



Committee of the Whole

Deb Bell

Council Initiated:

Yes

No

ECAF: 2024-2258

Ordinance: 24-086

Type:

- Contract
- Board Appt.
- Code Amendment
- Budget Action
- Other

Requested Handling:

- Normal
- Expedite
- Urgent

Fund Source:

- General Fund
- Other
- N/A

Executive Rec:

- Approve
- Do Not Approve
- N/A

Approved as to

Form:

- Yes
- No
- N/A

Subject: Establishing new County Road – 49th Drive SE

Scope: The proposed ordinance would accept a Statutory Warranty Deed and establish 49th Drive SE as a new county road.

Authority Granted: RCW 36.75 gives Snohomish County legislative authorities broad authority to acquire land for County Road purposes by purchase, gift, or condemnation. SCC 13.90.010 provides that the Snohomish County Council also has the authority to establish public roads independent of the statutory establishment provisions in RCW 36.81. The County legislative authority's use of the broad authority must be made under the advice and supervision of the Snohomish 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 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 (ROW), under SCC 13.90.020.

Background: On June 30, 2017, Northshore School District (NSD) #417 applied to Snohomish County Planning and Development Services for approval of a Conditional Use Permit to authorize construction of a three-story elementary school and a three-story middle school named Maltby Elementary and Middle School, now known as Ruby Bridges, on 32.14 acres.

As a condition of approval, a new County Road identified as 49th Drive SE, was required to be established. On March 14, 2018, the development was granted preliminary approval and on August 22, 2018, the construction plans for development, including the road, were approved. The County Engineer has prepared a report, which has the following Findings and Recommendations:

Findings:

1. On August 17, 2018, a road establishment request was received by DPW from the Owner. The new proposed road in the August 22, 2018, approved administrative site plan is identified as 49th Drive SE.
2. The proposed project fronts Maltby Road, a State Highway (SR 524). The proposed school will take access from the new public arterial road (49th Drive SE) which will be constructed to the Snohomish County Engineering Design and Development Standards (EDDS) requirements.
3. The Owner constructed a new roundabout at the proposed new road intersection with Maltby Road. The improvements needed for the new intersection were determined by Washington State Department of Transportation (WSDOT).
4. The new centerline alignment for SR 524 has been recorded under Auditor's File Number (AFN) 202306085005.

Committee of the Whole

Deb Bell

5. The new road is classified as minor collector arterial road. The ROW being provided has sufficient width to contain the required road and improvements and will comply with all applicable code and EDDS requirements.

6. The new road begins at approximately 93 feet from the centerline of SR 524 and is approximately 1,022 feet in length and the width varies from 49 feet to 75 feet. A record of survey depicting the ROW limits and alignment of the road has been recorded under AFN 202401305003.

7. Establishment of the 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.

8. 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 3-01(7), "Road Circulation", including the requirement that a public road connection shall be constructed to any public road stubs in any adjacent parcel when the County Engineer determines the connection is necessary, practicable, and feasible.

9. Plans for the construction of the road to County standards have been approved by DPW and PDS. The road has already been built and approved by PDS Inspector on 09/18/2020. Per RCW 36.32.590, the Owner is exempt from bonding/insurance, and cost estimates for the construction of the new public road are not required.

10. DPW has reviewed the Statutory Warranty Deed (SWD) and recommends the deed be accepted by the County.

11. The public administrative costs estimated to be incurred by the County in examining, investigating, and processing the establishment application, to be paid by the Owner, are as follows:

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

12. The Owner shall be responsible for the advertising costs and recording fees, which are listed as follows:

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

Recommendations: Based on the Findings, the establishment of 49th Drive SE is necessary, practicable, and in the best interest of the public. The County Engineer recommends the establishment be granted provided that:

Committee of the Whole

Deb Bell

- (1) The administrative costs are paid by the Owner (NSD) to the County Road Fund pursuant to SCC 13.90.070; and
- (2) Planning and Development Services and the Department of Public Works, after inspection, determines that all County Road standards have been met.

The County Engineer also 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.

Requested Action: To set time and date for a Public Hearing, suggested date of December 18th at 10:30 am is suggested.