

Countryman, Ryan

From: Tom McCormick <tommccormick@mac.com>
Sent: Friday, July 25, 2014 2:50 PM
To: White, Clay
Cc: Gary Huff; Douglas Luetjen
Subject: Two Public Access Roads for Point Wells and the DEIS

To: Mr. Clay White, Director
Planning & Development Services
Snohomish County

I am a Shoreline resident, and property owner in south Edmonds. I have closely followed the progress of the proposed Point Wells development and have a working familiarity with the project design. I have reviewed numerous documents, and have had discussions with traffic engineers, land use attorneys, and officials of Snohomish County, the City of Shoreline, and the Town of Woodway.

As discussed below, the proposed Point Wells development fails to comply with the County's two-access-road requirement. The developer (BSRE Point Wells, LP, referred to as "BSRE") filed Urban Center development applications for the Point Wells site in 2011. After more than three years of planning, no solution has been proposed by BSRE to satisfy the two-access-road requirement. Until such time that BSRE submits plans to provide a second public access road to the Point Wells site, acquires any needed property and/or easements, and secures necessary government approvals, the County should delay publishing the draft environmental impact statement (DEIS) for the project. When BSRE provides its plans for a second public access road, it also needs to provide, for inclusion in the DEIS, a detailed analysis that addresses the traffic and other impacts that the second public access road will have on the Town of Woodway, the City of Edmonds, the City of Shoreline, and Snohomish County, along with suggested mitigation measures. Then, and only then, should the County publish the DEIS for the project. A DEIS that fails to address the impacts of a second public access road would be deficient and should not be published.

I. EDDS and SCC Require a Second Public Access Road

Currently, Richmond Beach Drive, a narrow two-lane street which runs through the City of Shoreline, is the only public access road to the proposed Point Wells development. A single public access road to the proposed development is a major design flaw that violates the Snohomish County Department of Public Works' Engineering and Design and Development Standards (EDDS), which require two access roads for any project with more than 250 average daily trips (ADT). (See EDDS Section 3-01(B)(5), reproduced below at //FN 1//.) The proposed Point Wells development is unusually huge. BSRE wants to develop the property into an urban center, adding over 3,000 housing units and over 100,000 square feet of commercial and retail space. The development far exceeds the 250 ADT threshold. The proposed development is projected to add more than 10,000 average daily trips, forty times the 250 ADT threshold of Section 3-01(B)(5) that imposes the two-road requirement. With the high traffic volume to and from the site, applicable standards require that the second access road be a public road.

//FN 1// EDDS Section 3-01(B)(5), as in effect when BSRE filed its applications in 2011, reads as follows: "A road serving more than 250 ADT shall be connected in at least two locations with another road or roads that meet applicable standard(s) for the resulting traffic volume." [Emphasis added] See the May 13, 2014 email from Darryl Eastin to Gary Huff, BSRE's attorney, copy attached, concluding that the two-access-road requirement would apply to the proposed Point Wells development. Also see, e.g., Snohomish County Code Section 30.66B.420, which incorporates the EDDS into the County Code: "all developments will be required to provide for access . . . , [and] design and construct such access in accordance with the EDDS . . ." //End of FN1//

A single public access road to the proposed Point Wells development also violates requirements in the Snohomish County Code (SCC), such as the requirement that a development include “adequate provisions for roads,” the requirement that a development provide “adequate road and right-of-way access and circulation to promote safety and minimize traffic congestion,” and the requirement that a development provide “a connected road system.” (See SCC sections reproduced below at //FN 2//.) With a likely residential population of 6,000 or more at the proposed development, strict adherence to all SCC requirements is of paramount importance. Common sense, and sound land use policies and practices, dictate that there must be two public access roads to the huge population cluster at Point Wells.

//FN 2// SCC Section 30.24.010 (Applicability of roads and access standards) provides that: “Development shall include adequate provisions for roads, vehicular and pedestrian access, transportation network circulation, [and] transit facilities . . .” Paragraph 2 of SCC Section 30.24.020 (General provisions) provides that: “(2) Development shall (a) Be designed to provide adequate road and right-of-way access and circulation to promote safety and minimize traffic congestion . . .; (b) Provide emergency vehicle access . . .; (c) Provide a connected road system and adequate rights-of-way based on consideration of existing and future development; and (d) Provide access and transportation pursuant to SCC 30.66B.420.” And paragraph 1 of SCC Section 30.66B.420 (Access and transportation circulation requirements) provides that: “(1) All developments will be required to: “(a) Provide for access and transportation circulation in accordance with the comprehensive plan and this chapter applicable to the particular development, (b) Design and construct such access in accordance with the EDDS, and (c) Improve existing roads that provide access to the development in order to comply with adopted design standards . . .” [Emphasis added.] //End of FN 2//

Another applicable requirement is contained in the 2009 International Fire Code (IFC), adopted by Snohomish County, which would require a secondary access road to serve the development. A secondary access road is especially important because the primary access road (Richmond Beach Drive) is inadequate. (See IFC section D106.2, reproduced below at //FN 3//.)

//FN 3// The 2009 International Fire Code (IFC), adopted by SCC ch. 30.53A, provides at Section D106.2 that “Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.” //End of FN 3//

The County must not allow the proposed Point Wells development to proceed with just one public access road. Doing so would violate all of the SCC and EDDS requirements discussed above, and be injurious to the general public. SCC Section 30.10.035 provides that the County's Unified Development Code “shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.” The general public depends on the County to ensure that there is a connected road system with two public access roads to and through the proposed Point Wells development, providing adequate road access and circulation to promote safety and minimize traffic congestion. Thousands of future Point Wells residents, shoppers and workers, as well as nearby homeowners, depend on the County to ensure that there be two public access roads.

After more than three years of planning, no solution has been proposed by BSRE to satisfy the two-access-road requirement. BSRE may have anticipated that a second public access road might be required, but it has not yet submitted plans for one. As shown on the attached parcel map and the annotated aerial map, BSRE owns a strip of land running from the Point Wells site to 116th St SW in the Town of Woodway. As stated in the July 13, 2014, edition of the Everett Herald, “[a] utility road in Woodway [presumably the BSRE-owned strip of land] could, in theory, be upgraded to connect to Point Wells, [Woodway town manager Eric Faison] said, but the town has received no requests to look further into the issue.” If BSRE eventually attempts to build a second public access road on this strip of land or elsewhere (e.g., on the old Heberlein Road, vacated by Snohomish County in 1962), it will undoubtedly face obstacles and some of them may be difficult to overcome. Any such obstacles would not warrant a deviation from the two-access-road requirement, given the mandate that the County's development rules must “be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.” SCC Section 30.10.035.

II. No Deviation Should be Granted

While BSRE could submit an application to the County Engineer for a deviation (variance) to the two-access-road requirement, the health, safety, and welfare of the general public, and traffic flow and traffic congestion considerations, all dictate that the County Engineer must reject any such deviation request. A second public access road is needed to provide alternate routes for emergency vehicles and the thousands of residents, shoppers and workers going to and from the development. A second public access road is critical for emergency access and evacuation, especially because of the potential for large catastrophes that may befall the Point Wells site, catastrophes such as: landslides (the property is located adjacent to a geological hazard area with past slope failures); accidents and derailments involving railroad trains running through the property that carry coal, oil and other hazardous materials; and any number of other disasters that may befall an urban center. Also, with the projected high traffic volumes to and from Point Wells, there will undoubtedly be vehicle accidents and other blockages on Richmond Beach Drive, completely stopping all traffic to and from Point Wells and existing residences nearby. Consequently, without a second public access road, emergency access would be impeded, and residents, shoppers and workers would not be able to get to and from the property.

The two-access-road requirement in the EDDS needs to be enforced as written. BSRE must be required to build a second public access road.

This isn't a case where the 250 average-daily-trip threshold will be barely exceeded and a deviation request might seem reasonable to the County Engineer. On the contrary, the Point Wells development is projected to add more than 10,000 ADT, which is forty times the EDDS's 250 ADT threshold that triggers the two-access-road requirement. The Snohomish County Code, the EDDS, and common sense and solid land use policies and practices, all require that there be two public access roads to the Point Wells development. Any request that BSRE may submit to deviate from the two-access-road requirement must be rejected, regardless of how difficult or impossible it may be for BSRE to build a second public access road.

III. The County Must Not Publish the DEIS until BSRE Submits Plans for a Second Public Access Road

While a second public access road may address the health and safety hazards, and traffic issues, affecting the Point Wells development and the thousands of future residents, shoppers and workers, other impacts also must be considered. A second public access road through the Town of Woodway will result in significant traffic and other environmental impacts on the Town of Woodway, the City of Edmonds, the City of Shoreline, and Snohomish County. The County's yet-to-be-published draft environmental impact statement (DEIS) for the project must address those impacts in great detail.

The County has already advised BSRE that the EDDS's two-access-road requirement would apply to the proposed development (see attached email dated May 14, 2014). Until such time that BSRE submits plans to provide a second public access road to the Point Wells site, acquires any needed property and/or easements, and secures necessary government approvals, the County should delay publishing the draft environmental impact statement (DEIS) for the project. When BSRE provides its plans for a second public access road, it also needs to provide, for inclusion in the DEIS, a detailed analysis that addresses the traffic and other impacts that the second public access road will have on the Town of Woodway, the City of Edmonds, the City of Shoreline, and Snohomish County, along with suggested mitigation measures. Then, and only then, should the County publish the DEIS for the project. A DEIS that fails to address the impacts of a second public access road would be deficient and should not be published. (Note that many comments submitted on the scope of the EIS for the proposed Point Wells development have raised the need for a second public access road and the need to address the impacts of the second public access road.)

Decision makers in affected communities must be given the opportunity to participate with BSRE in the preparation of BSRE's analysis of traffic and other impacts resulting from the second public access road. And the public in these communities must be given the opportunity to learn about and comment on these newly disclosed impacts prior to the publication of the DEIS.

On a related matter, note that the City of Shoreline and BSRE are in the process of preparing a detailed traffic analysis of their own (the Shoreline traffic analysis) for submission to the County for inclusion in the DEIS. The Shoreline traffic analysis focuses on impacts that the Point Wells development will have on Richmond Beach Drive, Richmond Beach Road, and other streets and arterials located in the City of Shoreline. It is expected to include proposed mitigation measures to address those impacts. The Shoreline traffic analysis assumes that there will be only one access road to the Point Wells development, access via Richmond Beach Drive. Assuming that the County adheres to its requirement that there must be two public access roads to the Point Wells development, then BSRE and the City of Shoreline will need to rework the modeling for the Shoreline traffic analysis and revise the analysis to reflect that there will be a second public access road through the Town of Woodway to Point Wells. The Shoreline traffic analysis will be deficient for DEIS purposes if it fails to reflect that there will be a second public access road through the Town of Woodway to Point Wells.

IV. Conclusion

Mr. White, I respectfully request that you direct your staff to delay publication of the DEIS until: (1) BSRE submits plans to provide a second public access road to the Point Wells site, acquires any needed property and/or easements, and secures necessary government approvals, and (2) BSRE submits a detailed analysis that addresses the traffic and other impacts that the second public access road will have on the Town of Woodway, the City of Edmonds, the City of Shoreline, and Snohomish County, along with suggested mitigation measures. Then, and only then, should the County publish the DEIS for the project.

I also request that you or the County's project manager contact BSRE's representatives (they are cc'd on this email), asking them for their response to the matters raised by this email. It would benefit the public and every Party of Record to know at the pre-DEIS stage how BSRE plans to comply with the County's requirement that there be two public access roads to the proposed Point Wells development.

I also request that your office provide me with any information that your department may have that would indicate that BSRE is proposing a second access road or is seeking a deviation from the two-access-road requirement.

Because of the critical importance of the two-access-road requirement, and the impact that it may have on the communities surrounding Point Wells, I am copying (bcc'ing) numerous individuals on this email who have been or likely will be involved at some level with the proposed Point Wells development.

Could you please confirm your receipt of this email. If you would like to meet with me to discuss my position in more detail, please let me know.

Thank you.

Respectfully submitted,

Tom McCormick

CC:

John Lovick, Snohomish County Executive (via bcc email)
Stephen Clifton, Executive Director, Snohomish County (via bcc email)
Lenda Crawford, Executive Director, Snohomish County (via bcc email)
Darryl Eastin, Principal Planner, PDS, Snohomish County (via bcc email)
Michael Dobesh, Principal Planner, PDS, Snohomish County (via bcc email)
Mark Brown, Engineer, PDS, Snohomish County (via bcc email)
Tom Rowe, Permitting Manager, PDS, Snohomish County (via bcc email)
Steven Thomsen, Director, PWD, Snohomish County (via bcc email)
Owen Carter, County Engineer, PWD, Snohomish County (via bcc email)

Erik Olson, Transportation Specialist, PWD, Snohomish County (via bcc email)

David Killingstad, Principal Planner, PDS, Snohomish County (via bcc email)

Martin Rollins, Deputy Prosecuting Attorney, Snohomish County (via bcc email)

Dave Somers, Council Member (Chair), Snohomish County (via bcc email)

Brian Sullivan, Council Member (Vice Chair), Snohomish County (via bcc email)

Stephanie Wright, Council Member, Snohomish County (via bcc email)

Ken Klein, Council Member, Snohomish County (via bcc email)

Terry Ryan, Council Member, Snohomish County (via bcc email)

Eric Faison, Woodway Town Administrator (via bcc email)

Wayne Tanaka, Attorney for Town of Woodway (via bcc email)

Carla Nichols, Mayor, Town of Woodway (via bcc email)

Tom Whitson, Council Member, Town of Woodway (via bcc email)

Kent Saltonstall, MD, Council Member, Town of Woodway (via bcc email)

Bill Anderson, Council Member, Town of Woodway (via bcc email)

Mike Quinn, Council Member, Town of Woodway (via bcc email)

Elizabeth Mitchell, Council Member, Town of Woodway (via bcc email)

Debbie Tarry, Shoreline City Manager (via bcc email)

Mark Relph, Public Works Director, City of Shoreline (via bcc email)

Kirk McKinley, Transportation Planning Manager, City of Shoreline (via bcc email)

Rachael Markle, Planning & Community Development Director, City of Shoreline (via bcc email)

Ian Sievers, City Attorney, City of Shoreline (via bcc email)

Shari Winstead, Mayor/Council Member, City of Shoreline (via bcc email)

Chris Eggen, Deputy Mayor/Council Member, City of Shoreline (via bcc email)

Jesse Salomon, Council Member, City of Shoreline (via bcc email)

Doris McConnell, Council Member, City of Shoreline (via bcc email)

Chris Roberts, Council Member, City of Shoreline (via bcc email)

Keith McGlashan, Council Member, City of Shoreline (via bcc email)

Will Hall, Council Member, City of Shoreline (via bcc email)

Shane Hope, Director, Development Services, City of Edmonds (via bcc email)

Dave Earling, Mayor, City of Edmonds (via bcc email)

Diane Buckshnis, Council President, City of Edmonds (via bcc email)

Kristiana Johnson, Council President Pro Tem, City of Edmonds (via bcc email)

Joan Bloom, Council Member, City of Edmonds (via bcc email)

Lora Petso, Council Member, City of Edmonds (via bcc email)

Adrienne Fraley-Monillas, Council Member, City of Edmonds (via bcc email)

Thomas Mesaros, Council Member, City of Edmonds (via bcc email)

Strom Peterson, Council Member, City of Edmonds (via bcc email)

Scott Rodman, Development Services Engineer, WSDOT - Northwest Region (via bcc email)

State Senator Maralyn Chase (via bcc email)

State Representative Cindy Ryu (via bcc email)

State Representative Ruth Kagi (via bcc email)

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Mark Wells, Environmental Manager, Paramount Petroleum (via bcc email)

Gary Huff, Attorney, Karr Tuttle Campbell (via cc email)

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Jack Molver, Vice President, David Evans and Associates Inc. (via bcc email)

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Victor Salemann, Transportation Solutions, Inc. (via bcc email)

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Gretchen Brunner, EA Engineering, Science, and Technology, Inc. (via bcc email)
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Mike Swenson, Principal, Transpo Group (via bcc email)
Meagan Powers, Senior Associate Engineer, DKS Associates (via bcc email)
Bill Willard, President, Richmond Beach Advocates (via bcc email)
Traci Shallbetter, Attorney, Shallbetter Law (via bcc email)
Tom Mailhot, President, Save Richmond Beach (via bcc email)
Michael McCrary, Fire Marshall, Snohomish County (via bcc email)
Matt Cowan, Fire Chief, Shoreline Fire Department (via bcc email)
Ed Widdis, Fire Chief, Snohomish County Fire District 1 (via bcc email)

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11-101457 LU

Eastin, Darryl

From: Eastin, Darryl
Sent: Tuesday, May 13, 2014 3:03 PM
To: Gary Huff (GHuff@karruttelle.com)
Cc: Brown, Mark A.; Olson, Erik; McEwen, Robert; Rowe, Tom; Dobesh, Michael; Brunner, Gretchen (gbrunner@eaest.com)
Subject: Point Wells - County road access and design standards
Attachments: EDDS 3-01 road circulation.pdf

3-01 ROAD CIRCULATION

A. General

Hi Gary,

I recently received a question from the City of Shoreline regarding access to the Point Wells project site. The question was would the County's Engineering Development and Design Standards (EDDS) for road circulation (EDDS Section 3-01(5) (Road Circulation – Layout and Design) apply to the Point Wells project. That section requires that a road serving more than 250 Average Daily Trips (ADTs) be connected in at least two locations with another road or roads that met the applicable standard(s) for the resulting traffic volume. In other words, any development project that is estimated to generate more than 250 ADTs would be required to provide at least two road access points to the site. Last week Mark Brown and I met with Erik Olson and Bob McEwen (Public Works Transportation Specialist) who were both instrumental in the developing the recent amendments to vehicle access requirements in the County's Uniform Development Code (UDC) and the EDDS to address this question. The consensus at the meeting was that EDDS 3-01(5) would apply to the Point Wells project site. Therefore, per the EDDS, two road access points are required to the Point Wells project. However, EDDS provisions do allow a project proponent to submit an application to the County Engineer to review a request for a deviation to standards in the EDDS, including access standards.

The attached EDDS standards for road circulation are the standards that were in effect when the urban center development land use and short plat applications were submitted in 2011.

Please let both myself and Mark Brown know if you have any questions or need any additional information.

Thanks.

Darryl

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- Street Address
- Benchmark Areas (by color)
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find a specific benchmark area
- City Names & Boundaries

