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September 17, 2015

Jack Molver
David Evans and Associates, Inc.
415 118th Avenue SE
Bellevue, WA 98005

Subject: Point Wells Draft Second Access Report Dated 8/26/15

Dear Mr. Molver,

Thank you for the draft Secondary Access Report dated August 26, 2015, for the Point Wells Mixed-Use Development Project and for meeting with us on September 8, 2015 to discuss the report. As we discussed, Snohomish County does not concur with the conclusion in the August 26 report that, "the provision of a secondary access to the site to provide for public safety and welfare, whether for public vehicular access or restricted to emergency and possibly pedestrian use, is not warranted." Rather, our perspective is that BSRE will need to demonstrate that the proposed project adequately provides for both general vehicular access and emergency vehicle access. The challenges identified in the August 26 report are real, but these challenges alone are not sufficient to reach the conclusion that secondary access is unwarranted.

We have included a marked up version of the August 26 draft Secondary Access Report that highlights issues of principal concern to us as well as some points where additional information would be helpful.

In addition to our comments on the August 26 draft Secondary Access Report itself, we note that since a second access is a requirement of Snohomish County's Engineering Design and Development Standards (EDDS) it will require a request for deviation and granting of an EDDS deviation before the Point Well project can be approved with a single access. The scoping for the Point Wells EIS says that a second access will part of the EIS analysis.

Respectfully,

Ryan Countryman, Snohomish County PDS

Copy: Gretchen Brunner, EA Engineering, Science, and Technology
Jeff Ding, EA Engineering, Science, and Technology
Kirk Harris, David Evans and Associates
Gary Huff, Karr Tuttle Campbell
Rich Schipanski, EA Engineering, Science, and Technology

K-11 Snohomish County Response dated Sept 17 2015 to draft Secondary Access Report dated Aug 26 2015
PEN: 11-101457 LU et al

August 26, 2015

Mr. Gary Huff
Karr Tuttle Campbell
701 Fifth Avenue, Suite 3300
Seattle, WA 98104

SUBJECT: Secondary Access – Point Wells Urban Center Development

Dear Mr. Huff:

This letter report is intended to provide information regarding the issue of a secondary access to serve the proposed development. Information is provided in this report on the following topics:

I. Project Description
II. Historic and Current Access Conditions
III. Code Requirements for Access
IV. Environmental and Engineering Constraints
V. Alternatives for Secondary Access
VI. Recommendations and Conclusions

I. Project Description

The Point Wells development proposed by BSRE Point Wells, LP ("BSRE") consists of an Urban Center containing a mix of uses to include multi-family residential, commercial, and retail space. A total of 3,081 residential units are proposed. The location of the development site is shown on **Exhibit A** and is at the north terminus of Richmond Beach Drive within unincorporated Snohomish County. The section of Richmond Beach Drive that connects to the site is within the Town of Woodway. The north boundary of the City of Shoreline is encountered approximately 275 feet to the south. BSRE also owns an adjacent parcel that connects the development site to 116th Avenue W at the top of the adjacent bluff. This strip is within the boundaries of the Town of Woodway and is not a part of the proposed development site.

The bulk of the Point Wells development site is on Puget Sound and sits to the west of the Burlington Northern Santa Fe (BNSF) railway. A minor portion of the development site is located on the east side of the railway and will serve as the main entrance, or "gateway," into the development.

II. Historic and Current Access Conditions

The Point Wells property has been in use as a refinery and oil terminal for over 100 years. Prior to 1960, the site had two means of vehicular access. The primary access was from Richmond Beach Drive (and this access route remains the primary access to the site). A secondary access known as Heberlein Road connected the site to the area to the east of the refinery up on the top of the adjacent bluff (known as the "Upper Bluff"). The Upper Bluff has historically included a small housing development that served the staff of the oil terminal. It is assumed that Heberlein Road was also used to provide access between the refinery and an ancillary tank farm that was located farther east where the Woodway Highlands subdivision is presently located.

III. Code Requirements For Access

Snohomish County Uniform Development Code Requirements for Access

The land use application for the Point Wells Urban Center was determined to be complete as of March 4~~February 14~~, 2011 and is, therefore, subject to the development standards in effect at that time. These standards include the Snohomish County Uniform Development Code ("UDC").

The following is an excerpt from relevant portions of the vested version of the UDC pertaining to provisions for access:

> ***SCC 30.24.010 Road and Access Standards.***
>
> *Development shall make adequate provisions for roads, vehicular access, pedestrian facilities, transportation network circulation, transit facilities, and traffic demand management in accordance with the general and specific standards and review criteria of this code, the EDDS, and any other applicable local, state or federal requirement.*
>
> ***SCC 30.24.020 Vehicular Ingress and Egress.***
>
> *The director of the department of public works, in conjunction with the fire marshal, shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or a parking area to a public street and to alter existing ingress or egress as may be required to control traffic in the interest of public safety and general welfare.*

The current UDC has added a section specifically addressing Urban Centers. Pertinent excerpts of code provisions adopted on October 3, 2012 which became effective on January 1, 2015 (and therefore not applicable to the vested Point Wells project application) are as follows:

> ***30.24.070 Access and road network requirements for a proposed development in the Urban Center (UC) zone and subject to the requirements of chapter 30.34A SCC.***
>
> *Proposed development in the UC zone that is subject to the requirements of chapter 30.34A SCC must comply with following additional vehicular and pedestrian circulation system requirements:*

Comment [RMC1]: We suggest also adding a discussion of the fire code requirements in Chapter 30.53A SCC, including SCC 30.53A.512 Fire apparatus access roads.

If a deviation request exempting the site from a second access requirement were to be granted, the applicant would need to demonstrate that the proposal meets fire code requirements in addition to the UDC requirements already identified in this version of the report.

Comment [RMC2]: As the authority of the Director of DPW (and the County Engineer) only applies to Snohomish County roads, this section only applies to access from a County Road not roads within either Shoreline or Woodway.

(1) Proposed urban center developments shall be designed to provide for future vehicular connections to adjacent parcels, where applicable.

***

(4) As a condition of approval, a property owner may be required to provide for joint vehicular access to and/or from adjacent parcels. Joint vehicular access must be accomplished through easements or joint use agreements on forms approved by the county.

***

(6) If there is a conflict between the provisions of this section and other chapters within title 30 SCC or the EDDS, the county engineer shall determine the appropriate regulation or standard.

Additional language of chapter 30.24 SCC (which is not applicable to the Point Wells Project application) specifies the role of the County Engineer in the determination of the number of access points:

30.24.030 Establishing or altering vehicular and pedestrian access.

Decisions by the county engineer in establishing or altering the location, width, number and design of any vehicular or pedestrian access from a road network element shall be made in accordance with SCC 13.01.020(2) and shall not be subject to the provisions of title 30 SCC.

It is to be noted that the existing sole means of open, public access to Point Wells is within the jurisdictions of Woodway and Shoreline. The county engineer's jurisdiction terminates at the project boundary on Richmond Beach Drive.

Comment [RMC3]: As the authority of the County Engineer only applies to Snohomish County roads, this section only applies to access from a County Road network element not roads within either Shoreline or Woodway.

Comment [RMC4]: The county Engineer's authority actually ends at the northern Woodway town boundary which is north of the Shoreline city limit line at the north end of Richmond Beach Drive.

Additional Comment (RMC): To clarify: There is a short section of Richmond Beach Drive between the project site and the Town of Woodway.

Snohomish County Engineering and Development Standards

Chapter 3-01 (A) of the Snohomish County Engineering and Development Standards ~~("E~~DDS~~")~~ provides general criteria for road circulation and states:

Road circulation is important in road system design for the following reasons:

- *Operation of the arterial road system is improved by dispersing local traffic onto multiple roads and access points;*
- *Response time for emergency services is reduced;*
- *Time and mileage travelled by individuals and service providers, including school bus transportation, mail delivery, utilities, etc., are reduced; and*
- *Use of transit systems, and pedestrian and bicycle facilities, is promoted.*

EDDS 3-01 (B)(5) states that a road serving more than 250 Average Daily Trips (ADT) shall be connected in at least two locations with another road or roads that meet the applicable standards for the resulting traffic volume.

EDDS 3-01 (B)(9) states that the county engineer may determine that a non-motorized connection (such as a shared use or bikeway) between developments is appropriate in place of a roadway through the deviation process.

Section EDDS 1-05, regarding deviation from standards, provides both a description of the intent of the standards and a process by which deviation from the standards can be approved by the county engineer. This section recognizes that alternatives to the standards may better accommodate existing conditions, overcome adverse topography, or allow for more cost effective solutions without adversely affecting safety, operations, maintenance, or aesthetics. The criteria used to evaluate a requested deviation from the standards include:

- The deviation will achieve the intended result with a comparable or superior design and quality of improvement;
- The deviation will not adversely affect safety or operations;
- The deviation will not adversely affect maintenance and its associated cost; and
- The deviation will not adversely affect aesthetic appearance.

Other Jurisdictions

Neither the codes nor standards for the Town of Woodway or the City of Shoreline have a specific ADT threshold for the provision of secondary vehicular access. Connectivity of road networks and road stubs to abutting, undeveloped land is encouraged by the City of Shoreline standards.

Public Safety / Emergency Services

Snohomish County Fire District 1 and the Shoreline Fire Department, as well as the Snohomish County Sheriff's office, have indicated that they have the ability to serve the proposed development. Neither has yet required that a secondary vehicular access be provided. The site development plan has the ability to accommodate alternative means of access for emergency responders such as by helicopter and boat.

IV. Environmental and Engineering Constraints

The Upper Bluff slope east of the BNSF railroad has been well documented to have experienced landslides. Seepage is encountered on the lower portions of the slope. Two significant drainages traverse the slope. The topography is steep, in areas in excess of fifty percent. Seepage areas have been determined to be wetlands and contain drainage streams. Both areas are regulated environmentally sensitive areas.

Comment [RMC5]: These jurisdictions might not have specific transportation code requirements for secondary access, but it should also be investigated how they apply the International Fire Code (IFC) requirements for fire apparatus access roads.

With respect to second access in Woodway, it should be noted that even if the town does not have a level of service standard specific to secondary access, they do have a standard for hourly street volume that may be affected by secondary access. See page 31 of the Town of Woodway Comprehensive Plan. http://www.townofwoodway.com/landuse/documents/2015compplan-finalapprovedcopy.pdf

Comment [RMC6]: Check with Gary Huff and Doug Luetjen to confirm this and include documentation of this ability.

Comment [RMC7]: It should be noted that one reason why this has not been required is a working assumption that it will be demonstrated that the site design complies with IFC requirements. While this is certainly possible, the current applicant submittal does not demonstrate IFC adequacy. This is not strictly an issue for the DEIS because changes to the proposal to meet with IFC would all be internal to the project. However, demonstration of IFC adequacy is a requirement for project approval.

V. Alternatives for Secondary Access and Impacts

Upper Bluff via Heberlein Road (Route 1A)

The northern most alternate route[1] would follow the path of the former Heberlein Road (marked as "Route 1A" on **Exhibit B**). Heberlein Road was vacated in 1962 at the request of Chevron, the refinery operator at the time. Chevron requested the road be vacated because the road had failed due to landslides and was no longer serviceable. The remnants of this road lie on property now owned by a third party and are not now owned by BSRE or any of its affiliated companies.

It is noted that the alignment of the former Heberlein Road is significantly out of compliance with current Snohomish County road horizontal alignment standards, as the alignment includes hairpin curves which are no longer allowed. The grade of the former road is not known, although it goes from the proposed development site to the top of the Upper Bluff, an elevation change of approximately 200 feet.

Alternate Route 1A is not considered a viable option due to its ownership by a third party and the engineering constraints in building such a roadway.

Comment [RMC8]: Snohomish County does not consider ownership by a third party to be a reason to rule this alignment out. We understand from the applicant's perspective that this is a challenging issue, but we often require provision of second access to adjacent properties as a condition for project approval. See discussion of connection requirements for routes 1B and 2A below.

Comment [RMC9]: It should be noted that engineering for this route would likely require EDDS deviations for things like turning radius and grade. However, such a road could be engineered. The real problem is cost based on physical and topographical features of the site.

Upper Bluff via Sound View Development (Routes 1B and 2A)

The next alternatives could eventually connect with Heberlein Road (Route 1B) or 116th Avenue W (Route 2A), but would do so via a newly proposed development on the Upper Bluff. The owners of the Upper Bluff refer to the proposed development as "Sound View." The site of this development is located within unincorporated Snohomish County. Preliminary renditions of possible site plans show the primary access to the site from 238th Street SW (which lies within the Town of Woodway), following the route of Heberlein Road, and then connecting to Point Wells at possible locations near the main entrance of the Point Wells development. These routes are labeled as "Route 1B" and "Route 2A" on **Exhibit B**. More detailed drawings of the various options for Route 1B as provided by the Upper Bluff owner's representative are shown on the drawings attached as **Exhibit C**. Information regarding this proposed development, including the existence of a recently executed Annexation and Development Agreement between the Upper Bluff owner and the Town of Woodway is available at http://www.townofwoodway.com/landuse/default.htm.

It is expected that Snohomish County will require that the developer of the Upper Bluff site provide for a secondary means of vehicular access to this project. It is expected that such a secondary access will be a requirement, unless a request for a deviation from the standard is submitted and approved. If such a secondary access is required, then a connection with the Point Wells project would be expected if such a connection could be made. However, until such a project is built, this option is not considered viable due to its ownership by a third party and the significant regulatory and engineering constraints in building such a roadway which would have to be overcome by the Upper Bluff owner.

Comment [RMC10]: Same comments as for route 1A.

[1] Although there are suggestions from time to time that a secondary access route running north of the Project site should be considered, this is not deemed a viable option. There are no roads north of the site, as it runs along the shoreline of Puget Sound and the main BNSF railway. Building such a road would be cost prohibitive and would likely be impossible to permit or to obtain access rights from the state, railroad, or other property owners.

BSRE Parcel to 116th Avenue W (Route 2B)

The only property owned entirely by BSRE that links the site to another existing road is the route that runs from the main entrance of the Point Wells project up the bluff to the east and connects directly with 116th Avenue W. This route is marked as "Route 2B" on **Exhibit B**. The difficulty with this route is the steep slope that is encountered as the route leads east up the bluff. This slope is estimated to be as much as 60 percent and thus exceeds the regulatory limitation for emergency vehicles, the primary purpose of a secondary access route. Further, this narrow strip of land is as little as ten feet in width. In addition, as this route is within the jurisdiction of the Town of Woodway, permit authorization for the construction and use of such a route would have to be obtained from the Town. In past discussions with Woodway officials they have indicated that they would object to a connection to Woodway via this route.

Construction of an access at this location has the following challenges to implementation. First, it appears that the grade would exceed ~~12~~ 15 percent, which could limit the use to emergency vehicles. Second, geotechnical considerations may render the alignment infeasible. Third, critical area buffers would be impacted. Fourth, construction of the access may require the permission of adjoining private property owners. Fifth, the existing right of way is too narrow. Finally, construction of the access along this route might require elimination of the development's planned ten story, 56-unit (UP-T3) building.

As a result, this option is not deemed an available option for emergency vehicles due to the steep slope and is not deemed a viable option for private vehicle traffic due to the previously stated objection of the governing jurisdiction.

Private Driveway (Northeast) to 116th Avenue W(Route 2C)

Another variation on Route 2B described above would be to have emergency vehicles travel eastward and up the Upper Bluff via the path of an existing private driveway and to then connect with the existing BSRE strip of land that extends to 116th Avenue W (as described above). This route is marked as "Route 2C" on **Exhibit B**. This route is partially owned by a private party and, given the additional permitting issues with the Town of Woodway described above, this route is not deemed viable as a secondary access for this project.

Private Driveways (Southeast) to the 116th Avenue W (Routes 3A & 3B)

Two other options for the secondary access would be to follow the private driveways that are marked as "Route 3A" that connects to 116th Avenue W or to follow NW 205th Street that also connects to private driveways and likewise connects to 116th Avenue W ("Route 3B"). As these routes would both require the use of private property (and given that Route 3B does not actually connect to the entrance of the project), neither of these routes is deemed viable as a secondary access for the project.

Comment [RMC11]: Please revisit the discussion of this route based on the actual width of the strip, which is 20 feet at its most narrow, not 10 feet as implied below.

Comment [RMC12]: Documentation?

Comment [RMC13]: The narrowest portion of this strip is 20 feet.

Comment [RMC14]: Documentation?

Comment [RMC15]: Snohomish County allows a 15% grade per SCC 30.53A.512(503.2.7) and EDDS Table 3-5 section 3-07A. If Woodway has a different requirement, then both requirements should be discussed.

Comment [RMC16]: Explain

Comment [RMC17]: Road are allowed through critical areas occasionally and impacts are mitigated per Snohomish County's Critical Areas Requirements. There are also examples of critical areas being impacted within municipal jurisdiction and then mitigated in county jurisdiction.

Comment [RMC18]: How is this different than many other road projects?

Comment [RMC19]: Verify per Town of Woodway requirements, and using the 20 foot actual smallest width.

Comment [RMC20]: If this is the only option for a second access, then the building might need to be relocated or eliminated.

Comment [RMC21]: The information provided is insufficient to reach this conclusion.

Comment [RMC22]: Revise per similar issues in Route 2B.

Comment [RMC23]: Provide specific reasons to support the conclusion.

Transportation Circulation

The transportation effects of providing a public secondary vehicular access connection to 116th Avenue W have been examined. Depending on the parameters and assumptions inserted into the traffic model, it appears that as much as twenty-six percent (26%) of the trips generated by the development might be expected to use a connection to 116th Avenue W. It is to be noted that if this were to occur, the reduction in traffic using Richmond Beach Drive would likely not result in a commensurate reduction in the level of mitigation necessary to address capacity issues on the Richmond Beach Corridor.

Comment [RMC24]: It is not clear why this section is included. Mitigation of traffic on Richmond Beach Drive is not a reason for or against the second access requirement. Consider dropping the section or add language explaining how this is important to the second access requirement. (It is an important issue for the traffic mitigation strategy, but this memo seems to be addressing a different topic.)

Comment [RMC25]: This has not happened. The examination of transportation effects of a secondary access will take place in the EIS.

VI. Recommendations and Conclusions

Based on a review of the site conditions and constraints mentioned above (and that none of the secondary access options are deemed to be viable), it appears that the provision of a secondary access to the site to provide for public safety and welfare, whether for public vehicular access or restricted to emergency and possibly pedestrian use, is not warranted. The project design includes appropriate measures to allow for the safe, efficient circulation of and access for vehicles, including emergency vehicles, within, to and from the development.

Comment [RMC26]: Snohomish County does not share this conclusion. We agree that the second access options all have challenges, but that does not show how the proposed project meets access and safety requirements. More documentation from BSRE will be necessary to show that the proposed development does not need a second access.

It is acceptable to state that BSRE does not deem any of the second access options viable, but Snohomish County will need to evaluate a request to deviate from the second access requirement. This cannot happen until such a request is submitted. Even then, the County Engineer may decide to wait until the EIS is completed to make a determination on a hypothetical deviation request.

The EIS is scoped to study both a full secondary access and an emergency vehicle only access.

For EIS purposes, we are assuming that the project design will include appropriate measures to allow for safe, efficient circulation of and access for vehicles, including emergency vehicles. However, the project submittal does not include enough information for Snohomish County to conclude that this is actually the case. Whether during the EIS process or afterwards, updated submittal documents showing adequate information will be necessary before we can approve the project.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Jack N. Molver, P.E.
Vice President

Copies: Doug Luetjen, KTC / Kirk Harris, DEA

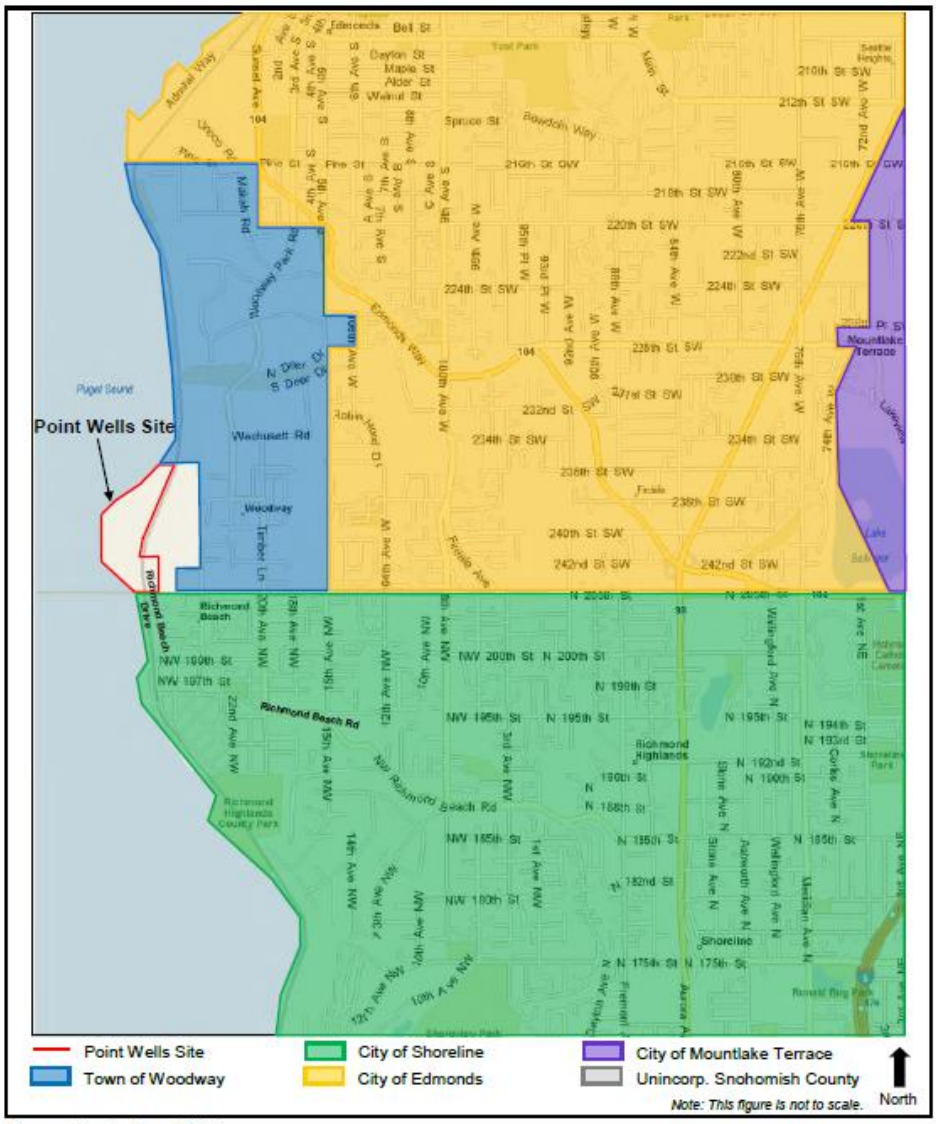
Attachments/Enclosures: Exhibit A: Site Map; Exhibit B: Access Routes; Exhibit C: Sound View Plans

Project Number: PARA0000-0006

EXHIBIT A

Comment [RMC27]: Added from the DEIS Chapter 2, minus the Figure 2.2 label.

Point Wells Urban Center Site



Source: Google Maps, 2015.

EA Engineering, Science, and Technology, Inc.

Vicinity Map

EXHIBIT B

Comment [RMC28]: Added from a separate attachment.

Point Wells Urban Center Secondary Access Routes

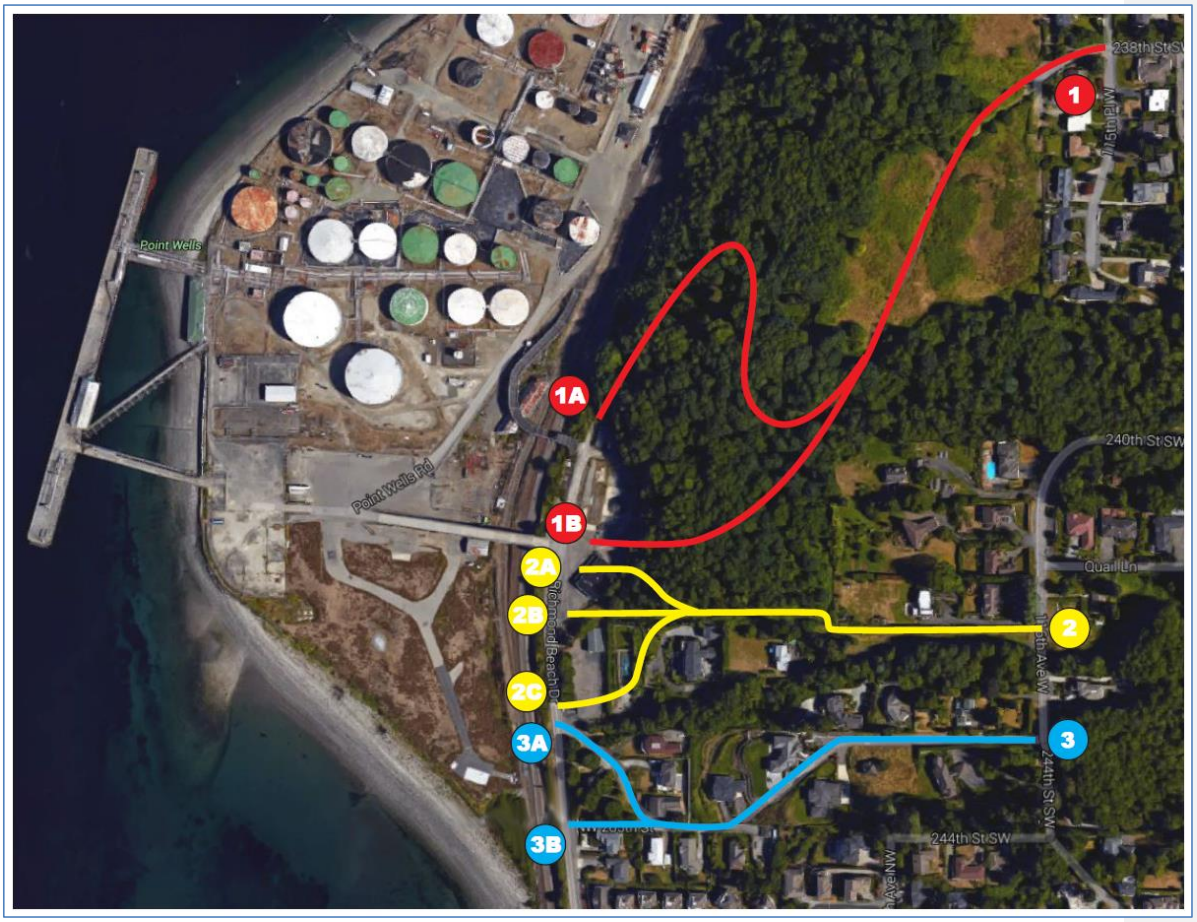
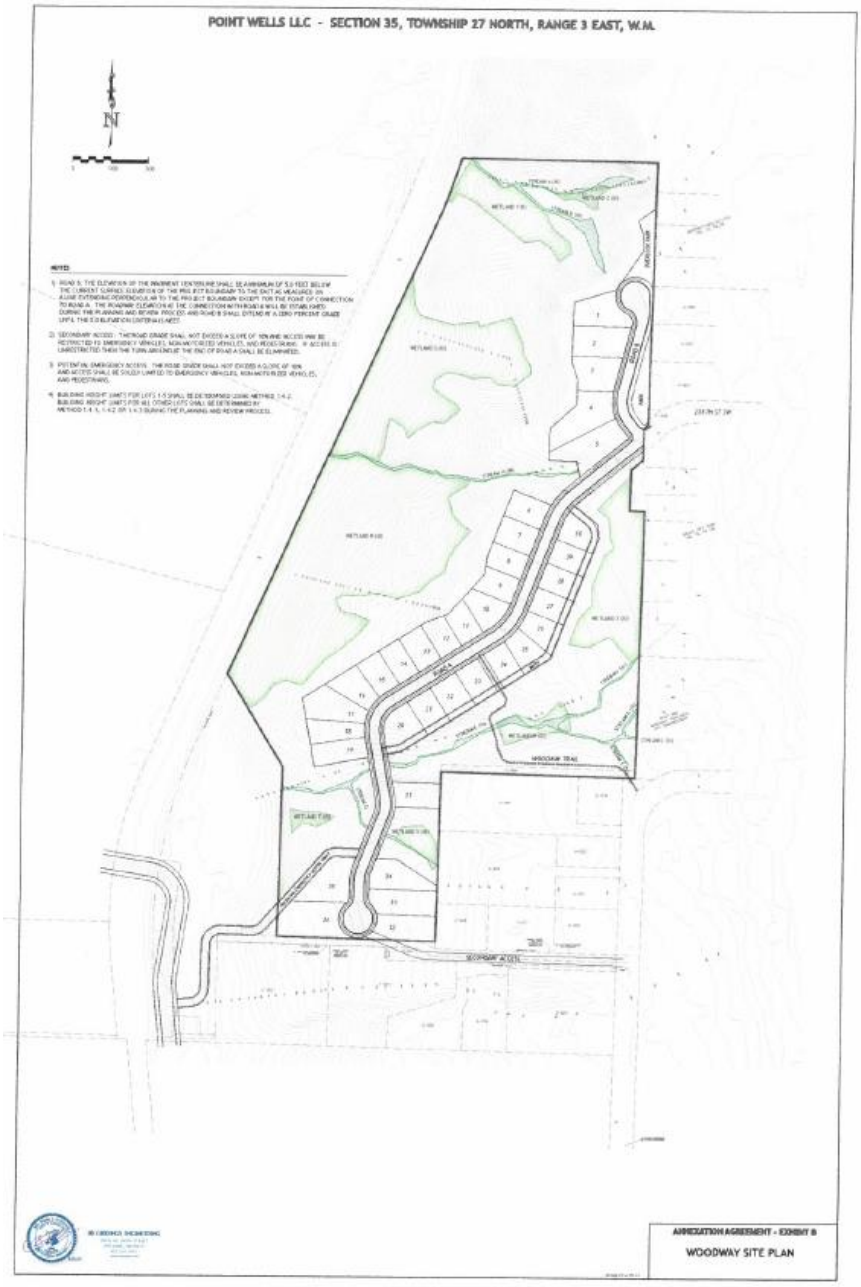


EXHIBIT C

Comment [RMC29]: Added from a separate attachment.

Upper Bluff ("Sound View") Development Plans