permit fees for a Type D permitted activity are contained in SCC 13.110.020.

38
39 Section 20. A new section is added to Chapter 13.70 of the Snohomish County
40 Code to read:

41
42 13.70.020 Permit fees.

ORDINANCE NO. 25-067

RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
AMENDING CHAPTERS 13.02, 13.30, 13.40, 13.50, 13.60, 13.70, 13.80, AND 13.110
OF THE SNOHOMISH COUNTY CODE – 15

1
2 The permit fees for a Type E permitted activity are contained in SCC 13.110.020.

3
4 Section 21. Snohomish County Code Section 13.80.080, last amended by
5 Ordinance No. 96-028 on June 12, 1996, is amended to read:

6
7 13.80.080 Conditions.

8
9 Franchises are subject to the following:

10
11 (1) The conditions contained in Chapter 36.55 RCW, including:

12
13 (a) Any person constructing or operating any utility on or along a county road
14 shall be liable to the county for all necessary expense incurred in restoring the
15 county road to a suitable condition for travel as determined by the engineer.

16
17 (b) No exclusive franchise or privilege shall be granted.

18
19 (c) The facilities of the holder of any such franchise shall be removed at the
20 expense of the holder thereof, to some other location on such county road in the
21 event said road is to be constructed, altered, or improved or becomes a primary
22 state highway and such removal is reasonably necessary for the construction,
23 alteration, or improvement thereof.

24
25 (2) The conditions contained in Snohomish County Charter, Section 9.20:

26
27 (a) No franchise shall be granted for a period of longer than twenty-five years.

28
29 (b) All franchises shall be subject to the power of eminent domain and the right
30 of the council or the people acting for themselves through the initiative or
31 referendum to repeal, amend or modify the franchise in the interest of the public;
32 and every ordinance granting a franchise shall contain a reservation of these rights.
33 In any proceeding under eminent domain the franchise itself shall have no value

34
35 (3) Applicable sections of this title, including SCC 13.10.090, hold harmless, ~~((and))~~ the
36 county utility policy per SCC 13.80.070, and the utility right-of-way use fee per SCC
37 13.110.010(9).

38
39 (4) All construction or installation of poles, cables, or other improvements, or the
40 service, repair or relocation of the same, performed along, over and/or under the county
41 roads, rights-of-way, or other county property subject to said franchise shall be done in
42 such manner so as to not interfere with the construction and maintenance of other

1 facilities, public or private, drains, drainage ditches and structures located there, nor the
2 maintenance or improvement of such county roads, rights-of-way, or other county
3 properties.

4
5 (5) Such other conditions as the council deems to be in the public interest and
6 appropriate to protect county property and the public and facilitate its use of the right-of-
7 way for transportation. The council may determine that a franchise shall be granted for a
8 period of less than the maximum referenced in SCC 13.80.080(2)(a).

9
10 (6) All terms and conditions of the franchise are burdens upon the successors and
11 assigns of the grantee, and all privileges as well as all obligations and liabilities of the
12 grantee inure to its successors and assigns equally as if they were specifically mentioned
13 wherever the grantee is mentioned. Neither the franchise nor any interest therein shall be
14 leased, sold, transferred, assigned, disposed of, or subject to a change of control, in whole
15 or part, either by forced or involuntary action, or by voluntary action, without the prior
16 written consent of the council.

17
18 (7) Applicable local, state, and federal laws, including applicable sections of the Cable
19 Communications Policy Act of 1984, the Cable Television Consumer Protection and
20 Competition Act of 1992, the Telecommunication Act of 1996, and any future amendments
21 shall apply. Conditions contained within this chapter, as applicable to cable television,
22 may also apply to the use of other television or voice, video, data communication devices,
23 where consistent with applicable laws.

24
25 Section 22. Snohomish County Code Section 13.110.010, last amended by
26 Ordinance No. 25-006 on February 19, 2025, is amended to read:

27
28 13.110.010 Fees to be charged.

29
30 The following fees shall be charged by the county:

31
32 (1) Application Fee. Where applicable, this fee shall be charged to compensate the
33 department for preliminary application screening, the establishment or administration of
34 the permit application file, and verification that any required plans comply with the
35 applicable county requirements and conditions. Application fees shall be collected at the
36 time of permit application, and are not eligible for refund.

37
38 (2) Permit Fee. A permit fee shall be charged to compensate the department and other
39 county departments for the costs and expenses incurred in performing field investigations,
40 inspections, additional plan review, hearings, and all other tasks and proceedings
41 pertaining to the right-of-way use permit at issue. Permit fees are eligible for refund to the
42 extent they exceed costs and expenses incurred by the county.

ORDINANCE NO. 25-067

RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
AMENDING CHAPTERS 13.02, 13.30, 13.40, 13.50, 13.60, 13.70, 13.80, AND 13.110
OF THE SNOHOMISH COUNTY CODE – 17

- (a) Permit fees shall be collected at the time of application submittal unless the permit at issue is of a Type described below.
- (b) Permit fees for Type ~~((B2, B3, B4,))~~ D3~~((;))~~ and D4 permits shall be collected at the time of permit issuance.
- (c) ~~((Permit))~~ Except for E1 permits, permit fees for Type E transactions, which includes application for renewal of franchises, shall be paid in accordance with SCC 13.80.070, 13.90.070, 13.95.060, 13.100.070 or 13.140.030 as applicable.
- (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. Cable television companies doing business within the county under a Type E3C franchise shall be charged a franchise fee in accordance with SCC 13.80.092.
- (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 contractor hired by it.
- (6) Footage Fee. Lineal footage fees shall be charged as part of the application fee for Type D5 and D8 permits as provided in SCC 13.110.020.
- (7) Road Cut Fee. Fees for road shoulder or road asphalt/concrete cuts shall be charged as part of the application fee for a Type D8 permit as provided in SCC 13.110.020.
- (8) Private Right-of-way Lease Fee. The lessee of any county right-of-way shall be charged an annual fee reflecting the fair market value of the leased land. This fee is in addition to the other fees within this section.
- (9) Utility Right-of-way Use Fee. Except as provided by SCC 13.110.010(9)(e), utility purveyors obtaining a Type C10 permit or Type E3U franchise shall be charged an annual fee to use the right-of-way for the authorized placement, construction, and maintenance of utility facilities and related appurtenances.

1 (a) The utility right-of-way use fee shall apply to Type C10 permits granted to
2 utility purveyors and Type E3U franchises approved after July 1, 2026, and to
3 existing Type E3U franchises that include reservation language that authorizes
4 compensation in return for the right to use the right-of-way.

5
6 (b) The utility right-of-way use fee shall be in the nature of rent and may be in the
7 form of money, in-kind services or other nonmonetary benefits, accruing to the
8 county road fund or benefiting county road purposes consistent with chapter 4.09
9 SCC.

10
11 (c) The utility right-of-way use fee shall be remitted on a quarterly basis no later
12 than 45 days after the close of each calendar quarter the utility purveyor has
13 facilities in any county right-of-way, and shall be accompanied by quarterly
14 remittance advice in a form approved by the department. The basis and payment
15 schedule for nonmonetary compensation shall be set forth in the Type C10 permit
16 or Type E3U franchise agreement and include documentation supporting the
17 estimated value of such compensation.

18
19 (d) The department is authorized to develop rules to determine the amount of
20 the utility right-of-way use fee in accordance with the rulemaking provisions in
21 chapter 30.82 SCC and this subsection (9).

22
23 (i) The utility right-of-way use fee shall be determined through consideration
24 of the following factors, not all of which must be applied to each utility:

25
26 (A) the land value of right-of-way within the utility purveyor's service area;

27
28 (B) the approximate amount of area within the right-of-way that will be
29 needed to accommodate the utility's facilities;

30
31 (C) a reasonable rate of return to the county for the utility purveyor's use
32 of the right-of-way;

33
34 (D) the business opportunity made available to the utility purveyor;

35
36 (E) density of households served;

37
38 (F) a reasonable annual adjustment; and

39
40 (G) other factors that are reasonably related to the value of the utility or
41 the cost to the county of accommodating the utility purveyor's use within
42 the right-of-way.

(ii) The department may use different processes for determining the utility right-of-way use fee based on the size and complexity of the utility.

(iii) Upon request by the department, the utility purveyor shall provide information relevant to the determination of the utility right-of-way use fee.

(iv) The department shall provide a reasonable opportunity to the utility purveyor to request adjustments to the amount and type of utility right-of-way use fee.

(e) The utility right-of-way use fee shall not apply to Type C10 permits or Type E3U franchises granted to utility purveyors operating one or more water systems with cumulative total calculated connections less than 200 as determined by the Washington State Department of Health, Division of Environmental Health, Office of Drinking Water.

Section 23. Snohomish County Code Section 13.110.020, last amended by Amended Ordinance No. 21-048 on September 29, 2021, is amended to read:

13.110.020 Fee schedule.

Permit Type	Description	Application Fee ⁽¹⁾	Permit Fee ⁽¹⁾	Total ⁽¹⁾
A	Parade/run			
	((Application filed more than 60 days prior to the event:))	(((\$75.00))	(((\$90.00))	(((\$165.00))
	((Application filed between 30 to 59 days prior to the event:))	(((\$125.00))	(((\$90.00))	(((\$215.00))
	((Application filed less than 30 days prior to the event:))	(((\$160.00))	(((\$90.00))	(((\$250.00))
	Small events	\$200.00 ⁽²⁾	\$750.00 ⁽²⁾	\$950.00 ⁽²⁾
	Small event late fees	\$50.00 ⁽²⁾	\$25.00 ⁽²⁾	\$75.00 ⁽²⁾
	Large events	\$200.00 ⁽²⁾	\$1,000.00 ⁽²⁾	\$1,200.00 ⁽²⁾
	Large event late fees	\$100.00 ⁽²⁾	\$50.00 ⁽²⁾	\$150.00 ⁽²⁾
	Additional fees for events with bridge closures	\$25.00 ⁽²⁾	\$75.00 ⁽²⁾	\$100.00 ⁽²⁾
B1	Log tolerances	\$5.00	--	\$5.00

ORDINANCE NO. 25-067

RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
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B2	Overweight	(((\$50.00)) \$150.00 ⁽²⁾	((Costs)) \$425.00 ⁽²⁾) plus usage fee per SCC ((13.110.010)) 13.40.100(2)	(((\$50.00)) \$575.00 ⁽²⁾ plus ((permit fee))usage fee per SCC 13.40.100(2)
	((Add an overweight/oversized load charge as required when county staff are required to assist the permittee))	((Actual hourly costs of labor, required for the department to determine the extent of county staff needed to assist the permittee, with a 3-hour minimum charge at \$50.00 per hour))		((Actual hourly costs of labor, and equipment if required, for county staff to assist the permittee, with a 3-hour minimum charge at \$50.00 per hour))
B3	Oversize	(((\$50.00)) \$150.00 ⁽²⁾	((Costs)) \$425.00 ⁽²⁾ plus cost per SCC 13.110.010	(((\$50.00 plus permit fee)) \$575.00 ⁽²⁾ plus cost per SCC 13.110.010
	((Add an overweight/oversized load charge as required when county staff are required to assist the permittee))	((Actual hourly costs of labor, required for the department to determine the extent of county staff needed to assist the permittee, with a 3-hour minimum charge at \$50.00 per hour))		((Actual hourly costs of labor, and equipment if required, for county staff to assist the permittee, with a 3-hour minimum charge at \$50.00 per hour))
B4	Haul route	(((\$50.00)) \$100.00 ⁽²⁾	((Costs per SCC 13.110.010)) \$900.00 ⁽²⁾	(((\$50.00 plus permit fee)) \$1,000.00 ⁽²⁾
B5	Road closure	(((\$50.00)) \$150.00 ⁽²⁾	(((\$120.00)) \$775.00 ⁽²⁾	(((\$170.00)) \$925.00 ⁽²⁾
C1	Bus stops/shelters/pads loading zones	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$450.00 ⁽²⁾	(((\$140.00)) \$550.00 ⁽²⁾
C2	Construction site structures	(((\$50.00))	(((\$90.00))	(((\$140.00))

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RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
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		\$100.00 ⁽²⁾	\$250.00 ⁽²⁾	\$350.00 ⁽²⁾
C3	Landscaping/fences/gates/other special uses	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$450.00 ⁽²⁾	(((\$140.00)) \$550.00 ⁽²⁾
C4	((Recycling-- Structures))Materials collection structures	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$250.00 ⁽²⁾	(((\$140.00)) \$350.00 ⁽²⁾
C5	Newspaper stands or drop boxes	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$250.00 ⁽²⁾	(((\$140.00)) \$350.00 ⁽²⁾
C6	Temporary signs	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$300.00 ⁽²⁾	(((\$140.00)) \$400.00 ⁽²⁾
C7	Temporary sales	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$175.00 ⁽²⁾	(((\$140.00)) \$275.00 ⁽²⁾
C8	Business patrons or customers	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$175.00 ⁽²⁾	(((\$140.00)) \$275.00 ⁽²⁾
C9	Tree trimming/removal/replacement	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$300.00 ⁽²⁾	(((\$140.00)) \$400.00 ⁽²⁾
C10	Nonfranchised or single user utility purveyor	(((\$50.00)) \$100.00 ⁽²⁾	(((\$90.00)) \$600.00 ⁽²⁾	(((\$140.00)) \$700.00 ⁽²⁾
C11	Data collection devices	\$100.00 ⁽²⁾	\$450.00 ⁽²⁾	\$550.00 ⁽²⁾
D1	Driveway access/culvert/curb cut	\$90.00	\$260.00	\$350.00
	Driveway access/culvert/curb cut included in prior approved plat or subdivision	\$50.00	\$100.00	\$150.00
D2	Subdivision driveway access	\$50.00	\$100.00	\$150.00
D3	Temporary trail access	\$150.00	\$480.00	\$630.00
D4	Trail access	\$150.00	\$600.00	\$750.00
D5	Major construction--Other:	\$175.00	\$430.00	varies
	Add per road front foot:	\$1.30 per foot		
D5P	Major construction--Plat	\$175.00	\$700.00	varies
	Add per road front foot:	\$1.30 per foot		
D5C	Major construction--Commercial	\$175.00	\$700.00	varies
	Add per road front foot:	\$1.30 per foot		

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RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
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D5S	Major construction--Short plat	\$175.00	\$700.00	varies
	Add per road front foot:	\$1.30 per foot		
D6	Minor construction--Other	\$120.00	\$150.00	\$270.00
D6P	Minor construction--Plat	\$120.00	\$250.00	\$370.00
D6C	Minor construction--Commercial	\$120.00	\$250.00	\$370.00
D6S	Minor construction--Short plat	\$120.00	\$250.00	\$370.00
D7	Blanket utility construction per each construction activity	None	\$100.00	\$100.00
D8	Major utility construction:	\$250.00	\$450.00	varies
	Open trench in road: Add per foot if road shoulder cut	\$0.40		
	or			
	Add per foot if road asphalt/concrete cut:	\$1.30 per foot	\$450.00	varies
	Plowed cable road:	\$250.00	\$450.00	varies
	Add per foot:			
	0' to 2,000'	\$0.15 per foot		
	2,001' to 7,000'	\$0.10 per foot		
	7,001' and more	\$0.05 per foot		
E1	Private leases/right-of-way	\$100.00 ⁽²⁾	((=)) \$525.00 ⁽²⁾	((=\$100.00)) \$625.00 ⁽²⁾
E2	Road establishment	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E3C	Franchises--CATV	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E3U	Franchises--Utility	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
E4	Road/right-of-way vacations	\$500.00 per petitioner	Costs per SCC 13.110.010	\$500.00 per petitioner plus permit fee
E5	Latecomers cost recovery	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee

ORDINANCE NO. 25-067

RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
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E6	Road improvement district	\$500.00	Costs per SCC 13.110.010	\$500.00 plus permit fee
----	---------------------------	----------	-----------------------------	-----------------------------

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

(1) Pursuant to SCC 30.86.030, a technology surcharge of three percent of each Type D fee transaction is required in addition to the fees listed in SCC 13.110.020.

(2) Beginning January 1, 2027, and annually thereafter, these fees shall be the fees from the previous year increased by three percent.

Section 24. A new section is added to Chapter 13.110 of the Snohomish County Code to read:

13.110.040 Overweight vehicle road usage fees.

(1) All applicable vehicles over the legal weight as provided in SCC 13.40.040(1)(d) shall pay a usage fee per mile as follows:

Excess weight over legal capacity, as provided in SCC 13.40.040(1)(d)	Cost per mile
0- 9,999 pounds	\$0.07
10,000-14,999 pounds	\$0.14
15,000-19,999 pounds	\$0.21
20,000-24,999 pounds	\$0.28
25,000-29,999 pounds	\$0.35
30,000-34,999 pounds	\$0.49
35,000-39,999 pounds	\$0.63
40,000-44,999 pounds	\$0.79
45,000-49,999 pounds	\$0.93
50,000-54,999 pounds	\$1.14
55,000-59,999 pounds	\$1.35
60,000-64,999 pounds	\$1.56
65,000-69,999 pounds	\$1.77
70,000-74,999 pounds	\$2.12
75,000-79,999 pounds	\$2.47
80,000-84,999 pounds	\$2.82
85,000-89,999 pounds	\$3.17
90,000-94,999 pounds	\$3.52
95,000-99,999 pounds	\$3.87
100,000+ pounds	\$4.25 + \$0.50 for every 5,000 pounds in excess of 100,000 pounds

ORDINANCE NO. 25-067

RELATING TO RIGHT-OF-WAY USE PERMITS; ADDING AND AMENDING FEES AND PERMIT TYPES;
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(2) Exempt Vehicles. The fees levied in section 1 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

Section 25. A new section is added to Chapter 13.110 of the Snohomish County Code to read:

13.110.050 Utility pre-design review fees.

Activity	Fee ⁽¹⁾
Utility pre-design review per EDDS 8-04, for Type D7 blanket utility permit construction proposals	\$100.00 ⁽¹⁾
Utility pre-design review per EDDS 8-04, for Type D8 major utility construction proposals	\$250.00 ⁽¹⁾
Utility pre-design review surcharge for proposals that include a request to abandon or discontinue the use of any utility facility within the right-of-way	\$250.00 ⁽¹⁾ plus utility pre-design review fee
Utility pre-design review surcharge for proposals that include a request to plow communication or electrical lines adjacent to existing roads	\$250.00 ⁽¹⁾ plus utility pre-design review fee

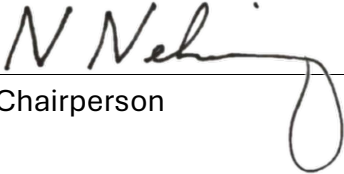
(1) Beginning January 1, 2027, and annually thereafter, utility pre-design review fees shall be the fees from the previous year increased by three percent.

Section 26. Effective date, implementation. This ordinance shall take effect January 1, 2026. The Snohomish County Department of Public Works is authorized to take such actions as may be necessary to implement this ordinance on its effective date.


Section 27. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be ruled to be invalid or unconstitutional by a court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance, and the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

1 PASSED this 3rd day of December, 2025.

2
3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

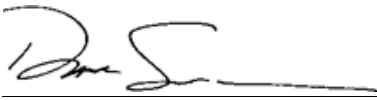
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6 
7
8 Chairperson

9
10 ATTEST:

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12 
13
14 Deputy Clerk of the Council

15
16 (X) APPROVED
17 () EMERGENCY
18 () VETOED


19
20 DATE: December 4, 2025

21
22 
23
24 County Executive

25
26 ATTEST:

27
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29 
30

31 Approved as to form only:

32
33 
34 9/29/2025
35 Deputy Prosecuting Attorney