

ENGINEER'S REPORT

APPROVING THE REDESIGNATION OF PORTIONS OF COUNTY ROAD FUND PROPERTIES AS A COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS 148th St SE

INTRODUCTION

Revised Code of Washington (RCW) 36.750.020 gives county legislative authorities broad authority for county roads to be established, laid out, constructed, altered, repaired and maintained by the legislative authority of the respective counties. Section 2.140 of Snohomish County Charter authorizes the County Council to approve and accept a real property for use of county public rights-of-way. The county legislative authority's use of this broad authority must be made under the advice and supervision of the Snohomish County Engineer (County Engineer). Snohomish County's (the County) approval and acceptance of rights-of-way is contained in Snohomish County Code (SCC) 13.10.040(5).

FACTS

1. The Plat of Cathcart has 156 tracts and comprises all of the SW 1/4 of the SW 1/4 of Section 31, Township 28 North, Range 6 East; part of Section 6 and 7, Township 27 North, Range 6 East; the E 1/2 and the E 1/2 of the W 1/2 of Section 1, the NE 1/4 of the NE 1/4, the S 1/2 of the NE 1/4 and all of the SE 1/4 of Section 12, Township 27 North, Range 5 East. The plat was recorded in the 1913 Volume 9 of Plats, pages 39-42 records of the County. All streets, avenues, highways, and alleys were dedicated to the use of the public forever. (See Exhibit 1, Plat of Cathcart)
2. 148th St SE, formerly known as Blanchard St, is a 30-foot-wide unopened dedicated right-of-way (ROW) and is located south of the section line of Section 36, Township 28 North, Range 5 East. (See Exhibit 2, Plat of Cathcart and Assessor's Map)
3. South of the existing unopened ROW of 148th St SE are Tracts 156 and 141 of the Plat of Cathcart, located in the NW 1/4 of Section 1, Township 27, North Range 5 East. These tracts are owned by the County and were acquired using County Road Fund dollars and under the custody of Public Works as Road Fund property. (See Exhibit 3, Aerial Map, Plat of Cathcart, and Assessor's Map)

BACKGROUND

1. On April 21, 2021, Pacific Ridge – DRH LLC (the Applicant) submitted an application to Planning and Development Services (PDS), requesting approval of a Planned Community

Business (PCB) Preliminary Site Plan, pursuant to SCC 30.31A.200(3), to allow construction of two commercial buildings and 286 townhome units. Additionally, the Applicant requests approval of a Binding Site Plan (BSP) to create two commercial lots and three tracts. One tract is proposed to contain the requested 286 townhome units. (See Exhibit 4, Notice of Application)

2. The subject property is a 31-acre site located at the southwest corner of State Route 9 (SR 9) and Cathcart Way, tax parcel 28053600301100 (See Exhibit 5, Aerial Map). The development project is named Cathcart Crossing.
3. The Applicant is proposing a multi-use development consisting of 286 multi-family residential townhome units, 93,800 square feet (SF) of self-storage, and 3,000 SF of restaurant space. The development is proposed to be constructed in three phases. (See Exhibit 6, Site Plan)
4. The proposed development adjoins three public ROW locations: Cathcart Way along the northern property line, SR 9 along the eastern property line, and the unopened ROW of 148th St SE, formerly known as Blanchard Street, along the southern property line. (See Exhibit 7, Aerial Map)
5. The Applicant is proposing public road improvements within the existing 30-foot-wide unopened dedicated ROW of 148th St SE, as well as south of the unopened ROW on Tracts 156 and 141 of the Plat of Cathcart owned by the County. It is proposed that the portion of these Tracts to be used for public road improvements be redesignated as public right of way.
6. A Park & Ride will be constructed south of 148th Street SE prior to phase three of the adjoining Pacific Ridge development project to the north, Cathcart Crossing. The Park & Ride will take access from 148th Street SE.
7. As shown on the Cathcart Crossing site plan and phasing plan, the Applicant anticipates constructing the full 148th St SE cross-section. The existing unopened 148th St SE is 30-foot-wide and will not accommodate the full cross-section improvements required. The additional Road Fund property needed for ROW of 148th St SE has not been designated as a public ROW. It is a recommended condition of approval that Snohomish County and the developer enter into a memorandum of understanding (MOU), to provide construction easement/agreement for the construction of 148th St SE on County property if the ROW has not already been created or established via Council action.

FINDINGS

1. On July 7, 2022, the Hearing Examiner approved the PCB, BSP, and Urban Residential Design Standards Administrative Site Plans with conditions.
2. One of the conditions of approval of the development of Cathcart Crossing is that the Applicant construct 148th St SE.

3. 148th St SE is designated as non-arterial and requires a total ROW width of 65-feet at the west end of the site near the 90-degree corner and 79-feet of ROW at the east end near its intersection with SR 9.
4. On July 15, 2022, Snohomish County and the developer entered into an agreement requiring a temporary construction easement for the construction of 148th St SE on County property. The temporary easement was recorded in July 2022.
5. The developer has prepared a record of survey depicting the ROW limits and alignment of 148th St SE which has been recorded under AFN 202302035003. (See Exhibit 8, Record of Survey)
6. DPW has determined that portions of County Road Fund properties south of 148th St SE should be redesignated as a public road ROW via Council action.

RECOMMENDATIONS

1. Based on the foregoing Findings, the redesignation of portions of County Road Fund properties known as Tracts 156 and 141 of the Plat of Cathcart as a county road ROW is necessary, practicable, and in the best interest of the public. The County Engineer recommends that the Council approve the redesignation of portions of these County Road Fund properties as county road ROW via Motion.

Approved by:

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

Date

Prepared by:

Maria Acuario
ROW Investigator III

Date