

Countryman, Ryan

From: Tom McCormick <tommccormick@mac.com>
Sent: Wednesday, August 19, 2015 3:56 PM
To: Countryman, Ryan
Cc: White, Clay; Richard Schipanski; Gretchen Brunner; Gary Huff; Tom Mailhot; Bloodgood, Jim; Thomsen, Steven; McCrary, Mike; Debbie Tarry; Eric Faison
Subject: Second access road to Point Wells

Ryan,

Attached is an Outline for SEPA Discussion of Second Access Options and Feasibility, presumably prepared by BSRE's attorney or consultants. For background information about the 2nd access road requirement, see my 7/25/2014 email to Clay White; my 9/14/2014 email to Jim Bloodgood; and my 9/18/2014 email to Mike McCrary.

Under Section 3 (Code Requirements) of the Outline for SEPA Discussion of Second Access Options and Feasibility, please be sure to list and discuss at least all of the EDDS, Code, and GPP sections reproduced at the end of this email. In addition:

— Please list and discuss all requests for deviations from the two-access-road requirement that the County has received and processed over the last 10 years, including a discussion of whether those requests were approved or denied with supporting analysis. I suspect that you will find that the County has never granted a deviation from the two-access-road requirement where a development would generate more than 1,000 ADTs. Please correct me if I am wrong. Also, please discuss the EDDS deviation Staff Recommendation Form, which consists of three parts: (1) a PDS staff recommendation to approve, deny, or approve with conditions; (2) the fire marshall's recommendation to approve, deny, or approve with conditions; and (3) the decision to approve, deny, or approve with conditions, that is signed by both the county traffic engineer (the primary decision-maker) and the PDS engineering representative.

— Please provide a discussion of the Town of Woodway's provision in Chapter 13.40.080 of the Woodway Municipal Code which says that any subdivision (a development including more than 4 lots) must connect to at least two roads: "Each subdivision, except short subdivisions, shall have at least two points of access." Considering that the Town might someday annex part or all of Point Wells and the Upper Bluff, it is imperative that the Town's two-road requirement be taken into account. Please also address the requirement that the developer obtain a permit from the Town to join a second road to the Town's existing road network.

— Please provide a discussion of the City of Shoreline's Fire Code adopting IFC 503.1.2 (Additional access) which reads: "The fire code official is authorized to require more than one fire apparatus road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access." See Shoreline Municipal Code section 15.05.010(M). Considering that the City might someday annex part or all of Point Wells, it is imperative that this City provision be taken into account.

— Please discuss not only that a full public access road to Point Wells through the Town of Woodway is required, but also that a second access road across the railroad tracks to the main (west) area of the proposed development is required. That is, the single bridge access in BSRE's plans is inadequate.

As you know, our position is that a full second access road to Point Wells is required, not just a fire apparatus emergency access road. See the below-reproduced sections from the EDDS, the Snohomish County Code, and the County's GPP.

Any request submitted by BSRE for a deviation from the second access road requirement must be denied. For the benefit of the health, safety, and welfare of the general public, a second access road must be required. If BSRE is unable to build a second road because of unstable land or other reasons, then the County must deny BSRE's development application. When BSRE purchased the Point Wells site in 2010 (its predecessor purchased it in 2006), BSRE knew, or should have known, that a second public access road would be required. BSRE took a risk, knowing that it likely would not be able to develop the property if it couldn't construct a second public access road. Snohomish County should not bail out BSRE at the expense of the public's health, safety, and welfare. The County should stand strong and enforce its EDDS, Code and GPP, and should deny BSRE's deviation request, thereby putting the burden on BSRE to challenge the denial in court. The risk of loss should be borne by BSRE, not by the public for whom the two-access-road requirement is designed to protect.

I am aware that BSRE has talked with the owners of the upper bluff property about possibly acquiring the property, or at least an easement. (The availability of property for purchase should be discussed in Section 6 (Right-of-way Constraints) of the Outline for SEPA Discussion of Second Access Options and Feasibility.) Should BSRE fail to acquire the upper bluff property for possible use as a full second public access road, and later contend that it is unable to build a full second public access road because it does not own and cannot acquire any property to build a full second public access road, we will ask the County to deny BSRE's application. Assuming that a road could be built to Point Wells through the upper bluff, our position will be that property for a full second public access road was available for purchase and a full second public access road could have been built. In these circumstances, BSRE will have no one to blame but itself if its purported inability to build a full second public access road results in the denial of its application.

Thank you.

Tom McCormick

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EDDS sections

EDDS Section 3-01(B)(5) — "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." As Mr. Bloodgood confirmed (as noted in my 9/14/2014 email to him), the access roads that the EDDS require must be public access roads, and there must be at least two such public roads connecting to the development at separate locations.

EDDS 1-05 — "The Engineer reserves the right to direct or deny a deviation from these Standards, at any time, in the interest of public health, safety and welfare." (emphasis added)

Snohomish County Code sections

SCC Section 30.10.035 — 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." (emphasis added)

SCC Section 30.24.010 — "Development shall include adequate provisions for roads, vehicular and pedestrian access, transportation network circulation, [and] transit facilities . . ."

SCC Section 30.24.020 — "(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."

SCC Section 30.24.030 — “The county engineer, in consultation with the fire marshal, shall have authority to: (1) Establish the location, width, and manner of approach of vehicular access, ingress or egress to a lot or development from a public road; and (2) Alter existing access as required to control traffic in the interest of public safety and general welfare.”

SCC Section 30.66B.420 — "(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 . . .”

SCC 30.53A.125 (Matters not provided for (IFC 102.9)) — "Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by the fire code shall be determined by the fire marshal.”

SCC Section 30.53A.512 (Fire apparatus access roads), adopting International Fire Code (IFC) Section 503.1.2 (Additional access) — "More than one fire apparatus road shall be provided when it is determined by the fire marshal that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.” **Note:** if an applicant were to request a waiver of the two-access-road requirement, the fire marshal is required to determine whether access by a single road “might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access; and if the fire marshal determines that access by a single road “might be impaired, then he must direct that "More than one fire apparatus road shall be provided.” There are no exceptions. Nor should there be any exceptions, when the public’s health, safety, and welfare are at stake. It is significant that the County chose to adopt its own version of Section 503.1.2, rejecting the original version in the IFC which read, “The fire code official is authorized to require more than one fire apparatus road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.” The original version was discretionary, merely authorizing the fire official to require two access roads; however, the version of Section 503.1.2 adopted by the County is mandatory, requiring that a second access road shall be provided if the fire marshal determines that access by a single road might be impaired by traffic congestion, or any event or factors that could limit access.

GPP sections

TR Policy 1.B.5 of the GPP — "Future roadways and improvements of existing roads shall be planned to enhance multimodal traffic flow and the connectivity of countywide arterial roadways.”

Objective TR 1.C of the GPP — "Establish access and on-site circulation standards to maintain the safety and integrity of the arterial roadway system."

TR Policy 1.C.2 of the GPP — "Adequate access to and circulation within all developments shall be maintained for emergency service and public transportation vehicles."

TR Policy 1.C.5 of the GPP — "Roadway networks shall be designed with direct routing and connections to avoid concentrating the burden of traffic flow on a few roadways."

TR Policy 1.C.8 of the GPP — "Access to a single roadway shall be limited as determined necessary to protect public safety and minimize traffic conflicts and delay.”

TR Policy 1.C.11 of the GPP — "Access and circulation provisions shall be pursued that reduce traffic congestion and lessen the need for arterial capacity improvements and shall include, but are not limited to: (a) allowing for more than one travel route to residences and/or businesses to facilitate emergency vehicle access and circulation,"

18.2.3.3 (Multiple Access Roads) Fire Code Handbook of the National Fire Protection Association.

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OUTLINE FOR SEPA DISCUSSION OF SECOND ACCESS OPTIONS AND FEASIBILITY

1. Introduction
 - a. Purpose of analysis / report.
2. Project
 - a. Project Description (focus on description of proposed access and circulation, include a discussion of possible timeline consistent with traffic studies).
 - b. Existing and historic access conditions.
 - c. Pending unrelated development activities (Sound View).
3. Code Requirements
 - a. Uniform Development Code Requirements for access.
 - i. Engineer's decision factors.
 - b. Engineering and Development Standards (EDDS)
 - i. Requirements
 - ii. EDDS Deviation Process
 1. Criteria for justification
4. Alternatives for Secondary Access (to include description of types, i.e. road, emergency only, trail)
 - a. South connection to 116th
 - b. North connection to 238th
5. Environmental and Engineering Constraints
 - a. Geotechnical
 - b. Critical Areas (wetlands).
 - c. Topography
6. Right-of-way Constraints
 - a. Property ownership
 - b. BNSF
7. Public Safety / Emergency Services
 - a. Fire
 - b. Police
 - c. Medical
8. Transportation Circulation
 - a. Effect on trip distribution
9. Recommendations and conclusions.

