



## **Snohomish County Council**

**Committee:** Public Infrastructure and Conservation

**Analyst:** Deb Evison Bell

**ECAF:** 2023-0788

**Proposal:** Ord. 23-071

**Date:** July 18, 2023

### **Consideration:**

The proposal is to approve and accept a Statutory Warranty Deed and establish 87<sup>th</sup> Ave 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 April 16, 2021, the petitioners Pacific Ridge-DRH LLC (Pacific Ridge), applied to the Snohomish County Department of Planning and Development Services (PDS) for a multi-use development known as Cathcart Crossing. The application required approval of a Planned Community Business Preliminary Site Plan, a Binding Site Plan, and an Urban Residential Development Standards (URDS) Administrative Site Plan for two commercial lots for a restaurant and a mini-storage space and one residential tract for 266 townhomes, approved and amended on August 8, 2022. The Hearing Examiner's Decision was affirmed by the County Council in the closed record appeal of Cathcart Crossing through Motion No. 22-499 dated October 18, 2022.

As a condition of development approval, PDS and the County Engineer required Pacific Ridge to construct 87<sup>th</sup> Ave SE as a new public road and on October 13, 2021, a petition was received for the establishment of 87<sup>th</sup> Ave SE, as depicted on the approved Urban Residential Design Standards Administrative Site Plan for Cathcart Crossing.

### **Current Proposal:**

The County Engineer, under RCW 36.81.050 and SCC 13.90.040, has prepared a report determining that the establishment of 87<sup>th</sup> Ave 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 October 13, 2021, DPW received a road establishment request from Pacific Ridge for 87<sup>th</sup> Ave SE in connection with the Cathcart Crossing development, Permit Request # 21 117715 RWE.
2. The new public road 87<sup>th</sup> Ave SE will be classified as an urban non-arterial road. It will run north-south connecting northerly to Cathcart Way at a new signalized intersection and southerly to the 90-degree elbow that will connect the east-west public road 148<sup>th</sup> Street SE.
3. The new public road 87<sup>th</sup> Ave SE will start at the south ROW boundary line of Cathcart Way and will run for approximately 755 feet on the east boundary line and 762 feet on the west boundary line of 87<sup>th</sup> Ave SE, and will connect to the northern boundary of the unopened ROW of 148<sup>th</sup> St SE.
4. A record of survey depicting the ROW limits and alignment of 87<sup>th</sup> Ave SE has been recorded under Auditor's File Number (AFN) 202302035003. (See Exhibit 6, Recorded Record of Survey)
5. The establishment of 87<sup>th</sup> Ave SE is necessary, practicable, and will benefit the public because operation of the arterial road system is improved by dispersing local traffic on to 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. No public expenditures will be required for the construction of 87<sup>th</sup> Ave SE as a new county public road.
7. 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 87<sup>th</sup> Ave SE and 148<sup>th</sup> Street SE. (See Exhibit 7, Performance Bond)
8. Upon completion of construction of the roads by Pacific Ridge and approval of the as-built drawings and acceptance of the roads by the County (including DPW and PDS), Pacific Ridge will be required to post a two-year maintenance security bond.
9. DPW has reviewed and approved the Statutory Warranty Deed for the 87<sup>th</sup> Ave SE ROW and recommends the deed be accepted for the 87<sup>th</sup> Ave SE Road establishment.
10. The public administrative costs estimated to be incurred by the County in examining, investigating, and processing the establishment application are as follows:

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

11. Pacific Ridge shall be responsible for the advertising costs and recording fees, which are listed as follows:

Estimated Advertising Costs (Notice of Introduction & Notice Of Enactment)	\$300.00
Estimated Recording Fees	\$411.00
Total Estimated Fees	\$711.00

## CONDITIONS

1. All outstanding administrative costs are to be paid by Pacific Ridge to the County Road Fund pursuant to SCC 13.90.070.
2. DPW and PDS, after inspection of the finished construction for 87<sup>th</sup> Ave, will determine if 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 Pacific Ridge-DRH LLC, as per SCC 13.90 and SCC 36.81. The expenses and the balance owing have an estimated balance of \$4,711.00

**2023 Budget:** NA

**Future Budget Impacts:** NA

**Handling:** Normal

**Approved-as-to-form:** Yes

**Risk Management:** APPROVE.

**Executive Recommendation:** APPROVE.

**Attachments:** See ECAF packet/Engineers Report.

**Amendments:** NONE.

**Request:** The requested action is for council to move this to GLS on July 19, 2023, to set a time and date for a Public Hearing (August 16, 2023, at 10:30 am is suggested). Following receipt of public testimony, consider taking action on the proposed Ordinance 23-071 or provide other direction to staff.