



Snohomish County Council

Committee: Public Infrastructure and Conservation

Analyst: Deb Evison Bell

ECAF: 2023-0282

Proposal: Ord. 23-024

Date: April 4, 2023

Consideration:

The proposal is to approve and accept a Statutory Warranty Deed and establish 188th St 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 August 31, 2021, the petitioners Pacific Ridge-DRH LLC (Pacific Ridge), applied to the Snohomish County Department of Planning and Development Services (PDS) for a proposed 41 single family detached unit (SFDU) development known as Cedar Pointe SFDU, and PDS approved the administrative site plan on August 24, 2022 (File No. 21-115349 SPA).

As a condition of development, the County Engineer required Pacific Ridge to construct 188th St SW as a new public road and on March 9, 2022, a petition was received for the establishment of 188th St SW, as depicted on the Cedar Pointe SFDU administrative site plan.

Current Proposal:

The County Engineer, under RCW 36.81.050 and SCC 13.90.040, has prepared a report determining that the establishment of 188th St 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 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 of Engineers Report).

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 the applicable code and Engineering Design and Development Standards (EDDS) requirements.
3. The new public road, 188th St SW is 51-foot-wide and, will start 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 in the Engineers Report).
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 systems, 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 consideration 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 right-of-way 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 developer (see Exhibit 7, Performance Security in the Engineers Report).
8. DPW has reviewed and approved the Statutory Warranty Deed (SWD) for right-of-way 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 Changes	\$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
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Estimated Recording Fee	\$215.00
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Total Estimated Fees	\$515.00
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CONDITIONS

1. All outstanding administrative costs are to be paid by the developer to the County Road Fund pursuant to SCC 13.90.070.
2. DPW and PDS, after inspection of the finished construction, 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 \$4,515.00

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 April 12, 2023, to set a time and date for a Public Hearing (May 10, 2023, at 10:30 am is suggested).