

ENGINEER'S REPORT
PERMIT REQUEST # 22 108450 RWE
FOR THE ESTABLISHMENT OF A NEW COUNTY ROAD RIGHT-OF-WAY
IDENTIFIED AS
188th St SW

INTRODUCTION

Chapter 36.75 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 Code (SCC) 13.90.010 provides that the County Council also has the authority to establish public roads independent of the statutory establishment provisions of chapter 36.81 RCW. The county legislative authority's use of this broad authority must be made under the advice and supervision of the County Engineer.

SCC 13.90.010 provides that when the County Engineer determines that the criteria for road establishment have been met, road establishment may be initiated independently by the County Engineer. The County also has the authority under chapter 30.66B SCC to condition land development approvals upon adequate access to a public road, which often requires dedication of public road right-of way (ROW). The process required for establishment of County roads is found in SCC 13.90.020.

FACTS/BACKGROUND

1. On August 31, 2021, Pacific Ridge – DRH LLC, applied to Planning and Development Services (PDS), requesting approval of an administrative site plan for a proposed Single Family Detached Unit (SFDU), identified as Cedar Pointe SFDU. (See Exhibit 1, Notice of Application)
2. The subject property is located at 18823 Larch Way, Lynnwood, east of Larch Way and north of State Route 524 (Filbert Road), in the SE ¼ of Section 14 Township 27 Range 4. (See Exhibit 2, Assessor's Map)
3. The proposed 41 single family homes are to be constructed on a 6.25acre site zoned Low Density Multiple Residential (LDMR). (See Exhibit 3, Aerial Map)
4. As a condition of approval of the development, the Department of Public Works (DPW) and PDS require Pacific Ridge – DRH LLC to construct a new public road, 188th St SW, east of Larch Way.

5. On August 24, 2022, PDS approved the administrative site plan (PDS File No. 21-115349 SPA) and on October 26, 2022, PDS approved and signed the construction site plans for the development, including the new public road. (See Exhibit 4, Approved Site Plan)

FINDINGS

1. On March 9, 2022, a road establishment request was received by DPW. The new proposed public road is identified as 188th St SW. (See Exhibit 5, Aerial Map)
2. The new road is classified as a non-arterial residential road. The right-of-way being provided has sufficient width to contain the required road and improvements and will comply with all applicable code and Engineering Design and Development Standards (EDDS) requirements.
3. The new public road, 188th St SW is 51-foot- wide and will begin at the east right-of-way boundary of the existing Larch Way and run for approximately 238 feet on the north line and 266 feet on the south line of the road right-of-way
4. A record of survey depicting the ROW limits and alignment of the roads has been recorded under Auditor’s File Number (AFN) 202209265003 and was amended under AFN 202210255002. (See Exhibit 6, Recorded Record of Surveys)
5. Establishment of a new road is necessary, practicable, and will benefit the public because operation of the arterial road system is improved by dispensing local traffic onto multiple roads and access points; response time for emergency services is reduced, and use of transit system, pedestrian facilities, and bicycle facilities are promoted.
6. No public expenditures will be required for the construction of 188th St SW. All construction costs will be paid in full by the applicant.
7. Plans for the construction of 188th St SW to the 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 the road. Upon completion by the developer and acceptance of the road by the County, including PDS approval of as-built drawings, a two-year maintenance security bond shall be posted by the developer. (See Exhibit 7, Performance Security)
8. DPW has reviewed and approved the Statutory Warranty Deed (SWD) for the ROW and recommends the deed be accepted by the County.
9. The public administrative costs estimated to be incurred by the County in examining, investigating, and processing the establishment application are as follows:

Estimated Public Work Charges	\$4, 500.00
Application Fee Credit	\$ 500.00
Total Estimated Administrative Costs	\$4, 000.00

10. The developer shall be responsible for the advertising costs and recording fees which are listed as follows.

Estimated Advertising Costs (Notice of Introduction and Notice of Enactment)	\$300.00
Estimated Recording Fee	<u>\$215.00</u>
Total Estimated Fees	\$515.00

RECOMMENDATION

Based on the foregoing Findings, Permit Request # 22 108450 RWE, establishment of the public road for 188th St SW, is necessary, practicable, and in the best interest of the general public. The County Engineer recommends that the County Council accept the Statutory Warranty Deed conveying the ROW for the road and that it be recorded upon the terms and conditions of the ordinance.

The County Engineer also recommends the establishment be granted based on the following conditions.

CONDITIONS

1. All outstanding administrative and advertising costs are paid by the developer to the County Road Fund pursuant to SCC13.90.070.
2. DPW and PDS, after inspection of the finished construction, determines that all County Road standards have been met.

Approved by:



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

3/6/2023
Date

Prepared by:

Maria Acuario

Maria Acuario
ROW Investigator III

3/6/2023
Date