

Countryman, Ryan

From: Tom McCormick <tommccormick@mac.com>
Sent: Friday, October 16, 2015 9:47 AM
To: Countryman, Ryan
Cc: Slusser, Frank; Debbie Tarry; Eric Faison
Subject: 2nd Access Road & Draft ILA between Woodway and the County concerning annexation

Ryan,

The Town of Woodway's stance re a public second access road is revealed in the Town's recently updated Comprehensive Plan (June 2015):

"T.Policy-5a. The Town shall work with property owners within and adjacent to the Woodway Urban Village zone district [i.e., Point Wells] to provide safe and efficient connectivity to the Town's street network, including access for pedestrians and emergency/public vehicles.

T.Policy-6a. Surface transportation access shall continue to be provided to the waterfront area through the existing transportation network of Richmond Beach Drive N.W. Future development of Point Wells should be designed to ensure that the maximum vehicle trips per day do not exceed the LOS stated in the transportation element." (Underlining added for emphasis.)

As articulated in their policies, the Town's position is that they don't want a second public access road to Point Wells, but just a road for emergency/public vehicles. My reading is that the use of the word "including" in T.Policy-5a is restrictive and not illustrative; that is, access for emergency/public vehicles is the only type of vehicular traffic to/from Point Wells that the Town is willing to provide.

The Town's policies are inconsistent with County requirements.

Draft ILA re Annexation

In the County's 5/21/2015 draft ILA between Woodway and the County concerning annexation within the Woodway MUGA, the County added a Section 8.3 pertaining to road connectivity (shown below in the red box) that would require Woodway to allow a public access road running from Point Wells eastward through Woodway.

The Town responded on 9/9/2015 by sending the County a revised version of Section 8.3, which in effect says that the Town won't agree to allow a second public access road running from Point Wells eastward through Woodway, but it will consider proposals for an emergency-only access road (the Town's revisions are shown below in blue).

Since the County may not enter into ILAs or other agreements or contracts that are inconsistent with the County's Development Code, its EDDS, and its Comprehensive Plan, the County really has no choice but to reject the Town's revised version of Section 8.3, and retain the County's original language (see the red box below). If the County were to accept the Town's language, that would interfere with the provision of a second access road to Point Wells through Woodway, in conflict with the County's Development Code, its EDDS, and its Comprehensive Plan, which all require a second public access road to Point Wells (not merely an emergency-only access). See, for example, the following County provisions in effect in February 2011 that require a second public access road in proposed developments like Point Wells:

— 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.")

- SCC 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”
- 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 (“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 30.66B.420 (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 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.”)
- SCC Section 30.24.030 (“The county engineer, in consultation with the fire marshall, 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.”)
- 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.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.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.7 of the GPP (“Permanent cul-de-sacs, private access ways and private roads shall be approved only where road connectivity within and between adjacent neighborhoods has been established.”)
- 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, (b) allowing nonmotorized access to schools, activity centers and neighborhoods along alternative travel routes, and (c) allowing automobile access to schools, activity centers and neighborhoods along alternative travel routes.”)

I respectfully request that the County reject the town’s revised version of Section 8.3, and that the the County retain the County's original version Section 8.3 (see the red box below). I believe that it would be unlawful to enter into an ILA the terms of which are in conflict with the County’s own rules. Among other authorities, see, e.g., RCW 36.70A.121’s mandate that, “[e]ach county and city ... shall perform its activities ... in conformity with its Comprehensive Plan.”

Thank you.

Tom McCormick

economical basis.

8.3 Road right-of-way connectivity. The Town agrees to allow connectivity between rights-of-way within an annexation area and neighboring properties within the Town and outside of the Town in order to facilitate traffic flow and access for public safety.

8.4 Traffic Mitigation and Capital Facilities

8.3 Road right-of-way connectivity. The Town agrees to ~~allow~~ consider proposals from property owners that would provide for connectivity between rights-of-way within an annexation area and neighboring properties within the Town and outside of the Town ~~in order to facilitate traffic flow and access for~~ to enhance public safety.