



ENGINEER'S REPORT

PERMIT REQUEST # 21 117715 RWE

FOR THE ESTABLISHMENT OF A NEW COUNTY ROAD RIGHT-OF-WAY
IDENTIFIED AS:
87th Ave SE

INTRODUCTION

Section 36.75.040 of the Revised Code of Washington (RCW) gives county legislative authorities broad authority to acquire land for county road purposes by purchase, gift, or condemnation. Snohomish County (the County) also has the authority under chapter 30.66B of the Snohomish County Code (SCC) to condition land development approvals upon adequate access to a public road, which often requires the dedication of new road right-of-way (ROW) and the establishment of new public roads. Chapter 13.90 SCC contains the county's regulations for road establishment, which are in conformance with the road establishment requirements in chapter 36.81 RCW. SCC 13.90.010 provides that the County Engineer may initiate a road establishment when the County Engineer determines that the criteria for road establishment has been met. The process required for the establishment of county roads is described in SCC 13.90.020.

FACTS/BACKGROUND

1. On April 16, 2021, Pacific Ridge - DRH LLC (Pacific Ridge) applied to Planning and Development Services (PDS) for a multi-use development known as Cathcart Crossing. The application required approval of a Planned Community Business Preliminary Site Plan, a Bidding Site Plan, and an Urban Residential Development Standards (URDS) Administrative Site Plan for two commercial lots for a restaurant and a mini-storage space and one residential tract for 286 townhomes. (See Exhibit 1, Notice of Application for Project File No. 21 107654 BSP/SPA).
2. The proposed development will be constructed on a 31-acre parcel (tax parcel no. 28053600301100) located at the southwest corner of the intersection of State Route 9 (SR 9) and Cathcart Way in SW 1/4 of Section 36, Township 28 North, Range 5 East, Snohomish. (See Exhibit 2, Assessor and Aerial Maps)
3. The proposed development is adjacent to three existing public ROW locations: 1) Cathcart Way along the development's northern property line; 2) SR 9 along the development's eastern property line; and 3) 148th Street SE (formerly known as Blanchard Street), which is unopened ROW along the development's southern property line. (See Exhibit 2)
4. As a condition of approval for Cathcart Crossing, the Department of Public Works (DPW) and PDS require Pacific Ridge to construct two new public roads for onsite

access to the development: 87th Ave SE to run north-south from Cathcart Way to a 90-degree elbow at the south end of the property; and 148th Street SE from the 90-degree elbow to SR 9 at the east side of the property. The two roads are collectively referred to as the “Spine Road.” (See Exhibit 3, Approved URDS Site Plan for Cathcart Crossing)

5. The Spine Road will also provide access to a proposed park and ride lot to be constructed by Pacific Ridge on County-owned properties, which are designated County Road Fund properties and located immediately south of the Cathcart Crossing property. (See Exhibit 4, Aerial and Assessor Maps and Site Plan for Cathcart Crossing Park and Ride, File No. 21 113268 CUP)
6. The 148th Street SE unopened ROW was established in 1913 through the recording of the Plat of Cathcart, filed in Book 9 of Plats, Page 39, and recorded under instrument number 195698. (See Exhibit 5, Plat of Cathcart).
7. Additional ROW is needed for Pacific Ridge to construct 148th Street SE to urban standards. The County Engineer recommended, and Council approved the designation of additional ROW south of the existing unopened 148th Street SE ROW from the adjoining County Road Fund properties through Motion No. 23-146 on May 10, 2023.
8. Because there is no pre-existing ROW for 87th Ave SE on the Cathcart Crossing property for the proposed development, new ROW and a public road must be established using the process in chapter 13.90 SCC.
9. On July 7, 2022, as amended on August 8, 2022, the Hearing Examiner approved the Planned Community Business Preliminary Site Plan, Biding Site Plan, and Urban Residential Design Standards Administrative Site Plan for Cathcart Crossing, with conditions of approval that included the construction of the Spine Road and the establishment of 87th Ave SE as a new public road (the “Decision”).
10. The Hearing Examiner’s Decision was affirmed by the County Council in the closed record appeal of Cathcart Crossing through Motion No. 22-449 dated October 18, 2022.

FINDINGS

1. On October 13, 2021, DPW received a road establishment request from Pacific Ridge for 87th Ave SE in connection with the Cathcart Crossing development, Permit Request # 21 117715 RWE.
2. The new public road 87th Ave SE will be classified as an urban non-arterial road. It will run north-south connecting northerly to Cathcart Way at a new signalized intersection and southerly to the 90-degree elbow that will connect the east-west public road 148th Street SE.
3. The new public road 87th Ave SE will start at the south ROW boundary line of Cathcart Way and will run for approximately 755 feet on the east boundary line and 762 feet on the west boundary line of 87th Ave SE, and will connect to the northern boundary of the unopened ROW of 148th St SE.

4. A record of survey depicting the ROW limits and alignment of 87th Ave SE has been recorded under Auditor's File Number (AFN) 202302035003. (See Exhibit 6, Recorded Record of Survey)
5. The establishment of 87th Ave SE is necessary, practicable, and will benefit the public because operation of the arterial road system is improved by dispersing local traffic on to multiple roads and access points; response time for emergency services is reduced; and use of transit systems, pedestrian facilities, and bicycle facilities are promoted.
6. No public expenditures will be required for the construction of 87th Ave SE as a new county public road.
7. Plans for the construction of the road to County standards have been approved by DPW and PDS. The County has accepted a performance security bond for the construction and completion of all ROW improvements for 87th Ave SE and 148th Street SE. (See Exhibit 7, Performance Bond)
8. Upon completion of construction of the roads by Pacific Ridge and approval of the as-built drawings and acceptance of the roads by the County (including DPW and PDS), Pacific Ridge will be required to post a two-year maintenance security bond.
9. DPW has reviewed and approved the Statutory Warranty Deed for the 87th Ave SE ROW and recommends the deed be accepted for the 87th Ave SE road establishment.
10. The public administrative costs estimated to be incurred by the County in examining, investigating, and processing the establishment application are as follows:

Estimated Public Works Charges	\$4,500.00
Application Fee Credit	<u>\$ 500.00</u>
Total Estimated Administrative Costs	\$4,000.00

11. Pacific Ridge shall be responsible for the advertising costs and recording fees, which are listed as follows:

Estimated Advertising Costs (Notice of Introduction & Notice Of Enactment)	\$300.00
Estimated Recording Fees	<u>\$411.00</u>
Total Estimated Fees	\$711.00

RECOMMENDATION

Based on the foregoing Background and Findings for Permit Request # 21 117715 RWE, the establishment of 87th Ave SE as a public road is necessary, practicable, and in the best interest of the public. The County Engineer recommends that the County Council accept the Statutory Warranty Deed conveying the ROW for the road and it be recorded upon the terms and conditions of the road establishment ordinance.

The County Engineer also recommends the road establishment for 87th Ave SE be granted on the following conditions:

CONDITIONS

1. All outstanding administrative and advertising costs are paid by Pacific Ridge to the County Road Fund pursuant to SCC 13.90.070.
2. DPW and PDS, after inspection of the finished construction for 87th Ave SE, determine that all County Road standards have been met.

Approved by:

Douglas W. McCormick P.E.
Deputy Director/County Engineer

Date

Prepared by:

Maria Acuario
ROW Investigator III

Date