



Snohomish County Council

Committee: Public Infrastructure and Conservation

Analyst: Deb Evison Bell

ECAF: 2023-0911

Proposal: Ord. 23-079

Date: August 15, 2023

Consideration:

The proposal is to approve and accept a Statutory Warranty Deed and establish 28th Dr SE as a new County Road.

Background:

Chapter 36.75 RCW gives county legislative authorities broad authority to acquire land for county road purposes by purchase, gift, or condemnation. Snohomish County Code 13.90.010 provides that the County Council also has the authority to establish public roads independent of the statutory establishment provision of chapter 36.81 RCW. The county legislative authority's use of the broad authority must be made under the advice and supervision of the County Engineer.

Snohomish County Code 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 SCC 30.66B to condition land development approvals upon adequate access to a public road, which often requires dedication of public road right-of-way. The process required for establishing County roads is found in SCC 13.90.020.

On June 15, 2020, the petitioners Grannis Road LLC, applied to the Snohomish County Department of Planning and Development Services (PDS) for a proposed 26-unit Single-Family Detached Unit (SFDU) named Grannis Crossing, located on three tax parcels totaling 3.5 acres. PDS approved the administrative site plan on June 24, 2021 (File No. 21-108704 SPA).

As a condition of development, the County Engineer required Grannis Road LLC to construct 28th Dr SE as a new public road, as the proposed development adjoins two public road stubs: 193 PI SE on the eastern property line, and 28th Dr SE on the southern property line. The developer is required to establish a new road to connect the two public roads.

The developer submitted an Engineering Design Standards deviation request for a reduced cross-section along 28th Dr SE to maintain the 28 feet of pavement leading to the site and eliminate the planter and sidewalk along the development's frontage on the east side of 28th Dr SE. The request was approved on July 8, 2020, subject to conditions.

Current Proposal:

The County Engineer, under RCW 36.81.050 and SCC 13.90.040, has prepared a report determining that the establishment of 28th Dr SE is necessary and practicable, and it is in the best interest of the general public. Approval by ordinance is sought from council to authorize the ROW dedication. In accordance with RCW 36.75 and SCC 13.90, the

county engineer has prepared a report examining the petitioned ROW that includes the following findings:

1. On July 21, 2021, a road establishment request from Grannis Road LLC was received by DPW. The new proposed road in the June 24, 2021, approved administrative site plan is identified as 28th Dr SE.
2. On October 8, 2021, Grannis Road LLC conveyed the development to SSHI LLC, a Washington limited liability company doing business as D.R. Horton via Statutory Warranty Deed (SWD) recorded under Auditor's File Number (AFN) 202110080641. (See Exhibit 6, SWD)
3. The new road is classified as a non-arterial residential road, will have ROW width that is sufficient to contain the required road improvements, and comply with the applicable code and (EDDS) requirements.
4. The new public road, 28th Dr SE will extend north from the existing 28th Dr SE ROW for approximately 377 feet thence west concave at a radius of 55.5 feet, for a length of 125 feet to connect to the west end of existing 193rd PI SE.
5. A record of survey depicting the ROW limits and alignment of the roads has been recorded under Auditor's File Number (AFN) 202305085001. (See Exhibit 7, Recorded Record of Survey)
6. 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 systems, pedestrian facilities, and bicycle facilities are promoted.
7. Establishment of a new road is also consistent with the requirements set forth in SCC 30.24 "General Development Standards - Access and Road Network", and EDDS Chapter 3-01 (7), "Road Circulation," including the requirement that a public road connection shall be constructed to any public road stubs on any adjacent parcel when the engineer determines the connection is necessary, practicable, and feasible.
8. No public expenditures will be required for the construction of a new road. All construction costs will be paid in full by the applicant.
9. Plans for the construction of the road 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 roads. Upon completion by the developer and acceptance of the roads by the County, including PDS approval of as-built drawings, a two-year maintenance security bond shall be posted by the developer. (See Exhibit 8, ROW Maintenance Bond)
10. The estimated cost of construction of the road is \$179,135.30, not including engineering or permit costs
11. DPW has reviewed and approved the SWD and recommends the deed be accepted by the County.

12. 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 \$2,500.00
Application Fee Credit \$<500.00>
Total Estimated Administrative Costs \$2,000.00

13. D.R. Horton shall be responsible for the advertising costs and recording fees, which are listed as follows:

Estimated Advertising Costs \$300.00
(for Notice of Introduction and Enactment)
Estimated Recording Fees \$410.00
Total Estimated Fees \$710.00

RECOMMENDATION

Based on the foregoing Findings, the establishment of the public road for 28th Dr SE is necessary, practicable, and in the best interest of the public. The County Engineer recommends the establishment be granted provided that:

- (1) all outstanding administrative costs are paid by the developer to the County Road Fund pursuant to SCC 13.90.070; and
- (2) DPW, after inspection of the finished construction, determines that all County Road standards have been met.

Duration: Under Chapter 36.75 RCW and Chapter 13.90 SCC, dedication of county ROW shall not take effect unless the Petitioner pays the itemized costs and expenses of the proceedings identified and meets the conditions in the engineer's report.

Fiscal Implications: All associated costs incurred by the County in processing the petition to dedicate and construction of the proposed road shall be paid by D.R. Horton, as per SCC 13.90 and SCC 36.81.

2023 Budget: NA

Future Budget Impacts: NA

Handling: Expedite

Approved-as-to-form: Yes

Risk Management: Notified.

Executive Recommendation: APPROVE.

Attachments: See ECAF packet/Engineers Report.

Amendments: NONE.

Request: The requested action is for council to move this to GLS on August 16, 2023, to set a time and date for a Public Hearing (September 13, 2023, at 10:30 am is suggested).