



REQUEST FOR COUNCIL ACTION

Title: Mountain Fir Right-of-Way Dedication

Preferred Agenda: October 11, 2022

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Kelcey Young, City Manager

Type of Action: Resolution ____ Motion Roll Call ____ Other ____

Relevant Code/Policy: SH Charter, Chapter I, Powers of the City

Towards Council Goal: Aspiration I: Desirable Community

Attachments: Samaritan/Mosaic Property Utility Map
CED Director-Planning Commission Mountain Fir Dedication Memo
Mountain Fir Dedication Planning Commission Packet

Purpose of this RCA:

The purpose of this RCA is to seek Council action regarding a proposed road dedication. This item previously went before the Council but did not reach a resolution. Staff have gathered more information regarding the future costs to the City, should it take on responsibility for the right-of-way.

Background/Context:

Mountain Fir Street is a private road that was built to provide access to the Wiley Creek assisted living facility. Unlike many private roads in the City, it was built according to City specifications so that it eventually could become a dedicated right-of-way, if the property owners so choose.

In 2021, Samaritan Health Care sold the Wiley Creek assisted living facility to Mosaic Development Services, as well as most of the undeveloped property along Mountain Fir Street. Samaritan retained adjacent property on the corner of 49th Avenue and Main Street in order to build an urgent care center, which is now under construction. Mosaic is building a memory care center on their newly acquired property, and also plans to expand the existing assisted living facility. They are also developing plans for the undeveloped property to the east. Mosaic has proposed to dedicate Mountain Fir Street and Mountain Fir Court to the City.

City staff have evaluated the proposal and found that the street meets the City's requirements to accept. While there is no existing sidewalk along the south side, there is also no development on the south side of the street, therefore City staff recommend a development agreement with the property owners that they will build a sidewalk along the south side of the

street if and when development on the south side of an extended Mountain Fir Street occurs. Staff also recommend that the property owners retain a two-foot-wide strip of property along the south side of the proposed right-of-way so that responsibility for maintain the sidewalk and any landscaping on the south side remains with the current property owners. Otherwise, the property owner to the South, Spring Terrace Homeowners' Association, would become responsible for that maintenance. Both Mosaic and Samaritan have indicated that they agree with these conditions.

The City already owns the water lines within the roadway, however there are no access easements in place. The wastewater and stormwater lines serving the development are still private and would also need to be dedicated to the City. Since the water, wastewater, and stormwater lines are all both within the proposed right-of-way and run through property that Mosaic is retaining, Staff recommend that Mosaic grant the City utility easements along all utility lines that are not within the proposed right-of-way.

The roadway is in overall good condition but shows the general wear that you would expect for its age. Staff recommend that the City require Mosaic to crack-seal and slurry coat the roadway before the City accepts it.

Typically, road dedications are reviewed as part of the subdivision process, making this proposal a bit unusual. The Planning Commission reviewed the proposal and voted to recommend that the City Council accept the dedication, with the condition that a sidewalk be constructed on the south side of Mountain Fir Street. City Staff view this condition as unnecessary due to the lack of development accessing the south side of Mountain Fir Street.

Since a roadway dedication is not a land use decision but is a question of whether or not the City accepts responsibility for the roadway, all that is required from the City Council is a motion authorizing Staff to proceed.

The Challenge/Problem:

Should the City accept the proposed right-of-way dedication of Mountain Fir Street and Mountain Fir Court?

Stakeholders:

- Sweet Home City Council – The City Council has the authority to authorize the dedication of property to the City, including right-of-way dedications. The Council also has oversight over the City's financial commitments.
- Samaritan Healthcare and Mosaic Development Services – The current property owners have an interest in access to their properties via public roads.
- Sweet Home Citizens – Citizens deserve good road access to public and commercial facilities, especially healthcare services.

Issues and Financial Impacts:

This proposal does not include any immediate financial impacts; however, it would transfer responsibility for maintenance of the roadway to the City.

Future costs are difficult to forecast, however Staff estimate that the roadway would not require any major maintenance for at least ten years, after which point it will likely need to be chip sealed. Staff estimate that chip sealing the street would cost \$15,000-20,000. Periodic crack sealing and slurry coating can prolong the life of a street. Staff estimates that it would cost \$1,000 to crack seal the street, and about \$6,000-7,000 to slurry coat it. Other costs, such as street sweeping, are negligible for a street this size.

Mosaic has already paid system development charges for the memory care facility being constructed on Mountain Fir Street. These charges total \$99,926, split among the water, wastewater, stormwater, transportation, and parks systems. Further developments will bring additional SDC revenue.

Pros and Cons:

As with any decision, there are pros and cons to be considered:

Pros:

- Accepting the right-of-way dedication will allow Mosaic to proceed with development plans on the neighboring undeveloped 27 acres to the east and may promote additional development of Mosaic's and Samaritan's current property. Such development is likely to add amenities and jobs to the community, as well as additional property tax revenue.
- Additional development will be required to pay System Development Charges into the City's water, wastewater, stormwater, parks, and transportation systems. When paid, these charges would more than pay for any financial impact to the City for many years.
- If Mountain Fir becomes a public street, the public may not be restricted from it. Currently, the street is privately owned, giving the property owner the right to trespass individuals from the property. Property owners cannot restrict access to public rights-of-way. For example, currently the sidewalk along the street is closed during construction. If the dedication moves forward, the developers would be required to either keep the sidewalk open or provide a safe alternate route for pedestrians.

Cons:

- The right-of-way will need to be maintained, the same as any City street, and will either require additional funding in the future, or current funding to be redirected from other streets.
- As a public street, the adjacent property owners would not have the ability to restrict public access to the right-of-way. Some may view this as undesirable. However, other public streets in the area do not appear to have any negative effects from public access.

Elements of a Stable Solution:

A stable solution is one that meets the needs of developers, while allocating City resources responsibly.

Options:

1. Do nothing – Leave Mountain Fir Street and Mountain Fir Court in their current state as private roads.
2. Authorize the City Manager to sign documents accepting the roadway dedication of Mountain Fir Street and Mountain Fir Court with the following conditions:
 - a. The existing property owners retain a two-foot-wide strip along the south side of Mountain Fir
 - b. Grant the City a 20-foot-wide easement for all water, wastewater, and stormwater lines that are not within the proposed right-of-way, to be narrowed if required by the proximity of existing structures
 - c. Grant the City a two-foot-wide reserve strip at the end of Mountain Fir Street
 - d. Crack seal and slurry coat the roadway
 - e. The property owners sign a development agreement that a sidewalk will be constructed when future development occurs along the south side of an extended Mountain Fir Street.
3. Authorize the City Manager to sign documents accepting the roadway dedication of Mountain Fir Street and Mountain Fir Court with other specified conditions.

Recommendation:

Staff recommends option 2: Authorize the City Manager to sign documents accepting the roadway dedication of Mountain Fir Street and Mountain Fir Court with the following conditions:

- a. The existing property owners retain a two-foot-wide strip along the south side of Mountain Fir
- b. Grant the City a 20-foot-wide easement for all water, wastewater, and stormwater lines that are not within the proposed right-of-way, to be narrowed if required by the proximity of existing structures
- c. Grant the City a two-foot-wide reserve strip at the end of Mountain Fir Street
- d. Crack seal and slurry coat the roadway
- e. The property owners sign a development agreement that a sidewalk will be constructed when future development occurs along the south side of an extended Mountain Fir Street.