



Snohomish County

Public Works
Director's Office

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MEMORANDUM

To: Debbie Eco, Clerk of the Council

From: Kelly Snyder, Public Works Director

Subject: Notice of Proposed Rulemaking Action

Date: March 27, 2026

Dave Somers
County Executive

Proposed Rulemaking Action

The Department of Public Works (DPW) is proposing and soliciting comments on Rule 4430 to establish administrative procedures for determining the amount of the annual utility right-of-way use fee under SCC 13.110.010(9).

Background

Utility purveyors obtaining a Type C10 permit or Type E3U franchise after July 1, 2026, will be charged an annual fee in accordance with SCC 13.110.010(9) to use the right-of-way for the placement, construction, and maintenance of utility facilities and related appurtenances. Public Works is authorized by SCC 13.110.010(9)(d) to develop rules to determine the amount of the utility right-of-way use fee through consideration of several relevant factors, including: the land value of right-of-way within the utility purveyor's service area; the approximate amount of area within the right-of-way that will be needed to accommodate the utility's facilities; a reasonable rate of return to Snohomish County for the utility purveyor's use of the right-of-way; the business opportunity made available to the utility purveyor; density of households served; a reasonable annual adjustment; and other factors that are reasonably related to the value of the utility or the cost to the county of accommodating the utility purveyor's use within the right-of-way.

Rule Summary

This proposed rule describes a standardized approach to determine the amount of the utility right-of-way use fee through consideration of the factors set forth in SCC 13.110.010(9)(d). DPW will make an estimate of the utility right-of-way use fee for each

utility based on the assessed land value of the non-exempt parcels adjacent to public right-of-way within the utility’s accommodation area, and the approximate amount of area within the R/W that will be occupied by the utility. To ensure that the estimated fee is reasonable for residential customers, DPW will evaluate whether the estimate exceeds a monthly financial impact limiting factor. The following input values will be used with the assessed land value when calculating fee estimates:

Input	Value	Function
Width of a typical utility easement	10'	Used with facility to establish the approximate amount of area within R/W occupied by the utility
Reduction factor for facility location (aerial or underground)	Aerial: 25% Underground: 10%	Reduces the assessed land value by 75% for aerial facilities or 90% for underground facilities
Rate of return	1.667%	Determines how much of the reduced land value will be paid as the annual fee. A 1.667% rate of return sets the annual fee at 1/60 of the land value, or a 60-year timeframe for return
Financial impact limiting factor	\$2.00	Limits the estimated fee to \$2.00/mo. for residential customers

DPW will provide the estimate to the utility purveyor, and the utility purveyor will then have an opportunity to suggest adjustments to the estimate to negotiate and reach agreement with the county on the amount and type of the utility right-of-way use fee. Other terms of the C10 permit or Type E3U franchise agreement will be negotiated at the same time. The agreed upon utility right-of-way use fee will be included in the Type C10 permit or Type E3U franchise agreement and will be subject to an annual inflationary adjustment and to a full adjustment every five years.

Process

Pursuant to SCC 30.82.030, the notice of proposed rulemaking action will be published in *The Herald* on April 1, 2026, commencing a 60-day public comment period. Comments regarding the proposed rule must be submitted in writing by 5:00 pm on or before June 1, 2026.

Decision

After reviewing and considering the comments submitted in response to the notice of proposed rulemaking action, pursuant to SCC 30.82.040(1), the DPW Director may approve proposed Rule 4430, with or without changes.

Council Review

Interested persons may request a review of an amended or repealed rule by the County Council upon request within 120 days of final rulemaking action. Pursuant to SCC 30.82.065, Council review shall determine whether the final rulemaking action is consistent with the scope of the department's rulemaking authority. No other formal appeal opportunity is available.

Staff Contact

Please contact Mary Madole, Senior Planner – Special Projects at (425) 388-5434 or mary.madole@snoco.org if you have any questions.

Attachments

Notice of Proposed Rulemaking Action
DPW Proposed Rule 4430