



Snohomish County Council

Committee: Public Infrastructure and Conservation

Analyst: Deb Evison Bell

ECAF: 2023-0914

Proposal: Ord. 23-080

Date: August 15, 2023

Consideration:

The proposal is to approve and accept a Statutory Warranty Deed and establish 169th PI SW 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 September 24, 2021, the petitioners JM1 Holdings, LLC, applied to the Snohomish County Department of Planning and Development Services (PDS) for a proposed 45-unit Single-Family Detached Unit (SFDU) identified as Larch Way, located on three tax parcels totaling 5.66 acres. PDS approved the administrative site plan on June 13, 2022 (File No. 21-116524 SPA).

As a condition of development, the County Engineer required JM1 Holdings, LLC to construct 169th PI SW as a new public road. The developer is required to establish the new public road.

Current Proposal:

The County Engineer, under RCW 36.81.050 and SCC 13.90.040, has prepared a report determining that the establishment of 169th PI SW 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 May 12, 2022, a road establishment request from the Owner was received by DPW. The new proposed road in the June 13, 2022, approved administrative site plan is identified as 169th PI SW.

2. The new proposed road is classified as a non-arterial residential road, will have ROW width sufficient to contain the required road improvements, and comply with the applicable code and Engineering Design and Development Standards (EDDS).

3. The new public road, 169th PI SW, is 29,171 square feet, 51 feet wide, will start at the west ROW boundary of Larch Way and will run for approximately 941 feet.

4. A record of survey depicting the ROW limits and alignment of the road has been recorded under Auditors File Number (AFN) 202306215003 and was amended under AFN 202307255002. (See Exhibit 4, Recorded Record of Survey)

5. 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.

6. 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 on any adjacent parcel when the County Engineer determines the connection is necessary, practicable, and feasible.

7. No public expenditures will be required for the construction of a new road; all construction costs will be paid in full by the Owner.

8. 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 the road by the County, including PDS approval of as-built drawings, and a two-year maintenance security bond shall be posted by the Owner. (See Exhibit 5, Bond)

9. The estimated cost of construction of the road is \$220,200, not including engineering or permit costs.

10. DPW reviewed and approved the Statutory Warranty Deed and recommends the deed be accepted by the County.

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

Estimated Public Work Charges \$4,500.00
Application Credit Fee \$ <500.00>
Total Estimated Cost \$4,000.00

12. The Owner 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
(SWD & Ordinance)
Total Estimated Fees \$710.00

RECOMMENDATION

Based on the foregoing Findings, the establishment of public road 169th PI SW 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 Owner to the County Road Fund pursuant to SCC 13.90.070; and

(2) DPW and PDS, after inspection of the finished construction, determines that all County Road standards have been met.

The County Engineer also recommends that the County Council accept the Statutory Warranty Deed conveying ROW for the road and that it be recorded upon the terms and conditions of the Ordinance.

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 JM1 Holdings, LLC, 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).